

March 12, 2018

Johan van der Bank
County of Stettler No. 6
PO Box 1270
Stettler, AB T0C 2L0

Dear Mr. van der Bank

RE: Paradise Shores Area Structure Plan Bylaw 1588-18
NE 20-40-2- W4M and PT of NW 21-40-20 W4M (the "Lands")

And
Bylaw 1589-18 Amendment of Land Use Bylaw 1443-10
Rezoning NE 20-40-2- W4M and PT of NW 21-40-20 W4M from Agricultural (A) District to Recreational Facility (RF) District to facilitate the development of a Recreational Vehicle Campground and recreational facility pursuant to the Paradise Shores Area Structure Plan Bylaw 1588-18

Thank you for circulating the Summer Village of White Sands on the above mentioned Area Structure Plan (Bylaw 1588-18) and bylaw amending the Land Use Bylaw No. 1443-10 (Bylaw 1589-18)

The Lands are located on the south-west boundary of the Summer Village of White Sands and are located within the Buffalo Lake South Shore Intermunicipal Development Plan 2013 (BLSSIDP) area, which was entered into by the Summer Village of Rochon Sands ("Rochon Sands"), the County of Stettler No. 6 (the "County") and the Summer Village of White Sands ("White Sands") (the "BLSSIDP").

The purpose of this correspondence is to:

1. provide White Sand's position on the proposed Area Structure Plan;
2. identify those aspects of the proposed Area Structure Plan and land use bylaw amendment that White Sands is of the opinion has or may have a detrimental effect on it; and
3. provide further comments in regard to the need for White Sands to see the proposed changes before this proposed ASP is fully processed.

We offer the following comments:

1. White Sands has concerns about the proposed Bylaws 1588-18 and 1589-18 and is of the opinion that they have or may have a detrimental effect on White Sands.
2. The concerns of White Sands are as follows.
 - a. Bylaw 1588-18 and Bylaw 1589-18 have been prepared to permit the landowners of the Lands to develop a Recreational Vehicle Campground and recreational facility on a combined site of approximately 110 acres. The proposed campground is to be operated under a long term rental arrangement. We have been advised that the leases will range from 30-50 years. The developer and the County have taken the position that since the intention is to lease the lands, subdivision is not required. However, the failure to recognize the

need for subdivision has or may have a detrimental effect on White Sands. First, there is ample authority indicating that long term leases require subdivision approval.¹ Further, by failing to consider the development as requiring subdivision, there has been a failure to consider the requirements of the BLSSIDP. This will be examined in further detail below.

- b. The proposed development contemplated by Bylaw 1588-18 and Bylaw 1589-18 includes commercial development including a retail store (groceries, gifts, liquor, potential gas bar, marina (see page 22 of 40) and lodge, water park, (see Figure 4c). However, the plans submitted (Figures 4a, 4b, 4d, 4e, 4f and 4g) contain no information in relation to these commercial uses, nor does the text of the proposed ASP. This absence of information is detrimental to White Sands, as there is no information about the servicing required for these commercial uses so that White Sands cannot assess the commercial development. Further, there is no assessment in the traffic impact assessment of the traffic impact from the commercial uses. This absence of information illustrates that the proposal is premature, and should not proceed until there is sufficient information for the County and White Sands to assess the impact of the commercial uses.
- c. The proposed development is for 1,000 RV campground stalls. The proposal is for the users to utilize the boat launch in White Sands. Such a significant number of users of White Sands' boat launch will create traffic congestion (which has not been assessed by the developer's traffic impact assessment) and will also cause additional wear and tear on the boat launch. White Sands will be required to pay for the increased costs, causing a detrimental effect on it.
- d. Policy 5.1.2 Residential

Policy 5.1.2 provides that where there is a multi-lot subdivision, a "conservation design approach" should be used, which is compatible with surrounding development in architectural character and scale. White Sands is of the view that the proposed development is a multi-lot subdivision² and should be assessed as such, thus requiring the proposed development to provide reserves, and lands for roads, etc.

White Sands recognizes that the Lands are located in the South Shores Growth Node and in the small lot area. However, the density of the proposed development exceeds the maximum densities set out in Policy 5.1.5.2 of the BLSSIDP. The impact of this high density is compounded by the fact that there are no reserves being taken for trailways, parks, etc. Even in the Small Lot Zone, the lots are to be a minimum size of 0.25 acres each (typically 82 feet x 131 feet). The proposed lots are 40 ft x 60 ft (0.05 acres), which is significantly smaller, and therefore more dense than proposed by the BLSSIDP (20 dwelling units per acre, rather than the maximum net density of 2.0 du/acre and maximum gross density of 1.3 du/acre in Policy 5.1.5.2)(in excess of the 0.9 units per gross acre – Policy 5.1.7g). Further, the total number of small lot dwelling units is restricted to 30% of the new dwelling units in the growth node area. The County's limit is 648 and not the 1,000 contemplated.

Policy 5.1.5.3 requires the minimum lot size of resort residential to be 1.0 acres and 0.2 acres for a communally serviced resort residential. The Policy provides that the lots sizes in the BLSSIDP prevail over any land use bylaw. If Bylaw 1589-18 seeks to permit these smaller lot sizes, it is contrary to the BLSSIDP, causing detriment to White Sands.

- e. The BLSSIDP requires a buffer for the depth of one block before increasing the density. Bylaw 1588-18 does not include any buffer adjacent to Buffalo View Estates, contrary to the BLSSIDP. The inclusion of a sound barrier is not a buffer and the existence of a sound barrier is not a suitable replacement.

¹ *Otan Developments Ltd. v. Kuropatwa*, [1978] A.J. No. 568; *Robinson v. Guthrie And Guthrie*, [1984] A.J. No. 981, *Sullivan v. Newsome*, [1987] A.J. No. 438, *Half Moon Lake Resort Ltd. v. Strathcona (County)*, [2001] A.J. No. 220.

² The definition of "dwelling unit" in the IDP means "any residential unit, **recreational unit**,... that is used to shelter and provide overnight accommodation. The use of a dwelling unit may be either permanent or temporary.... A dwelling unit must provide sleeping quarters, sanitary facilities and cooking facilities." The RV units will meet the definition of "dwelling unit".

f. Given the high density and the lack of municipal reserves (for parks or trails), White Sands believes that the users will come to White Sands to use its amenities. The increased usage by campers from the proposed development may prevent White Sands residents from using the amenities. Further, White Sands will bear the cost of maintenance and repair arising.

g. Natural Environment and Environmental Considerations – Policy 5.1.6

As a municipality which borders Buffalo Lake, White Sands has a significant interest in ensuring the environment in and around Buffalo Lake is preserved. The proposed ASP does not demonstrate the “conservation design approach” required by the BLSSIDP. There is no analysis of primary and secondary conservation areas. There is no analysis about how the proposed development will not cause an adverse effect on the aquatic environment of the lake. This failure to conserve natural features puts the environment at risk and therefore causes detriment to White Sands, which is a municipality whose residents and visitors enjoy the lake.

The proposed development does not meet the development standards, particular 5.1.9f which may impact the provincially owned Lake ROW, and the lake and environmentally sensitive areas. Since White Sands shares the Lake, a negative impact on the Lake negatively impacts White Sands.

h. Municipal Reserves and Environmental Reserves – Policy 5.1.7

The proposed development has only a 6 m setback along the Lake. This is not in compliance with Policy 5.1.7.a. The smaller setback along the Lake in the proposed plan area will encourage campers to come to White Sands which has a larger setback. This will decrease the privacy of the residents of White Sands and will cause greater damage to the environmental reserves in White Sands, to the detriment of all users of that reserve.

Further, contrary to Policy 5.1.7d, the proposed ASP shows no walkways, thus forcing people to walk along the roads, increasing safety risks.

i. Transportation – Policy 5.1.10

White Sands has significant concerns about the traffic impact of the proposed development contemplated by Bylaw 1588-18 and Bylaw 1589-18. Given the high density proposed there will be significant traffic into the proposed development area. There are only limited roads to access the proposed development. Traffic will have to pass White Sands on Range Road 204 and Township Roads 402 and 404. There has been no evaluation in the traffic impact assessment on the volume of traffic which will be passing White Sands. The increased traffic increases the risk of accidents and safety concerns. White Sands also has concerns about whether the road is designed to take the increased volume of traffic.

The BLSSIDP currently recognizes a disconnected road network (Policy 4.7.1.2). White Sands is concerned that adding 1,000 camping units will worsen an already concerning situation. The proposed ASP does not provide details of the upgrades required for the roads to meet the TAC standards (Policy 5.1.10a).

There are no dimensions for the internal roads in the proposed ASP. White Sands has significant concerns about the impact of a fire in the proposed development and the negative impact it would have on persons and property in White Sands. There is no indication that the road network within the proposed development has been reviewed by the Regional Fire Department.

As set out above, White Sands is of the view that the traffic impact assessment has not sufficiently examined the traffic impacts of the proposed development in regard to both passenger vehicles as well as heavy truck traffic produced by the proposed development, causing detriment to White Sands due to the impact of the increased traffic.

Further, contrary to Policy 5.1.10i, White Sands was not consulted in the preparation of construction access road locations and traffic plans and may suffer detriment due to a failure by the developer to address dust suppression or noise control.

j. Water Servicing – Policy 5.1.11

The BLSSIDP requires all multi-lot subdivisions (which White Sands believes is being considered) as well as single lot developments comprised of multiple dwelling units (if not the first, the proposed development is certainly the second) to be serviced by collective water supply and distribution system owned, operated and maintained by a municipality. The proposed ASP suggests the development will have private system, contrary to the terms of the BLSSIDP. The water will be in a cistern, which will need to have water trucked in. There is no indication where the cistern will be located, as it is not shown on the plans and there is no detail about the volume of water, nor of the increased traffic which will negatively affect White Sands.

Contrary to Policy 5.1.11g and i, there is no report from a qualified profession demonstrating that there will be no negative impact on the Lake and no water servicing concept. As set out above, any negative impact on the Lake may cause detriment to White Sands.

There is no indication the proposed development will conserve water, and no plans specifying how that will occur.

Further information is required regarding the water servicing concept; verbal notification has been made regarding the possible connection to the Shirley McLellan Water Commission line.

k. Sanitary Sewer Servicing – Policy 5.1.12

The BLSSIDP requires all multi-lot subdivisions (which White Sands believes is being considered) as well as single lot developments comprised of multiple dwelling units (if not the first, the proposed development is certainly the second) to be serviced by collective wastewater collection and disposal systems owned, operated and maintained by a municipality. The proposed ASP suggests the development will have private system, contrary to the terms of the BLSSIDP. The waste water will be in a holding tank, which will need to be trucked out. There is no indication where the holding tank will be located, as it is not shown on the plans and there is no detail about the volume of waste water, nor of the increased traffic which will negatively affect White Sands.

l. Overland Drainage and Stormwater Management – Policy 5.1.13

The proposed development contains no information at all about storm water management. Given the density of the proposed development and the proximity to White Sands, White Sands is concerned about the detrimental impact of the storm water possibly flowing into White Sands, affecting its residents, or, equally as troubling, flowing into the Lake and causing negative impacts on the Lake, thus causing detriment to White Sands.

m. Solid Waste Management – Policy 5.2.14

The proposed development contains no reference in either the text or the plans for solid waste collection. The absence of solid waste management plan will cause a detriment to White Sands, in the form of truck traffic hauling garbage produced by the development and/or usage of the White Sands solid waste management facility by the development t.

3. White Sands is also concerned at the possible detriment arising from the fact that a proposed area structure plan and land use bylaw amendment that is not consistent with the BLSSIDP as being circulated. As reinforced

by the Municipal Government Board in its report dealing with the City of Grande Prairie's Annexation Application:³

[89] . . . Since neither municipality has initiated the bylaw termination process, the MGB must conclude that the 2010 IDP is still existing. The MGB agrees that an IDP is not just a contract between two municipalities; it is also an enactment made by bylaw under the authority of the legislature and is supported by a growth study and population projections. Therefore, while the 2010 IDP and STAA do not bind the MGB or Minister with regard to annexations, the MGB does give this document considerable weight.

There were considerable negotiations which occurred before the BLSSIDP was passed by White Sands, Rochon Sands and the County. The result of that work was to create certainty for White Sands, Rochon Sands and the County, so that the municipalities, as well as their citizens, would know what the rules governing the lands covered by the BLSSIDP will be. White Sands should be able to rely upon the contract entered between it and the County.

It is White Sands's opinion that the proposed ASP and Land Use Bylaw amendment cause or may cause detriment, contrary to s. 690 of the Municipal Government Act. This notice is being sent to the County before second reading. White Sands hopes that it can work with the County to resolve the issues arising and is prepared to mediate.

I look forward to meeting with your team to discuss the aforementioned comments.

Sincerely,

Graham Scott
Chief Administrative Officer
Summer Village of White Sands

³ Board Order No. MGB 033/15 at para. 89.