


**MISCELLANEOUS PLANNING ITEM
 PLANNING AND DEVELOPMENT REPORT TO COUNCIL
 SECOND & THIRD READING TO BYLAW 73/2023
 May 8, 2024**

APPLICATION INFORMATION	FILE NO. 23R043
	LEGAL DESCRIPTION: Ptn. SE 07-21-03 W5M
	LANDOWNER: Delaine D. Fisher
	AGENT: Badke Consulting Ltd / Jeff Badke
	AREA OF SUBJECT LANDS: 158.69
	CURRENT LAND USE: Agricultural District
	PROPOSED LAND USE: Country Residential District
NUMBER & SIZE OF PROPOSED NEW PARCELS: 1 x +/- 9.89 acre parcel	
PROPOSAL: Application for the redesignation of a 9.89 +/- acre portion of SE-07-21-03 W5M from Agricultural District to Country Residential Sub District “A” to allow for the future subdivision of one 9.89 +/- acre Country Residential Sub District “A” first parcel out, leaving a 148.8 +/- acre Agricultural District balance	
LOCATION: The subject parcel is located approximately 11.5km northwest of Diamond Valley, 4km west of Millarville, and northwest of the intersection of Hwy 549 and 272 St W.	
DIVISION NO: 3	COUNCILLOR: Barb Castell
FILE MANAGER: Brittany Smith	

PURPOSE OF REQUEST:

Request for Council to provide second and third reading to Bylaw 73/2023.

BACKGROUND:

December 6, 2023: Council granted 1st reading to Bylaw 73/2023 authorizing the redesignation of a portion of SE 07-21-03 W5M from Agriculture District to Country Residential District to allow for the future subdivision of one +/- 9.89 acre Country Residential parcel with an approximate +/- 148.8 acre Agricultural District balance parcel.

Note: an excerpt from the December 6, 2023 council meeting minutes outlining this decision is included under Appendix B of this staff report.

CONDITIONS TO BE MET AT REDESIGNATION:

All conditions of 1st reading have been completed.

COUNCIL ACTION REQUESTED:

Council is respectfully requested to consider granting 2nd and 3rd reading to Bylaw 73/2023 authorizing the redesignation of a portion of SE 07-21-03 W5M from Agriculture District to Country Residential Sub District “A” to allow for the future subdivision of one +/- 9.89 acre Country Residential Sub District “A” first parcel out with an approximate +/- 148.8 acre Agriculture District balance parcel.

APPENDICES:

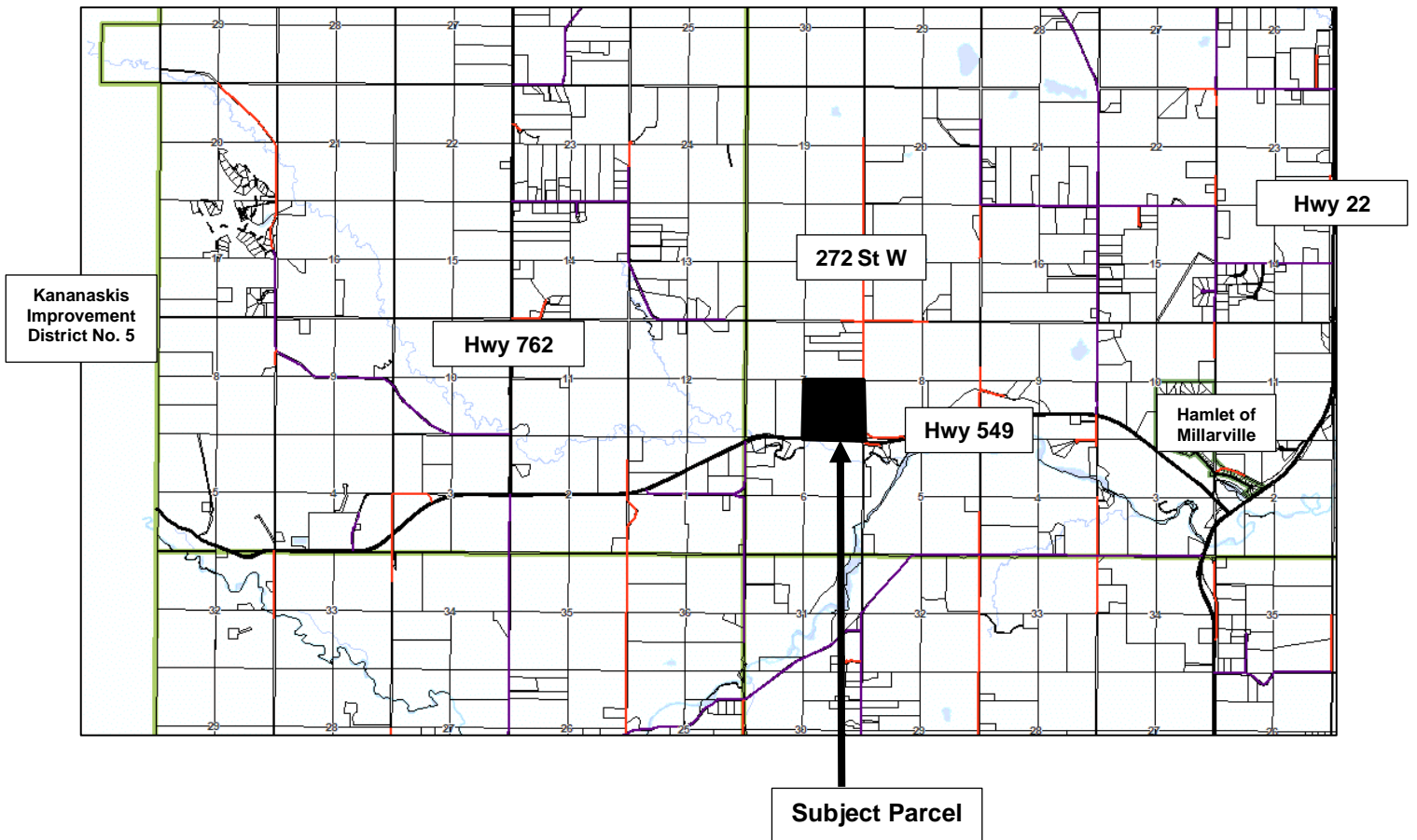
APPENDIX A:

- LOCATION MAP
- SITE PLAN
- ORTHO PHOTO

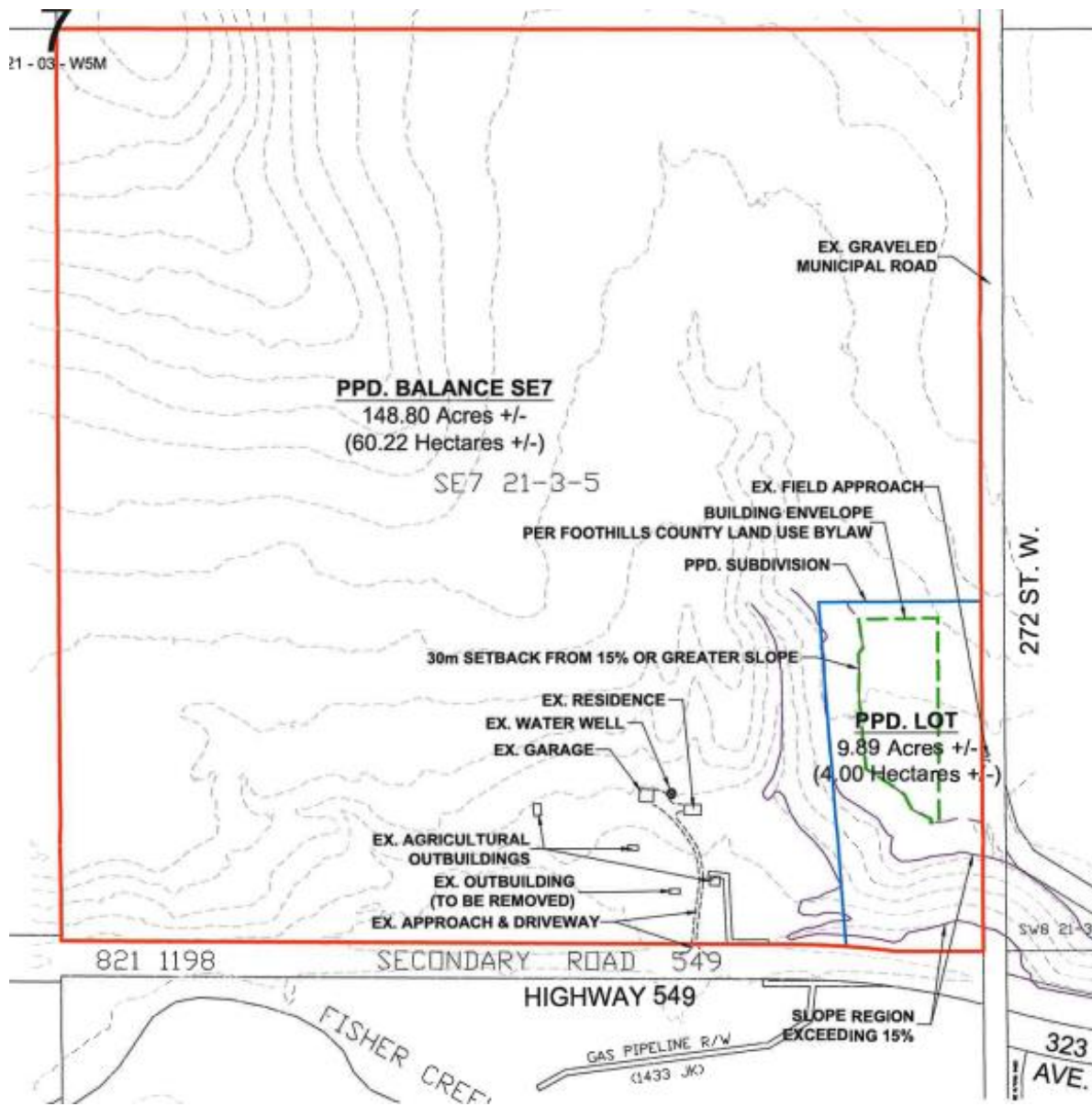
APPENDIX B:

Excerpt from the December 6, 2023, Council meeting minutes

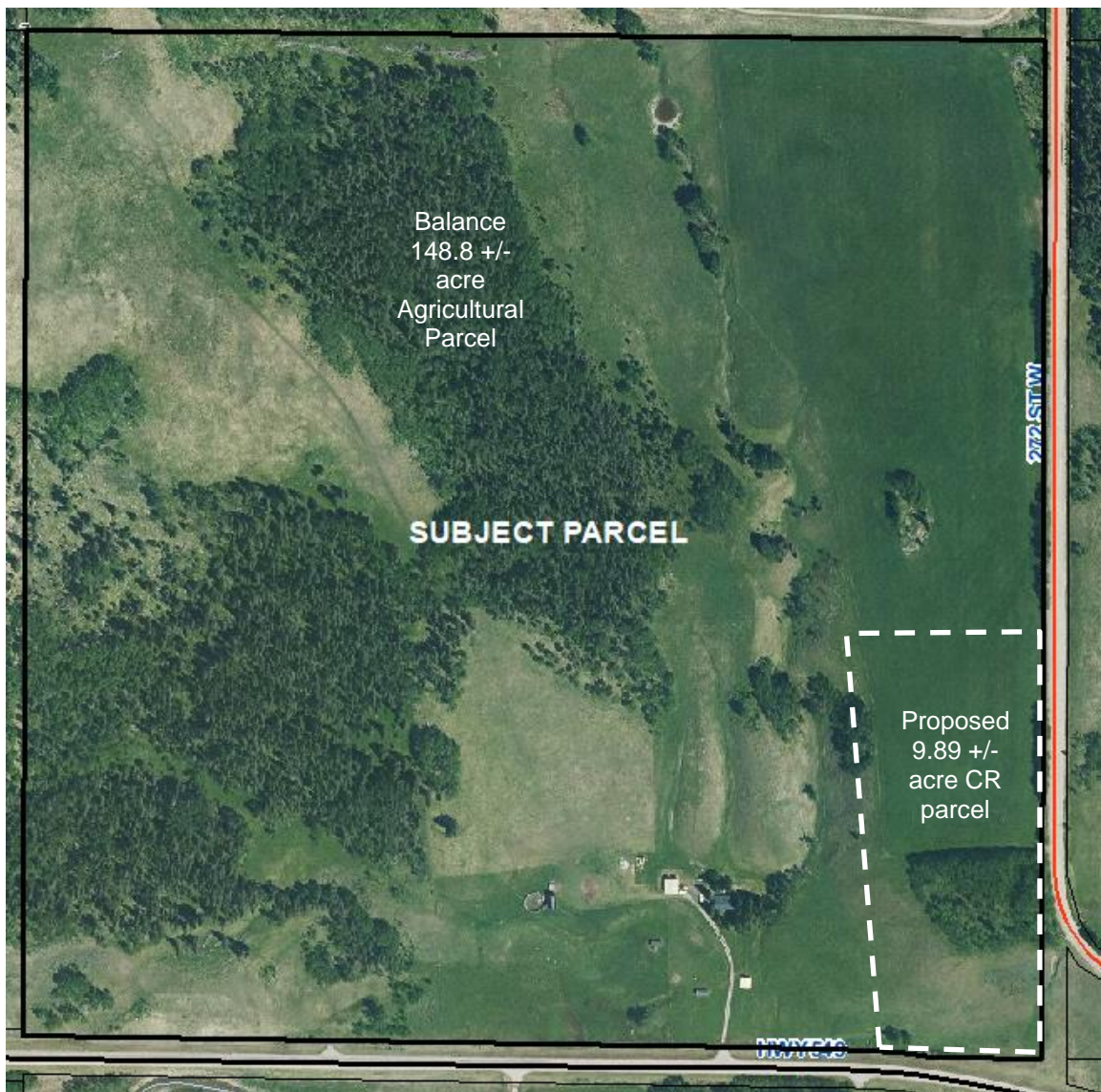
APPENDIX A: LOCATION MAP



APPENDIX A: SITE PLAN



APPENDIX A: ORTHO PHOTO



APPENDIX B: EXCERPT FROM THE DECEMBER 6, 2023 COUNCIL MEETING MINUTES

Bylaw 73/2023 was introduced into the meeting to authorize the redesignation of a 9.89 +/- acre portion of SE 07-21-03 W5M from Agricultural District to Country Residential District to allow for the future subdivision of one 9.89 +/- acre Country Residential District first parcel out, leaving a 148.8 +/- acre Agriculture District balance.

In their consideration of the criteria noted in Agriculture Policy 5 of the MDP2010, Council is of the opinion that allowing the first parcel out the subject lands would not be detrimental to the agricultural nature of the area. Further, the application falls within the density provisions and lot size restrictions of the Country Residential District within the County's Land Use Bylaw.

The proposed 9.89 +/--acre parcel shall be designated as Country Residential Sub-District "A" to ensure that the recommendations and restrictions as outlined in the Lot Grading & Site Drainage Plan, Building Envelope Plan and Septic Disposal Evaluation (PSTS) are complied with to the satisfaction of the Public Works Department. A completion certificate by a Professional Engineer verifying that all aspects of the noted reports have been met, and a \$5,000 deposit as a pre-release condition to ensure compliance with all conditions of the development permit will be required.

Prior to further consideration of the bylaw, the applicant will be required to submit the following:

1. Landowners are to fully execute and comply with all requirements as outlined within the Municipal Development Agreement for the purposes of payment of the community sustainability fee and any other necessary municipal and on-site improvements as required by Council and the Public Works department;
2. Proof of adequate water supply to be provided for the proposed 9.89 +/- acre parcel in accordance with the Municipal Water Policy to the satisfaction of the County;
3. Septic Disposal Evaluation to be provided for the proposed 9.89 +/- acre parcel to the satisfaction of the Public Works department, **as condition of subdivision;**
4. The existing outbuilding noted as being approximately 66 meters from the center line of Highway 549 and therefore not meet required setbacks may remain as a non-conforming structure;

The existing outbuilding noted to be removed shall be removed as a condition of an approved subdivision application;

5. Final redesignation application fees to be submitted;
6. Submission of an executed subdivision application and the necessary fees.