



ADMINISTRATIVE REPORT PLANNING SERVICES

TO: Mayor & Council
DATE: May 22, 2018 Council Meeting **DIVISION:** 5
FILE: PD-2018-010
SUBJECT: Redistricting Bylaw No. 2018-04 - Land Use Bylaw Amendment

ADMINISTRATION RECOMMENDATION:

- Option #1
1. THAT Bylaw 2018-04 receive second reading.
 2. THAT Bylaw 2018-04 receive third and final reading.

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 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 extensive agriculture use 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 m², 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 since the intent of the proposed subdivision is low intensity (remains extensive agricultural), Administration recommends proceeding with redistricting Bylaw No. 2018-04 subject to consideration of any comments through the public hearing.

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

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 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

GROSS AREA : 63.644 hectares (157.27 acres)

SOILS (C.L.I.): 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.

SUBSIDENCE / FLOODING

The subject lands are approximately 400m north of the North Saskatchewan River. To support subdivision, steep slopes within the west and northeast portion of the site will require professional geotechnical review prior to construction of any approaches in these locations.

BACKGROUND:

Under the ANC - Agricultural / Nature Conservation District only one Rural Agriculture Subdivision - Residential 2-10 acre parcel can be subdivided from the original quarter section. The lands were districted ANC because a small portion (206 m², 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:

Notification of the public hearing was circulated to adjacent landowners, relevant agencies, and to the general public. Notification letters were sent to landowners within 800m of the subject parcel and relevant agencies on March 29, 2018. The Public Hearing was advertised on the County website, and in both the Spruce Grove Examiner and the Stony Plain Reporter on both April 20th, 2018 and April 27th, 2018. Administration received written comments from one adjacent landowner who is concerned that there will be new residential development in close proximity to their home and that their property will decrease in value due to increased gravel extraction in the area, and the location of a new access (see attached letter for details). Members of the public are able to provide further feedback at the Public Hearing.

Prior to first reading, the application was 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 extensive 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 internal Parkland County 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.

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). The subject lands are located within the Rural Area of the Edmonton Metropolitan Region.

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 is to maintain the land for extensive agricultural purposes in-line with the overall intent of subdivision for this area as identified in the MDP.

Part of the subject lands fall within an identified High Priority Landscape (Figure 14). Due to the small amount of land that falls within the Environmentally Significant Areas and the intent of the subdivision is 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 Rural Area 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 Rural Agricultural Area .
Figure 9-Prime Agriculture Areas	The subject parcel is not located within one the County's defined Prime Agricultural Areas .
Figure 11-Prime Recreation and Tourism Areas	The subject parcel is located within the Great Waters 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 m², 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.

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 in accordance 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 providing second and third reading to Bylaw 2018-04 subject to consideration of any comments at the Public Hearing.

OPTIONS:

- Option #1: 1. That Bylaw 2018-04 receive second reading.
 2. That Bylaw 2018-04 receive third and final reading.
- Option #2: That Council refer the redistricting application back to Administration to consider the comments from the Public Hearing before considering second reading to Bylaw No. 2018-04.
- Option #3: That Council defeat Bylaw 2018-04 at second reading.
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AUTHOR: Mary McInnes, Planner, Current Planning

Date written: May 11, 2018

Department: Planning and Development

APPENDIX A: APPLICATION REFERRAL WRITTEN COMMENTS

PARKLAND COUNTY	COMMENTS
External	
Adjacent Landowner	<p>Good afternoon to all council.</p> <p>We understand that the land to the south of us belongs to the [] family and that they want to subdivide it into two 80 acre parcels if you the council approve the rezoning of the land.</p> <p>It would be sad to have lost our gorgeous views to having a house built or brought in within the 6 meter limit next to our home with so many choices to put a home on 80 acres.</p> <p>Also where would the road access be built for the north portion as there will be no access for the south portion except through private property?</p> <p>We have been blessed and love living here for the last 16years with such amazing community. We've enjoyed watching all kinds of crops grow and all the wildlife that walks through this area all year round.</p> <p>If you approve the subdivision of this land, in the future can the north section then be subdivided again into a homestead and other acreages? Again which we understand it's their choice if you approve it. If this happened we would be concerned as to where houses could be placed on the land. How would this then affect our property tax?</p> <p>I apologize for the next statement and know this isn't an issue right now but we could see this as a possibility of it happening in the future. We've already lost 30% to 35% of our property value due to the decision you, the council made by allowing the gravel extraction to go though and the potential for more depreciation if the newly subdivided land should be sold to [] (same owner). We're already surrounded on 3 sides of our land with their property for the extraction. We again understand it would be their choice if they choose to sell the land to them. If this happens we then would be completely surrounded by the this company... We know we can't stop the sale of ones land and to who buys it but we are very concerned of this potential and essentially we'd be stuck right smack dab in middle of this 25 year or more extraction. Please just now imagine our 10.97 acres as an island, being completely surrounded with gravel trucks and silica dust blowing around for 24/6 for 25 plus years.</p> <p>We are honest and good people and truly love our community. We have considered moving but it's been really emotional and we struggle with this idea. We love our land and it's not an easy decision to make. The thought of uprooting our 4 kids (ages 10-18) from all they've ever known, is very very stressful for all of us.</p> <p>Thank you for taking the time to listen to our concerns.</p>
Internal Departments	
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>

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 (>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.

Key Comments:

- 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.

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.

- Additionally, there are some general mitigation measures the landowner may wish to consider including:
 - 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 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 25th, 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.

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.