



COUNCIL REPORT

Redesignation Item: Business

Electoral Division: 6

File: PL20220135 / 03216001

Date:	March 26, 2024		
Presenter:	Logan Cox, Supervisor (Planning & Development)		
Department:	Planning		
Approved by:	<input checked="" type="checkbox"/> Executive Director / Director	and/or	<input type="checkbox"/> Chief Administrative Officer

REPORT SUMMARY

The purpose of this report is to assess a ± 0.37 hectare (± 0.91 acre) portion of the SE-16-23-27-W04M from Agricultural General District (A-GEN) to Direct Control District based on the Industrial, Light District (I-LHT), to facilitate the retention of an existing Data Processing Centre. The use is currently within the northwest corner of the subject quarter section, utilizing the existing access along a lease road operated by Ember Resources.

The Data Processing Centre has been operational for the past 3 years without appropriate County approvals; this application is a result of enforcement. Attempts to work with the Applicant to bring the application into compliance have not been successful.

The subject parcel is located outside of an area structure plan; therefore, the application was evaluated pursuant to the policies of the Calgary Metropolitan Region Growth Plan (Growth Plan), the Municipal Development Plan (County Plan), and the regulations of the *Land Use Bylaw*.

The application does not align with the policies of the Growth Plan and County Plan, specifically those that require employment/industrial uses to be located within an approved area structure plan.

Should Council find the application does not constitute an Employment Area within the Growth Plan and determine the application to generally align with the policies of the County Plan, they may wish to support the application.

Council previously considered this item as part of the Council meeting on December 12, 2023, and required changes to the proposed DC District be brought back for their consideration no later than the end of March 2024. Administration reached out to the Applicant multiple times to obtain the required amendments to the proposed DC District to no avail. As such, no changes have been provided for Council's consideration as part of this report.

ADMINISTRATION'S RECOMMENDATION

THAT application PL20220135 be refused.

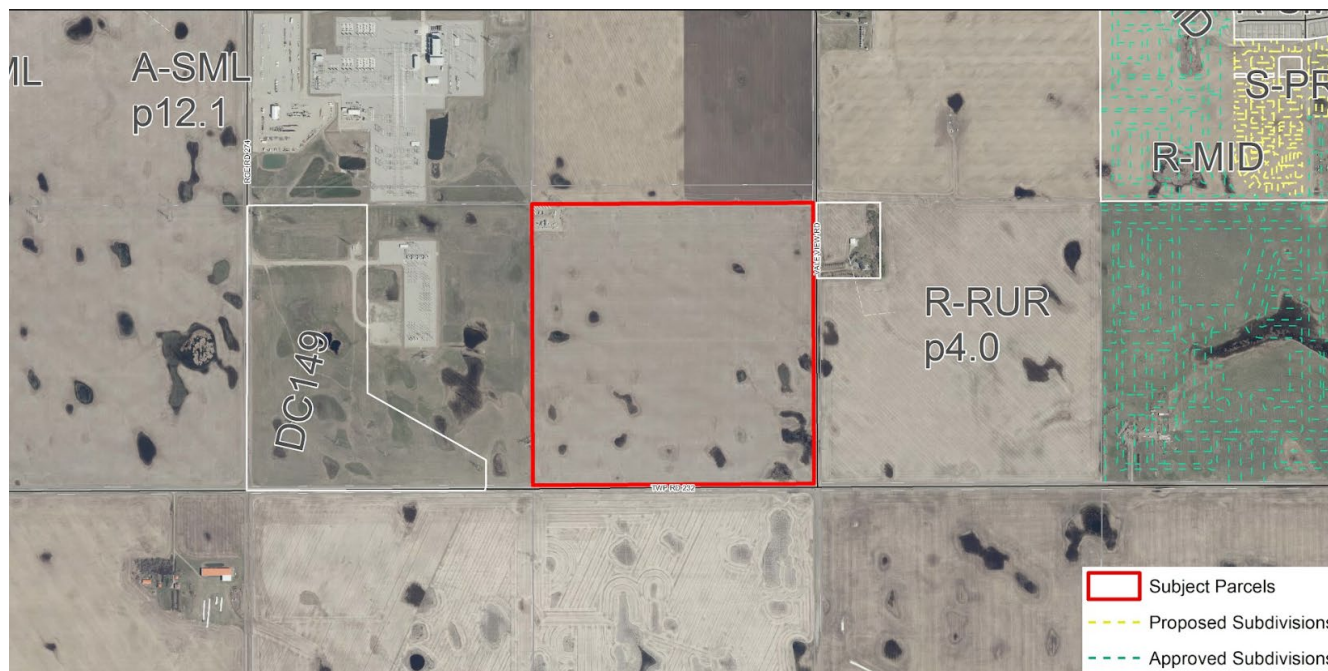
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BACKGROUND

Location (Attachment A)

Located northwest of the junction of Township Road 232 and Vale View Road, approximately 800 metres (0.50 miles) southwest of the hamlet of Langdon, and 1.00 kilometres (0.62 miles) south of Railway Avenue West.

The existing Data Processing Centre is in the upper northwest corner of the subject quarter section.



Site History (Attachment B)

In May 2021, enforcement of a non-compliant business on the subject parcel commenced with regards to the proposed data processing operation. Various members of the previous Development Compliance section within the Planning department worked with the Data Processing operator to try and bring the application into voluntary compliance with the County's *Land Use Bylaw* and statutory plans.

Administration was met with resistance in attempting to bring the use into compliance and discussions extended over many months before the Applicant submitted an application that could be processed by Administration.

Council previously considered this item as part of the Council meeting on December 12, 2023. Following the Public Hearing, Council provided the following motion:

MOVED by Councillor Schule that application PL20220135 be referred back to Administration to work with the Applicant on updating the proposed Direct Control District to be based on the Agricultural, General District (A-GEN) with the only additional uses being the proposed Data Processing Centre;

AND THAT additional development restrictions regarding landscaping, noise mitigation, and time limits for the development permit are to be included. Administration is to bring the updated Direct Control District back to Council no later than the end of March 2024.

No changes have been provided to Administration for Council's consideration. Administration reached out to the Applicant multiple times but were unsuccessful in obtaining the changes required under Council's motions.

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Intermunicipal and Agency Circulation (Attachment C)

The application was circulated to all necessary internal and external agencies.

This application is not within an area guided by intermunicipal policy or requirements.

Alberta Transportation and Economic Corridors commented that road widening would be required as a condition of subdivision, should subdivision be proposed in the future.

Landowner Circulation (Attachment D)

The application was circulated to 80 adjacent landowners in accordance with the *Municipal Government Act* and County Policy C-327 (Circulation and Notification Standards); no letters were received.

ANALYSIS

Policy Review (Attachment E)

The proposal conflicts with the Rural Employment Area section (Section 3.1.6) of the Growth Plan as it proposes employment uses in an area not guided by an area structure plan; therefore, the application is inconsistent with the relevant legislation of the *Municipal Government Act*.

The application was reviewed against the Section 14.0 (Business Development) policies of the County Plan. The proposal has demonstrated compliance with the Other Business Development policies in relation to business development outside of an identified business area. However, the application has not demonstrated compliance with the General Business policies in relation to business development in identified business areas in accordance with an approved area structure plan.

The proposed Direct Control Bylaw is based on the Industrial, Light District (I-LHT) of Land Use Bylaw C-8000-2020. The discretionary uses within the I-LHT District include uses that may be incompatible with nearby residential and agricultural land uses; such as Industrial (Light), Industrial (Medium), Industrial (Heavy), Automotive Services (Minor), Care Facility (Clinic), and Cannabis Retail Store. The minimum parcel size allowed in the I-LHT District is 1.0 hectares (2.47 acres), which cannot be accommodated with the proposed site area of 0.37 hectares (0.91 acres). The proposed Direct Control Bylaw also removes the requirement for a landscaped area without providing rationale or details as to how the potential nuisances of the operation will be mitigated.

Further, the development currently does not meet the minimum setback requirements of the I-LHT District. To meet the minimum setback distances, reconfiguration of infrastructure on site would be required.

COMMUNICATIONS / ENGAGEMENT

Circulation and Notification of the application was conducted in accordance with the *Municipal Government Act* and County Policy C-327.

IMPLICATIONS

Financial

No financial implications identified at this time.

Enforcement

Should Council not support the application, Enforcement Services would proceed with further enforcement action to have the operation cease on the subject lands. Enforcement Services would work with the operator to cease operation of the business and remediate any changes to the site that may have occurred to facilitate the operation.

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STRATEGIC ALIGNMENT

This report is a statutory obligation under the *Municipal Government Act*.

ALTERNATE DIRECTION

No alternative options have been identified for Council's consideration.

ATTACHMENTS

Attachment A: Map Set

Attachment B: Application Information

Attachment C: Application Referral Responses

Attachment D: Public Submissions [None Received]

Attachment E: Policy Review

Attachment F: Draft Bylaw C-8462-2023