



PLANNING

TO:	Council	
DATE:	September 27, 2022	DIVISIONS: All
FILE:	N/A	APPLICATION: N/A
SUBJECT:	Request for Decision: Special, Future Urban Development District	

EXECUTIVE SUMMARY:

It is noted that Council was due to consider this report on September 13, 2022, but a motion was passed at that meeting to table the item to September 27, 2022.

Administration has identified several high priority amendments to the Land Use Bylaw to resolve ongoing challenges with specific districts and uses. The S-FUD district is included within those high-priority amendments to be completed by Administration in the coming months. Direction is sought from Council through this report on how amendments to the district should proceed.

The purpose of an S-FUD district in most municipalities is to allow for interim uses in areas where development is intended to occur in the near term. In Rocky View County, this would be within area structure plans. The S-FUD district regulations have been problematic as they do not clearly support this intent and many applications have been received for S-FUD in areas of the County outside of approved ASPs.

The existing S-FUD district has been reviewed against the Regional Growth Plan and County Plan, and there is no support for allowing interim uses prior to build out of growth areas. Similarly, many of the County's area structure plans (ASPs) do not anticipate or accommodate the establishment of interim uses prior to implementation of comprehensive subdivision and development plans.

The S-FUD district is also redundant, as the uses allowed for within S-FUD are also allowed within several other business districts within the Land Use Bylaw. Furthermore, Council is considering potential replacement of the Business Live-Work district with a Home-Based Business Type 3 use under Item F-17 of the September 13, 2022, Council meeting. This may provide landowners with a residential dwelling on their property the opportunity to accommodate some small-scale business uses either as an interim use in an identified growth area, or as a permanent use appropriate within residential and agricultural areas.

Taking into account the lack of support within regional and municipal statutory planning policy for interim uses, and the issues observed with ambiguity and duplication in the current S-FUD district, Administration recommends that amendments are made to the Land Use Bylaw to remove the district. If Council is minded to further consider interim uses within existing County growth areas, it is recommended that amendments are made to the County Plan to direct Administration to explore opportunities to accommodate interim uses through area structure plan policies upon preparation or amendment of an area structure plan.

ADMINISTRATION RECOMMENDATION:

Administration recommends approval in accordance with Option #1.



DISCUSSION:

In preparation of the existing Land Use Bylaw (C-8000-2020), Administration received direction from Council to include an S-FUD district within the Bylaw. The rationale for this is unclear, but the adopted Land Use Bylaw states that the purpose of the S-FUD district is:

“To provide a limited range of temporary uses that can easily be removed when land is developed to an urban standard while protecting lands for future urban development by restricting premature subdivision and development, while accommodating agricultural uses.”

Although this statement of the district’s purpose is not drafted in a manner that provides clear direction, it is interpreted that the original intent was to allow temporary uses within approved County growth areas that can be removed in the event of more comprehensive subdivision and development being implemented in accordance with an area structure plan or conceptual scheme.

It should be noted that the concept of S-FUD uses is more suited to urban municipalities, where comprehensive development will occur on most lands at some point. Within the County, support for future development is only fully realized once an area structure plan has been adopted, specifying the land use strategy for an area.

Due to a lack of guiding policy in the County Plan, some applicants have understood that S-FUD is appropriate as an interim use in the agricultural area where an area structure plan may be developed at some point in the future, or in a City of Calgary Growth Corridor where the lands may be annexed for future urban growth. There is no certainty in these assumptions and Administration considers that approval of S-FUD in these areas may result in the creation of permanent business uses that are not in alignment with the County’s growth strategy.

Even where an applicant wishes to propose an interim use through the S-FUD district in an approved growth area, existing area structure plans, such as the Conrich ASP Future Policy Area and the Langdon ASP, specifically preclude interim uses and interim servicing strategies. Many other ASPs are silent on the potential for interim uses.

If Council is minded to support further exploration of interim uses being located in ASP areas, caution should be given on how this is managed, as allowing interim uses such as Outdoor Storage across several parcels may affect the overall appearance of a planned business area, especially where the final use will be residential or commercial. Interim uses can take many forms, and so it is advised that policy should be sensitive to the context of an area and support interim uses that are compatible.

POLICY ANALYSIS:

Regional Growth Plan

The recent adoption of the Growth Plan has a significant impact on the ability to support S-FUD uses outside of a Preferred Growth Area. The Growth Plan does not distinguish between interim and permanent uses, and certain uses within the S-FUD district could be considered to create a Rural Employment Area, which is defined by the Growth Plan to be an employment area of lower density and servicing that includes uses such as transportation services, outdoor storage, and manufacturing.

All Rural Employment Areas are required to be planned through an area structure plan, and Policy 3.1.6.2 states that these areas cannot be located within two kilometres (1.25 miles) of an urban centre, Joint Planning Area, or another Rural Employment Area. This criteria is likely to hinder many S-FUD proposals as these have sought to locate close to urban centres and existing County growth areas on the assumption that these areas will expand in future.



Municipal Development Plan (County Plan)

Although the Land Use Bylaw provides the regulations and purpose for S-FUD parcels, the County Plan should be the key consideration in determining the acceptability of an S-FUD proposal and its location.

Section 14.0 (Business Development) of the County Plan does offer some flexibility in considering small-scale business uses in the agricultural area, but generally encourages business uses to be located in established business areas. The section also requires that if a business use is to be located outside of an identified business area, justification needs to be given as to why the use cannot be located within a business area. There would not appear to be a strong rationale for locating S-FUD uses such as Outdoor Storage outside of a business area.

It is clear from assessment of the Growth Plan and County Plan that the S-FUD district does not align with statutory policy when proposals are located outside of defined regional or County growth areas. Policies within ASPs also largely appear to limit opportunities for S-FUD to be proposed within an established growth area.

BUDGET IMPLICATIONS:

None.

COMMUNICATIONS PLAN:

If Council directs Administration to complete bylaw amendments reflecting the report's recommendations, and if Council approves bylaw amendments brought forward by Administration, a communications plan would need to be created and implemented to inform the public of the changes.

STRATEGIC OBJECTIVES:

Administration is recommending the County Plan and Land Use Bylaw amendments proposed within Option #1 of this report to ensure that interim uses do not counter Council's strategic objective for orderly development.

OPTIONS:

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| Option #1: | Motion 1 | <p>THAT Administration be directed to prepare Municipal Development Plan (County Plan) and Land Use Bylaw (C-8000-2020) amendments comprising the following:</p> <ul style="list-style-type: none"> • The removal of the ability to redesignate to the Special, Future Urban Development (S-FUD) land use district, but the continuation of the district (or the allowances therein) for parcels that already hold the land use. • The addition of policy within the Municipal Development Plan to direct Administration to examine the provision of interim uses within area structure plans upon preparation, review, or amendment of an area structure plan. |
| | Motion 2 | <p>THAT Administration be required to schedule a public hearing to consider the bylaw amendments at a Council meeting held no later than January 2023.</p> |



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Motion 3 THAT notwithstanding those bylaws already proceeding to public hearing on September 27, 2022, Administration shall not schedule any bylaw proposing redesignation of a property's land use to the Special, Future Urban Development (S-FUD) district for Council's consideration at a public hearing or otherwise, including first readings, until after Council has considered bylaw amendments to the S-FUD district, to be presented no later than January 2023. Development permit applications on properties holding the S-FUD land use shall be allowed to proceed to a decision.

Motion 4 THAT Administration be directed to notify all landowners and applicants in the County who have a current application for redesignation or a development permit relating to the S-FUD district of Council's direction on the district. Applicants shall be advised of their options with respect to proceeding with their proposals.

Option #2: THAT alternate direction be provided.

Respectfully submitted,

Concurrence,

"Brock Beach"

"Dorian Wandzura"

Acting Executive Director
Community Services

Chief Administrative Officer

DK/rp