
REPORT NAME

Land Use Bylaw Amendment Report

Leduc County File No:	LA24-001
Roll Number:	1143001
Applicant:	EINS Consulting Ltd. (Ryan Eidick)
Owner:	2462278 Alberta Ltd.
Existing District:	AG - Agricultural
Proposed District:	DC – Direct Control
Location:	NW 36-50-24-W4M
Total Title Area:	1.96 ha± (4.84 ac±)
Redistricting Area:	1.96 ha± (4.84 ac±)

RECOMMENDATION

That Leduc County Council defeat the proposed bylaw to redistrict the existing 1.96 ha± (4.84 ac±) parcel from the AG - Agricultural District to DC – Direct Control, as shown on the attached Schedule “A”.

IMPLICATIONS

Reason: The applicant has applied to redistrict the 1.96 ha± (4.84 ac±) subject property from AG - Agricultural District to DC – Direct Control. The purpose of the proposed amendment is to redistrict the lands to allow for the development of a wedding event facility.

Authority: (*MGA section/bylaw/policy number*): Edmonton Metropolitan Region Growth Plan, Regional Agriculture Master Plan, Municipal Development Plan, Land Use Bylaw 7-08

Edmonton Metropolitan Region Growth Plan (EMRGP)

In accordance with Schedule 11: Agricultural Land Suitability Ratings, the subject property is identified to be located within the ‘Metropolitan area’ and within a Soil Classification area containing >40% Class 2 Soil (Prime).

Policy Area 6: Agriculture, through its Guiding Principle, seeks to ensure the wise management of prime agricultural resources, stating “in the context of metropolitan growth, we will ensure the wise management of prime agricultural resources to continue a thriving agricultural sector.”

Objective 6.2 of this Policy Area seeks to minimize the fragmentation and conversion of prime agricultural lands for non-agricultural uses.

Regional Agriculture Master Plan (RAMP)

The subject property is identified within 'Area 1 Rural Agriculture' in accordance with the masterplan which includes much of the best agricultural land in the Region, other agricultural lands of varying capabilities, and the majority of the intact contiguous tracts of agricultural land that are essential for the future of agriculture in the Region.

Policies:

1. Agriculture is the priority land use in Policy Area 1
3. Agricultural uses that follow generally accepted agricultural practices must be able to operate in suitable locations without being unduly encumbered or hindered by non-agricultural development, or by adjacent land uses in neighbouring Policy Areas.

Agricultural Land Uses:

9. Notwithstanding Policy 8, agriculture related uses and value-added agriculture uses must not hinder agricultural operations in the surrounding area.

Non-Agricultural Land Uses:

13. Non-agricultural uses are discouraged in prime agricultural areas.

Municipal Development Plan (MDP) 03-24

Rural County

4.3 Agriculture

Principle The County champions the importance of agriculture and is committed to ensuring its long-term viability.

Objective 1 To conserve agricultural land on a comprehensive basis as a means of ensuring the long-term viability of agriculture.

Objective 3 To minimize the loss of agricultural land by limiting the amount of land converted to a non-agricultural use.

Policy 4.3.0.6 To conserve agricultural land, the amount of land converted to a non-agricultural use shall be minimized through consideration of location and site design. Where possible, non-agricultural uses should be directed to low-capability agricultural land.

Land Use Bylaw 7-08 (LUB)

Part Five – Amendment

5.2 Application Requirements

- 5.2.2 An application to redistrict to Direct Control shall be supported with an explanation of why a Direct Control District is desirable for the site, rather than other available Land Use Districts, having regard to the scale and character of the proposed development in relation to the surrounding area.

Part Nine – District Regulations

9.1 AG – Agricultural District

9.1.1 General Purpose The purpose of this district is to provide primarily for larger agricultural operations and limited higher intensity agricultural activities on smaller lots, while at the same time providing for limited residential and other uses having a secondary role to agriculture.

Submitted by: Benjamin Ansaldo, Planner – Development Services

Reviewed by: Charlene Haverland, Manager of Development Services

Date: 10/21/24

9.19 DC – Direct Control District

9.19.1 General Purpose To provide for development that due to unique characteristics, unusual site conditions, or innovative design, requires specific regulations unavailable in other land use districts or as deemed appropriate by Council.

Part Eleven – Definitions

RURAL WEDDING AND AGRICULTURAL EVENT FACILITY means an indoor facility, accessory and incidental to the primary use that provides for an alternative of venue for events within a traditional rural setting and is not intended to locate development that would be better located within defined business and commercial areas. Any use and/or development considered under this definition shall be designed to be agriculturally harmonious by way of design, appearance, scale and form and shall not detract from the rural and agricultural context of the site or its surroundings. Uses may include (but are not limited to) weddings, meetings, seminars, farmers markets and trade fairs.

BACKGROUND

Location and Site Description

The subject property is accessed from Township Road 510 approximately 700 metres east of the City of Beaumont and directly adjacent to the City of Edmonton. There are 3 residential dwellings located within close proximity to the buildings associated with the wedding venue, and these are located at approximately the following distances:

- Dwelling 1 to East: 43m from event house. 89m from event venue (quonset)
- Dwelling 2 to East: 112m from event house. 145m from event venue (quonset)
- Dwelling to North: 120m from event house. 190m from event venue (quonset)

Development History

The following development permit decisions have been issued for the subject property:

Permit No.		Land Use	Decision
D21-261	December 2021	New permit for Wedding Event Facility	Refused, LPRT upheld the decision
D20-056	July 2020	2 year temporary permit until July 15, 2022. Rural Wedding Event Facility (Conversion of Existing Shop into Wedding Venue), no longer valid, no safety code permits were obtained to convert the existing shop.	Approved, 2 year temporary until July 15, 2022
D03-008	January 2003	Home Occupation (Install Mini-storage units)	Approved
D96-327	November 20	Home Occupation (Sandblasting)	Approved

DISCUSSION

The purpose of the application is to redistrict the subject lands, from AG-Agriculture to a DC-Direct Control District. The subject lands do not fall within an Area Structure Plan (ASP) but are adjacent to the Cities of Beaumont and Edmonton. The immediately adjacent lands that are within Leduc County are districted AG – Agricultural with county residential lands approximately 800 metres from the property.

The application proposes to allow Rural Wedding and Agricultural Event Facility as a use on the property. The subject lands did previously have a development permit for this use (D20-056), however the development permit expired in 2022. No safety codes permits were obtained to allow the conversion of the existing shop to a wedding venue. In 2021, the landowner applied for an extension and expansion of D20-056 however that application (D21-261) was refused by the Development Authority and the Land and Property Rights Tribunal (LPRT) upheld that refusal on appeal. A search of the County’s complaint database indicates the County received multiple complaints over the years regarding use of the lands without a valid development permit for wedding events. Complaints were in regards to traffic, noise and trespassing. On February 23, 2023 Council approved a bylaw amendment to the Leduc County Land Use Bylaw 7-08 which removed the land use “Rural Wedding and Agricultural Event Facility” as a discretionary use within the Agricultural Land Use District. The use was removed as the inherent nature and purposes of these types of facilities, and the manner in which they operate, create excessive challenges and disruptions for adjacent residential and agricultural uses due to noise, traffic impacts, and the behavior of attendees. Additionally, regular agricultural operations can be incompatible with event venues due to activities such as combining/cultivation dust, manure application, and the movement of equipment along rural roads during events.

Policy Area 6 of the Edmonton Metropolitan Region Growth Plan (the “Growth Plan”) discusses the importance of agriculture and agricultural activities and the importance of maintaining lands as agricultural. The proposal calls for the redesignation of the lands to a non-agricultural district which is not in accordance with the goals of the Growth Plan.

The Regional Agriculture Master Plan (RAMP) identifies the subject lands as being within Area 1: Rural Agriculture. These lands have been identified as prime agricultural lands by the land evaluation and site assessment tool (LESA). The policies contained in RAMP encourage directing non-agricultural uses to lower (non-prime) capability lands when possible. The proposal does not meet the expectations of RAMP and is not supported by that plan.

The subject parcel is located within Area A, Prime Agricultural Area of the Rural County Land Use Concept map. A primary objective of the Rural County is to minimize the loss of agricultural land by limiting the amount of land converted to non-agricultural uses. The proposed amendment does not meet the objective and is not supported by the Municipal Development Plan.

The Leduc County Land Use Bylaw 7-08 does not include the proposed use as a permitted or discretionary use in any land use districts. Direct Control districts exist to provide for development that, due to unique characteristics, unusual site conditions, or innovative design, require specific regulations unavailable in other land use districts or as deemed appropriate by Council. Given that this use has been removed from all land use districts and that the use does not fit within a Direct Control designation, the proposal is recommended for refusal.

REFERRAL COMMENTS

The notice of public hearing was advertised for two consecutive weeks, in accordance with the provisions of the Municipal Government Act, RSA 2000 c. M-26, as amended, for advertising requirements. The application was referred to adjacent landowners as well as to the County's internal departments and external stakeholders.

Adjacent Land Owner Comments: There have been four responses from adjacent landowners objecting to this application and they are attached to this report.

Apex Utilities: Apex Utilities has no objection to this application.

City of Beaumont: The City of Beaumont does not have concerns with the proposed development as they feel it is sufficiently buffered from their nearest residential subdivision as to be unlikely to create issues in the future. Additionally, the City notes that they believe the business to have been operating without a permit for over a year and that they have not received any complaints from their own ratepayers in that time.

City of Edmonton: The City of Edmonton does not have any concerns with the proposed bylaw amendment.

Fortis: Fortis has no concerns with the application.

Leduc County Agricultural Services: Agricultural Services notes that the redistricting will likely have strong impacts on adjacent landowners due to noise pollution and similar event related activity, however it would have minimal impact on the agricultural capacity of the existing parcel or the surrounding agricultural land and overall agricultural productivity in the area.

SUMMARY

Based on the information provided, administration is satisfied that a Direct Control land use district for the purposes to allow for an agricultural wedding and event facility is not compatible with adjacent properties or the established agricultural and residential setting of this area. Furthermore, Part 6.4.2 of the Land Use Bylaw requires the Development Authority to consider additional factors, such as public safety, site security and visual impacts. In accordance with the information provided to the County the amendment may result in a detrimental impact upon adjacent landowners' quality of life. In the interest of public safety and agricultural compatibility, the County does not support redistricting the subject property.

Leduc County Planning and Development administration find that the proposed land use amendment is not supported by the Edmonton Metropolitan Region Growth Plan, the Regional Agriculture Master Plan, Land Use Bylaw 7-08 and the Municipal Development Plan. Therefore, administration recommends that Council defeat the proposed bylaw to protect the surrounding agricultural and residential community.

ATTACHMENTS

1. Notice of Public Hearing
 2. Land Use Bylaw Amendment Application LA24-001
 3. Proposed Direct Control District
 4. Proposed Amending Bylaw
 5. Schedule "A"
 6. AG – Agricultural District
 7. Adjacent Landowner Comments
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