



ADMINISTRATIVE REPORT PLANNING SERVICES

TO: Mayor & Council
DATE: March 13, 2018 Council Meeting **DIVISION:** 5
FILE: PD-2017-016
SUBJECT: Redistricting Bylaw No. 2017-22 - Land Use Bylaw Amendment

ADMINISTRATION RECOMMENDATION:

Option #1 Upon Closure of the Public Hearing:

1. That Council amend the West Point Estates (North) Outline Plan as identified in *Attachment 2*, including **Option A** (no paving deferral) in Section 6.1.
2. That Council adopt the amended West Point Estates (North) Outline Plan.
3. That Bylaw 2017-22 receive second reading.
4. That Bylaw 2017-22 receive third and final reading.

EXECUTIVE SUMMARY:

The purpose of this application is to redistrict 48.5 hectares (121 acres) of land within NW & NE-9-52-2-W5M from the AGR – Agricultural Restricted District to the CRR – Country Residential Restricted District. This would facilitate the creation of fifty-seven (57) country residential parcels ranging from one to six acres. The development is to be known as West Point Estates. In addition to the LUB Amendment application, the applicant has also submitted a development suitability analysis in the form of an Outline Plan in accordance with County policy.

The West Point Estates (North) Outline Plan area is located within the Jackfish Lake Area Structure Plan, on the southeastern shores of the Lake at the southwest quadrant of Highway 770 and Township Road 522, and provides guidance on future subdivision and development within the plan boundary.

The proposed redistricting is consistent with the policies of the Jackfish Lake Area Structure Plan. However, a number of concerns have been identified specific to the supporting Outline Plan. If Council does not adopt the Outline Plan based on the concerns expressed at the public hearing, then final reading should be deferred on the redistricting bylaw.

Administration recommends proceeding with **Option #1**.

DATE APPLICATION RECEIVED: March 3, 2017 (Review Completed December 1, 2017)

PROPOSAL: To redesignate the remaining 48.5 hectares of land (north part) within NW & NE-9-52-2-W5M from the AGR – Agricultural Restricted District to the CRR – Country Residential Restricted District.

LEGAL DESCRIPTION: NW & NE 09-52-02-W5M

GENERAL LOCATION: Located along the southeastern shore of Jackfish Lake approximately 15 km west of the Town of Stony Plain. The subject parcel is directly south of Evergreen Bay (Subdivision) and west of Highway 770.

APPLICANT: Urban Systems (Greg McKenzie)

OWNER:	Highland Property Development Ltd. (Ken Horn et al.)
EXISTING LAND USE DESIGNATION:	AGR – Agricultural General District
PROPOSED LAND USE DESIGNATION:	CRR – Country Residential Restricted District
GROSS AREA (Outline Plan):	± 98.5 hectares (± 241.0 acres)
SOILS (C.L.I.):	Class 3T, 8 - Soils in this class have moderately severe limitations that restrict the range of crops or require special conservation practices. Adverse relief because of steepness or pattern of slopes.
SUBSIDENCE / FLOODING	The subject lands are adjacent to the bed and shore of Jackfish Lake. Slopes within the northwest portion of the site and upland of the riparian area have been studied and a top of bank setback will be required to ensure long-term stability.

BACKGROUND:

In 2007, the registered landowners of NW & NE-9-52-2-W5M submitted a redistricting application for the south half of the titled area of 97.5 hectare (240.9 acres) from the AGR - Agricultural Restricted District to the CRR - Country Residential Restricted District. Only the south half of the lands were redistricted, as the landowners representing the north half of the lands were not supportive of the redistricting application. Council approved Bylaw No. 04-2007 on April 10, 2007. The County's Subdivision Authority approved a multi-lot subdivision on the redistricted south lands in 2008, the landowners did not proceed with the subdivision and the application expired in 2009.

Through Bylaw 2017-22, the landowner is similarly seeking redistricting of the north half of the lands supported by separate Outline Plan application (File PD-2017-016); the entirety of the lands are owned by Highland Property Development Ltd. The requested redistricting is from the AGR to the CRR District consistent with Policy 4.7.1 of the Jackfish Lake Area Structure Plan.

EXISTING CONDITIONS:

An existing single family dwelling and numerous accessory buildings, serviced by an existing private sewage treatment system and individual groundwater well, are located on the subject lands at the end of Lutz Avenue; the remainder of the lands are used for extensive agricultural activities. The yard site gains access from a single approach off Lutz Avenue. A separate agricultural field approach is located off Highway 770; this approach shall be removed as required by Alberta Transportation.

CONSULTATION:

The Applicant held two open houses regarding the redistricting and separate Outline Plan application on July 20, 2016 and August 10, 2016 in accordance with Public Engagement Policy C-AD051. There were fifty (50) attendees at the first session and forty five (45) at the second session. A detailed summary of the engagements and comments received are provided within Section 4.2.5 of the Outline Plan. The majority of attendees were concerned with:

- Increased boat traffic and safety issues;
- Increased population in the watershed could damage the lake further (environmental pressure);
- Increased traffic could cause safety issues along Highway 770, Township Road 522 and Lutz Ave.;
- Increased noise and other negative impacts on current lake residents and;
- Concerns of lack of enforcement of existing bylaws and restrictions by various agencies, including the County.

Upon formal receipt of the Outline Plan and separate redistricting application, both applications were referred to adjacent and area landowners by Administration on May 16, 2017. The County received the following responses (provided to Council at the January 9, 2018 Council Meeting, 1st reading):

- Letter from the Jackfish Lake Management Association (JLMA);

- Non-Statutory Petition signed by Concerned Members of the Jackfish Lake Community; and
- 39 Individual Landowner Submissions.

Administration also received a number of responses from External Agencies and Internal County Departments, their responses are provided within Appendix 'A' of this Report.

The Public Hearing Notification was sent to adjacent and area landowners and impacted agencies by Administration on January 15, 2018. The Public Hearing was also advertised in the local newspapers on Friday, January 19, 2018 and Friday, January 26, 2018.

- Written Submissions / Presentations / Speaking Notes received prior to and at the February 13, 2018 Public Hearing are included in *Attachment 10*; and
- Additional Written Submissions received after the February 13, 2018 hearing and prior to March 6, 2018 are included in *Attachment 11*. Any additional submission received after March 6, 2018 will be presented to Council when the hearing is reconvened.

The community responses identify a number of social, environmental and other concerns with the development concept as described within the two planning applications. A number of the community responses identify perceived non-conformance with various objectives, goals, and/or policies within the Jackfish Lake Area Structure Plan.

POLICY ANALYSIS:

a) Edmonton Metropolitan Region Growth Plan (EMRGP):

This application does not require referral to the Edmonton Metropolitan Region Board (EMRB) as Land Use Bylaw amendments are not a requirement under the Regional Evaluation Framework (REF).

b) Municipal Development Plan (Bylaw 37-2007):

The application was deemed complete and received by Administration on March 3, 2017. Council approved current Municipal Development Plan (MDP) Bylaw 2017-14 One Parkland: Powerfully Connected on October 10, 2017. Policy 13.0.3(a)(ii) of the MDP states " *Where an Outline Plan/Conceptual Scheme/LUB Amendment application has been submitted and deemed complete, prior to the date on which this MDP (Bylaw 2017-14) is adopted; Council may proceed with adoption of the Outline Plan/Conceptual Scheme/LUB Amendment, provided that adoption of the Outline Plan/Conceptual Scheme by resolution and final reading of the LUB Amendment occurs not later than (2) years from the date on which this MDP is adopted.* " **Therefore, the policies of previous MDP Bylaw No. 37-2007 apply and have been assessed.**

The subject property is designated as Country Residential Core as shown on the Land Use Concept Map under MDP Bylaw No. 37-2007. MDP Policy 3.11 and Council Policy C-PD033: Outline Plans (repealed by Council on December 12, 2017, but in place on the date the application was deemed complete) require that the technical requirements for residential development be assessed through the completion of an Outline Plan prior to redistricting and subdivision. The following policies are relevant to the requested redistricting application:

MDP Policy 3.1 Multi-parcel residential subdivisions shall comply with the provisions of an applicable [Area Structure Plan](#) (Map 3) or an Outline Plan for the entire ¼ section will be required. The Outline Plan will include:

- The location, dimension and boundaries of the ¼ section to be subdivided;*
- The portions thereof which the applicant proposes to register and all subsequent stages;*
- The location, area and proposed dimensions of all parcels, roads and points of access to all the proposed parcels;*

- d) Contour information, related to a geodetic datum at an interval of 2 metres is to be superimposed over the plan;
- e) The location, dimensions, numbers and other designations shall be noted in respect to highways, secondary roads, public roadways, and rights-of-way or easements (including pipelines, well sites, power transmission and distribution lines and railway lines) on record in Land Titles which exist on or adjacent to the lands subject of the plan;
- f) The location of all existing buildings or structures on or immediately adjacent to the lands;
- g) The location, siting and plotting of natural and man-made physical features such as sloughs and/or other bodies of water, rivers, creeks and intermittent streams, muskeg or swamp, organic areas, subsidence information on valley banks, top of bank, wooded areas, man-made water bodies, major drainage ditches, gravel and/or clay deposits, and land under cultivation;
- h) Proposed methods of handling surface drainage through preliminary storm water management;
- i) Proposed methods of on-site servicing for potable water and sewage; and,
- j) The location, dimensions and areas of all proposed municipal and environmental reserve parcels, public open spaces and public utility lots.

- MDP Policy 3.2* Notwithstanding Policy 3.1 and pursuant to Policy 6.2, an Outline Plan prepared in support of a Multi-parcel residential subdivision shall include a Biophysical Assessment for a site proposed for a Multi-parcel subdivision or major development if all or part of the site is located within areas defined as environmentally significant in the Environmental Conservation Plan (see Map 5), and may be required within 0.8 km of areas defined as environmentally significant in the Environmental Conservation Plan, or if the site contains natural features such as sloughs or extensive tree cover.
- MDP Policy 3.4* New Multi-parcel residential subdivisions shall be required to provide and pay for infrastructure and servicing improvements, including paving of internal subdivision roads and off site access roads to the closest paved County or provincial road (pavement to pavement).
- MDP Policy 3.11* Multi-parcel residential subdivisions shall prepare an Outline Plan as per the requirements of the County in advance of a redistricting and/or a subdivision application.
- MDP Policy 6.2* A Biophysical Assessment will be required for a site proposed for a Multi-parcel subdivision or a major development if all or part of the site is located within areas defined as environmentally significant in the Environmental Conservation Plan (see Map 5), and may be required within 0.8 km of areas defined as environmentally significant in the Environmental Conservation Plan, or if the site contains natural features such as sloughs or extensive tree cover. The biophysical assessment shall identify and evaluate the environmental significance and sensitivity of existing vegetation, wetlands, other water features, wildlife habitat and unique physical features, and shall recommend appropriate measures for protecting significant features.
- MDP Policy 6.3* Environmentally significant areas shall be identified in an Outline Plan and the level of protection to be determined at the time of subdivision.
- MDP Policy 7.3* Municipal Reserve requirements and the method of providing for the required Municipal Reserve must be defined in an Outline Plan and considered as part of a subdivision application.
- MDP Policy 7.4* Municipal Reserve may be required to protect environmentally significant and valuable natural features as identified by a biophysical assessment prepared in support of an Outline Plan.
- MDP Policy 7.5* Municipal Reserve lands in Multi-parcel country or cluster residential subdivisions shall be

located to provide recreation/open space benefit to the residents and/or, where feasible, to allow for the development of a continuous linked recreation/open space or trail system.

MDP Policy 10.12 All off-site access and internal roads required to serve a Multi-parcel residential or industrial subdivision shall be paved to the satisfaction of Parkland County.

MDP Policy 10.27 The enhancement of existing wetlands to serve as constructed wetland storm water retention facility shall be supported.

MDP Policy 12.2 The intent of the Municipal Development Plan policies shall guide amendments to the Land Use Bylaw, the preparation or changes to planning documents, and other land use planning decisions.

The above mentioned policies shall be confirmed as being adhered to through the adoption of the West Point Estates (North) Outline Plan.

d) Environmental Conservation Master Plan (ECMP-2014):

The subject lands are located within the Jackfish Lake/Star Lake Environmental Significant Area (ESA) which is of regional significance as described in the County's Environmental Conservation Master Plan (ECMP) 2014. The application follows the specific recommendations for the ESA and the Outline Plan identifies that all applicable Federal and Provincial legislation will be adhered to. Section 3.5 of the Outline Plan discusses the management strategies identified in the ECMP that should be followed to maintain the long-term health of the ESA. The Developer has also prepared an Environmental Protection Plan and Residents Environmental Code of Conduct to implement the management strategies within the ESA.

e) Jackfish Lake Area Structure Plan (Bylaw 32-97):

Section 4.7: Additional Lake Development of the ASP sets out the following 10 policies:

Jackfish Lake ASP Policy 4.7.1 To accommodate development with the Plan area, Council of Parkland County may consider an application to amend the Land Use Bylaw to change the districting on a specific parcel(s) of land to the Country Residential Restricted (CRR) District. This land use district provides for low-density country residential development in accordance with the remainder of the provisions of this Plan. Upon proof of development suitability, and upon tentative acceptance of a subdivision or development scenario in keeping with the site's development suitability and the provisions of this plan, Council may re-district the subject lands to the Country Residential Restricted District.

Bylaw No. 2017-22 proposes to redistrict the north portion of the subject lands from the AGR – Agricultural Restricted District to the CRR – Country Residential Restricted District; the south portion was previously redistricted to the CRR District under Bylaw 04-2007. Subject to Council approval of the West Point Estates (North) Outline Plan, the subject lands will be deemed suitable for the proposed country residential development.

Jackfish Lake ASP Policy 4.7.2 There shall be no new development on leased properties that result in the creation of additional "cottage" units beyond the numbers of units existing under past permits.

Jackfish Lake ASP Policy 4.7.3 Where replacement units are to be developed on leased lands, the new units shall be required to be brought into conformance with current building standards as well as standards for sewage disposal for cottages.

The above policies are not applicable to this redistricting application. The subject lands are privately owned and are not leased from the Crown. These two policies guide development on Jackfish Lake Island and other leased properties within the ASP.

Jackfish Lake ASP Policy 4.7.4 There shall be no new subdivision on lands that fail to meet Alberta Environment's Guidelines for the evaluation of subdivisions. Constraints to subdivision include permanent or temporary high water table, areas subject to flooding, soil instability, topography (slopes greater than 15%), and low ground water availability.

A number of technical reports were undertaken in support of the proposed West Point Estates (North) Outline Plan and have identified a number of development constraints that have been taken into consideration in preparation of the Development Concept and defining the amount of developable land within the Outline Plan area. Subject to Council approval of the Outline Plan, the lands are deemed suitable for the proposed low density residential subdivision. Further review of the lands will occur by the County's Subdivision Authority at subdivision stage.

Jackfish Lake ASP Policy 4.7.5 Intensive recreation development shall not be permitted within the plan area. Intensive recreation development are considered to be those that include facility development and/or generate significant, concentrated lake use including but not limited to waterslides, marinas, boat rental facilities, and campgrounds.

The application proposes only country residential use and open space; intensive recreation development is not proposed.

Jackfish Lake ASP Policy 4.7.6 At the discretion of Parkland County, any new subdivision proposed adjacent to identified environmentally sensitive areas may be subject to environmental review. Consideration in the review should be given to the minimum standards for an Environmental Impact Assessment as established by Alberta Environment.

A number of environmental technical reports were undertaken in support of the proposed West Point Estates (North) Outline Plan and reviewed by County Administration, including by the County Biologist. Subject to Council approval of the Outline Plan, the lands are deemed suitable for the proposed country residential subdivision; subject to detailed design review at subdivision stage.

Jackfish Lake ASP Policy 4.7.7 Notwithstanding the above policy, proponents of any future new subdivision within the Jackfish Lake study area must demonstrate through detailed site analyses development suitability along with any required mitigation measures to ameliorate identified environmental impacts associated with said development.

A number of environmental technical reports were undertaken in support of the proposed West Point Estates (North) Outline Plan. The recommendations of the technical reports have been followed in the preparation of the Outline Plan. Subject to Council approval of the Outline Plan, the lands are deemed suitable for the proposed low density residential subdivision; subject to detailed design review at subdivision stage. The Applicant proposes the implementation of an Environmental Protection Plan and Residents Environmental Code of Conduct to ensure mitigation measures are implemented throughout the project.

Jackfish Lake ASP Policy 4.7.8 New development shall be developed at a maximum density of 1 residential parcel per 3 acres of developable land. This may be achieved with a minimum parcel area of 3 acres or through the use of lots of as little as 1 acre in size and subject to the transfer of development densities within existing quarter sections and large parcels. Lands remaining after a transfer of development densities shall be dedicated to the municipality as either municipal or environmental reserve, depending on the characteristics of the lands in question.

The Development Concept identifies the creation of 57 parcels on the proposed 175.04 acres of developable land for an overall density of 0.33 parcels per developable acre; this is in keeping with the above Policy. The Development Concept includes an over dedication (14.8%) of Municipal Reserve; 4.8% of the Net Developable Area equals approximately 10.8 acres of additional municipal reserve land within the project.

Jackfish Lake ASP Policy 4.7.9 The minimum mean parcel width for a 1 acre parcel shall be 30 meters. The minimum mean parcel width for a 3 acre parcel shall be 60 meters.

The preliminary tentative plan submitted in support of the Outline Plan identifies that all 57 lots meet the minimum frontage requirement; subject to detailed review at subdivision stage by the County's Subdivision Authority.

Jackfish Lake ASP Policy 4.7.10 The irregular nature of the Jackfish Lake shoreline works against the imposition a conceptual subdivision standard, such as cluster design over linear design. Given the irregular shoreline, as subdivisions are applied for on specific parcels of land, a proposed subdivision design will be evaluated in relation to the characteristics of the shoreline of the subject parcel, with the intention of creating as large an environmental reserve parcel as practically possible to provide the necessary buffer between lots to be subdivided and the lake. At the time of subdivision a minimum 30 meter environmental reserve shall be dedicated between the lake and any newly created parcel.

The development proposes a 30 metre riparian environmental reserve dedication on the shoreline combined with an additional 30 metres of protection through the use of an environmental reserve easement on private lakeside lots. The project proposes a clustering of 29 of the proposed 57 lots along the lakeshore; approximately 51% of the proposed lots.

f) West Point Estates (North) Outline Plan:

The applicant is requesting adoption of the West Point Estates (North) Outline Plan under separate application (File PD-2017-015). The Outline Plan will provide guidance to future subdivision within the Plan area and will:

- Allow for country residential restricted development at a density of 1 parcel per every 3 net developable acres serviced by individual private on-site cisterns (potable water) and holding tanks (pump-outs);
- Require necessary regional and local transportation network improvements;
- Require off-site and on-site stormwater management solutions;
- Require a minimum riparian setback of 60 metres from Jackfish Lake through the combination of 30.0 m Environmental Reserve (ER) and 30.0 m Environmental Reserve Easement (ERE);
- Require the implementation of an Environmental Protection Plan (EPP) and Residents Environmental Code of Conduct (RECC);
- Require the creation of building envelopes for all lakeside residential lots, including setbacks from defined slopes. The building envelopes for lakeside residential lots shall not drain directly to Jackfish Lake; and
- Require the dedication of open space throughout the development in the form of various land dedications, including Environmental Reserve (ER), Municipal Reserve (MR) and Public Utility Lots (PULs) focused on tree preservation strategies.

If Council does not adopt the West Point Estates (North) Outline Plan based on the concerns expressed at the public hearing then final reading on redistricting Bylaw No. 2017-22 should be deferred.

g) Land Use Bylaw (No. 20-2009):

Bylaw No. 2017-22 proposes to redistrict the remaining agricultural districted lands in the north portion of the subject lands from the AGR – Agricultural Restricted District to the CRR – Country Residential Restricted District. The Applicant has provided a development concept for West Point Estates that proposes the creation of 57 residential lots of between one and six acres in size each with the required minimum frontage. The proposed residential lots are in keeping with the subdivision regulations of the CRR District.

CONCLUSION:

This application was assessed in accordance with the applicable statutory and non-statutory plans. The application is consistent, in Administration's opinion with the applicable statutory plans and surrounding land uses. Amendments are recommended to the West Point Estates (North) Outline Plan before final adoption of the requested redistricting application.

OPTIONS:

- Option #1 Upon closure of the Public Hearing:
1. That Council amend the West Point Estates (North) Outline Plan as identified in *Attachment 2*, including **Option A** (no paving deferral) in Section 6.1.
 2. That Council adopt the amended West Point Estates (North) Outline Plan.
 3. That Bylaw 2017-22 receive second reading.
 4. That Bylaw 2017-22 receive third and final reading.
- Option #2 Upon closure of the Public Hearing:
1. That Council amend the West Point Estates (North) Outline Plan as identified in *Attachment 2*, including **Option B** (with paving deferral) in Section 6.1.
 2. That Council adopt the amended West Point Estates (North) Outline Plan.
 3. That Bylaw 2017-22 receive second reading.
 4. That Bylaw 2017-22 receive third and final reading.
- Option #3 Upon closure of the Public Hearing:
1. That Council defer the West Point Estates (North) Outline Plan and second reading of Bylaw 2017-22 to the _____, 2018 Council Meeting.
- Option #4 Upon closure of the Public Hearing:
1. That Council defeat the West Point Estates (North) Outline Plan.
 2. That Council defeat Bylaw No. 2017-22 at second reading.
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AUTHOR: Stephen Fegyverneki, RPP MCIP
Manager, Current Planning

Date written: March 6, 2018

Department: Planning and Development