



## PLANNING AND DEVELOPMENT SERVICES

<b>TO:</b>	Council	
<b>DATE:</b>	October 6, 2020	<b>DIVISION:</b> 7
<b>TIME:</b>	Morning Appointment	
<b>FILE:</b>	06635006	<b>APPLICATION:</b> PL20200052
<b>SUBJECT:</b>	Redesignation Item – New or Distinct Agricultural Use	

### POLICY DIRECTION:

The County Plan and the Land Use Bylaw.

### EXECUTIVE SUMMARY:

The purpose of this application is to redesignate the subject lands from Agricultural, General District (A-GEN) to Agricultural, Small Parcel District (A-SML), to facilitate the creation of a  $\pm 50.00$  acre parcel with a  $\pm 52.96$  acre remainder.

Council gave first reading to Bylaw C-8058-2020 on June 23, 2020.

On July 28, 2020 Council approved a new Land Use Bylaw (C-8000-2020) which came into effect on September 8, 2020. Administration has reviewed the district conversions and confirmed that the originally proposed Ranch and Farm Two District under the old Land Use Bylaw (C-4841-97) converts to Agricultural, Small Parcel District in the new Land Use Bylaw.

The Applicant indicated that the reason for the proposal is that it would be more financially feasible to carry out a new agricultural pursuit on a smaller parcel of land. However, no specific information on the nature of the pursuit was provided.

Administration evaluated the application against applicable policies and determined that it is inconsistent with County Policy for the following reasons:

- The application does not meet the Agricultural Policy 8.18 of the County Plan, as the Applicant has not demonstrated a new or distinct agricultural use on the new parcel.

### ADMINISTRATION RECOMMENDATION:

Administration recommends refusal in accordance with Option #2.

<b>DATE APPLICATION RECEIVED:</b>	April 27, 2020
<b>DATE DEEMED COMPLETE:</b>	April 28, 2020

<b>PROPOSAL:</b>	To redesignate the subject land from Agricultural, General District to Agricultural, Small Parcel District, to facilitate the creation of a $\pm 50.00$ acre parcel with a $\pm 52.96$ acre remainder.
<b>LEGAL DESCRIPTION:</b>	A portion of NE-35-26-02-W05M
<b>GENERAL LOCATION:</b>	Located at the southwest junction of Highway 772 and Highway 567
<b>APPLICANT:</b>	Clinton & Sherry McLeod

**Administration Resources**  
Sandra Khouri, Planning and Development Services



<b>OWNERS:</b>	Clinton & Sherry McLeod
<b>EXISTING LAND USE DESIGNATION:</b>	Agricultural, General District
<b>PROPOSED LAND USE DESIGNATION:</b>	Agricultural, Small Parcel District
<b>GROSS AREA:</b>	± 102.96 acres
<b>SOILS (C.L.I. from A.R.C.):</b>	<b>3H,E</b> – The land contains soil with moderate limitations due to temperature and erosion damage.

#### **PUBLIC SUBMISSIONS:**

The application was circulated to 24 landowners in the area between June 24, 2020 and July 16, 2020. No letters in support or opposition were received. The application was also circulated to a number of internal and external agencies; responses are available in Appendix 'A'.

#### **HISTORY:**

<b>February 19, 2010</b>	Subdivision application (2010-RV-042) was approved to create a ± 50.0 acre parcel with a ± 102.9 acre remainder. The remainder land is the subject land in this application.
<b>April 21, 2008</b>	Redesignation application (2008-RV-148) was approved to create a ± 50.0 acre parcel with a ± 102.9 acre remainder.
<b>February 24, 1998</b>	Redesignation and subdivision application (97-RV-113) was approved to create a ± 5.0 acre parcel with a ± 152.9 acre remainder.

#### **BACKGROUND:**

The property contains two dwellings and multiple accessory buildings. The land has two existing approaches, one to the north from Highway 567 and the other to the east from Highway 772.

The land gradually slopes down from the northeast portion of the property with the lowest portion at the southwest corner.

The majority of surrounding lands are agricultural in use and remain largely undeveloped with some residential and commercially zoned properties within close proximity. The lands to the north have been fragmented with some residential parcels and one commercial parcel that has been developed as a recreational vehicle storage facility. The lands to the southwest are agricultural but are designated as a Direct Control District (DC-100), which allows for a mix of residential and light industrial uses.

#### **POLICY ANALYSIS:**

##### County Plan

The County Plan provides general policies to guide agricultural, residential, and business development within the County. Section 8 of the County Plan provides policies for evaluation of agricultural proposals ranging from agricultural first parcels out to redesignation and subdivision for agricultural purposes. Assessing the application against the criteria of Policy 8.18 relating to new and distinct agricultural uses, there are a number of smaller agricultural uses in close proximity to the parcel and the proposal is therefore considered to be compatible with the surrounding lands. However, the Applicant has not provided planning rationale justifying why the existing land use and parcel size cannot accommodate a new or distinct agricultural operation. The Applicant has indicated that the need for a new agricultural pursuit is largely financial. As such, the proposal does not meet the Agricultural policies of the County Plan.



### Land Use Bylaw

The entirety of the subject parcel must be redesignated to Agricultural, Small Parcel District under the new Land Use Bylaw (C-8000-2020). Due to minimum parcel size restrictions under the new Land Use Bylaw, the minimum parcel size for an Agricultural, General District parcel is either “an un-subdivided Quarter Section” or “the portion created and the portion remaining after registration of a First Parcel Out subdivision.” As the proposal does not fit under either criteria, the Agricultural, General District could not be applied.

### **OPTIONS:**

- Option #1:      Motion #1      THAT Bylaw C-8058-2020 be amended in accordance with Appendix B.  
                          Motion #2      THAT Bylaw C-8058-2020 be given second reading, as amended.  
                          Motion #3      THAT Bylaw C-8058-2020 be given third and final reading, as amended.
- Option #2:      THAT application PL20200052 be refused.

Respectfully submitted,

Concurrence,

“Theresa Cochran”

“Al Hoggan”

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Executive Director  
Community Development Services

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Chief Administrative Officer

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### **APPENDICES:**

APPENDIX ‘A’: Application Referrals  
 APPENDIX ‘B’: Bylaw C-8058-2020 and Schedule A  
 APPENDIX ‘C’: Map Set