

Proposed Bylaw 2015-01 amendment to Land Use Bylaw 20-2009

**Introduction:**

Proposed Bylaw 2015-01 is a Land Use Bylaw amendment to redistrict a portion of Plan 142 5416 previously known as Lot 1, Block 2, Plan 082 7566 from the CR – Country Residential District to the BRR- Bareland Recreational Resort District.

**Facts (Background Information):****Property History**

The subject lands are located immediately adjacent to Range Road 55 and one mile south of Highway 16 (Yellowhead). The Summer Village of Seba Beach is less than one mile south and Wabamun Lake is approximately one half mile southeast of the subject lands.

The two previous phases of the Pineridge Resort were redistricted from CR to BRR by Bylaw 39-2010. The BRR District provides regulations specific to sites that include condominium lots that are intended for recreational vehicles with seasonal occupation. The district also allows for the consideration of golf courses and other community amenities.

The lands are currently within the Country Residential designation in the Municipal Development Plan (MDP) Bylaw No. 37-2007, as amended. Parkland County added a number of policies within the MDP that regulate bareland recreational resort developments through the adoption of Bylaw No. 41-2009. The subject lands are not regulated by any of the County's Area Structure Plans or Area Redevelopment Plans.

Subdivision application, file 11-S-007, for the creation of 58 bareland condominium units (Phase 1) was approved on Lot 2, Block 1, Plan 112 0013 by the Subdivision Authority on May 2<sup>nd</sup> 2011. Further, Subdivision application 11-S-010 for the creation of 66 bareland condominium units (Phase 2) was approved on Lot 2, Block 1, Plan 112 0013 by the Subdivision Authority on August 3<sup>rd</sup> 2011.

**Project Overview**

The applicant is proposing the redistricting of a portion of Plan 142 5416 previously known as Lot 1, Block 2, Plan 082 7566 from the CR – Country Residential District to the BRR- Bareland Recreational Resort District to accommodate Phase 3 of the Pineridge Bareland Recreational Resort. This subdivision would consist of the creation of 76 additional Condominium lots for RV/Park Model use.

**Project Site**

The subject lands are approximately 9.55ha (23.59ac) in size. The land is mostly flat and heavily treed. An expansion of 3 holes to the existing golf course was conditionally approved in September, 2014 under Development Permit 14-D-532. This is a discretionary use within the current CR-Country Residential District. The open areas shown on the north and south portions of the tentative plan have been mostly cleared of trees as part of this expansion. Construction of the golf course to twelve holes is anticipated for completion in 2015.

## **Outline Plan**

As required under Policy 3.23 of the County's MDP, an Outline Plan has been completed and submitted by the Developer in support of the redistricting application along with several background studies including:

### **a) Geotechnical Investigation**

A Geotechnical Investigation, completed by Nichols Environmental dated September 23, 2014, was submitted in support of the application. There were no high water table areas located on the property. Further there are no areas containing a slope over of 15% or more. The report recommends that the applicant ensure trees are retained along slopes within the subject lands and that no in-ground sprinkler systems or swimming pools be installed within the development.

### **b) Biophysical**

Due to the proximity of the subject land to Lake Wabamun a Biophysical Assessment, completed by EnviroMak Inc. was completed on October 1, 2014 and submitted in support of the application. The biophysical contained fourteen (14) conclusions and recommendations, of note were the following:

- i) Wetland compensation was calculated for the four (4) class 1 wetlands and two (2) class 2 wetlands that are present on the property. Combined, the wetlands cover approximately 0.0157ha (0.0387ac) and would require \$894.90 compensation at a 3 to 1 ratio if they are to be disturbed.
- ii) The presence of several groups of the sensitive species Spotted Coralroot was noted within the report. A Rare Plant Relocation Plan should be developed for the individual plants that cannot be avoided during construction.

These items will be addressed through the subdivision process.

### **c) Traffic Impact Assessment**

A Traffic Impact Assessment, completed by D&A Consulting Ltd., dated September 26, 2014 was submitted in support of the application. Through consultation with Parkland County Planning and Engineering Departments several adjustments were made to the TIA and other associated transportation reports.

The applicant is proposing the main access for Phase 3 onto Range Road 55 and not Highway 31 as per previous phases. They have identified the required road alignments for several potential posted speeds. The information the applicant has provided shows that should a main access onto Range Road 55 be approved, improvements can be made to Range Road 55, at a reduced standard, to accommodate this access location. Finalization of transition speed locations, required road upgrades and dedications would be required as part of a subdivision application. Additional details on required upgrades to the surfacing and ditches among other aspects of Range Road 55 from Highway 16 to the intersection of 1<sup>st</sup> Ave (Beach Road/Edmonton Road) would also be required as part of a subdivision application.

The Summer Village of Seba Beach has significant concerns regarding the proposed main access off of Highway 55. Range Road 55 enters Seba Beach at the intersection of 1<sup>st</sup> Avenue (Beach Road/Edmonton Road). This roadway has significant condition issues and the addition of traffic from this development along this road will cause further deterioration (See Section i below).

The access of Range Road 55 and Highway 16 is ultimately slated for closure. A service road will ultimately connect Range Road 55 to Highway 31 at some point after the intersection closure. The timing of this transition could cause access to the development via Range Road 55 cumbersome or limited for a period of time in the future.

Administration does not support the proposed main access off of Range Road 55. Administration is of the opinion that the preferred main access location for the development is through the existing "The Meadows" subdivision or, if access cannot be achieved through the existing condominium subdivision, a private road can be constructed through the existing golf course lands to the west onto Highway 31. Administration recommends that upon closing the Public Hearing Council give second reading to Bylaw No. 2015-01, but defer third reading until the Applicant has provided Administration with a satisfactory Outline Plan and Traffic Impact Assessment that identifies a main access to the west onto Highway 31.

**d) Groundwater Assessment**

A Preliminary Groundwater assessment, completed by SD Consulting Group Canada Inc, dated September 23, 2014, was submitted in support of the application. The report notes that there are three (3) existing wells on the property all located in the Upper Scollard aquifer. The report concluded that groundwater sourced development was feasible at this location however a pump test to determine actual yields in the Upper Scollard Formation would be required. Further the water in nearby wells has been tested for quality and results show very hard water that may require point of use treatment. Therefore a pump test and all required AESRD approvals will be required through the subdivision process.

**e) Stormwater Management**

A storm water management report, completed by Opus Stewart Weir on November 18, 2014 was submitted in support of the application. The report recommends that drainage be directed to a stormwater detention pond and emergency spillways be construction for events exceeding the 1:100 storm.

The applicant will be required to use the discharge rate of 2.5l/s/ha unless confirmation of an approved variance is received from Alberta Environment. In order to achieve this discharge rate the size of the proposed Stormwater Management Facilities will likely have to be increased from what is currently proposed. The applicant is working with Alberta Environment to confirm an acceptable discharge rate. Confirmation of the acceptable rate will be required prior to acceptance of a subdivision application for the lands.

**f) Servicing**

The applicant has provided a brief overview of their servicing concept.

- i) Roadways - All roadways within this development shall be paved to the satisfaction of Parkland County consistent with Policy 3.20 of the MDP.
- ii) Water supply- The applicant is proposing the lots be serviced by a private shared well (or wells) with distribution lines. **The applicant has proposed a distribution line depth of 3.0m which is consistent with Parkland County Engineering Design standards.** Further detail regarding the treatment and distribution system for the water supply will be required prior to acceptance of a subdivision approval. The applicant has confirmed that they intend to provide a potable drinking water distribution system as part of Pineridge Phase 3.
- iii) Wastewater - The applicant is proposing shared sewage holding tanks with vacuum truck service. **Gravity lines will be installed at a minimum 2.75m depth which is consistent with Parkland County Engineering Design standards.** The sewage will be transferred the Entwistle waste treatment facility which the developer has confirmed has the capacity to accept the wastewater from this development.

## **g) Engineering**

Several aspects of the outline plan do not meet our current Engineering Design Standards however, as this is a Bareland Condominium development, the internal improvements will be remaining on private property. Development Engineering Services will require the applicant to justify the variances to the standards and confirm, to their satisfaction, that the variances will not affect emergency services through the subdivision process.

## **h) Public Consultation**

Pursuant to Parkland County Policy the applicant held two (2) public open houses to allow the public an opportunity to comment on the proposed development.

The first open house was attended by over 40 residents; 21 feedback forms were collected. The majority of the concerns voiced were related to traffic both along Range Road 55 and through the existing bareland condominiums onto Highway 31.

The second open house was attended by 5 residents. The only concerns voiced at this open house were related to additional traffic through the Pineridge Bareland Recreational Resort onto Highway 31.

## **i) The Summer Village of Seba Beach (See Seba Beach Correspondence under Legistar Attachments)**

The applicant also sent notification of the proposal to the Municipality of Seba Beach. A formal response was given voicing concerns around the following:

- i) Additional traffic on Range Road 55
- ii) The number of proposed lots
- iii) The effect on drainage

Additional comments from the Summer Village of Seba Beach were addressed to Parkland County in May of 2015 and stated the following:

*Further to Council consideration of the Proposed RV Resort Phase 3 approvals for Pineridge Golf Resort, we want to ensure that Parkland County Council and Parkland Planning and Development Services are abundantly aware of the significant concerns that the Summer Village of Seba Beach has with respect to this development.*

*Specifically the access and egress of traffic on to RR 55 must be limited to emergency vehicles only and that no traffic should be allowed to enter or exit said property from RR 55 except for emergency purposes.*

*Seba Beach Council and residents are more than prepared to aggressively contest any deviation from this position.*

*Enclosed are two letters of support for our position with respect to the potential affect this development will have on our municipal roadway. Additionally, the access on to RR 55 will severely impact pedestrian safety and the quality of life for residents located on 1<sup>st</sup> Avenue.*

This letter was accompanied by two letters, one from Seba Beach Development Services and another from Alberta Highway Services (Public Works Contractor for the Summer Village). These additional comments address the existing issues with the condition of 1<sup>st</sup> avenue and concerns about additional traffic exacerbating the already deteriorating roadway. The comments also mention that 1<sup>st</sup> avenue currently has a permanent 75% road ban affixed to it.

## **Public Hearing Referrals**

### **a) CN Rail has made the following comments regarding this Bylaw:**

*Please note that CN's focus for non-sensitive uses has increasingly been limited to the provision of 1.83 meter chain link security fencing, avoidance of adverse impacts to the existing drainage pattern on the railway right-of-way and a 30 meter setback of access points to avoid the potential for impacts to traffic safety when located near at-grade railway crossings.*

### **b) Alberta Transportation has made the following comment regarding the September 26, 2014 Traffic Impact Assessment:**

Note: The trip assignments have been adjusted in an updated TIA.

*This is in reference to your submittal of the Traffic Impact Assessment (TIA) dated September 26, 2014. The department has noted the following:*

- The trip assignment assigns 5% of development traffic to southbound on Rge. Rd. 55, but the conclusions recommend signage disallowing right turns at the development access intersection with Rge. Rd. 55.*
- Long term solution when the Highway 16/Rge. Rd. 55 intersection closes, is to divert traffic via a fronting service road connecting to Highway 31 one mile east of Rge. Rd. 55. Such a circuitous route leads one to wonder why there is no connection through the existing RV Resort development to the two intersections at Highway 31*
- What has Parkland County said with regards to the need for a second access for the Phase III RV development?*

*Please be advised that while Alberta Transportation concurs with the conclusions and recommendations of your TIA regarding the requirement for an upgrade to the intersection at Highway 16 at Range Road 55, detailed design is required to confirm sufficient pavement width exists to allow the proposed work including allowance for 2 future overlays. If sufficient width is not present, the drawing would need to show proposed widening to accommodate the associated TIA conclusions.*

*In addition, the proposed development appears to be outside of the distances requiring a Roadside Development Permit pursuant to the Highways Development and Protection Regulation. Alberta Transportation's interests in this development are therefore limited to any required improvements at intersection of local roads impacted by development traffic with the two provincial highways. Your TIA needs to be submitted for approval by Parkland County if the only intersection impacted is Highway 16 further to the Section 5 Freeway intersection Removal Agreement (FIRA) between the department and the municipality. Once any known improvements required to address those impacts are identified, Parkland County should be applying for a Roadside*

### **c) Adjacent Landowners**

Several inquiries have been made with regards to this bylaw and thirty-five (35) written comments have been received from adjacent landowners both within Parkland County and the Summer Village of Seba Beach (see attached). The majority of the comments received were focused on the proposed access location. The following outline their concerns with the proposed development:

Note: The majority of the comments made have been voiced by multiple landowners.



| Adjacent Landowner Comments  | Administration Response   |
|--|---|
| Concerns regarding Emergency Access to the third phase via a main access off of Highway 31 should the proposed main access off of Range Road 55 not be approved.   | Should the main access onto Range Road 55 not be approved, the applicant will be required to accommodate Emergency Services traffic off of Highway 31 through their main access. Any Emergency Accesses would only be utilized if the main access was inaccessible due to the emergency.  |
| Concerns regarding additional traffic on Range Road 55 into Seba Beach via 1 <sup>st</sup> avenue due to the existing condition of the road, narrow width of the road, lack of sidewalks, speed enforcement issues, pedestrian/cyclist safety, noise and parking.                                      | The Summer Village of Seba Beach is the road authority on 1 <sup>st</sup> avenue and has voiced similar concerns. 1 <sup>st</sup> avenue currently has a permanent 75% road ban affixed to it due to the existing condition (See Summer Village of Seba Beach Comments)   |
| Concerns regarding additional traffic through the existing condominium subdivision(s) to the west due to the existing condition of the road, speed enforcement issues, pedestrian/cyclist safety, visual impact and noise impact should the proposed main access off of Range Road 55 not be approved. | Should the proposed main access off of Range Road 55 not be approved and access cannot be achieved through the existing condominium subdivision(s), a private road should be constructed through the existing golf course lands to the west onto Highway 31.<br><br>Maintenance, repair and speed enforcement of the private roadways are the responsibility of the condominium associations as the internal condominium roads are private. |
| Concerns regarding the incorporation of condominium members into an existing condominium association in order to gain access to the private internal road network should the proposed main access off of Range Road 55 not be approved.  | Should the proposed main access off of Range Road 55 not be approved and access cannot be achieved through the existing condominium subdivision(s), a private road should be constructed through the existing golf course lands to the west onto Highway 31.  |
| Support for the BRR - Bareland Recreational Use at this location due to the potential increase in employment opportunities, community members, local tax base and local business opportunities.  | Administration is of the opinion that the proposed BRR- Bareland Recreational Resort District is a suitable zoning for this location.   |
| Concerns regarding visibility at the proposed main access location on Range Road 55 and at the intersection of Range Road 55 and 1 <sup>st</sup> Ave.  | The information the applicant has provided shows that should a main access onto Range Road 55 be approved, improvements can be made to Range Road 55, at a reduced standard, to accommodate this access location.<br><br>The intersection of Range Road 55 and 1 <sup>st</sup> Ave has not been assessed. Any required improvements to the intersection are likely to require a variance to Parkland County Engineering Standards.          |
| Concerns regarding drainage/storm damage from the golf course onto 1 <sup>st</sup> Ave and the potential for flooding of the road and nutrient release into Wabamun lake.  | The applicant will be required to obtain Alberta Environment approvals for their Stormwater Management Plan.  |
| Concerns regarding the effect of increased density on the Wabamun watershed.   | The applicant has submitted several reports in support of their application including a biophysical   |

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|  | assessment, geotechnical assessment and groundwater feasibility assessment. The applicant will be required to follow the recommendations of these reports to ensure the Wabamun watershed is not negatively affected by the proposed development.                                  |
| Concerns regarding the stability of the hill under Range Road 55 and potential erosion issues. | Administration has identified existing issues with the stability of the slopes in this area. The applicant will be required to identify and implement any necessary erosion control measures as part of the subdivision of these lands.  |
| Concerns regarding the existing intersection of Highway 16 and Range Road 55.                  | Comments were received from Alberta Transportation on the Traffic Impact Assessment submitted in support of the application. Alberta Transportation agreed with the recommended upgrades to the intersection of Highway 16 and Range Road 55 (See Alberta Transportation comments) |
| Concerns regarding the safety of the railway crossing on Range Road 55.                        | Comments received from CN Rail on the proposed rezoning did not voice concern regarding the rail crossing at this time. CN rail will be referred on any subsequent subdivision applications on these lands.  |

### **Municipal Development Plan (MDP)**

In 2010, Council amended the Municipal Development Plan to include policies directing how the Bareland Recreational Resorts should be developed. This proposal complies with Policies 3.20, 3.21, 3.22, and 3.23 of the County's Municipal Development Plan.

### **Alternatives:**

- 1) Council could close the Public Hearing and give second reading, but defer third reading until the Applicant has provided Administration with a satisfactory Outline Plan and Traffic Impact Assessment that identifies a main access to the west onto Highway 31; or
- 2) Council could table the Public Hearing and request additional information from Administration or the applicant; or
- 3) Upon closing the Public Hearing, Council could defeat Bylaw 2015-01 at second reading.

### **Conclusion/Summary:**

The proposed BRR- Bareland Recreational Resort District is a suitable zoning for this location. The information the applicant has provided shows that should a main access onto Range Road 55 be approved, improvements can be made to Range Road 55, at a reduced standard, to accommodate this access location. However; Administration continues to have concerns regarding additional traffic on Range Road 55 and cannot support the Outline Plan as presented. Administration is of the opinion that the preferred main access location for the development is through the existing "The Meadows" subdivision or, if access cannot be achieved through the existing condominium subdivision, a private road can be constructed through the existing golf course lands to the west onto Highway 31. The Range Road 55 access could then serve as a gated and locked emergency access only. **Administration recommends that upon closing the Public Hearing Council give second reading to Bylaw No. 2015-01, but defer third reading until the**

**Applicant has provided Administration with a satisfactory Outline Plan and Traffic Impact Assessment that identifies a main access to the west onto Highway 31.**

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