

**BYLAW 36-2012 – Amendment to the Woodbend-Graminia Area Structure Plan
PLANNING & DEVELOPMENT
SERVICES REPORT**

DISCUSSION

Diversion of water from the underlying aquifer

Under Section 23 of the Water Act it states:

“If, on or after January 1, 1999, a subdivision of land of a type or class of subdivision specified in the regulations is approved under the Municipal Government Act, a person residing within that subdivision on a parcel of land that adjoins or is above a source of water described in section 21 has the right to commence and continue the diversion of water under section 21 only if

- (a) a report certified by a professional engineer or professional geoscientist, as defined in the Engineering and Geoscience Professions Act, was submitted to the subdivision authority as part of the application for the subdivision under the Municipal Government Act, and the report states that the diversion of 1250 cubic metres of water per year for household purposes under section 21 for each of the households within the subdivision will not interfere with any household users, licensees or traditional agriculture users who exist when the subdivision is approved, and*
- (b) the diversion of water for each of the households within the subdivision under section 21 is not inconsistent with an applicable approved water management plan”*

Parkland County Administration interprets this section as, if the report certified by a professional engineer or professional geoscientist states that there is not enough water, then the household does not have a right to the water in the underlying aquifer. Administration will register a Restrictive Covenant with a copy of the report on the title of each lot within the subdivision. The Restrictive Covenant makes reference to the Report and the statement of inadequate groundwater by the certified professional engineer or professional geoscientist. With respect to the Water Act, the use of the properties shall be limited to cisterns under this Restrictive Covenant. Further discussion with respect to the current report submitted by the certified professional engineer regarding the aquifer is discussed in 6(b) *Desktop Aquifer Report* below.

1. Reason for the Amendment

A Developer intends to apply for a traditional multi-parcel country residential subdivision within the E ½ of Section 25, Township 53, Range 26, and West of the 4th Meridian. Although the lands are designated as Country Residential in both Parkland County’s Municipal Development Plan and Land Use Bylaw, it was noted that the lands were still designated as Agricultural in the Woodbend-Graminia Area Structure Plan. Therefore, the intent of this Bylaw is to amend the Woodbend-Graminia Area Structure Plan Land Use Concept Map to re-designate the north ½ of Section 24, all of Section 25, all of Section 36, and the north ½ of Section 35, Township 53, Range 26, West of the 4th Meridian from Agricultural to Mixed Use / Country Residential in order to bring the ASP document up to date with the current the MDP and LUB.

2. Woodbend-Graminia Area Structure Plan Bylaw 3-84

The Woodbend-Graminia Area Structure Plan was adopted by Parkland County Council in 1984. Since the 1960’s the Woodbend-Graminia area has experienced significant country residential expansion due to its proximity to the City of Edmonton. The lands subject to this amendment are currently designated as Agriculture in the ASP. The lands were protected under the Area Structure Plan as Agricultural due to high productivity for cereal and feed crop having primarily Class 1 as well as and some Class 2 and Class 3 soils.

3. Municipal Development Plan

In 2007, Parkland County Council adopted its current Municipal Development Plan. Within Parkland County's MDP the subject lands are designated Country Residential Core, which allows for traditional country residential development. Section 3.11 of the MDP requires all multi-parcel subdivision applicants to submit an Outline Plan in advance of any rezoning or subdivision application.

4. Land Use Bylaw 20-2009

On July 1, 2009, Council adopted Land Use Bylaw No. 20-2009. The subject lands were redistricted from CRF - Country Residential Future to CR - Country Residential as part of the new Bylaw. The City of Edmonton appealed the passing of the LUB and argued detriment because the lands were not re-designated as Country Residential within the ASP at the same time. The County's position was that the ASP was out of date and the MDP, being the most current planning policy for the subject area, had already designated the lands as Country Residential. The Municipal Government Board dismissed the City of Edmonton's appeal and the lands were able to remain districted CR - Country Residential in the Land Use Bylaw.

5. Capital Region – Land Use Plan Compliance

Administration has identified the following relevant principles and policies within the Capital Regional Land Use Planning documents that guide development outside of the identified Priority Growth and Cluster Country Residential Areas. Administration does not consider that the proposed amendment requires Capital Region Board approval.

a) Growth Outside of Priority Growth Areas

Within the Capital Region Board's Land Use Plan (Appendix 2), the Capital Region Board (CRB) adopted principles and policies to govern growth and development of the member municipalities.

Principle II(c) - "Allow Growth Outside of Priority Growth Areas" identifies that all municipalities should be allowed to have growth, appropriate to their size and as per the Principles and Policies of the Plan as long as the growth is contiguous to existing development, the level of services are appropriate, and that the development will not adversely impact the provision of regional services.

Administration believes the amendment meets the Land Use Plan Principles and Policies including the policies under Principle II Minimize Regional Footprint (c) "Allow Growth Outside of Priority Growth Areas."

6. Proposed Woodbend Estate Subdivision

a. Outline Plan Review

Since 1st reading, the Applicant has revised the Outline Plan, submitted in support of the Area Structure Plan amendment and future subdivision of the E ½ of Section 25, Township 53, Range 26, and West of the 4th Meridian. Policy items that Administration had been concerned with under the first version of the document have now been revised. Additional geotechnical testing is required to confirm the developability of each lot; therefore, the development concept has revised and now illustrates a more general layout. The document recognizes in Section 4.0 that parcel sizes will range from 0.8 ha (2.0 ac) to 2.0 ac (5.0 ac) each with 2.0 contiguous acres of developable land as per County policy. These parcels sizes are in keeping with Parkland County's CR – County Residential district.

b. Desktop Aquifer Report

A Desktop study was submitted evaluating the Aquifer underlying the E ½ of Section 25, Township 53, Range 26, and West of the 4th Meridian. The Engineer has recommended that cisterns be used for this

proposed subdivision due to the limited availability of water in the underlying aquifer. From the Engineer's conclusions it is expected that any additional wells would impact existing users in the area. Any pump testing would be a requirement at the subdivision stage; therefore, some revisions are needed to the Report as the Engineer recommends pump testing on individual lots prior to development. Parkland County does not issue permits for water wells, and would register a Restrictive Covenant on title for all lots within the subdivision restricting their water use to cisterns as part of any approved subdivision application based on the Desktop Study. Any revisions needed to the Aquifer report can be completed at the subdivision stage.

c. Geotechnical Investigation

This report will require some revisions prior to the subdivision application being accepted; however, the required changes will not impact Council's ability to proceed with the proposed Area Structure Plan Amendment. Discussion is required within the Report concerning the proposed subdivision with respect to Alberta Environment guidelines, as well as Parkland County policy relating to 2.0 acres of contiguous developable land on each proposed lot. This Report and the Outline Plan assume high water table in the south west corner of the site, but water table testing was not completed in this area. This is where the majority of Municipal Reserve has been proposed, which would go against County policy if it does have a high water table. County policy requires MR to be located on developable land.

d. Environmental Site Assessment

There is an oil pipeline right of way as well as a well lease site currently in operation on the subject lands. The site went into production in 1999, and the Engineer has concluded that there are no significant or potential on-site or off-site environmental concerns with respect to the lands proposed for subdivision. As a Phase II Environmental Site Assessment is not required or recommended by the Engineer, Administration is satisfied with the report as presented.

e. Traffic Impact Assessment

The TIA submitted addresses traffic for the E ½ of Section 25, Township 53, Range 26, and West of the 4th Meridian, which are the lands that are proposed to be subdivided. The proposed concept plan within the TIA is not consistent with the most updated concept in the Outline Plan. Differences in the TIA include having only one access onto Fleming Road (Range Road 261) to be located across from Sandy Ridge Crescent North, and an extended cu-de-sac along the east side of the subject lands. The updated concept in the Outline Plan includes two accesses onto Fleming Road, with the north access no longer aligning with Sandy Ridge Crescent North due to comments received from area residents as discussed in Section (f) below. Also, the long cul-de-sac along the east side has been removed. Administration notes that the TIA and Outline Plan both evaluate only one Fleming Road access, with that access being located across from Sandy Ridge Crescent North. Engineering does not agree with the extended cu-de-sac under the TIA concept; however, two intersections off of Fleming road as shown in the Outline Plan are acceptable provided the minimum 60.0 metre spacing is maintained between all accesses, including the existing approaches for existing residential lots along Fleming Road. Despite these discrepancies, Engineering Services has reviewed the document and in general agrees with the recommendations. Traffic circulation will be reviewed in more detail at the subdivision stage.

f. Public Consultation

Within the Outline Plan, the Developer has included information on their open house that was held on July 18th, 2012 in accordance with the public consultation policy at the time, Policy PD-011-P1. The open house was held at the Woodbend Community Hall from 6:00pm to 8:00pm. The Developer has indicated there were concerns regarding internal subdivision roads accessing onto Fleming Road. Due

to public concern, the Developer moved one of the accesses further north of the Sandy Ridge Crescent north entrance as this option was preferred by the residents. There were also comments concerning water wells, the number of lots, and use of prime agricultural land. The Development will be restricted to cisterns, and the number of lots will be determined at the subdivision stage in keeping with CR-County Residential lot size and configuration requirements. Administration has concluded that the consultation requirements have been met for this application.

7. Referrals

Bylaw 36-2012 has been referred to the City of Edmonton, Alberta Transportation, Public Lands, adjacent landowners, and advertised in the newspaper for two consecutive weeks. Administration has not received any comments from the City of Edmonton as per the date this report was written. If any comments are received, they will be provided to Council at the Public Hearing. Written comments were received by one landowner and have been submitted for Council's review.

Recommendation

Administration supports Bylaw 36-2012 and recommends that Council give first reading to the Bylaw. The amendment will bring the lands in line with the current the MDP and LUB, and will allow the proposed multi-parcel subdivision application on the E ½ of Section 25, Township 53, Range 26, and West of the 4th Meridian to proceed.