

DISCUSSION

1. The Overall Project

This project has three components:

- Amend the Municipal Development Plan (MDP), Policy 3.15 within the Cluster Country Residential Section and Policy 10.25 within the Utilities Section for the consideration of an alternative servicing plan for water and sewer services, and to amend Policy 3.17(a-c) for the consideration of alternative Cluster Country Residential Criteria.
- Amend the Residential and Public Utilities and Municipal Services Sections of the Jackfish Mayatan Area Structure Plan (Bylaw No. 41-80) to allow for less than ½ acre parcel sizes, a variety of residential uses, and the consideration of privately owned communal piped water and sanitary sewer systems within the Pt. E1/2 4-53-2 W5M.
- Amend Land Use District Map 7 within the County's Land Use Bylaw (No. 20-2009) to re-district lands located at Pt. E1/2 4-53-2 W5M from the CR – Country Residential District to the CCR – Cluster (Conservation) Country Residential District as well as to amend Section 5.4 within the CCR District to accommodate the Fawn Meadows Development on a site specific basis.

2. Introduction

In the 1980, Council adopted the Jackfish Mayatan Area Structure Plan Bylaw No. 41-80 which contemplated residential uses for the area with residential parcel sizes ranging from 0.5 to 3.0 acres in size and serviced by individual wells and septic systems. As the Fawn Meadows development will not be consistent with the policies of the Jackfish Mayatan Area Structure Plan, the developers have applied to amend the Jackfish Mayatan Area Structure Plan to accommodate this proposed development. As such, Administration has reviewed the proposed application to amend the Jackfish Mayatan Area Structure Plan and provides the following recommendations to Council below.

In addition to the amendments for the Jackfish Mayatan Area Structure Plan, the Fawn Meadows proposal will also require further amendments in accordance with the County's statutory plan hierarchy (i.e. MDP and LUB amendments), and are handled through subsequent amendment applications that are coming before Council (Bylaw Nos. 33-2010 and 35-2010).

The developers for 'Fawn Meadows' are proposing an adult living community that will allow seniors to remain in a rural setting and maintain local ties with friends and family. Currently, this is the first proposal for this form of development in the County. The Jackfish Mayatan Area Structure Plan amendment is proposed for implementation under the Cluster Country Residential District within the County, and is site specific in nature to this individual site.

The proposed gated development will consist of 36 detached residential dwelling units, 24 semi-detached residential dwelling units, 56 duplex dwelling units, 140 supported living units/mixed use with the lower floor being possibly leased for retail/service and health care services. There will also be a community centre (for the condominium owners), recreational vehicle and residential storage, a convenience store, gas bar and restaurant onsite.

The total number of units to be created will be 256 units with an estimated projected maximum population of 512 people. The titled area for this development is roughly 51.12 ha (126.31 ac). As a result, the average unit density for this development is projected to be 8.2 units per hectare of net developable land (excluding commercial and natural areas). This development is proposing a density that is approximately 4.4 times greater than is currently envisioned for a cluster country residential development

within the Municipal Development Plan. As well, the lot size will be reduced for the Fawn Meadows development by 0.1 of an acre.

3. Outline Plan Review and Supporting Geotechnical Reports

This information was included as part of Administration's report to Council for Bylaw 33-2010. The same comments would apply to this amendment.

4. Analysis of the Proposed Policies to be Added to ASP

The Jackfish Mayatan Area Structure Plan (ASP) drafted in the 1980, does indirectly, provide the following policy directions for the cluster country residential form of development as the Jackfish Mayatan Area has been identified as being "well suited for medium to high density country residential and recreation development". Within the Residential Section of the ASP, it directs that "efforts should be made to keep residential parcel sizes in the half to three acre range" which would permit the development of cluster country residential developments as currently outlined and supported through the Municipal Development Plan policies and the Land Use Bylaw regulations.

The ASP also provides direction on the interpretation of country residential as meaning "a parcel of land on which there is located one single family detached residence". Further the ASP directs that density of residential development may vary throughout the Jackfish Mayatan Area and will be determined by the carrying capacity of the land and such factors as topography, access, and the availability and adequacy of municipal services will also be considered when establishing density. Additionally, the Area Structure Plan states that "Commercial neighbourhood services will be allowed on a limited scale but no other land uses will be entertained". Finally, the Jackfish Mayatan Area Structure Plan states that, "all proposals are in harmony with the natural landscape and that "no development activities will be permitted that will lead to environmental degradation of the area, or that are considered to be incompatible with the surrounding developments".

The above guiding policies are relevant and still provide a solid reference for Administration when reviewing any proposed developments for the Jackfish Mayatan Area today.

The effect of the developers' site specific proposed policies being added to the Jackfish Mayatan Area Structure Plan (ASP) is that the developers of the subject lands will be permitted to develop a residential subdivision with parcel sizes as small as 0.4 acre with essentially any type of residential dwelling permitted. The types of residential dwellings will range from single family detached and duplex dwellings to a 140 unit Supportive Living Complex with retail/commercial uses at ground level. The Fawn Meadows development, through the amending policies, will also be permitted to install and operate a privately owned communal piped water and sanitary sewer system. Privately owned communal piped water and sanitary sewer systems would continue to be restricted on all other lands within the Jackfish Mayatan ASP area. Even though this is a site specific amendment, this would be a precedent setting decision by Council to allow communally serviced high density residential developments with smaller parcel sizes that may be incompatible with the surrounding traditional residential acreage developments.

The Fawn Meadows development, in addition to its residential development, is also proposing to include retail and commercial services. According to the ASP, commercial neighbourhood services will be allowed on a limited scale but no other land uses will be entertained. The intent of this statement is to limit the range of services to those that would be compatible with the area and to maintain a more rural characteristic. The Recreational Vehicle and Residential Storage portion of the proposed development may not be considered a commercial neighbourhood service but 'light industrial' in nature and may be considered out of place in a rural residential area. This use may be considered incompatible or create conflicts with residential and retail/commercial uses.

Administration confirms that the additional services that would accommodate the community centre, gas station, retail services, and RV and residential storage have now been considered in the revised Outline Plan submitted in support of this application. As noted in the associated amendments and again in this

report, Administration cannot reasonably determine if the professional engineer thoroughly reviewed the document submitted on March 6, 2012 and thereby accepted responsibility for the document. Again as summarized in the Jackfish Mayatan ASP, no development activities will be permitted that will lead to environmental degradation of the area.

Administration cannot, at this point and based on the deficient Groundwater Supply Analysis report submitted in support of this project, confidently determine that the development activities for Fawn Meadows will not cause environmental degradation to the groundwater supply.

a) Supplementary Policy for “Residential” as Proposed:

The proposed policy that is to be added at the end of the Residential Section on page 5 of the Jackfish Mayatan ASP will permit the developers of the Fawn Meadows project to reduce the minimum parcel area required for the subject lands as well as permit a range of housing types, one of which would not be harmonious and is not compatible with the surrounding landscape and existing residential developments.

The proposed wording for the supplementary policy is inconsistent with the associated MDP and LUB amendments and is not complete and will have to be amended by Council if Council were to approve this amendment. Subsection (b) of the proposed policy does not include semi-detached dwellings as indicated in the developers’ accompanying Land Use Bylaw (LUB) amendment, and subsection (b) includes the word “villas” which is not a residential use that is included in the Land Use Bylaw amendment in the March 2012 Outline Plan the word “Villa” has been replaced with “Duplex”. As a result, the word villas should be removed from the propose Bylaw amendment wherever referenced. The words “senior citizen residential residence” should be replaced with the developers’ own wording that is included in the above noted LUB amendment “Supportive Living Complex”. If this amendment were to be considered for second reading by Council, Administration suggests that Council revise the supplementary residential policy so that it is consistent with the terminology with the proposed MDP and LUB amendment policies and regulations.

b) Supplementary Policy for “1) Water and Sewer” as Proposed:

The proposed policy that is to be added at the end of the Water and Sewer section on pages 13 and 14 of the Jackfish Mayatan ASP will permit the developers of the Fawn Meadows project to install a privately owned communal piped water and sanitary sewer system to service the proposed development only. Even though privately owned, operated, and maintained communal systems are becoming more commonplace for bareland recreational resort type developments elsewhere in the province, the communal systems are not supported for cluster (conservation) country residential type developments. Historically Parkland County has not supported or permitted private lots, regardless of land use district, be serviced by privately owned communal piped water and/or sanitary sewer systems. Furthermore, Parkland County currently does not support privately owned communal water and/or sanitary sewer systems in areas outside of the BRR – Bareland Recreational Resort District.

If Council were to consider giving second reading to this Bylaw Amendment, Administration suggests to Council that they consider including the phrase “all sanitary sewer systems shall meet provincial and Parkland County regulatory and setback requirements” to the proposed supplementary policy in place of the proposed phrase “In accordance with the requirements of Alberta Environment and Parkland County”.

Alberta Environment encourages the County to provide greater assurances for long-term viability of a communal piped water and sanitary sewer system by assuming the ownership or contracting out of this type of system. As a result, it is assumed that if the privately owned communal system servicing Fawn Meadows were to fail to operate properly, Parkland County may eventually become responsible for the system’s repair and/or replacement, and management of the system. Alberta Environment

would not be responsible for any system failures and would not take over the system in order to rectify any problems that may arise.

5. Referrals

Alberta Transportation was referred a copy of the Traffic Impact Assessment. As of the date this report was written, no comments had been received from Alberta Transportation. Any comments received after this report has been written will be provided to Council and the Consultant/Developer at the Public Hearing.

Adjacent landowners were notified as outlined in Policy PD-001. To date, no written comments have been received from adjacent landowners. Any comments received after this report has been written will be provided to Council and the Consultant/Developer at the Public Hearing. Additionally, anyone feeling that they will be impacted by the proposed amendments will have the opportunity to address Council at the public hearing on March 27, 2012.

Administration has confirmed that this application will not have to be referred to the Capital Region Board as the amendment does not meet the threshold for referral.

JUSTIFICATION

Administration does not support Bylaw 34-2010 and recommends that Council defeat the Bylaw at second reading.

The ultimate build out for the Fawn Meadows project proposes a significant increase in density for this form of cluster country (conservation) residential development. As noted above, the proposed supplementary policies to the Residential and Water and Sewer Sections within the Jackfish Mayatan ASP may, in the future, set a precedent to allow for an intensification of density that may go beyond what could be interpreted as being in harmony with the natural landscape that will not lead to environmental degradation of the area, or that is considered to be incompatible with surrounding developments.

As a result of Administration's full review and analysis of the proposed supplementary policies to the County's Jackfish Mayatan Area Structure Plan, Administration does not recommend that Council support this Bylaw and Administration is not in support of the proposed supplementary policies as applied for. The policies are in need of revision to ensure consistency with the accompanying amendments to the MDP and LUB and to ensure that they are more in keeping with the Jackfish Mayatan ASP's existing policies guiding development. There are a few proposed uses that may be considered as non-compliant or not compatible with the surrounding residential developments. The proposed RV and residential storage may be two uses as the ASP only provides for limited neighbourhood commercial uses.

It is Administration's opinion that the Groundwater Supply Analysis report included in the Outline Plan that was to support the merits of installation of a privately owned communal water services still lack the appropriate professional engineering endorsements. The title page of the report should reflect the appropriate revision dates and must signed, stamped, and dated by the company's respective engineer that is registered with APEGGA and possesses a permit to practice in Alberta. This report is important in ascertaining the actual carrying capacity and soil capability of the subject lands as required by the Jackfish Mayatan ASP, and to prevent environmental degradation (groundwater supply) for the existing and surrounding residents. Therefore, Administration is not in support of these proposed supplementary policies as they are not intended to be harmonious with the natural landscape and would not be compatible with surrounding development.

Should the Fawn Meadows applicants have comments regarding Administration's recommendation, they shall bring forth those comments through the Public Hearing process.

Written by: Christina Kortmeyer, RPP MCIP on March 15, 2012