

Summer Village of Sunrise Beach Public Hearing Submission Report

12 September 2022

Meeting Details:

12 September 2022 Lac Ste. Anne County Public Hearing regarding:

- Bylaw 22-2017-01-22 for Redistricting Application (Direct Control District)
- Bylaw 08-2022 for adoption of the proposed Hummocky RV Resort Area Structure Plan

Background

It is the Summer Village's understanding that the proposed bylaws before County Council for the 12 September 2022 Public Hearing are intended to enable the development of a seasonal recreational vehicle (RV) campground (including accessory and ancillary services). The bylaws would redistrict the project area to a new Direct Control District (DC District) (Bylaw 22-2017-01-22) and adopt a new Area Structure Plan (ASP) (Bylaw 08-2022 – Hummocky RV Resort).

The County provided notice to the Summer Village in the spring of 2022. In late August the Summer Village received notice of the Public Hearing. A copy of the draft ASP was provided to the Summer Village by County administration upon request on Friday September 2, 2022, the LUB amendment was provided upon request on September 9th, 2022.

The Summer Village has circulated the documents provided by the County in advance of the Public Hearing to their planning and engineering consultants and offers the following additional comments for County Council's consideration. Should reasonable efforts not be made to address these objections, the Summer Village may exercise its rights under s.690 of the Municipal Government Act.

Location

The project area is located within SE 34-55-1-W5. The legal description of the project area is inconsistently described within both the ASP and LUB amendment documents. It is also incorrectly described within the bylaws and the notice for the public hearing. As such, it is difficult to determine with certainty, the legal description and intent of the bylaws. The Summer Village requests that the County confirm, prior to consideration of 2nd and 3rd reading of the Bylaw, the legal description of the land affected by the LUB amendment and ASP. This is of particular interest to the Summer Village because at present, both proposed bylaws appear to apply to lands that are partially located within the Summer Village.

The Summer Village notes that the Section 12.a of Division 2 of the Municipal Government Act states that *"a bylaw of a municipality applies only inside its boundaries unless one municipality agrees with another municipality that a bylaw passed by one municipality has effect inside the boundaries of the other municipality and the council of each municipality passes a bylaw approving the agreement."*

The Summer Village has not received an application from the landowners to redistrict lands within the Summer Village nor has the Summer Village received an application to approve an ASP affecting lands within the Summer Village. The Summer Village has not, as of this time, agreed with the County that the Bylaws should apply to lands within the Summer Village and therefore, at present, the Bylaws would appear to not comply with Section 12.a of the MGA.

The Summer Village notes that a new survey plan was registered in July of 2022 affecting SE 34-55-1-W5. That subdivision plan changed the legal description of the lands within this quarter section. The new legal descriptions do not appear to have been carried forward into the Bylaws or the Area Structure Plan.

Summary of Objections

Bylaw 22-2017-01-22 Proposed New Direct Control District and Map Amendment

1. **The Summer Village objects to the County giving consideration to a LUB amendment that applies to lands within the Summer Village and requests that Bylaw 22-2017-01-22 be amended prior to consideration of 2nd reading to only apply to Lot 1, Blk. 2, Plan 2221517. This amendment will require changes to Schedules A and C of the Bylaw.**
2. **The Summer Village supports with the recommendation made by County administration and objects to the use of a Direct Control District for this development and requests that Bylaw 22-2017-01-22 be amended prior to consideration of 2nd reading to remove the proposed Direct Control District and redistrict the subject lands in the County to the Commercial Recreation (CREC) District. Use of a Direct Control District significantly limits the appeal rights of persons affected by the proposed development.**

Bylaw 08-2022 Proposed Area Structure Plan

The ASP is proposed to apply to lands within SE 34-55-01-W5. The project footprint includes lands within the Summer Village (Figure 3 & Figure 9), and identifies municipal water and sanitary services, and may identify the outlet for the stormwater management infrastructure within Shedden Drive and Pt. SE 34-55-1-W5 which are within the Summer Village.

1. **The Summer Village objects to the County giving consideration to an Area Structure Plan that applies to lands within the Summer Village and requests that prior to consideration of 2nd and 3rd reading that Bylaw 08-2022 be amended to only include Lot 1, Blk. 2, Plan 2221517.**
2. **Further, the Summer Village requests that the County defer consideration of 2nd and 3rd reading of the bylaws until the Summer Village has provided notice in writing to the County that the Summer Village has received and approved:**
 - a. **A report investigating the existing condition of the local roadways** in the Summer Village which identifies how the proposed development could impact these roadways and further what improvements to the local roadways will be required to ensure that there are no additional costs or safety concerns to Summer Village residents. Presently, the site is not connected to municipal or regional water and sanitary services. The report should consider additional water and sewage truck traffic in any analyses for the development.
 - b. **A Stormwater Management Plan** which identifies options regarding how the development will maintain stormwater (e.g., pond locations, drainage patterns) and discharge stormwater from the site through the Summer Village to the lake. Ultimately, if any of the facilities are located in the Summer Village, the design should be reviewed and approved by the Summer Village's engineer.
 - c. **A Geotechnical Report**, prepared by a professional engineer identifying and addressing environmental constraints that may be present within the plan area including areas identified as being affected by higher water table and including a map showing areas with a water table of less than 2.3 metres (7.55 feet) and less than 1.0 metres (3.28 feet).
 - d. **A Site Specific Hydrogeological Study** to assess and minimize the risk of ground water contamination within the site resulting from the proposed development.

The Summer Village requests that the changes identified in this Public Hearing submission be addressed and the additional Studies be provided prior to consideration or 2nd and 3rd readings of the Bylaw. The Summer Village

appreciates the opportunity to review and provide comments on the bylaws and looks forward to working with the County to address and resolve these concerns.

Planning Context

Intermunicipal Development Plans

No concerns. The Summer Village of Sunrise Beach and Lac Ste. Anne have not adopted an Intermunicipal Development Plan (either jointly or with another municipality) that applies to the lands subject to these bylaws.

Municipal Development Plans

The **Lac Ste. Anne County Municipal Development Plan** (MDP), Bylaw 23-2014, identifies the subject lands as within the Rural Residential Policy Area. The County's MDP recognizes that lands within the Rural Residential Policy Area have been "*subject to significant 'over-subdivision' in recent years, resulting in a large amount of vacant subdivided lots. It is crucial that future subdivision be economically sustainable and reflect local trends of supply and demand*" (Section 6.1). The Rural Residential Policy Area does not provide policy direction for the development of large-scale recreational vehicle resort developments which would support or specifically prohibit their development in this area.

Section 9.1 of the County's MDP provides criteria for the preparation of new ASPs to support recreational campgrounds (with more than 25 units). Among the criteria that "*shall be included*" for a new ASP is a "*Geotechnical Study prepared by a professional engineer identifying and addressing environmental constraints that may be present within the plan area. For the purposes of higher water table, a map showing water tables of less than 2.3 metres (7.55 feet) and less than 1.0 metres (3.28 feet).*"

The Summer Village understands that the requirement identified in section 9.1 for a Geotechnical Report to be include with the ASP submission has been deferred until time of development permit application. The Summer Village strongly objects to deferring the Geotechnical Report until time of development permit application and requests that a geotechnical report be provided for lands within both Lot 1, Blk. 2, Plan 2221517 and Pt. SE 34-55-1-W5, to provide greater consistency with the County's MDP and to enable the County and the Summer Village to determine with confidence that the site is suitable for the intended use.

Further, the Summer Village supports the recommendation made by County administration to require the provision of a detailed site-specific Hydrological Study prior to the time of development of the ASP Area due to the high risk for groundwater contamination. **However, the Summer Village recommends that this study be provided and shared with the Summer Village prior to consideration of 2nd and 3rd reading of the proposed Bylaws.**

Section 8 – Inter-Municipal Fringe of the County's MDP includes policies and notification requirements for developments within 3.2 km of urban municipalities, including the Summer Village of Sunrise Beach. Policy 8.3.3 requires that new residential development adjacent to an urban municipality be of an "urban character." There are no specific policies in this section that address the scenario of an RV campground resort proposed on lands adjacent to a Summer Village. There does not appear to be a future land use area that is specifically identified in the County's MDP as the preferred land use area for commercial recreational development such as an RV campground. However, the proposed campground may be inconsistent with Section 8, because the development is not of an "urban character" and arguably is not consistent with the character of the Summer Village.

The **Summer Village of Sunrise Beach MDP** does not identify a future land use concept for lands adjacent to its boundaries. However, the lands within Pt. SE 34-55-1-W5 which are located in the Summer Village are identified in the future Residential/Retail area. Both residential and commercial developments are encouraged on lands within this area. The proposed future land uses identified in the ASP is consistent with the future land uses provided for in the Summer Village' MDP.

Review of the Proposed Bylaws

MPS has reviewed the proposed bylaws, and recommends the following amendments/actions:

Bylaw 22-2017-01-22 for Redistricting Application (Direct Control District)

Proposed DC District Regulation/Content	MPS Recommendations
Use a Direct Control District	<p>The Summer Village agrees with the recommendation made by County administration and objects to the use of a Direct Control District for this development and requests that Bylaw 22-2017-01-22 be amended prior to consideration of 2nd reading to remove the proposed Direct Control District and redistrict the subject lands in the County to the Commercial Recreation (CREC) District.</p> <p>Use of a Direct Control District significantly limits the appeal rights of persons affected by the proposed development.</p>

Bylaw 08-2022 for adoption of the proposed Hummocky RV Resort Area Structure Plan

Proposed ASP Policy/Content	MPS Recommendations
<p>Throughout the Proposed ASP Reference to lands within the Summer Village of Sunrise Beach included in text and shown on maps illustrating the ASP's design concept</p>	<p>The Summer Village recommends that that the text of the ASP be revised to properly reference lands within the County and the Summer Village OR to remove the lands within the Summer Village.</p> <p>The Summer Village requests that the County and the development proponent identify lands and roads within the Summer Village that may be required to service the proposed development (e.g. future water and sanitary lines, stormwater management, local roads), and present this information to the Summer Village for review by the Summer Village engineer and ultimately approval by Summer Village Council.</p>
<p>Part B, 1.2.1.2 The TIA indicates no improvements are required as a result of initial phases or final build out, and all intersections and site access points would continue to operate to high levels of service.</p>	<p>The Summer Village requests that the Summer Village engineer be provided time to review the Traffic Impact Assessment (TIA) and to assess potential impacts on the Summer Village's road network including any potential upgrades required to provide safe and efficient access through the Summer Village prior to consideration of 2nd and 3rd reading of the Bylaw and that a meeting be arranged to discuss potential solutions or improvements.</p>
<p>Part C, Policy 4.5.2 Until approval for connection to the municipal sanitary service is obtained the plan area may be serviced by an individual or communal on-</p>	<p>The Summer Village recommends that this policy be amended to state that the campground development shall be required to connect to regional sanitary services should they become available.</p>

<p>site sanitary treatment system in accordance with municipal and provincial regulations</p>	
<p>Part D, Policy 2.1.1 If a geotechnical study is required, it is recommended to be completed at the development permit stage for any permanent buildings that may be required for development within the plan area.</p>	<p>This policy suggests that the requirement to provide a geotechnical study may be deferred until time of Development Permit application.</p> <p>The Summer Village requests that the Geotechnical Study be undertaken and submitted to the Summer Village and the County for review and approval prior to consideration of 2nd and 3rd reading of the Bylaw to determine if the site and proposed site layout is suitable for the intended use. It is very difficult to determine if the concept plan is achievable on this site without understanding the site's specific geotechnical conditions and associated construction costs.</p> <p>Additionally, Policy 9.1.2(i) of the County's MDP requires an ASP to include a Geotechnical Study.</p>
<p>Part D, Policy 2.1.3 The Development Authority should approve a development application that complies with the policies and intent of this ASP.</p>	<p>The Summer Village recommends that this policy be deleted, as it is unnecessary and could bind a future Development Authority to issue a decision based on an assessment of the merits of the application that is not their own.</p> <p>The proposed policy is overreaching and could result in confusion or a procedural error at time of development permit review, especially in the absence of a geotechnical study or information about how the proposed development will impact the Summer Villages infrastructure.</p>
<p>Part D, Policy 2.1.4 A Site-Specific Direct Control district should be considered to meet the intent of this ASP</p>	<p>The Summer Village requests that the County revise the ASP to require the subject lands to be redistricted to the County's Commercial Recreation (CREC) district. This district provides for the development of major and minor campgrounds and accessory uses. Use of this district would be consistent with the proposed development and would ensure that those affected by future development maintained their right to appeal.</p>
<p>Part D, Policy 2.2.1 Wetlands classified as non-permanent may be removed upon approval of a Water Act Authorization and submission of a Wetland Assessment and Impact Report (WAIR).</p>	<p>The Summer Village recommends that this policy be revised to indicate that all wetlands remain intact unless required for crossings to provide access to future phases of the development.</p>
<p>Part D, Policy 2.2.9 Maintain a minimum of 50% of the plan area as designated wetland or natural area.</p>	<p>The Summer Village recommends that the 50% open space are be mapped and identified as such in the ASP.</p>
<p>Part D, Policy 2.2.10 Development Setbacks from wetlands shall be determined by the Riparian Setback Matrix Model.</p>	<p>The Summer Village notes that setbacks from wetlands have already been identified in the development concept.</p>

	The Summer Village recommends that this policy be revised to ensure that setbacks from wetlands are not reduced from those shown in the development concept.
Part D, Policy 2.2.12 Delineation of all natural areas from the Campsite, Recreation, Administration, and Utility areas shall be required.	The Summer Village notes that this has not been undertaken as part of the ASP. The Summer Village recommends that this delineation be completed prior to adopt of the ASP.
Part D, Policy 2.6.3 Campsites and facilities within the plan area shall be served by a private communal water system.	The Summer Village recommends that this policy be amended to state that campsites and facilities shall be served by a private communal water system until such time as a municipal or regional service becomes available.
Part D, Section 2.6 Servicing (Sanitary)	The Summer Village recommends including a policy that prohibits the disposal of graywater on the ground or in waterbodies from recreational vehicles.
Part D, Policy 2.6.9 All stormwater management systems shall be provided onsite and meet the General Municipal Servicing Standards or as otherwise approved by Lac Ste. Anne County.	The Summer Village notes that stormwater flows from the development appear to flow from the development area into a water course within the Summer Village. The Summer Village requests to be provided with the storm water management plan prior to consideration of 2 nd and 3 rd readings of the Bylaws.
Part D, Policy 2.6.10 Recreation areas may include stormwater management facilities if required.	The Summer Village recommends that this policy be amended to state that recreation areas <u>shall</u> include stormwater management facilities that conform to the approved stormwater management plan and provincial requirements.
Part D, Policy 2.8.1 In the event of four-season use within the plan area, snow storage locations shall be identified, unless otherwise approved by Lac St Anne County, and may include snow storage along wider internal road right of ways or in recreation or utility areas.	The Summer Village recommends that this policy/section be amended to include policies to ensure that groundwater contamination does not occur as a result of snow storage in the event that the development is utilized as a year round development.
Part D, Policy 2.8.2 Design of internal roadways shall meet the requirements of the Land Use Bylaw	The Summer Village recommends that this policy be amended to identify that internal roadways shall also be required to meet municipal servicing standards.
Additional recommendations	
Safety and Security	The ASP does not include any policy requirements for onsite safety. In the appended public engagement information, the proponent indicates that 24/7 onsite security will be provided during operational months. The Summer Village recommends that policies be added to the ASP that require a caretaker or onsite security residence be

	developed during Phase 1 and to be staffed/or occupied during operational months.
Lake Access	<p>The Summer Village notes that the ASP does not address access to Sandy Lake.</p> <p>The Summer Village recommends that the ASP be amended to address:</p> <ul style="list-style-type: none"> • Impacts this development will have on nearby boat launches in other municipalities • Proximity of the development to nearby beaches, recreation amenities, and boat launches in other municipalities <p>Further, that this information be shared with the Summer Village for review prior to consideration of 2nd and 3rd readings of the bylaw</p>