

DISCUSSION

1. The Overall Project

This project has three components:

- Amend the Municipal Development Plan (MDP), Policy 3.15 within the Cluster Country Residential Section and Policy 10.25 within the Utilities Section for the consideration of an alternative servicing plan for water and sewer services, and to amend Policy 3.17(a-c) for the consideration of alternative Cluster Country Residential Criteria.
- Amend the Residential and Public Utilities and Municipal Services Sections of the Jackfish Mayatan Area Structure Plan (Bylaw No. 41-80) to allow for less than ½ acre parcel sizes, a variety of residential uses, and the consideration of privately owned communal piped water and sanitary sewer systems within the Pt. E1/2 4-53-2 W5M.
- Amend Land Use District Map 7 within the County’s Land Use Bylaw (No. 20-2009) to re-district lands located at Pt. E1/2 4-53-2 W5M from the CR – Country Residential District to the CCR – Cluster (Conservation) Country Residential District as well as to amend Section 5.4 within the CCR District to accommodate the Fawn Meadows Development on a site specific basis.

2. Introduction

On July 1, 2009, Council adopted Land Use Bylaw No. 20-2009 in which Council included a new residential district called CCR – Cluster (Conservation) Country Residential District which contemplates *‘clustering of higher density smaller parcels (minimum 0.5 acres) to encourage the preservation of ecologically sensitive areas, historic sites, agricultural land, the rural community character or other unique characteristics of the land being subdivided, while promoting more sustainable provision of roads where municipally operated piped water and sewer systems are available’*.

The Municipal Development Plan, last significantly updated in September of 2007, provides policy direction for this form of development. These policies direct that the Cluster Country Residential developments should be serviced by municipally owned piped water and sewer systems, have a minimum lot size of 0.5 acre, and a lot density of 1.85 lots/hectare. As this proposed development will not be consistent with the policies included within the Municipal Development Plan, the developer has applied to amend the Municipal Development Plan to accommodate this proposed development.

In addition to the amendments for the Municipal Development Plan, the Fawn Meadows proposal will also require further amendments in accordance with the County’s statutory plan hierarchy (i.e. ASP’s, LUB amendments), and are handled through subsequent amendment applications that are coming before Council (Bylaw Nos. 34-2010 and 35-2010). Administration has reviewed the proposed application to amend the Municipal Development Plan and provides the following recommendations to Council.

The Developers for ‘Fawn Meadows’ are proposing an adult living community that will allow seniors to remain in a rural setting and maintain local ties with friends and family. Currently, this is the first proposal for this form of development in the County. The Municipal Development Plan amendment is proposed for implementation under the Cluster Country Residential District within the County, and is site specific for this location only.

According to the last updated Outline Plan dated March 2012, the proposed gated development will consist of 36 detached residential dwelling units, 24 semi-detached residential dwelling units, 56 duplex dwelling units, 140 supported living units/mixed use with the lower floor being possibly leased for retail/service and health care services. There will also be a community centre (for the condominium

owners), a recreational vehicle and residential storage facility, a convenience store, gas bar and restaurant onsite.

The total number of units to be created will be 256 units with an estimated projected maximum population of 512 people. The titled area for this development is roughly 51.12 ha (126.31 ac). As a result, the average unit density for this development is projected to be 8.2 units per hectare of net developable land (excluding commercial and natural areas). This development is proposing a density that is approximately 4.4 times greater than is currently envisioned for a cluster country residential development within the Municipal Development Plan. As well, the lot size will be reduced for the Fawn Meadows development by 0.1 of an acre.

3. Outline Plan Review

The revised Outline Plan, dated March 2012, includes several reports submitted in support of this proposed development and the accompanying amendments (MDP, ASP, and LUB). Overall, the supporting documentation is fairly comprehensive for the consideration of these amendments. Greater detail and Administrative comments will be provided on the Outline Plan and supporting documentation through the other amendments as well (ASP and LUB). In general, the reports appear to meet most requirements as set out in the County's procedures for Outline Plans (PD 033-P1). Administration does note that the additional services that would accommodate the community centre, gas station, retail services, and RV and residential storage have now been considered in the revised Outline Plan submitted in support of this application.

a) Groundwater Supply Report

There have been many revisions to the first Groundwater Supply Analysis report the Final Document was submitted March 6, 2012. Administration has reviewed the report and provides the following findings from the report:

- i. The March 2012 report now takes into account the additional water users for the commercial/retail/restaurant and community centre developments in addition to the residential component for Fawn Meadows.
- ii. The amount of water estimated for this type of residential/commercial development is approximately 0.378 m³ per person per day. This consumption, in Administration's opinion and in consultation with Alberta Environment, is a suitable estimated water demand.
- iii. Based on the estimated water demand above, the Fawn Meadows development would require a total flow of approximately 188.23 m³ per day.
- iv. Water for fire suppression has been excluded from the scope of this analysis as the developer has indicated that water for fire suppression would be acquired from runoff and grey water.
- v. The author of the report indicates that the production well can produce a sustainable yield of water that is more than enough to meet the demands of the development and not cause negative impacts to neighbouring wells.
- vi. The major impact area that consists of a drawdown greater than 1.5 metres is mostly contained on the subject lands (some lands south of Parkland Drive seem to be impacted which are not part of the subject lands).
- vii. Minor impact area shows an estimated draw down of 1.5 metres or less and extends south and west into neighbouring quarter sections.
- viii. Minimal impact area shows an estimated impact of less than 0.2 metres and extends to a distance of 1038 metres from the production well and into two multi-parcel residential subdivisions to the east known as Bowen Lake Estates and Lake Country Properties.

- ix. Aquifer testing and analysis indicate that a diversion of 188.23 m³ per day is sustainable and will not unreasonably interfere with neighbouring groundwater supplies.
- x. The Fawn Meadows development will adhere to all requirements of the Water Act. These requirements specify a maximum amount of 1,250 m³ of freshwater per year to be provided for household uses. Groundwater will be provided for potable water only at Fawn Meadows and the maximum water usage per household is estimated at 268.4 m³ per year. This includes all staff members and a contingency of 3,650 full day visitors or guests every year.

The cover page (first page) of the report indicates that this report was originally prepared in August 2009 and revised in February 2012. However, the title page (second page) with the engineer's stamp and signature is dated August 2009 and revised January 2012 which is not consistent with the cover page's revision date of February 2012. The title page is important because it is the page that contains the professional engineer's authentication indicating that the work was carried out by professionals having the training and the experience in the fields of the profession contained in the report. According to the Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA), the authentication for a Final Document comes in the form of the engineer's signature, stamp, APEGGA Permit to Practice (not "Alberta Permit to Practice" as shown on the title page) number as well as the date on which the report was signed. Unfortunately, the title page of the Final Document has not been dated the engineer. With these discrepancies, Administration cannot reasonably determine if the professional engineer thoroughly reviewed the document submitted on March 6, 2012 and thereby accepted responsibility for the document.

The Engineer does have a permit number and APEGGA's *Practice for Authenticating Professional Documents* states, "Not authenticating a professional document does not relieve a professional member from any legal liability that might arise as a result of the work contained in a document that the professional member prepared and issued". That being said, the Final Document (report) as set out by APEGGA is to be signed, stamped and dated.

Again, it is noted within a Stantec Memo dated July 17, 2009 referencing "*Fawn Meadows Water Management Strategy*", that "Due to the amount of available groundwater and the sensitivity of the local groundwater aquifer, it is not feasible to provide lawn irrigation and fire protection water with groundwater supplies". (This memo was not included in the March 2012 Outline Plan submission but has been included in Council's package as an attachment).

b) Wastewater Report

The Final Wastewater System Analysis document (now prepared by SD Consulting Group – Canada Inc., dated February 2008 and revised February 2012, Project No. NC-145) has been signed, stamped, and dated by a professional Engineer registered with the Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA). According to APEGGA, the authentication for a Final Document comes in the form of the engineer's signature, stamp, APEGGA Permit to Practice (not "Alberta Permit to Practice" as shown on the title page) number as well as the date on which the report was signed. Though a minor mistake, the mistake is noted by Administration.

The Final Document was submitted March 6, 2012. Administration has reviewed the report and provides the following findings from the report:

- i. The March 2012 report now takes into account the accurate estimated population that would generate additional wastewater for the commercial/retail/restaurant and community centre developments in addition to the residential component for Fawn Meadows.
- ii. Results from the soils investigation indicate that soil disposal is feasible for the Fawn Meadows development.

- iii. SD Consulting Group has indicated that they are in the permit process with Alberta Environment for decentralized wastewater projects in three regions of Alberta.
- iv. Alberta's Standard of Practice for Onsite Wastewater specifies a minimum flow of 0.34 m³ per day per person. Therefore, the design, based on water demand of 0.378 m³ per day per person, is a conservative assumption for the calculation of wastewater flow for Fawn Meadows.
- v. The peak flow for the development is estimated to be 0.523 m³ per minute. This peak flow is used to ensure that the design capacity and storage in the treatment system can handle peak flow events without overloading the system.
- vi. The report does identify two areas within the subject lands that would be suitable for a decentralized communal disposal system.
- vii. SD Consulting has recommended a certain system where both its total capital and life cycle costs are the lowest of the four treatment system alternatives. The author points out that Alberta Environment is very familiar with the system and the technology and there are over 500 installations in Alberta.
- viii. The final wastewater system scheme will be determined through the design phase with Alberta Environment.

The Developer has had discussions with Alberta Environment regarding the installation of a privately owned communal wastewater system. Alberta Environment seems to be willing to consider the proposal, but still maintains that the County should maintain ownership of the communal system. Administration has indicated to the Developer and Alberta Environment that Parkland County would not be responsible for the installation, maintenance, repair or replacement of this system. Included in Council's package is a copy of an email from Alberta Environment. This report will be subject to review and approval by Alberta Environment.

c) Slope Stability and Shallow Water Table Report

The site does not contain slopes over 15 degrees. The author of the report states that based on slope stability calculations, the slope stability report indicated that no development setback restrictions or setback distances are considered necessary for proposed lots on the site.

On the whole, the proposed condominium development will be located within areas that do not have a high water table. However, the 140 unit supportive living unit, the community centre, and the RV and residential storage facilities will be located within an area that contains high water table. As all condominium units must be created within the developable areas on the site, Administration through the subdivision stage will work with the developer to ensure all residential development is located within the areas that do not contain a high water table. The author of the report will have to complete a detailed site investigation for each of the large facilities.

d) Biophysical Assessment Report

The biophysical assessment report is generally well done and identifies areas that are to be conserved. The report does indicate that a referral should be sent to Public Lands to ensure that the small wetlands in the north east corner of the subject lands are not to be claimed by the province. The author of the report identifies, that the current plans for the development will be located in the open blocks of land that is presently being used for cultivation and that the forested areas should be conserved as natural areas. The proposed sanitary sewer system should be located in the south eastern portion of the subject lands. Finally, this report provides several recommendations that will guide the environmental sustainability for the development through to the subdivision and development phases, should Council consider approving these amendments.

4. Analysis of the Proposed Replacement Policies 3.15, 3.17 & 10.25

The amended Policies 3.15, 3.17 and 10.25 will accommodate Fawn Meadows development and would permit smaller lot sizes, significantly increased density, and installation and operation of a privately owned communal piped water and sanitary sewer system. Privately owned communal piped water and sanitary sewer systems would continue to be restricted in all other land use districts except for the Bareland Recreation Resort District.

a) Proposed replacement for Policy 3.15:

The intention of the existing policies within the MDP governing development of Cluster (Conservation) Country Residential subdivisions has set out, in at least seven areas of the MDP, for these types of subdivision developments to connect to piped municipal water and sewer systems. Notwithstanding the adopted policies governing the development and servicing of Bareland Recreational Resort condominium developments, all other condominium developments within the County currently must be serviced by on-site individual private water and sewer services unless municipal piped water and sewer services are available.

Furthermore, Parkland County currently does not support privately owned communal water and/or sanitary sewer systems in areas outside of the BRR – Bareland Recreational Resort District. The proposed replacement policies are site specific in nature; however, approving these policies may set a precedent whereby privately owned communal services may be considered for other Cluster (Conservation) Country Residential districted lands. Additionally, these proposed policies do not limit the length of residency to a non-permanent residency as Bylaw No. 41-2009 (dealt with the servicing of land within the BRR District). If this Bylaw were to be approved by Council, a privately owned communal water and sanitary sewer system would be used to service the Fawn Meadows development and would be used year round.

Alberta Environment encourages the County to provide greater assurances for long-term viability of a communal piped water and sanitary sewer system by assuming the ownership or contracting out of this type of system. As a result, it is assumed that if the privately owned communal system servicing Fawn Meadows were to fail to operate properly, Parkland County may eventually become responsible for the system's repair and/or replacement, and management of the system. At this time, Alberta Environment would not be responsible for any system failures and would not take over the system in order to rectify any problems that may arise.

b) Proposed replacement for Policy 3.17:

The proposed wording for the replacement policy proposes to reduce the minimum lot sizes and significantly increase the maximum lot density requirements on a site specific basis only. Approving these policies may again set a precedent whereby smaller lot sizes and higher densities may be considered for other Cluster (Conservation) Country Residential districted lands and Council may be inadvertently altering the existing rural characteristic of Parkland County.

Currently, Policy 3.17 of the County's Municipal Development Plan provides for a density of 1.85 lots per hectare; in contrast, the Fawn Meadows Outline Plan is projecting an average density of approximately 9 lots/units per hectare. This is a significant increase in lot/unit density. It is Administration's opinion that Fawn Meadows would not maintain the overall existing rural character of the surrounding Carvel area and the County as the development is proposing a significantly higher population and lot density. Additionally, the proposed structures are not in keeping with the existing rural setting in this part of the County where the surrounding developments are agriculture and traditional residential acreage type subdivisions with individual private water and sewer services. For example, the supportive living complex within the Fawn Meadows development proposes to be a 140 unit apartment that will have a unit density of 11.83 condominium lots per hectare which is significantly higher than the existing permitted 1.85 lots per hectare currently under Policy 3.17 of the MDP.

Additionally, there is no policy proposed by the developer where it outlines *“that a minimum of 10% of the gross condominium parcel area shall be set aside for common space recreational area, and no portion of any bareland condominium unit or common space used for private communal services shall be included towards the calculation of this recreational open space”*. Council may wish to consider this accompanying policy in conjunction with the developer’s proposed site specific amendments for Policy 3.17 (a-c). The developers for Fawn Meadows propose to place all servicing within the common area for the bareland condominium. At this time, Administration cannot determine the total amount of common space that the proposed servicing for Fawn Meadows may take up; therefore, Administration suggests that it may be prudent to include this supplementary wording as Policy 3.17 (d) to ensure that the residents of Fawn Meadows will have the minimum 10% of land for outdoor recreational pursuits.

c) Proposed replacement for Policy 10.25:

Historically Parkland County has not supported or permitted private lots, regardless of land use district, be serviced by privately owned communal piped water and/or sanitary sewer systems. This was implemented through Section 10, Policy 10.25 within the Transportation and Utilities Chapter of the Municipal Development Plan. On June 22, 2010, Council passed Bylaw 41-2009 that amended Policy 10.25 in addition to other policies and added new policies addressing bareland recreational resorts. The Developer of Fawn Meadows is requesting that Council reconsider this policy and allow privately owned communal piped water and sanitary sewer systems be installed only within the BRR District and the subject lands for Fawn Meadows.

The intention of Bylaw 41-2009 was to be able to sustainably service land near natural features (lakes, rivers, and environmentally significant areas) that may not be adequately serviced by private on-site water and sewer systems because of the existing soil or groundwater conditions of the lands within the BRR District only. This intention was brought forward in Administration’s report to Council that accompanied Bylaw 41-2009.

If Council were to approve the proposed amendment to Policy 10.25 in its current state, the decision may be precedent setting. Therefore, Administration recommends that Council continue to restrict this type of privately owned communal servicing to bareland recreational resorts only within the BRR District.

5. Capital Region – Land Use Plan Compliance

Administration has identified the following relevant principles and policies within the Capital Regional Land Use Planning Documents that guide development outside of the identified Priority Growth and Cluster Country Residential Areas:

a) Growth Outside of Priority Growth Areas

Within the Capital Region Board’s Land Use Plan (Appendix 2), the Capital Region Board (CRB) adopted policies to govern growth and development of the member municipalities. Policy 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.

The Fawn Meadows development is considered to be outside the priority growth areas and the likelihood of regional servicing being extended westward to this area of the County in the near future may be remote, especially for sanitary sewer services. Furthermore, the County along with Alberta Environment should ensure that the provision of servicing will accommodate the demands of the Fawn Meadows development while not negatively impacting the existing residents’ use and enjoyment of their property. Therefore, Parkland County may consider this form of development and the development of this specific area as long as it does not adversely impact the provision of regional infrastructure required to service the Priority Growth Areas.

b) Privately Owned Communal Servicing

An additional policy highlighted within the Land Use Plan adopted by the Capital Region Board on March 15, 2009 applies when considering the proposed MDP amendments. Policy II(E)(i) states that Country residential uses shall be allowed in designated areas in a clustered form in order to preserve environmental or open space features. Such developments shall utilize communal water and sanitary services. Private communal services may be allowed at the discretion of the Municipality.

Within the October 2009 Addendum to the Capital Region Growth Plan (Appendix E, page 69) “Communal System” is defined as water and sanitary sewer services that service an **entire subdivision** and are developed to a standard acceptable to Alberta Environment or the approval authority having jurisdiction. As a result, the creation of a bareland condominium through subdivision and then operated as the same pursuant to the Condominium Property Act for permanent residential use could be considered to be serviced by a “communal system”.

6. Fire Services Review of Proposed Fawn Meadows Project

Parkland County’s Fire Chief was able to provide very preliminary comments regarding the Fawn Meadows proposal. To summarize the attached review, the fire hall for the volunteer fire fighters is twenty kilometres away with the number of staff not guaranteed and the response time could be in excess of ten minutes. Police services are located thirty-two kilometres away in Stony Plain. Ambulance services would be twenty to thirty-two kilometres away. The review states that the supportive living complex would have to be built correctly for its intended use (senior assisted living) with consideration given to the provision of services for specialized needs. All buildings and homes will be required to be protected by automatic sprinkler systems. The proposed fire pond/dry hydrant system is not sufficient for this project. The developer would be required to install a positive pressure private hydrant system with fire flow calculations from the Fire Underwriters Survey. The available water supply would have to take into account freezing during winter months. The entire development will also be required to be constructed in accordance with the principles and practices of the FireSmart program.

7. Referrals

Alberta Transportation was referred a copy of the Traffic Impact Assessment. As of the date this report was written, no comments had been received from Alberta Transportation. Any comments received after this report has been written will be provided to Council and the Consultant/Developer at the Public Hearing.

Adjacent landowners were notified as outlined in Policy PD-001. To date, no written comments have been received from adjacent landowners. Any comments received after this report has been written will be provided to Council and the Consultant/Developer at the Public Hearing. Additionally, anyone feeling that they will be impacted by the proposed amendments will have the opportunity to address Council at the public hearing on March 27, 2012.

If Council does give second reading to Bylaw 33-2010, County Administration will have to refer this application to the Capital Region Board through the Regional Evaluation Framework process in order to get approval for the amendment to the County’s Municipal Development Plan from the Capital Region Board (CRB). If the CRB approves the request, Council could consider giving third and final reading upon receipt of the formal approval.

JUSTIFICATION

Administration does not support Bylaw 33-2010 and recommends that Council defeat the Bylaw at second reading.

The ultimate build out for the Fawn Meadows project proposes a significant increase in density for this form of cluster country (conservation) residential development. As noted above, the proposed amendments to the Cluster Country Residential policies within the Municipal Development Plan may, in the future, allow for an

intensification of density that may be beyond what could be interpreted as in keeping within the rural character of Parkland County.

The applicants are proposing to create a development with a density that is approximately 4.4 times greater than is currently envisioned for a cluster country residential development within the Municipal Development Plan. Thus it may be considered that the Fawn Meadows development may not maintain the overall rural character of the surrounding Carvel area. Therefore, such developments would be more appropriate within an area of the County which contemplates a higher density with mixed uses contained within one building, such as within a hamlet rather than in the County's agricultural area.

It is Administration's opinion that the Groundwater Supply Analysis report included in the Outline Plan that was to support the merits of installation of a privately owned communal water services still lack the appropriate professional engineering endorsements. The title page of the report should reflect the appropriate revision dates and must be signed, stamped, and dated by the company's respective engineer that is registered with APEGGA and possesses a permit to practice in Alberta.

Furthermore, the intention of the existing policies within the MDP governing development of Cluster (Conservation) Country Residential subdivisions have been set out, in at least seven areas of the MDP, for these types of subdivision developments to be connected to piped municipal water and sewer systems. Notwithstanding the adopted policies governing the development and servicing of Bareland Recreational Resort condominium developments on a non-permanent basis, all other condominium developments within the County currently should continue to be serviced by on-site individual private water and sewer services unless municipal piped water and sewer services are available.

Should the Fawn Meadows applicants have comments regarding Administration's recommendation, they shall bring forth those comments through the Public Hearing process.

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