

Topic: Bylaw No. 2014-23
Amendment to Land Use Bylaw No. 20-2009

Discussion**The Application**

The County has received an application from the property owners of the Edmonton Springs Golf Resort to amend the regulations within Section 10.3: Atim Creek / Big Lake Floodplain Overlay and to add additional text to Schedule 6: Atim Creek / Big Lake Floodplain Map of the County's Land Use Bylaw. The amendments are supported by the document entitled "*Floodplain Delineation Review of the Edmonton Springs Golf Resort*" (dated November 1, 2013). If the proposed amendments are accepted, the property owners wish to undertake major improvements to the Resort's facilities.

Administration is also recommending amendments to Section 16.4: Application for a Development Permit regarding the information that may be requested by the County when considering applications within or adjacent to flood prone areas to ensure compliance with current practices and provincial regulations.

Site and Previous Approvals on the Lands

The subject lands (NE17-53-26-W4M and SE20-53-26-W4M) consist of two full quarter sections which comprise the Edmonton Springs Golf Resort. The lands are located in the northeast corner of Parkland County one half mile east of Highway 44 and one half mile north of Highway 16 on Range Road 264 and Township Road 532A. The resort is municipally located at 53302 Range Road 264.

NE17-53-26-W4M

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| Apr, 2010 | The County approved Development Permit No. 10-D-107 for the construction of an 1890 square foot accessory building on the south portion of the property located outside of the flood plain area. The permit expired April of 2011 as the landowner did not commence construction of the building or apply for an extension. |
| Nov, 2009 | The County approved Development Permit No. 09-D-256 for the construction of a new 2 storey clubhouse and 2 storey driving range with an 80 car parking lot on the south portion of the property located outside of the flood plain area. The permit expired November of 2010 as the landowner did not commence construction of the buildings or apply for an extension. |
| July 2009 | Adoption of current Land Use Bylaw No. 20-2009 and the implementation of the Atim Creek / Big Lake Overlay was introduced; the Resort's facilities became legal non-conforming at this time. |
| Mar, 2007 | Completion of the <i>Big Lake Basin Task Force: Floodplain Delineation for Atim Creek from Campsite Road to Big Lake</i> study by Sameng Inc. |
| Mar, 1992 | The construction of a golf course, club house, tennis courts, man-made lakes and maintenance buildings on two quarter sections of land was approved by the County in March of 1992 under Development Permit No. 91-D-25. Condition 3 of the approval identified that any development within the 1:100 year floodplain shall be in accordance with Alberta Environment regulations pertaining to development near, or on a floodplain. The existing clubhouse is located on NE17; numerous interior renovations and deck renovations for the clubhouse have been completed between 1992 and current. |

- Sept, 2009 The County's Subdivision and Development Appeal Board (SDAB) refused Development Permit No. 09-D-103 on September 21, 2009 for the construction of a 2 storey single detached dwelling as a single detached dwelling is not a permitted or discretionary use within the Atim Creek / Big Lake Overlay regardless of the underlying land use district. The SDAB decision was consistent with the Atim Creek / Big Lake Overlay regulations as allowed in Land Use Bylaw No. 20-2009 adopted by Council July 2009. Council refused the Applicant's request on October 27, 2009 to accept the same application within the twelve month waiting period. The landowners are not contemplating residential development on the property through the current application.
- Mar, 1992 The construction of a golf course, club house, tennis courts, man-made lakes and maintenance buildings on two quarter sections of land was approved by the County in March of 1992 under Development Permit No. 91-D-25. Condition 3 of the approval identified that any development within the 1:100 year floodplain shall be in accordance with Alberta Environment regulations pertaining to development near, or on a floodplain.

Reasons in Support of Application

The property owners of Edmonton Spring Golf Resort have identified the following reasons for requesting the proposed amendments to the County's Land Use Bylaw:

1. Edmonton Springs Golf Resort, including the clubhouse, is an existing approved facility which has been in continuous operation since 1992. The Resort is a desirable recreation facility within the community that supports the County and surrounding areas through taxes, procuring goods and providing jobs. The course currently supports one permanent employee and 30 seasonal employees. The construction of a more appropriate clubhouse is believed necessary by the owner to support the enhancement and continued sustained operation of the golf resort.
2. The Resort owner feels it is necessary to replace the aging clubhouse, to provide Parkland County with an attractive and viable participant recreation year round facility, as well as a good experience for the golfers and residents within the Big Lake area. With a new clubhouse, the owner wishes to provide further support for charitable events and other charity events sponsored by different organizations, golf support for the disabled, junior golf development programs, community events, weddings, meetings, and to operate more winter events like cross-country skiing and skating. The current Land Use Bylaw only allows the construction of a new expanded clubhouse on lands at the very south end of the Resort outside of the floodplain and currently developed as golf course, however the existing clubhouse area has been identified to be above the floodplain.
3. **Sameng Inc. was contracted by the owner to provide a precise and specific *"Floodplain Delineation Review of the Edmonton Springs Golf Resort"* (dated November 1, 2013) property including detailed mapping and contour information. This report refines previous information prepared by Sameng in March of 2007 for Parkland County and adjacent municipalities under the *"Big Lake Basin Task Force: Floodplain Delineation for Atim Creek from Campsite Road to Big Lake"*. The current report for the Resort lands concludes that the existing clubhouse, and thus new clubhouse, is located on land that is about 2.5 m (8.2 ft) above the 100 year floodplain; refer to Figures 5 and 6 of the Sameng 2013 report.**
4. The proposed new clubhouse will be a modern clubhouse facility, including kitchen, banquet facilities and meetings rooms to properly serve the Resort and the growing community. The location and footprints of the existing and proposed new clubhouse are identified on Figure 5 and 6 of Sameng's report. The new clubhouse will be a two story facility erected on an approximate proposed 40% enlarged footprint area, from 330 m² (3,600 ft²) to 460 m² (5,000 ft²) on each level for a maximum of 10,000 square feet building.
5. There will be no permanent residential structures within the identified lands above the floodplain surrounding the clubhouse.

6. The golf course and clubhouse yearly apply for, and are in good standing of Business Licenses, Food Services, Health Inspections and Liquor Licenses, etc. from all required agencies.
7. A golf clubhouse and golf course are synergetic facilities to one another. The existing clubhouse location is located on lands above the floodplain; however not contiguous to lands south of the floodplain. There are lands at the very south end of the Resort that are above the floodplain and are contiguous to other high lands. However, moving the clubhouse to this location comes with significantly more cost and is detrimental to the operation of the existing golf course. In the event of a 1:100 year flood within the Atim Creek and Big Lake Basin, it would be caused by heavy rainfall over a number of days typically experienced in the spring or early summer and the clubhouse would be closed. In a 1:100 year event the existing private access roadway between Range Road 264 and the clubhouse area and a portion of the existing parking lot would flood, however less than 1.0 metre. The owners of the resort accept the above potential. In contrast, the access roadway and parking lot could be re-designed and re-graded to be located above the floodplain with likely no detrimental impact on the overall floodplain as supported in Sameng's report. However the re-grading comes at a financial cost and we assume may not be supported by other municipalities in the same basin being Sturgeon County, City of St. Albert and the City of Edmonton.
8. The existing clubhouse and Resort are currently serviced via private on-site water and wastewater systems as permitted under historical approvals; both are located below the flood plain. Should the amendments be accepted and permits for the proposed new clubhouse issued, the new clubhouse would be fully connected into Parkland County's municipal systems consistent with the relevant policies under the Big Lake Area Structure Plan. The Resort's consultants will work with the County's Engineering Department as well as Alberta Environment and Sustainable Resource Development to ensure compliance of the water supply and sewage disposal services are secure, and do not cause any additional impacts to the environment, since the systems cross lands below the floodplain between the clubhouse area and Range Road 264.
9. All other Emergency Services including fire, police and ambulance are currently in place. We anticipate the newly proposed Acheson Fire Hall station will be able to provide enhanced services to the community. The new clubhouse will be a sprinklered building.
10. Once the amendments have been accepted, the current non-conforming status for the said lands above the floodplain will be removed, enabling the submission for a new development and building permits for construction of a new clubhouse on the same location. It is suggested that the existing clubhouse will be demolished in late 2014 with construction and landscaping of the new facility completed sometime in 2015.

Analysis

Compliance with Capital Region Growth Plan and Approved County Plans

1. Capital Region Growth Plan

Bylaw 2014-23 does not require referral to the Capital Region Board as Land Use Bylaw amendments are not a requirement under the Regional Evaluation Framework. Bylaw 2014-23 is consistent with the policies of the Regional Buffer Areas as shown on Figure 3 of '*The Capital Region Growth Plan Addendum 2009*'. The Atim Creek / Big Lake floodplain can be classified as an area that is environmentally significant that requires conservation and protection of persons and property. The Edmonton Springs Golf Resort is located immediately north of an existing 240 kV power transmission corridor as well as a regional wastewater line, both located on the south side of Township Road 532A; the proposed development does not impact these existing corridors.

Further, in Administration's opinion, the amendments remain consistent with the previous commitments made between the members of the *Big Lake Basin Task Force* being Parkland County, Sturgeon County, City of St. Albert, the City of Edmonton and Alberta Environment and Sustainable Resource Development. All members will be formally consulted through referral of the Bylaw subject to Council consideration of first reading and scheduling of a Public Hearing.

2. Municipal Development Plan (MDP) Bylaw No. 37-2007

The proposed Land Use Bylaw amendments are consistent with Policy 6.14 of the MDP which states that *"no permanent structures shall be permitted within the 1:100 year flood plain of any river, stream or lake shore. As well, unless proper flood proofing techniques are applied, permanent structures are not allowed within 0.5 metres vertical distance from the 1:100 year flood elevation. A certificate from a qualified professional engineer or architect will be required by the County to confirm that the development has been properly flood proofed."*

As the proposed amendments are both site specific (Edmonton Springs Golf Resort) and impact the entirety of the Atim Creek and Big lake Floodplain area, the Bylaw shall be referred to adjacent municipalities accordingly to those who may be impacted.

3. Big Lake Area Structure Plan (ASP) Bylaw No. 23-94

The proposed Land Use Bylaw amendments are consistent with the first bullet of the Development Constraints section of Policy 2.9 of the ASP which states that *"there is a large block of land within the 1:100 year floodplain where Alberta Environment has recommended that very limited development options be allowed. In accordance with the policies of Alberta Environment, no structural development should be allowed within the 1:100 year floodplain or within 0.5 metres of the 1:100 year floodplain elevation (freeboard area)"*. The Edmonton Springs Golf Resort is located with the Big Lake ASP area.

4. Atim Creek North Area Structure Plan (ASP) Bylaw No. 26-2002

The proposed Land Use Bylaw amendments are consistent with Section 6.5 of the ASP which states that land uses within the 1:100 year floodplain of Atim Creek shall only be compatible forms of extensive agricultural and horticultural uses, although forms of recreation and/or tourism uses may also be compatible on appropriate lands.

5. Environmental Conservation Master Plan, 2014.

The proposed Land Use Bylaw amendments are consistent with the recently updated and Council accepted Environmental Conservation Master Plan. The majority of lands within the Atim Creek / Big Lake Floodplain Overlay are also identified as environmentally significant. Preservation of flood prone areas is consistent with the management priorities of the Big Lake / Lois Hole ESA and Atim Creek ESA. The Edmonton Springs Golf Resort, including the lands proposed to accommodate the clubhouse expansion, is located outside of the Big Lake / Lois Hole ESA.

6. Land Use Bylaw No. 20-2009

The Applicant and Administration propose the following amendments to the County's Land Use Bylaw:

Section 10.3: Atim Creek / Big Lake Overlay

- a. The Section Heading has been amended to recognize the intent of the overlay as a 'floodplain', similar to other Floodplain Overlays within the Land Use Bylaw;
- b. Section 1: Application of the Overlay has been broken down into the two defined areas being the Atim Creek floodplain and the Big Lake floodplain as defined under the 'Floodplain Delineation for Atim Creek from Campsite Road to Big Lake Study' (Sameng, March 2007) for better reference. Further, the elevations of the floodplain as identified under the 2007 Sameng report have been noted for easier reference, similar to identifying the elevation of floodplains within other Overlays within the Land Use Bylaw.
- c. Existing Subsection 2(c) is proposed to be broken down into two regulations. The first dealing with uses, the second dealing with alterations or reconstruction of existing structures approved prior to the passing of the Overlay regulations. The amendments propose to limit the alteration or the

reconstruction of an existing building or structure to the existing footprint that existed at the time of passing of this Bylaw. This commitment to not allow expansion of existing structures was previously committed to by the County as part of the Big Lake Basin Task Force but not clearly defined when the Overlay was created under adoption Land Use Bylaw No. 20-2009.

- d. Add new subsection 2(j) to the overlay being the requested site specific 'discretionary use' regulations that would need to be followed by the property owners of the Edmonton Springs Golf Resort consistent with the *'Floodplain Delineation for Review of Edmonton Springs Golf Course Study'* (Sameng, 2013). The requested site specific regulations are:
- (j) Notwithstanding 2(a) through (i) above, the landowner of the golf course at S.E. 20-53-26-W4M and N.E. 17-53-26-W4M may complete the following within the identified floodplain overlay area consistent with the *'Floodplain Delineation Review of Edmonton Springs Golf Course Study'* (Sameng, 2013):
 - (i) Undertake additions, alterations or the reconstruction of the existing clubhouse approved by the County prior to passing of this Bylaw only within the identified 2.47 hectares of land area above the floodplain plus 0.5 metre factor of safety (653.80 m ASL). Before a building permit is issued, detailed flood proofing techniques must be approved by the Building Inspector. All openings unless part of flood-proofing techniques must be a minimum of 0.5 metres above the 653.80 metre elevation. At the time of the foundation inspection and before further construction takes place, the permit holder (owner/contractor) is required to provide a certificate from a surveyor verifying that the said openings are above the required elevation.
 - (ii) As part of undertaking an addition, alteration or reconstruction of the existing clubhouse, the landowner shall connect the clubhouse to municipal services within Range Road 264 consistent with the servicing policies of the County's Big Lake Area Structure Plan. The new water supply system and sanitary sewer system shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. The existing on-site well and sanitary sewage system shall be reclaimed in accordance with current standards.
 - (iii) The private access roadway, approved by the County prior to passing of this Bylaw, shall provide access from Range Road 264 to the clubhouse area (2.47 hectares) identified as being above the floodplain plus 0.5 metre factor of safety. The access roadway shall provide a depth of flooding not to exceed 1.0 metre below the floodplain plus 0.5 metre factor of safety.
 - (iv) A private parking lot, approved by the County prior to passing of this Bylaw is constructed within the 3.07 hectare clubhouse, parking and access road area. In those areas of the parking lot that are below the floodplain plus a 0.5 metre factor of safety, the parking lot shall provide a depth of flooding not to exceed 1.0 metre below the floodplain plus 0.5 metre factor of safety.
 - (v) Grading and landscaping within the 3.07 hectare clubhouse, parking and access road area, subject that the grading and landscaping has a negligible impact on the floodplain's water level and storage capacity.

Should Council not agree to the requested site specific amendments to allow the reconstruction of a new expanded clubhouse and other improvements on the 'island' of high lands above the 1:100 year floodplain as described under the *Floodplain Delineation for Review of Edmonton Springs Golf Course Study'* (Sameng, 2013), the property owners would still have the option to construct a new expanded clubhouse on lands within the very south portion of NE17-53-26-W4M which are above the floodplain and contiguous to other lands south of the floodplain (Reference previously conditionally approved Development Permit No. 09-D-256).

Schedule 6: Atim Creek / Big Lake Floodplain Overlay Map

Schedule 6 of the Land Use Bylaw is the map delineating the Atim Creek / Big Lake Floodplain as based on Figure 1 and 2 of Sameng's 2007 '*Floodplain Delineation for Atim Creek from Campsite Road to Big Lake Study*'. Currently, the Land Use Bylaw does not allow for consideration of alternate floodplain information when substantiated by a qualified professional therefore requiring all future potential Applicant's, like Edmonton Springs Golf Resort, to apply before Council for amendments to the Schedule of the Land Use Bylaw before being able to apply to the County's approving Authority (i.e. Municipal Planning Commission). Administration believes this to be an inefficient and unnecessary process. Therefore, Administration recommends that text be added to the Legend of Schedule 6 identifying that the Authority may deal with minor changes in the location of the floodplain when substantiating evidence can be provided by a qualified professional such as the case of the current Edmonton Springs Golf Resort application. This is a process similarly implemented throughout multiple municipal jurisdictions in Alberta as well as North America. However, Administration suggests that major changes to a floodplain's determination, including a change of elevation, would still be brought forth to Council for review and potential acceptance before implemented within the Land Use Bylaw.

Further, the mapping for the floodplain completed by Sameng in 2007 ended along the south shore of Big Lake, approximately 300 metres east of Range Road 264 given limited data sources at the time of completion of the study. Further, the floodplain was not identified within NW16-53-26-W4M for those municipal lands around Walker Lake and north of Grandview Estates. Given recent advances by the County's GIS Services Department, including the completion of accurate digital terrain model for the County, the mapping of the floodplain at the 653.30 m ASL elevation can now be shown for these locations. These areas has been added and identified within the updated Schedule 6 under proposed Bylaw 2014-23.

Section 16.4: Application for a Development Permit

Section 16.4 of the Land Use Bylaw regulates those items that the County may request as part of submitting a complete application for a development permit; subsection 3(g) deals specifically with floodplain information. The subsection is recommended to be updated with current terminology and processes to ensure consistency with current provincial regulations. Administration supports and recommends these amendments to more clearly define the information required by the Development Authority when considering applications that contain lands impacted by floodplains.

7. Future Development

As noted within the application, the property owners of the Edmonton Springs Golf Resort propose to construct a new expanded clubhouse on lands identified to be approximately 2.5 m above the floodplain of Big Lake. A Development Permit Application cannot be submitted for review to the County's approving authority unless the amendments are accepted. The property owners propose to undertake the future development in accordance with the proposed amendments and in accordance with the findings of Sameng's report titled "*Floodplain Delineation Review of the Edmonton Springs Golf Resort*" (dated November 1, 2013).

Alternatives:

1. Council could table Bylaw No. 2014-23 and request additional information from the Applicant or Administration prior to consideration of first reading; or
2. Council could amend Bylaw No. 2014-23 prior to first reading; or
3. Council could defeat Bylaw No. 2014-23 at first reading; or

4. Upon providing first reading to Bylaw 2014-23, Council could schedule a Public Hearing for a date and/or time other than Tuesday, September 23rd, 2014 at 9:30 a.m.

Justification:

1. The proposed revisions to the Land Use Bylaw will ensure continued compliance with the requirements of provincial regulations for developing adjacent to or on flood prone areas.
2. The proposed revisions to the Land Use Bylaw will continue to encourage the protection of hazard lands from indiscriminate impact or loss using the most current flood plain mapping information available. The proposed amendments will allow Administration and the County's Approving Authorities a more efficient review and approval process when more accurate flood plain mapping information is made available by qualified individuals.
3. The proposed updated application requirements will ensure that the County and referral agencies continue to receive accurate and reliable information from qualified professionals regarding the identification of flood prone areas when considering new development adjacent to these areas within the County.
4. The proposed amendments will allow the County's Development Authority an opportunity to review an application on a discretionary basis from the property owners of the Edmonton Springs Golf Resort to undertake significant improvements to the clubhouse and lands proven to be above the 1:100 year floodplain plus 0.5 metre freeboard of Big Lake, while ensuring that inappropriate development remains off lands below the floodplain. Current regulations prohibit the potential application as lands are identified to be below the floodplain.

Should Council agree to give first reading to the requested amendments, a public hearing regarding Bylaw No. 2014-23 has been reserved for Tuesday, September 23rd, 2014 at 9:30 a.m. Administration suggests that a sufficient amount of time is required to allow neighbouring municipalities and government agencies ample opportunity to review and consider these technical amendments. This recommended two plus month referral timeline was shared with the Applicant. The Applicant identified no concerns at this time as the proposed improvements to the clubhouse would not commence during the current golf/construction season and acknowledge that support from these agencies as critical to potential adoption of the requested amendments.

Written by: Stephen Fegyverneki, RPP MCIP

Approved by: Paul Hanlan, RPP MCIP

June 26, 2014