

Topic: Bylaw No. 2014-01 Amendment to Land Use Bylaw No. 20-2009

Discussion

The Application

The County has received an application from The Norcan Group Inc. on behalf of Three M Poplar JV Inc., to amend Land Use District Map 2 within Land Use Bylaw No. 20-2009 to re-district approximately 58.51 hectares (144.7 acres) of land along the south shore of Isle Lake from the AGG – Agricultural General District to the BRR – Bareland Recreational Resort District.

If the proposed re-districting amendment is accepted by Council, the Developer wishes to apply to the County's Municipal Planning Commission to redevelop the existing non-conforming tourist campground into a four season bareland condominium resort for recreational vehicle (RV) and park model use. The sites are proposed to be serviced (water, sewage, and electricity) through a private communal system.

Site

The Site is located within the west portion of Section 31, Township 53, Range 5, West of the 5th Meridian (31-53-05-W5M) in the northwest corner of the County where Range Road 60 terminates at Isle Lake. The subject lands contain the formally approved Poplar Springs (tourist) campground that has existed on the site since 1972. The campground features a variety of RV sites (over 100); many of the sites have added roof enclosures, decks, sheds and other constructs. The property also has several old and recent manufactured / mobile homes in various locations and in various states of use and repair. The property remains primarily treed. A number of areas of the property will require reclamation activities prior to redeveloping the site into a four season bareland condominium as outlined in detail in the submitted Outline Plan and various other supporting documents.

Previous Approvals on the Lands

Poplar Springs has been in operation for several decades and has an extensive history of various County and Provincial approvals that will require to be addressed through the redevelopment of this site.

1) Campground

In 1972, the County approved a Campground and Resort Area with 50 serviced RV sites, 100 tenting sites, day-use area, camp shelter, beach area, pier and launching facilities, and other recreational activities. Reference Development Permit (DP # 23-D-72) and Building Permit (BP #648). In 1978, Development Permit application No.73-D-78 to expand the campground by an additional 50 serviced stalls for RV use was refused by the Subdivision and Development Appeal Board. In 1985, Building Permit No. 31-5246 for a single family dwelling with an attached garage was issued. This is the existing residence (proposed Manager's residence) and the only existing improvement proposed to remain on-site upon completion of the redevelopment identified within the application. In 1998, Development Permit No. 98-D-119 and Building Permit No. 31-9952 were approved for an accessory building (equipment shed) for the campground operator.

The current landowner identifies that previous owners of the campground allowed the RV sites to grow well beyond the original 50 RV sites to more than 100 sites on the property without acquiring the necessary approvals of the County. Furthermore, the campground is currently considered to be non-conforming under Section 643 of the *Municipal Government Act*, as the campground does not meet the minimum distance separation of 304.8 m (1,000 ft) between a tourist campground and a multi-parcel subdivision (Sunset Beach and Lake Isle Estates) as regulated under Section 12.17 of the County's Land Use Bylaw. The non-conforming status commenced in 1997 when the minimum distance separation requirement was adopted by the County.

Numerous complaints have been received by the County against the property over the years regarding location/number of campground facilities, debris, abandoned vehicles, and the sewage lagoon discharge into Isle Lake. These complaints are in various stages of compliance. In 2005 and again in 2007, previous owners approached Administration with applications to amend the County's Land Use Bylaw to address some of the above mentioned issues. The applications were never completed in full and eventually the lands were sold to

the current landowner. The current owner identifies that these matters can/will be addressed through the re-development of the property if re-districting is permitted.

2) Gravel Pit

In 1978 a previous landowner commenced gravel extraction on an area less than five acres near the northwest corner of the subject lands; the pit was to be located adjacent to Range Road 60 and near the gated entrance. Gravel extraction was entirely under the jurisdiction of the Province in 1978. In 1991, Alberta Environment identified that a gravel pit on the lands had been active since 1978 under ID #2955 and jurisdiction for pits of this size (limited to five acres) were transferred to the County. In 1993, a development permit for a gravel pit that included crushing and washing (DP # 93-D-092), was approved by the County's Subdivision and Development Appeal Board (SDAB) requiring yearly renewals. This permit was never renewed and expired in 1994. Therefore, the landowner will be required to complete any outstanding reclamation of the small gravel pit. The landowner has identified his intention to complete this work as part of any Phase 1 development upon approval of the re-districting.

3) Nuisance Grounds (Landfill)

Sometime prior to 2002, a previous landowner undertook the landfilling of household and other waste materials near the northeast corner of the Site; the waste was generated from an incinerator that operated near the lagoon area for many years. In 2002, Alberta Environment copied the County on correspondence sent to the landowner regarding the development and use of a landfill that did not have the required approvals. The landowner was provided an option by Alberta Environment to obtain required approvals for the landfill at this time. In 2008, correspondence was also received from Alberta Health Services that the landfill was located in a ravine channel that flows into Isle Lake. Water wells are not permitted within 450 metres from a landfill or dump. As the landfill was considered illegal and did not have the required approvals of Alberta Environment, Alberta Health Services recommended that the County not permit development within 450 meters of the unapproved landfill.

Parkland County received further correspondence in 2012 from Alberta Health Services to the landowner reiterating that the landfill was illegal and that information from a recent inspection had been forwarded to Alberta Environment with a request for enforcement. Alberta Health Services recommended the landfill be removed, its waste be hauled to an approved facility, the ravine reclaimed and soils testing be conducted to confirm soils meet the 2010 Alberta Tier 1 Residential Criteria. To date, Administration is unaware of any enforcement activity undertaken by Alberta Environment regarding this matter.

In January and February 2013, approximately 2,280 tonnes of refuse and impacted soil was removed and disposed of at the Aspen Landfill by the current landowner. Following removal, geotechnical and other testing was undertaken as part of the Phase II Environmental Site Assessment completed by AMEC and submitted in support of the current application. AMEC has confirmed compliance with the 2010 Alberta Tier 1 Residential Criteria for the former nuisance grounds and identifies that no further testing is required at this time.

A sign-off letter from Alberta Health Services has been provided indicating they have no further concerns regarding the former nuisance grounds. The landowner continues to work with Alberta Environment to conform to their requirements for reclamation. Council shall confirm whether they are comfortable with the progress to date or whether they alternatively require confirmation from Alberta Environment prior to potential acceptance and passing of the required Land Use Bylaw amendment.

4) Sewage Lagoon

Following the County's approval of the campground in 1972, the landowner of the time received approval (No. 72-ME-303) for a "sewage collection system and lagoon as per plans" by the *Division of Pollution Control Department of the Environment Government of Alberta*. Administration has confirmed that the location of the lagoon on the 1971 Site Plan is similar to the actual location of the existing sewage lagoon still onsite today. The sewage lagoon is located approximately 200 metres from the south bank of Isle Lake along the east boundary of the Site. The majority of the recreational sites located on the property drain to the lagoon by gravity.

Parkland County received correspondence from Alberta Health Services in 2008 regarding the sewage lagoon. Discussions and inspection between Alberta Health Services and Alberta Environment indicated that the lagoon contained a discharge pipe running from the base through the berm and into a ravine channel where runoff could flow north into the Lake. Alberta Health Services also stated that Alberta Environment maintains that the jurisdiction for the lagoon is the responsibility of the County due to an approved operating capacity of less than 25.0 m³/day (refer to Private Sewage Regulation).

In 2010 Parkland County received a copy of a Lagoon Assessment for the subject lands completed by Stantec on behalf of the current landowner. Based on the Assessment, it was found that the existing lagoon does not have sufficient capacity to meet Alberta Environment guidelines and standards for a conventional lagoon with seasonal discharge. The lagoon also does not meet setback requirements from existing development and liner standards. It was indicated that lake discharge was unacceptable due to the current eutrophic conditions of the lake. The report recommended the construction of an onsite storage sewage holding tank and offsite truck haul to an approved facility. Further, the landowner shall retain the services of a qualified consulting firm and contractor to develop a decommissioning plan and implement the necessary work for the existing lagoon.

In 2012, Alberta Health Services provided correspondence to the current landowner that either reclaiming the lagoon or converting the lagoon to a storm water management pond would require oversight from Alberta Environment. Alberta Health Services also requested copies of a Remediation Report confirming testing on the site impacted by the sewage lagoon. Under the *2004 Alberta Environment Guide to Requirements for Wastewater Systems*, wastewater systems using a wastewater lagoon must be registered with Alberta Environment prior to being constructed, expanded, operated, or reclaimed.

No subsurface investigations were conducted in the vicinity of the sewage lagoon as part of AMEC's recent 2013 Phase II Environmental Site Assessment. At the time of investigation, no standing water or liquid wastes were observed within the lagoon. Personnel familiar with the Site indicated that the lagoon generally remains dry all year. **The landowner has stated through the application that it is their intention to reclaim the lagoon lands to the satisfaction of Alberta Environment, Alberta Health Services and Parkland County as part of the initial (Phase I) subdivision upon re-districting. Council shall confirm whether they are comfortable with this commitment to date or whether they alternatively require confirmation from Alberta Environment and Alberta Health Services that the lagoon has been reclaimed prior to potential acceptance and passing of the required Land Use Bylaw amendment. As the landowner proposes a phased redevelopment plan to accommodate existing users of the Site, the removal of the existing operating wastewater system would require complete closure/use of the Site prior to completion of a new sewage system as part of Phase I. Administration recommends that Council seek a response from the landowner regarding this matter and timing as part of the Public Hearing process.**

5) Historical/Unauthorized Shoreline Disturbances

Currently, there is a large constructed beach, retaining walls, dock structures and other chattels on the lakeshore of Poplar Springs. Most, if not all of these improvements have been constructed without the necessary approvals. All structures and improvements are proposed to be removed within the proposed 30.0 metre environmental reserve area in an environmentally responsible manner in coordination with Parkland County, Sustainable Resource Development and Public Lands. These improvements are proposed to be replaced by the private marina and a restored shoreline.

6) Other Approvals on the Property

In 1982, Development Permit No. 16-D-81 for **warehousing/storage of coffee and tea** within portable trailer units on the property was granted for one year requiring yearly renewals. This permit was never renewed and expired in 1983.

An approval for a **gun range** was issued in 1985 under Development Permit No. 59-D-85 and required yearly renewals. The gun range was located in the same area where surface gravel extraction was earlier approved by the Province on the property. The last renewal for the gun range was granted in 1987, therefore the gun range expired in 1988.

Analysis

Compliance with Capital Region Growth Plan and Approved County Plans

1) Capital Region Growth Plan

The subject lands are not located within the Priority Growth Area or a defined Cluster Country Residential Area under the Capital Region Growth Plan. Referral of this Land Use Bylaw Amendment to the Capital Region Board will not be required. Within the Capital Region Board's Land Use Plan (Appendix 2), the CRB adopted principles and policies to govern growth and development of the member municipalities. Principle II(c) - "Allow Growth Outside of Priority Growth Areas" identifies that all municipalities should be allowed to have growth, appropriate to their size and as per the Principles and Policies of the Plan as long as the growth is contiguous

to existing development, the level of services are appropriate, and that the development will not adversely impact the provision of regional services. Administration believes the amendment meets the Land Use Plan Principles and Policies including the policies under Principle II Minimize Regional Footprint (c) "Allow Growth Outside of Priority Growth Areas."

2) Municipal Development Plan

In 2007, Parkland County Council adopted its current Municipal Development Plan (MDP). Within Parkland County's MDP the subject lands are designated Agriculture. Policies regarding Bareland Recreational Resorts in the MDP are found under Section 3 Residential Development. BRR subdivisions are required to be located adjacent to a lake, similar water body, and/ or other amenity feature to the satisfaction of Parkland County; have a minimum lot size of 235.0 m²; contain a minimum 10% common space recreation area; have public paved access roads to the development and paved private internal roads; operate as a bareland condominium pursuant to the Condominium Act; be serviced by privately owned communal piped water and sewer or demonstrate the applicability of alternative strategies; and supply an outline plan in support of the redistricting application. The Municipal Development Plan does not indicate that an amendment to the Land Use Concept Map is required to ensure the land is located within a specific Policy Area, only that the lands are zoned within an appropriate district in the Land Use Bylaw. Previous applications for Bareland Recreational Resort Development located in the Agricultural Policy Area did not require an amendment to the County's MDP. Council will consider whether an amendment to re-designate the area to the Country Residential Core Policy Area is required. If required, the amendment would generate a REF application to the Capital Region Board. **The application identifies that all aspects of the proposed redeveloped Poplar Springs will conform to the County's MDP for this form of development.** A more in depth review of these regulations would be completed at the subdivision stage.

3) Area Structure Plan

The subject lands are not located within one of the County's adopted Area Structure Plans. Previously adopted Lake Isle Area Structure Plan Bylaw No. 69-82 that included these lands was rescinded by the County on March 26, 2013.

4) Land Use Bylaw 20-2009

On July 1, 2009, Council adopted Land Use Bylaw No. 20-2009. The subject lands are districted AGG- Agricultural General. Bylaw 2013-22 is an amendment to redistrict the subject lands from AGG- Agricultural General to BRR – Bareland Recreational Resort in accordance with Policy 3.20 of the Municipal Development Plan. The BRR District establishes a form of development that is designed *"to provide for condominium recreational vehicle resort development in association with amenity features"*.

An amendment is required to the Land Use Bylaw to re-district the subject lands to accommodate the proposed development as laid out in the Outline Plan. Administration considers the Isle Lake shoreline and future open space within the resort an appropriate associated amenity feature. The preliminary tentative plan submitted with the Outline Plan contemplates lot sizes that are well within what is required under the BRR District. Both the MDP and LUB stipulate the requirement for 10% of the gross condominium parcel be allocated towards common recreation area. **The application identifies that all aspects of the proposed redeveloped Poplar Springs will conform to the County's LUB for this form of development.** A more in depth review of these regulations would be completed at the subdivision stage.

Re-development Concept for Poplar Springs

1) Outline Plan

A Comprehensive Outline Plan has been completed and submitted by the landowner in support of the Land Use Bylaw amendment to illustrate the different components of a future Poplar Springs RV Condominium Resort. The Outline Plan has been reviewed in detail by Planning Services and is attached to the Request for Decision for Council's reference.

The proposed development outlines the construction of nine (9) distinct areas or neighbourhoods constructed likely over five (5) phases. At full build out, the redevelopment is proposed to consist of 224 recreational vehicle units and an additional 54 units for the placement of Park Models. This will approximately double the density of the number of units at full build out compared to the existing campground.

2) Supporting Documents

(a) Biophysical Assessment

The Biophysical Assessment conducted by Beckingham Environmental Ltd. on the Poplar Springs property focused on the environmental conditions of the upland and wetland areas of the property in addition to the lakeshore. A number of recommendations were provided and have been incorporated into the redesign plans for the resort. Additional recommendations were also provided for the construction phase of the project. These recommendations are intended to assist with the development of effective plans for the Poplar Springs redevelopment in such a way that they continue to maintain and enhance the natural environment and habitat present on the property. The redevelopment plans include a significant addition of an environmental reserve area along the lake shore and buffer area around the identified wetlands and seasonal watercourses as to maintain the greatest quality of habitat on the property. **Implementation of these recommendations will be critical at the subdivision stage of this project.**

(b) Aquifer Report and Servicing Design Brief

A preliminary groundwater study was completed for Poplar Springs in accordance with Alberta Environment guidelines. There are three (3) existing wells on the property. The proposed redevelopment will see the three existing wells abandoned and reclaimed and a new water supply drilled as part of Phase I to supply Poplar Springs. Approvals will be required under the *Water Act* and *Environment Enhancement and Protection Act* prior to accessing the water supply and installing a new private communal system.

Sanitary sewage is proposed to be collected and treated on-site through a licensed privately owned and operated communal system on the Poplar Springs property. Two dispersal sites for a sub-surface disposal system have been identified on the Poplar Springs property in coordination with the results and recommendations of the Biophysical report. The option of truck haul to an off-site approved facility versus onsite treatment and disposal is still being explored and would be confirmed prior to making submission for Phase 1 development. A number of approvals will be required from various agencies regarding the reclamation of the existing lagoon and prior to the installation of a new private communal system.

Storm water will be designed and controlled in accordance with Alberta Environment guidelines and best practices.

Solid waste will be collected from a centralized location within the resort and hauled to an approved waste transfer site, likely Seba Beach.

Internal roadways will consist of a cold mix surface road network developed in accordance with Parkland County standards. Multiple accesses will be developed/planned in accordance with Fire Services to satisfy local emergency responders. The Traffic Impact Assessment identifies Range Road 60 as already surfaced and not requiring any improvements to accommodate Poplar Springs redevelopment; to be confirmed with Engineering Services at subdivision stage.

(c) Geotechnical Investigations and Constructability Report

Administration does not have any concerns with these reports; however, the landowner has been advised that the Site will be evaluated in detail at the subdivision stage to determine areas that require protection and which should not be altered, filled, crossed or graded. Administration will be focused on protecting the naturally occurring wetlands, naturally occurring creeks and the riparian areas close to the lakeshore. Sensitivity of the naturally occurring environmentally significant features on the Site should be considered in the overall site design. Existing unauthorized developed and road constructions may need to be removed and reclaimed to ensure protection of these features within certain areas. There does not appear to be any significant geotechnical constraints in redeveloping the site.

(d) Phase II Environmental Site Assessment (ESA)

Following the completion and submission of the 2008 Phase I Environmental Site Assessment, the landowner with the assistance of a number of environmental and geotechnical consultants undertook extensive remedial activities and works in 2013 regarding the nuisance grounds (landfill) and waste burning area within the gravel pit on the site. AMEC's November 2013 report states that *"based on the results of the Phase II ESA and completion of the recent activities, no additional subsurface investigations are recommended on the Site at this time. To date, no subsurface investigations have been completed for the lagoon which may be reclaimed at a later time"*.

(e) Traffic Impact Assessment

The proposed development is located approximately 3.5 km north of Highway 16. To access the development, the most likely route would be from the Highway 16 and Highway 31 (Range Road 60) interchange and then north on Range Road 60 to the development. This route is approximately 3.7 km to the development gate entrance.

The junction of Highway 16 and Range Road 60 exists as an Interchange presently. An alternative route to access the site would be along Range Road 55 to the east. The route is not considered the main route to the development, as Range Road 60 provides a fully paved roadway off an interchange and is a shorter distance from Highway 16. The Traffic Impact Assessment concludes that no improvements are required to Range Road 60 to support the redevelopment of Poplar Springs.

To date, Engineering Services has not completed a detailed review of the Traffic Impact Assessment but would do so as part of a detailed review at the time of subdivision, subject to formal adoption of the proposed amending Bylaw.

(f) Alberta Environment / Alberta Health Services

The landowner has identified on-going discussions with both Alberta Environment and Alberta Health Services regarding the nuisance grounds (landfill), gravel pit, and lagoon on the property. Both agencies have expressed initial support for the project subject to the landowner addressing any/all environmental issues associated with these historical activities. Further, that the landowner use current science based approaches when considering redevelopment of the property. Administration will look for this to be confirmed formally through the referral process of Bylaw 01-2014 prior to Public Hearing.

3) Proposed Shoreline Disturbance (Marina)

It should be clearly indicated that the redevelopment plans for Poplar Springs includes the design and construction of a private marina. Typically, an approval for a lakeshore marina will require separate approvals from the following agencies as a minimum: Parkland County, Alberta Sustainable Resources, Alberta Environment, Environment Canada, Fisheries and Oceans and the Canadian Coast Guard. **Given the number of inquiries raised by area residents at the two Open Houses completed as part of the pre-consultation phase to this amendment application Council is encouraged to request the landowner clarify their position on this matter during the Public Hearing Stage.**

The landowner has identified that a public boat launch is not required for the viability of Poplar Springs. However the landowner has identified that a new public boat launch could be constructed at the end of Range Road 60 through a combination of existing County lands and potentially additional lands dedicated from the Poplar Springs property. **The Outline Plan includes a concept for a new public boat launch for discussion purposes only.**

The nearest public boat access area to Polar Springs is located at the County's Kokomoko Day Use Park Area, located 3.2 km southwest of Poplar Springs along Township Road 534. This boat launch area is not a fully constructed facility. The County's Parks and Recreation Department has confirmed that their program is currently contemplating a future development (potentially 2015) of a full public boat launch facility at the Gainford Day Use Park area. No other public boat launches are currently considered under the program for Isle Lake within Parkland County boundaries. Administration is therefore not-supportive of a proposed new public boat launch to Isle Lake at Range Road 60.

4) Pre-Consultation with Affected Landowners

Appendix 11 of the Outline Plan identifies the public consultation completed to date on the project consistent with Administrative Procedure AD17-P2. Written notifications (115 addresses) were provided to adjoining landowners in advance of the Open Houses held on November 3, 2013 and February 2, 2013 at the Seba Beach Community Hall. Additional notifications to both Open Houses were also provided to adjacent municipalities on Isle Lake, the School Boards, and a number of government departments. Further, additional communications took place with various individuals and organizations through electronic means. A detailed summary of this feedback is included within the outline plan report, Appendix 11.

Generally the responses to the project appeared to be positive or neutral. Numerous questions surrounding the environmental issues on the property were directed to the Applicant. A number of the attendees at both open houses appeared to be existing users of the Poplar Springs Campground as well as acreage owners to the east and west.

In Administration's opinion, the Developer has satisfactorily addressed Council's requirement to complete pre-consultation with the surrounding community prior to making formal application to amend the County's Land Use Bylaw. Further consultation will be completed through the Public hearing process should Council agree to provide first reading to Bylaw 01-2014.

Administration's Position

Administration **supports** the requested Land Use Bylaw Amendment Application and proposed Bylaw No. 2014-01 to re-district the subject lands from the AGG - Agricultural General District to the BRR - Bareland Recreational Resort District under the County's Land Use Bylaw (Map 2). The proposed re-districting is consistent with the Capital Region Growth Plan and the County's Municipal Development Plan. Further, Poplar Springs has operated as a seasonal tourist campground with a long history on the property.

The re-districting will allow the current landowner an opportunity to address the numerous non-compliant improvements that have 'creped' into the development over time, as previously undertaken by past landowners. It is proposed that on a phase by phase basis, non-compliant development will be removed from the property. In an effort to simplify matters, the proponent plans to remove all development and structures located on the property with the exception of the existing single family dwelling which will be converted into the Manager's residence and office. However, the proponent has been advised by Administration and it is understood that the process for removal of the non-compliant development will be at the discretion of the Municipal Planning Commission and future Development Agreement should the re-districting application be successful.

Further, the re-development of this site will significantly aid in the remediation of several current environmental issues on the property which may be impacting Isle Lake and surrounding lands, including but not limited to the lagoon, nuisance grounds (landfill), gravel extraction, and unauthorized shoreline disturbances. The proponent has identified a willingness to address these issues with the County and all other provincial agencies as part of redeveloping the site, including acquiring any and all required reclamation approvals. Further, the proponent has identified through the application and supporting documents a willingness to use science-based approaches when considering various aspects under the redevelopment concept.

The redevelopment plans appear to fully meet the regulations established under the BRR District. Further review of this requirement can be examined at the subdivision stage. The recreational sites will be serviced by newly constructed private communal services meeting Alberta Environment requirements.

The proposed zoning change appears to be supported in general by the referral agencies and the majority of the local community's questions appear to have been addressed through the pre-consultation to respond informed to Council through the Public Hearing process.

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January 28, 2014