



## ADMINISTRATIVE REPORT PLANNING SERVICES

**TO:** Mayor & Council

**DATE:** March 27, 2018 Council Meeting

**DIVISION:** 5

**FILE:** PD-2018-010

**SUBJECT:** Redistricting Bylaw No. 2018-04 - Land Use Bylaw Amendment

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### ADMINISTRATION RECOMMENDATION:

- Option #1
1. THAT Bylaw 2018-04 receive first reading.
  2. THAT a Public Hearing be scheduled for May 22, 2018 at 9:30 a.m. in Council Chambers to hear public comment on Bylaw 2018-04.

### EXECUTIVE SUMMARY:

The purpose of this application is to redistrict the subject 63.644 hectare (157.27 acre) parcel of land, legally known as NE-25-51-03-W5, from the ANC – Agricultural / Nature Conservation District to the AGG – Agricultural General District. This would facilitate the applicant's goal to subdivide the subject lands into two equal 80 acre parcels.

The subject quarter section (NE-25-51-03-W5M) is located at 3005 Township Road 514A in the southwest quadrant of the intersection of Range Road 75 and Township Road 520 in the south central portion of the County, approximately 400m north of the North Saskatchewan River. Township Road 514A intersects the northeast and northwest corners of the quarter section. The parcel is primarily cleared for agriculture with steep treed slopes along the west and northeast sides of the quarter section. The quarter section contains Class 2 soils.

The proposed redistricting is consistent with the policies as set out in Municipal Development Plan Bylaw No. 2017-14.

A very small portion (206 m<sup>2</sup>, 0.05 ac) in the southwest corner of the subject lands is located within the Wabamun Creek and Sturgeon Hole Reach Environmentally Significant Areas. Due to the applicant's willingness to enter into a conservation easement, and the intent of the proposed subdivision is low intensity (remains extensive agricultural), Administration recommends proceeding with a public hearing to obtain public input into proposed redistricting Bylaw No. 2018-04.

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**DATE APPLICATION RECEIVED:** December 22, 2017 (Review Completed March 7, 2018)

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**PROPOSAL:** Land Use Bylaw amendment to redistrict 63.644 hectares (157.27 acres) of land legally known as NE-25-51-03-W5M from the ANC – Agricultural / Nature Conservation District to the AGG – Agricultural General District. Upon redistricting, to subdivide the lands into two approximately 80 acre parcels and enter into a conservation easement to protect the most sensitive areas.

**LEGAL DESCRIPTION:** NE-25-51-03-W5M (C of T 152042785).

**GENERAL LOCATION:** Located in the southwest quadrant of the intersection of Range Road 75 and Township Road 520 in the south central portion of the County, approximately 400m north of the North Saskatchewan River.

**EXISTING LAND USE DESIGNATION:** ANC – Agricultural / Nature Conservation District

**PROPOSED LAND USE DESIGNATION:** AGG – Agricultural General District

<b>GROSS AREA :</b>	63.644 hectares (157.27 acres)
<b>SOILS (C.L.I.):</b>	Class 2H(10) – Land in this class has slight limitations that may restrict the growth of the specified crops or require modified management practices. Limitations are caused by inadequate heat units for the optimal growth of the specified crops.
<b>SUBSIDENCE / FLOODING</b>	The subject lands are approximately 400m north of the North Saskatchewan River. To support subdivision, slopes within the west and northeast portion of the site will require professional geotechnical review prior to construction of approaches.

## **BACKGROUND:**

Under the ANC - Agricultural / Nature Conservation District only one residential 2-10 acre parcel can be subdivided from the original quarter section. The lands were districted ANC because a small portion (206 m<sup>2</sup>, 0.05 ac) of the lands are located within the Wabamun Creek and Sturgeon Hole Reach Environmentally Significant Areas. The applicant is seeking to ultimately subdivide the subject quarter into two equal parcels north/south. The AGG - Agricultural General District allows up to three subdivisions, with the possibility of an 80 acre split as sought by the applicant. As such, the applicant is requesting a redistricting from the ANC to the AGG District. The applicant is willing to enter into a conservation easement to protect the most sensitive areas of the land, including the ESA areas, which are not currently being farmed.

## **CONSULTATION:**

The application has been circulated to internal County departments. Please see Appendix A for the full list of comments. The following is a brief summary of internal comments:

- Concern for protection and retention of trees on steep slopes.
- Consider conservation mechanisms for treed areas (e.g. ALUS, Conservation Easement).
- The proposed redistricting is considered low risk, provided that the property continues to be used for agricultural purposes.
- Geotechnical study recommended for new approaches within steep slope areas.
- The proposed use and eventual subdivision is in-line with the overall intention of land subdivision for this area as identified in the MDP.
- Recommended speed limit reduction at/near proposed approach locations due to road curvature.

The applicant reviewed the comments and indicated that he is interested in entering into a conservation easement to protect the treed slopes, with a provision to allow for an access for the potential future agricultural subdivision. Further geotechnical and engineering testing will form part of the requirements for applications for future subdivision and/or development.

After First Reading, and prior to the proposed Public Hearing, the application will be circulated to relevant external agencies, adjacent landowners, and advertised in the newspaper and the County's website. Members of the public will also be able to provide feedback at the proposed Public Hearing.

## **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 2017-14):

The subject property is designated as Rural Agriculture Area as shown on the Development Concept Map, (Figure 7 in the MDP). This designation supports subdivision for agricultural purposes that are typically 80 acres

or higher. The intent of the proposed future subdivision to maintain the land for agricultural purposes is in-line with the overall intent of subdivision for this area as identified in the MDP.

Part of the subject lands fall within the Figure 14- High Priority Landscapes. Due to the small amount of land that falls within the ESA, and the intent of the subdivision as low intensity (remains extensive agricultural), Administration has no concerns with the application under MDP Policy 10.1.2 – High Priority Landscapes.

In reference to the Figures of the MDP, the subject parcel is identified in the following classifications:

Figure 2-Edmonton Metropolitan Region-Policy Tiers	The subject parcel is located within the <b>Rural Area</b> of the Edmonton Metropolitan Region.
Figure 5-Environmentally Significant Areas	The subject parcel is located within an Environmentally Significant Area.
Figure 7- Development Concept	The subject parcel is located within the <b>Rural Agricultural Area</b> .
Figure 9-Prime Agriculture Areas	The subject parcel is not located within one the County's defined Prime <b>Agricultural Areas</b> .
Figure 11-Prime Recreation and Tourism Areas	The subject parcel is located within the <b>Great Waters</b> Prime Recreation and Tourism Area.
Figure 14-High Priority Landscapes	A portion of the subject parcel is located within a High Priority Landscape.

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

A very small portion (206 m<sup>2</sup>, 0.05 ac) of the subject parcel falls within the North Saskatchewan River Valley Sturgeon Hole Reach Environmental Significant Area (ESA) which is of National significance with Very High Environmental sensitivity as described in the Environmental Conservation Master Plan (ECMP) 2014. The same portion of the lands also falls within the Wabamun Creek Environmental Significant Area (ESA) which is of Local significance with Very High Environmental sensitivity as described in the Environmental Conservation Master Plan (ECMP) 2014.

The applicant has stated that they are open to entering into a conservation easement to maintain the existing tree stands as recommended in the management strategies identified in the ECMP, and in order to maintain the long-term health of the two ESAs. The ECMP provides the following recommended planning strategies for the ESAs:

g) Land Use Bylaw (No. 2017-18):

Bylaw No. 2018-04 proposes to redistrict the subject lands from the ANC – Agricultural/ Nature Conservation District to the AGG – Agricultural General District. The purpose of the AGG District is to protect and enhance agricultural production while accommodating a range of supportive and compatible land uses. The Applicant has provided a development concept for the quarter section that proposes to subdivide the quarter in half, creating two approximately 80 acre parcels. The proposed agricultural lots are in keeping with the subdivision regulations of the AGG District.

**CONCLUSION:**

This application was assessed in accordance with the applicable statutory and non-statutory plans. The application is consistent with the applicable statutory plans and surrounding land uses. At this time, Administration recommends approval of first reading to Bylaw 2018-04 to gain additional public input through the Public Hearing.

**OPTIONS:**

- Option #1      1. THAT Bylaw 2018-04 receive first reading.  
                    2. THAT a Public Hearing be scheduled for May 22, 2018 at 9:30 a.m. in Council Chambers to hear public comment on Bylaw 2018-04.
- Option #2      Upon giving first reading, that Council schedule a Public Hearing regarding Bylaw 2018-04 for a time/date other than May 22, 2018 at 9:30 a.m. in Council Chambers.
- Option #3      That Council defeat Bylaw 2018-04 at first reading.
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**AUTHOR: Mary McInnes, Planner, Current Planning**

Date written: March 8, 2018

Department: Planning and Development

## APPENDIX A: APPLICATION REFERRAL COMMENTS

PARKLAND COUNTY	COMMENTS
<b>Internal Departments</b>	
Chief Administrative Officer GM, Development Services Division	<p>No comments received.</p> <p>January 23, 2018</p> <p>I am not opposed to the redistricting in general. I would however like us investigate acquiring either a conservation easement or look at an ALUS conservation contract for the lands that are heavily treed and are immediately adjacent to the two ESA's. Neither of these instruments would constrain the applicant from being able to subdivide. This of course would be contingent on the biophysical assessment.</p>
Manager, Community Sustainability County Biologist, Community Sustainability	<p>No comments received.</p> <p>February 6, 2018</p> <p><u>Overview:</u></p> <p>The above referral indicates that the applicant is looking to redistrict NE-25-51-3-W5 from ANC to AGG to enable the parcel to be subdivided into north and south halves. A small portion of the southwest corner of the parcel intersects with the Sturgeon Hole Reach Environmentally Significant Area (ESA), which is of National Significance and also with a High Priority Landscape as identified in Figure 14 of the MDP. The Sturgeon Hole Reach ESA is considered to have very high environmental sensitivities in part due to moderately erodible soils, high groundwater sensitivity, rare plants and presence of sensitive riparian areas. Additionally, the Parkland County Wetland Inventory (2013) indicates that wetlands may be present on the parcel, however upon review of the imagery it was determined that no wetlands are present, as this is a commission error caused by tree shadows. The subject parcel is located on an elevated bench plateau that has been historically cleared for agriculture purposes, and is comprised of well-drained clay loam soils. The plateau is bounded by a band of trees along the perimeter where steep slopes (&gt;30%) inhibit agricultural activities. As noted in the application letter, the parcel is currently used for agriculture and is cropped, and the future intended land use to continue to use the subdivided parcels for agricultural use.</p> <p><u>Key Comments:</u></p> <ul style="list-style-type: none"> <li>As the majority of the parcel has been historically cleared for agricultural purposes the proposed redistricting is considered low risk, provided that the property continues to be used for agricultural purposes. However, given the proximity to sensitive landscape features and the presence of steep slopes, the primary concern from Community Sustainability's perspective is the protection and retention of the trees along the steep slopes of the perimeter of the plateau. In that regard, it is highly recommended that a conservation easement be considered at the subdivision stage for the areas along the steep slope along the west side for both the proposed north and south lots, or at a minimum for the proposed south lot.</li> </ul> <p>A conservation easement would serve to protect the slopes and associated tree stand and would contribute to the long-term viability and sustainability of the natural ecological communities that connect into the unnamed watercourse and the North Saskatchewan River.</p> <ul style="list-style-type: none"> <li>Additionally, there are some general mitigation measures the landowner may wish to consider including: <ul style="list-style-type: none"> <li>1) Considering the Green Acreage program for sustainable acreage development and/or the ALUS program for retaining ecosystem goods and services on the landscape, particularly as it pertains to retaining the treed</li> </ul> </li> </ul>

slope face of the plateau.

- 2) Limiting any clearing of vegetation along the along the slopes of the plateau and maintain existing woody vegetation (trees/shrubs) in order to reduce the potential for soil erosion and sedimentation, and potential impacts to downstream water quality.
- 3) Due to the steepness of the slope a geotechnical study should be completed (at the subdivision and/or development permit stage) for any new approaches that must cross the slope and any proposed buildings should be located a minimum of 30 m from the top of the slope (or as determined by a geotechnical study).

Director, Economic Diversification    No comments received.

Manager, Current Planning    No comments received.

Manager, Long Range Planning    January 25<sup>th</sup>, 2018

Thanks for the referral on the above noted application. Long Range Planning (LRP) notes the following:

1. The subject area falls within the "rural" designated areas as per MDP Bylaw 2017-14. This area supports subdivision for ag related purposes that are typically 80 acres or higher.
2. The intent of the proposed subdivision will maintain the land for agricultural purposes at this current time. This is in-line with the overall intention of land subdivision for this area as identified in the MDP.
3. High Priority landscapes -while only a portion of the land falls within an ESA (Sturgeon Reach), the parcel does fall in the "High Priority Landscapes" layer (MDP Figure 14). That said, the intent of the subdivision is low intensity (remains agricultural) and would, in the opinion of Long Range Planning, trigger no concerns under MDP Policy 10.1.2 – High Priority Landscapes.

Contingent upon the provision of appropriate access to both parcels, LRP has no concerns with this application at this time.

Development Engineering  
Services    February 1, 2018

#### **APPROACHES**

The most feasible location, although not the safest, to access this parcel is by constructing an approach at the point where the west quarter line intersects Twp. Rd 514A at the west side of the property. Twp. Road 514A wraps around the steep slopes (45 degrees slope or greater) of this property and constructing approach at other location point except the recommend location is a big challenge and costly process. The big challenge is to meet the minimum 2% grade slope of the approach to prevent skidding of vehicles into the main traffic flow. The approach at the proposed location can be converted into a dual approach in the future. At future stage of conversion to dual approach, the construction foot print area of the approach must be protected by a registered common property or registered road right of way.

The recommended location contradicts engineering design principles of creating intersections at the region of horizontal curve. However, it is still safe to connect at this point as long as the speed limit at this road section will be posted at 30kph. LDE strongly recommends the reduction of speed limit at the section of the road due to the following:

- The horizontal road curvature is only for design speed of 40kph because of the current 55m horizontal radius.
- The super elevation design requirement of this road that was not built.

The existing road is built with a normal crown.

- The road top surfacing is gravel. It doesn't have the friction to prevent side skidding at the curve section.
- The mitigation measure will improve safety of the road section and will make the existing sightline condition to work with a posted speed of 30kph.

The volume of traffic at this road is minimal which is considered low risk.

#### **DRAINAGE**

The process of lot conversion from ANC to AGG does not cause impact on the existing drainage of the land. Plans for further development of the land must be made through permitting procedures.

#### **ADDITIONAL ENGINEERING COMMENTS**

The conversion of the land from ANC to AGG category does cause impact on the existing activity on the land. It is recommended that the county biologist must look into the impact of agricultural chemicals used at this property to the adjoining environmentally sensitive lands.

Manager, Development Planning	No comments received.
Manager, Safety Codes	No comments received.
GM, Infrastructure Services Division	No comments received.
Director, Public Works	No comments received.
Director, Engineering Services	No comments received.
Parks, Recreation & Culture Services	No comments received.
Fire Services	No comments received.