

Text Amendments to the Legend Estates Overlay Regulations, Section 10.5 in the Land Use Bylaw.**Introduction:**

Proposed Bylaw 2021-17 will amend Land Use Bylaw 2017-18 to recognize the capital stormwater and drainage improvements completed by the County in late 2020 in accordance with the AECOM Legend Estates Stormwater Drainage Improvements Report dated February 2020 (the “AECOM Report”).

New Information (since May 25, 2021)

No new information regarding the proposed amendment has been presented to Administration since first reading held on May 25, 2021

Additional Public Comments (Received after May 25, 2021)

3 phone calls were received by Administration during the formal legislative public comment period which ended June 4, 2021. The nature of these phone calls included:

- Seeking general information on the proposed amendments.
- A statement from one of the ownership partners who expressed appreciation that the County was dealing with this without significant involvement from the owners.
- Adjacent landowners located in the Highway 44 corridor concerned about the drainage issues that are ongoing within the larger drainage basin. One (1) of these individuals registered to speak prior to June 4, 2021.

Alternatives:

Upon closing the Public Hearing:

1. Council may defeat Bylaw 2021-17 at second reading.
2. Council may direct Administration to complete amendments to the proposed bylaw.

Conclusion/Summary:

Administration has prepared these amendments in accordance with the AECOM Legend Estates Stormwater Drainage Improvements Report dated February 2020 (the “AECOM Report”) and were drafted in consultation with Engineering Services and supported by Legal Counsel. Administration recommends Council give second and third and final reading to Bylaw 2021-17: Legend Estates Overlay Bylaw Amendment. Bylaw 2021-17 proposes minor text amendments to land use planning policy to reflect completed infrastructure work while still ensuring that any proposed development is suitable for the lands.

AUTHORS: Karen Oxley, Planner

Department: Planning and Development Services

Date Written: June 7, 2021

Topic: Text Amendments to the Legend Estates Overlay Regulations, Section 10.5 of the Land Use Bylaw.

Introduction:

Proposed Bylaw 2021-17 will amend Land Use Bylaw 2017-18 to recognize the stormwater and drainage improvements undertaken by the County in accordance with the AECOM Legend Estates Stormwater Drainage Improvements Report dated February 2020 (the "AECOM Report").

Facts (Background Information):

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

On May 26, 2020 Bylaw 2020-04 was approved by Council. This Bylaw implemented the current Legend Estates Overlay District.

Subsequent to the passage of Bylaw 2020-04, Administration began working with the landowners to address stormwater management issues and soil and grading issues. Restrictive Covenants were registered against certificates of title to ensure landowners had notice of the issue with respect to stormwater drainage, soil and grading. Administration worked to obtain the required land and utility rights of way necessary to undertake the work outlined in the AECOM Report. Mutual releases were also entered into in order to facilitate necessary improvements.

By the end of September 2020, the stormwater management work was completed and the restrictive covenants addressing stormwater management were discharged in December 2020.

Bylaw 2021-17 is being proposed to recognize the infrastructure work that has been completed.

Analysis:

When Bylaw 2020-04 was introduced Administration advised that Bylaw 2020-04 was necessary to facilitate appropriate development while managing ongoing infrastructure, grading and drainage concerns. Administration also advised that if infrastructure work was completed, they may recommend amendments to the Overlay to facilitate further development.

Having completed the work outlined in the AECOM Report to address existing drainage issues specifically identified in the AECOM Report, Administration is recommending removing some of the development regulations imposed by the Overlay. The amendments proposed by Bylaw 2021-17 reflect this; particularly the removal of the requirement for a Stormwater Management Study.

The Overlay will remain in place in order to allow the Development and Subdivision Authorities to exercise their discretion to request the appropriate information that may be needed to determine whether a particular development is necessary to address ongoing concerns, including concerns with fill, compaction and lot grading.

This amendment has been coordinated between Planning and Development Services, Engineering Services and Legal Counsel.

Policy Framework Review

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

1. Edmonton Metropolitan Region Growth Plan (EMRGP):

Bylaw 2021-17 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	The subject parcel is NOT located within an Environmentally Significant Area.
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	The subject parcel is located within a High Priority Landscape.

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, and access onto Township Road 532A. Improvements to stormwater management have been made in accordance with the AECOM Report. Bylaw 2021-17 is consistent with the Big Lake ASP.

4. Land Use Bylaw 2017-18

As noted above, Bylaw 2021-17 will amend the text regulations of the Legend Estates Overlay in order to remove references to stormwater and flooding.

Alternatives:

1. Council may give Bylaw 2021-17 first reading and schedule a Public Hearing regarding Bylaw 2021-17 for a time/date other than June 22, 2021 at 9:30 am in Council Chambers.
2. Council may defeat Bylaw 2021-17 at first reading. In this case, there would be no changes to the current Legend Estates Overlay and completed infrastructure work would not be reflected in the Land Use Bylaw.

Conclusion/Summary:

Administration recommends Council give first reading to Bylaw 2021-17: Legend Estates Overlay Bylaw Amendment and to set a Public Hearing for June 22, 2021 at 9:30 am. Bylaw 2021-17 proposes minor text amendments to land use planning policy to reflect completed infrastructure work while still ensuring that any proposed development is suitable for the lands.

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