



ADMINISTRATIVE REPORT

Topic: Redistricting the Legend Estates subdivision from Legend Estates Direct Control District (DC Area 7) to CRE-Country Residential Estate District with new Legend Estates Overlay.

Introduction:

Proposed Bylaw 2020-04 will amend Land Use Bylaw 2017-18 by redistricting Legend Estates from Legend Estates Direct Control District (DC Area 7) to CRE-Country Residential Estate District with a Legend Estates Overlay. The purpose of the proposed amendment is to facilitate appropriate residential development while managing ongoing infrastructure, grading and drainage concerns.

Facts (Background Information):

In 2004, the County's Subdivision Authority conditionally approved subdivision application No. 04-S-035 to create the Legend Estates subdivision within the Big Lake Area Structure Plan area. The subdivision consisted of 20 Country Residential Estate lots, three Public Utility lots, three Municipal Reserve lots, and one Environmental Reserve lot.

As a condition of subdivision approval, the Developer entered into a Development Agreement with the County to complete specific improvements, including a site-grading plan and construction of an approved storm water management system. To date, the Developer has not applied for or received the Final Acceptance Certificate (FAC) in accordance with the Development Agreement.

In 2008, the plan of subdivision was registered enabling the sale of individual lots and applications for development permits pursuant to the Country Residential Estate districting. The County continued to work with the Developer to achieve FAC. By 2014, deficiencies remained and the County decided to redistrict the lands to Legend Estates Direct Control District (DC Area 7) to limit further development until the deficiencies were resolved.

On February 12, 2019, Council approved funding to address some of the deficiencies within Legend Estates in order to facilitate residential development.

In September 2019, Bylaw 2019-11 was brought forward with the purpose of redistricting Legend Estates from Legend Estates Direct Control District (DC Area 7) to CRE-Country Residential Estate District. Bylaw 2019-11 received first and second reading. On October 22, 2019, third reading was delayed as Administration considered further advice on how to address deficiencies.

Analysis:

In late 2019, Administration sought and received additional legal advice about the Legend Estates subdivision and Bylaw 2019-11. After due consideration of this advice, further evaluation of the deficiencies, and consultation with some of the key parties, Administration recommends no longer proceeding with Bylaw 2019-11 and instead recommends passage of Bylaw 2020-04.

Bylaw 2020-04 will redistrict Legend Estates from Legend Estates Direct Control District (DC Area 7) to CRE-Country Residential Estate District with a Legend Estates Overlay. The Overlay will make all uses in Legend Estates discretionary and impose heightened development regulations. This will allow the Development Authority to seek

the appropriate information to determine whether development is suitable and impose appropriate conditions to at the development permit stage.

Bylaw 2020-04 better aligns with the overall approach of the County’s Land Use Bylaw, namely to use overlays as a transparent planning tool to ensure development is suitable for the lands. If infrastructure and fill deficiencies are resolved, Administration may recommend amendments to the Overlay to facilitate further residential development.

Public Consultation

Notice of the Public Hearing was sent to landowners within Legend Estates, adjacent landowners within 800m, internal departments, external agencies, and advertised in the local paper and on the County website, as per the requirements of the *Municipal Government Act*. Administration has received no written submissions per the date of this Report.

Policy Framework Review

The policy frameworks relevant to the consideration of the proposed redistricting include:

1. Edmonton Metropolitan Region Growth Plan (EMRGP):

Bylaw 2020-04 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).

2. Municipal Development Plan (Bylaw 2017-14):

Legend Estates is designated as Country Residential as shown on Figure 7 - Development Concept Map and falls within a High Priority Landscape as shown on Figure 14 of the MDP. This designation supports multi-parcel residential subdivision where servicing is provided either through on-site water and private sewage systems or through municipal infrastructure. In addition, the High Priority Landscape indicates areas that are of ecological importance, as Legend Estates is situated between the Wagner Natural Area and Lois Hole Centennial Provincial Park.

In reference to the Figures of the MDP, the subject lands are 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	Is the subject parcel located within an Environmentally Significant Area? <input type="checkbox"/> Yes/ <input checked="" type="checkbox"/> No
Figure 7- Development Concept	The subject parcel is located within the Country Residential Area .
Figure 9-Prime Agriculture Areas	The subject parcel is NOT located within one of the identified Prime Agricultural Areas.
Figure 11-Prime Recreation and Tourism Areas	The subject parcel is NOT located within one of the identified Prime Recreation and Tourism Areas.
Figure 14-High Priority Landscapes	Is the subject parcel located within a High Priority Landscape? <input checked="" type="checkbox"/> Yes/ <input type="checkbox"/> No

3. Big Lake Area Structure Plan Bylaw 17-91

Legend Estates is designated as Country Residential Land #2 in Big Lake ASP Future Land Use Concept map. This designation allows for lots between 0.2 ha (0.5 ac) and 1.2 ha (3.0 ac) in size. The ASP requires municipal water and sewer servicing, road access to be obtained from the arterial roadway (Township Road 532A) and stormwater management facilities to control runoff to predevelopment rates. Currently, lots within Legend Estates are approximately 0.4 ha (1.0 ac) in size, serviced by municipal water and sewer services, access onto Township Road 532A. Improvements to the stormwater management facility and drainage are being pursued to ensure compliance with County and Provincial requirements. Bylaw 2020-04 complies with the Big Lake ASP.

4. Land Use Bylaw 2017-18

As noted above, Bylaw 2020-04 will redistrict Legend Estates from Legend Estates Direct Control District (DC Area 7) to CRE-Country Residential Estate District with a Legend Estates Overlay. Further, Bylaw 2020-04 will bring the current Legend Estate lot sizes, which are approximately 0.4 ha (1.0 ac), into compliance with the Land Use Bylaw. Under the original districting, CR-Country Residential District, the minimum lot sizes were 0.8 ha (2.0 ac). Under CRE-Country Residential Estate District minimum lots sizes are 0.2 ha (0.5 acres) which accommodates the current lot sizes in Legend Estates.

Alternatives:

1. Council may defeat Bylaw 2020-04 at second reading. In this case, the lands would remain Legend Estates Direct Control District (DC Area 7) and all subdivision and development permit applications would remain discretionary and require Council approval. There are some concerns with the Legend Estates Direct Control District (DC Area 7) and should Council decide to defeat Bylaw 2020-04, Administration would need to bring appropriate amendments forward to address these concerns.

Conclusion/Summary:

Upon closing the Public Hearing, Administration recommends Council give second and third reading to Bylaw 2020-04: Legend Estates Overlay Bylaw. Bylaw 2020-04 proposes an effective and transparent planning mechanism to allow development while ensuring such development is suitable for the lands as deficiencies are addressed.

Administration does not recommend proceeding with third reading of previous Bylaw 2019-11.

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Attachments

Attachment 1: Bylaw 2020-04 and Schedules "A", "B", and "C"