

Wheatland County

Request for Decision

Regular Council Meeting

May 19, 2020

Report prepared by: Megan Williams



Bylaw 2019-36: Speargrass Land Use District Amendments (Public Hearing, 2nd Reading)

Recommendation from Administration

Resolution 1: That Council undertake the Public Hearing for Bylaw 2019-36.

Resolution 2: That Council move Second Reading of Bylaw 2019-36, this being the bylaw for the purpose of amending the Land Use Bylaw No. 2016-01 with the changes as shown on the attached "Schedule A".

Chief Administrative Officer's Comments

N/A

Report

A development permit application for a secondary suite in Speargrass was applied for in September 2019 and due to community feedback, MPC refused the application in October of 2019. The Speargrass Community Association submitted a land use bylaw amendment application to remove Dwelling, Secondary Suites as a use within the Speargrass Low Density Residential District and Speargrass Medium Density Residential District. In addition to this, they are also proposing to limit the length of time RVs are permitted to be stored on personal property to five consecutive days and are requesting a development permit be required for all new fences.

As the amendment would directly impact the residents of Speargrass, staff held an open house on January 16, 2020 in Carseland. Approximately 40 people attended, a summary of the meeting was included with the 1st Reading Request for Decision (RFD). Staff recirculated landowners within Speargrass for the public hearing and received a few additional comments. Only the submissions where staff obtained permission to include in the public hearing package, have been included.

Due to the COVID-19 pandemic, it was brought to the County's attention that some residents may be using their RVs to self-quarantine or to work remotely; therefore, staff is recommending withholding Third Reading of the Bylaw until such a time that quarantine and self-isolation measures are no longer necessary. This will avoid any short-term issues with enforcement.

Relevant Policies, Practices, and Legislation

The Economic Development Strategy identifies red-tape and difficult permitting processes as a challenge the County faces. Staff has been diligently working to decrease the amount of red-tape residents experience when submitting planning or development applications. Typically, fences that follow the land use bylaw do not require a development permit (as per Section 4.2.12). The intent of this bylaw is that all new fences within Speargrass obtain a development permit. This may be seen as an increase in the 'red tape' developers need to move through in order to build.

Staff also has concerns with the request to restrict the number of days a resident is allowed to store a

recreational vehicle on their parcel. It will be difficult and time consuming to enforce, with constant monitoring needed to confirm if an RV has been on a property for more than five consecutive days. Currently the Land Use Bylaw has the following regulation on Recreational Vehicle Storage throughout the County:

4.2.19 Recreational Vehicle Storage:

- a) The outdoor storage of unoccupied recreational vehicles on a parcel where there is an existing occupied dwelling unit, as follows:
 - i. Not more than five (5) unoccupied recreational vehicles on parcels greater than 2.02 ha (5.0 ac) located outside of Hamlet boundaries.
 - ii. Not more than three (3) unoccupied recreational vehicles on parcels less than or equal to 2.02 ha (5.0 ac) located outside of Hamlet boundaries.
 - iii. Not more than one (1) unoccupied recreational vehicle on parcels with a hamlet designation.

Within Speargrass itself, the Speargrass Low Density Residential District, the Speargrass Special Medium Density Residential District, and the Speargrass Medium Density Residential District all explicitly say only one uninsured recreational vehicle is permitted to be stored on site.

Alignment with the Strategic Plan

N/A

Response Options

Option 1: THAT the proposed recommendation is accepted/approved.

Option 2: THAT the proposed recommendation is not accepted/approved.

Option 3: THAT an alternate recommendation is accepted/approved.

Implications of Recommendation

General

If approved, all the proposed amendments will only impact the Community of Speargrass. Anyone looking to build a fence in Speargrass will be required to obtain a development permit prior to construction; they won't be able to store their RVs on their property for more than 5 consecutive days; and no-one will be able to apply for a Dwelling, Secondary Suite within Speargrass.

Organizational

If approved, staff will need to update the Master Fee Schedule to add a fee for development permit applications for fences.

Staff will also need to track and monitor any complaints received regarding RVs stored on private properties in Speargrass. If enforcement is required, this could lead to applying for an injunction through the Queen's Bench Court in order to remove the RV from the property. It would be the County's responsibility to store the RV for at least 30 days (*MGA* s.610). Dependant on what permissions are granted in the injunction, the County may be able to bill the storage fees back to the owner.

Financial

N/A

Environmental, Staff, and Public Safety

N/A

Follow-up Action / Communications

If only granted Second Reading, Staff will relay the information to the applicants. Council will have until April 7th, 2022 to grant Third Reading to the bylaw before it expires.

If granted Third Reading, staff will inform the applicants and update the land use bylaw.

Report Approval Details

Document Title:	Bylaw 2019-36 PH and 2nd Reading.docx
Attachments:	- Bylaw 2019-36 LUB amendment - Speargrass.docx - FOIPed package.pdf
Final Approval Date:	May 11, 2020

This report and all of its attachments were approved and signed as outlined below:



Sherry Baers



Matthew Boscarol



Brian Henderson