



ADMINISTRATIVE REPORT

Topic: Direct Control District, Legend Estates

Previously circulated September 13, 2016, updated for October 11, 2016 where noted.

Introduction:

Proposed Bylaw 2016-20 is a Land Use Bylaw amendment to amend Section 9 of Land Use Bylaw 20-2009 by adding Section 9.8 Legend Estates Direct Control District. The proposed District ensures that the lands will be suitable for their intended use prior to the approval of any further development.

Facts (Background Information):

Legislative History (updated for October 11, 2016)

September 13, 2016

1. Council gave first reading to Bylaw 2016-20 and scheduled a Public Hearing for October 11, 2016.

Purpose of Amendment

In 2004, the County conditionally approved an application to subdivide a parcel of land to create 20 Country Residential lots, 3 Public Utility lots, 3 Municipal Reserve lots, and one Environmental Reserve lot on lands currently known as Legend Estates. A Development Agreement was entered into as a condition of approval between the County and the Developer. The Development Agreement identifies specific improvements to be completed by the Developer. These improvements include grading and construction of storm water management system.

The County has identified a number of deficiencies related to those improvements and accordingly, the County has yet to issue a construction completion certificate (CCC) or final acceptance certificate (FAC).

A plan of subdivision was registered in 2008, enabling property owners to submit application for development permit approval. As deficiencies are outstanding and neither CCC nor FAC has been issued, the County takes the position that the lands are not ready for residential development. Therefore, no further development should occur until such time that the deficiencies have been rectified to the satisfaction of the County. Redistricting the lands to Direct Control is a means to control development in the short term until the deficiencies have been rectified.

Public Engagement (updated for October 11, 2016)

Administration met with property owners on two occasions. The first meeting was on August 17, 2016 with representatives of the numbered company that owns the majority of vacant lots, one of which accommodates a single detached dwelling. The second meeting took place on August 29, 2016 with property owners of three lots. Two of those three lots accommodate single detached dwellings. Administration explained the County's intentions and rationale for redistricting the lands.

Analysis:

In accordance with Section 641(1) of the Municipal Government Act (MGA), Council may designate an area as Direct Control (DC) if it wishes to exercise particular control over the use and development of land or buildings. In this case, Council may designate the area as DC for the purposes of ensuring that development can only occur if Council is satisfied the lands are suitable for the development being proposed.

Section 9.1.2 of Land Use Bylaw 20-2009 states that Council shall consider the designation of Direct Control Districts where development regulation and control by means of the other land use districts may be inappropriate or inadequate having regard to existing or future development and to the interests of the applicant, the County, and the public generally. It is administration's opinion that it is in the interests of the County and the landowners for Council to exercise control over these lands to ensure suitability prior to the issuance of development permits. The current Land Use District, CR – Country Residential (CR), enables a landowner to apply for a development permit and, in accordance with Section 642(1) of the MGA, the development authority must issue a development permit.

The proposed DC District enables Council to determine the land uses that may be allowed and impose additional standards and conditions it considers appropriate to regulate that use. In consideration of any use, the proposed DC states that Council shall not authorize any development until the land is deemed to be suitable for which the lands are intended in relation to site grading, site drainage, site soil conditions, accepted provision and performance of storm water management systems, and any other site conditions deemed to be applicable.

The proposed District will automatically repeal 24 months after the following day of the District coming into effect and at that time, the lands would revert back to its CR designation. This ensures work to resolve the outstanding issues will be carried out in a timely fashion. Should the issues be resolved with prior to the 24 months, the District enables Council to issue a development permit if it is satisfied the site is suitable for the intended development.

Bylaw 2016-20 (Attachment 1) includes the following amendment:

- I. That Maps 9 and 9a of the Parkland County Land Use Bylaw No. 20-2009, and amendments thereto, is amended by:
 - a. Redistricting approximately 12.97 ha (32.05 ac) of all lands within Plan 0820032 from the CR - County Residential District to DC - Direct Control District, as shown in Schedule "A";
 - b. Adding Schedule 8 Legend Estates Direct Control District Map to Land Use Bylaw No. 20-2009, as shown in Schedule "B"; and
 - c. Adding Direct Control District Regulations to Section 9 DIRECT CONTROL, as shown in Attachment 2.

Alternatives:

Council may choose to not designate the lands as DC Direct Control. In which case the lands would preserve its CR designation. Under the CR District, if an application for development permit is accepted and complies in all regards with the Land Use Bylaw, the development authority must issue a development permit in accordance with Section 642(1) of the MGA and Section 16.10.1 of the Land Use Bylaw. Authorizing development may hinder efforts to address the deficiencies as noted above.

Conclusion/Summary:

Administration supports the proposed application and recommends that Council give first reading to Bylaw 2016-20 and set a Public Hearing.

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