

# Wheatland County

## Request for Decision

Regular Council Meeting

June 16, 2020

Report prepared by: Megan Williams



### Bylaw 2019-36 Second & Third Reading of Proposed Speargrass Land Use Districts

#### Recommendation from Administration

Resolution 1: That Council move Second Reading of Bylaw 2019-36, this being the bylaw for the purpose of amending the Land Use Bylaw 2016-01 with the changes as shown on the attached "Schedule A".

Resolution 2: That Council move Third 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 1<sup>st</sup> Reading Request for Decision (RFD). Staff recirculated landowners within Speargrass for the public hearing and received a few additional comments. The public hearing was held May 19<sup>th</sup>. Two members of public in favour of the changes spoke during the public hearing, voicing their concerns regarding parking, increased noise levels, unsightly premises, that residents are not following the community's design guidelines, and safety. There were also several written comments submitted that staff has included in this package as well. Staff would like to note that one written comment was submitted prior to the public hearing, however, was missed being included in the public hearing package as it had been misdirected to their spam folder. Staff is seeking Council's permission to read this comment and include it as part of the public hearing record.

#### 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.

#### 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.

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: 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 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 approved, staff will update the Land Use Bylaw to reflect the changes. They will notify the applicants and the email list of Speargrass residents of Council's decision.

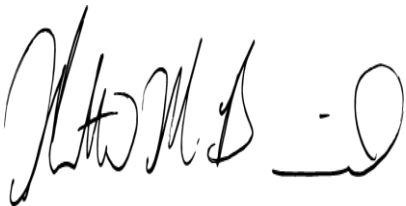
## Report Approval Details

Document Title:	Bylaw 2019-36 2nd and 3rd Reading.docx
Attachments:	- Bylaw 2019-36 LUB amendment - Speargrass.pdf - Speargrass Full package 2.0.pdf
Final Approval Date:	Jun 8, 2020

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

A handwritten signature in black ink, appearing to read "Sherry Baers". The script is cursive and fluid.

Sherry Baers

A handwritten signature in black ink, appearing to read "Matthew Boscarol". The script is cursive and fluid.

Matthew Boscarol