

02/06/21

ATTN: Mr. Wayne Barritt, President Ravine Villas HOA
RE: The Serenity Amendment to the Heritage Pointe ASP

Thank you for your letter dated 5 February 2021. Although this process, and the public hearing process, can feel adversarial, it is our goal to work with our neighbours in a collaborative, transparent and open manner. Carol and I were recently asked by another HOA board what "success for this project looks like". Our response was success for this project is obtaining the support of our neighbours, and we have met with and responded to so many residents whose genuine collaborative feedback has assisted in making this plan better. We are very pleased with the latest plan, we feel it is an improvement over the initial one, and we thank our neighbours for their input. We cannot please everyone, nor can we change everyone's opinion, but we thank those who have offered genuine, constructive, feedback that has assisted us in positively progressing this plan. With this letter, I am going to be as open and transparent as I possibly can be in order to assure you that we are both working toward common goals.

Foothills County approvals process is not like other municipalities, in fact every municipality I have worked with across this Province uses different processes and have different standards of evaluation. We do not have first reading on this proposal, and therefore, no real indication from Council, even in principle, that we are moving in the right direction. As such, as a development team you have to strike a balance between what you think you really need for background information to satisfy the County and what they will need after land use approval to ensure that your investment is not totally at risk. In this case, we have done more than required to satisfy the evaluation standards and benchmarks from the County's perspective, but we seem to have not hit that mark with the community. When I read the comments in your letter, it appears we want the same things, a community that fits in harmony with the existing fabric of Heritage Pointe, to ensure that the pond is not at risk, to retain and enhance the natural landscape, and to ensure that the wildlife continue to move freely throughout this area.

I am going to break down your letter into concise parts, provide explanation, and offer some additional work after first reading that I hope will provide your Board with a level of comfort moving forward. I will also, if you are in agreement, include these additional **"Shared Community Goals"** in my presentation to Council so that it is on the record and you don't have to distrust that we will not meet the obligations we have outlined in this letter.

Density

The project has been designed to the standards for lot sizes as outlined in the 2004 Heritage Pointe ASP for single family lots. We dropped the density, widened the lots, and increased the open space ++, we are over dedicated in open space. This was in direct response to our site meeting with your group. The project has been designed to the exact lot specifications that I used when I designed the Lake. The villa lots in Serenity are slightly narrower and longer than the Ravine Villa lots. Ravine villa units, per villa side, are on average 16.95m x a standard 32m (542.4m²) in depth (some Ravine units are 17m some are smaller 14m wide). The villa lots at Artesia are more challenging to compare because they are offset at the front, the unit table average for these condo units is (543m²). The villa lots in our project are 12m to 12.8m wide and all are 36.5 m deep (467.2 m²). We had to drop villa lots in our redesign so that we could make our internal roads wider and our single-family lots wider. We felt that a reduced width villa pod in the centre of the project would be acceptable. There is no minimum square footage for a villa lot in the Heritage Pointe ASP or in the Foothills Land Use bylaw. We used the Riversong development as the example template for these villas.

5 Lots North - We dropped two lots in here as a response to our site meeting with your group. These two lots dropped were intentionally done to allow Mrs. Ashton to retain her view to the pond from her kitchen window and her front porch that she cherishes and to allow free movement of wildlife through this area where we noted

a trail they were using. We have reviewed these changes with Mrs. Ashton. The 5 lots cannot be reduced, because with the density revision we have made, we are already at a density that pushes the limit of economic viability for the project. This north land is developable and the geotechnical proved that out. The land is actually better and more developable than other development cells we have successfully developed within Heritage Pointe. As illustrative examples, there are three areas that had similar, and worse, topography that we developed with smaller lots than what are being proposed here, as follows:

- The first five lots on the east side of Heritage Lake Drive as you make your way north along Heritage Lake Drive. These five lots were on a steeper slope with less available developable upland than the location where we have the 5 proposed lots.
- The entire north side of Heritage Lake Terrace. I carefully plotted each one of these lots (walked this site more times than I can count when designing it) against an escarpment break that is sharper and had more geotechnical requirements than this site does. There are a total of 19 lots along Heritage Lake Terrace that were placed on similar topography as this site.
- There is a cell of 7 lots on the very north west side of Artesia, along Artesia Pointe, that all required geotechnical investigation and are all on the escarpment edge with much more severe topography than these.

I should explain why we offered the “HR-A” designation on these lots. Normally, a home can be constructed in Foothills County with just a Building Permit. The HR-A designation requires the submission of a Development Permit prior to issuance of a Building Permit. The Development Permit requires a deposit be placed, usually \$5,000 and additional engineering studies (i.e. – engineered building envelope, high water table testing, additional geotechnical for foundation and retaining wall) to be undertaken to ensure that the home can be properly and safely built on the lot. The compliance deposit is required to ensure that an engineer prepares and reviews the reports, the building envelopes, and ensures that the home is sited in accordance with the engineering requirements. We felt this was necessary to ensure that the homes in this location are built correctly and included a higher order of engineering review. We offered the “HR-A” designation to provide additional assurance to the community that proper studies and engineering would be undertaken on these lots to ensure their developability and outcome.

We have met the commitment to design larger lots and repeat the existing residential and open space fabric of Heritage Pointe. The reduction in density and increase in lot size will result in higher asking prices for these lots, higher home costs, and quality construction outcomes.

Environmental

I have divided this response into three sections pond/storm, ER/MR and Trees.

Pond/Storm – We are only required to undertake a preliminary stormwater management plan and we have done so. However, based on the continued concern with regard to pond quality, we have had additional conversations with our engineer to determine if we can include a bioswale or added filtration to the discharge end of the oil and grit separator (O&G). Meaning, that once water leaves the O&G it goes into a settling pond, or other manner of feature, for further cleaning prior to its release into the pond itself. As we do not have first reading, and therefore no direction from Council, additional expenditure in stormwater investigation is a risk and usually the County requires a full stormwater management plan at the subdivision stage – not the land use stage that we are currently in. As a result of our shared concern that the storm water be given a higher order of treatment, we will agree to providing our formal stormwater management plan (SWMP) as a condition of first reading at the land use stage. This is usually not a condition of first reading; and is a condition of subdivision, however, we are prepared to offer it and will be transparent with our SWMP to ensure we are doing what is best for the pond. Many of the technical questions you ask (O & G maintenance schedule, future spillway work and AE approval process) would be answered by the formal SWMP.

Shared Community Goal #1 – We will request at the public hearing that Council make the SWMP a condition of First Reading (meaning second and third cannot be granted until the SWMP is prepared and accepted) and that the SWMP incorporates best management practices such as:

- Directing drainage from hard surfaces within individual lots (i.e. - roofs, driveways, walkways, etc.) onto landscaped areas prior to drainage discharging onto streets or concrete swales.
- Increasing topsoil depths within landscaped areas of individual lots and other green spaces (i.e. - boulevards, MR, etc.) to promote infiltration and absorption of runoff.
- Maintaining a sheet flow drainage pattern across vegetated areas where possible (i.e. - rear lot drainage into MR/ER, etc.) to provide some water quality improvement.

The storm pond can also be designed with characteristics to provide water quality improvement such as sediment forebays, wetland features and plantings. These can be contemplated as part of detailed design. The SWMP will be prepared the satisfaction of Foothills County and be made available to area residents.

ER/MR – We can confirm that the setback is 30m to 33.9m from the bed and shore of the pond to the rear property lines. The updated Building Envelopes, on the County website for this project, indicate and verify these measurements. It is important to understand the differences between ER and MR and why we have split the area into those distinct categories. ER (Environmental Reserve) is land that, due to its existing physical characteristics, is intended to remain in its natural state in perpetuity. The reason we offered the variable 8m to 13m shoreline edge buffer as ER is, we wanted to ensure all native vegetation here is retained. We also covered the pond with ER (and not PUL or Public Utility Lot as most ponds are) to reiterate the commitment to retaining that feature in its natural state. The same is true of ERE (Environmental Reserve Easement) it also is to be retained in its natural state in perpetuity. The only difference between ER and ERE is that with ER the land is publicly owned (by the County) and the ERE the land remains privately owned by the lot owner.

MR (Municipal Reserve) is intended for parks, schools, and sometimes are subject to a disposition process and sold by municipalities for added revenue. In this case, our MR's are intended to be parks and open spaces. We make the distinction between ER and MR around the pond because the MR area is already disturbed by the existing former golf course paved pathway and, as such has no native vegetation. In addition, we can plant and landscape in MR which something we cannot do in ER. This is why we have a wider MR in the area around the pond and this is an important distinction and critical to us replacing trees when and if necessary, in MR areas. For example, the bush with black knot is close to the pond and ER boundary but not totally within it so that we can replace that bush with a disease free equivalent, we cannot do this in ER, in ER everything must remain in place.

Trees - We have reviewed the large spruce trees and they will die if moved due to their age and duration of tenure on the site. As this was a former tree farm, it's difficult to commit to a one-to-one replacement of trees because, as a farm, the area has an overabundance of trees and many are in very poor shape, however, we can protect and replace trees in the MR and we have derived the following goal that we will also share with Council. It is important to understand that landscaping and trees planted in MR areas are the responsibly of the developer to maintain for two years and that they are to be viable and healthy before they are transitioned to the County for continued ownership and maintenance. The County will require that a letter of credit, or surety, be posted in the amount of the landscaping plan cost estimate to ensure that the plan is executed and delivered as designed.

Shared Community Goal #2 – Landscaping Plan and Tree Replacement. The developer will commit to preparing a landscaping plan, with the assistance of a Landscape Architect, for the MR around the Pond that introduces more and new trees. To ensure that the trees are viable and of a suitable caliper. This will be undertaken at the subdivision stage. The reason for undertaking this at the subdivision stage is that we will have our grading plan prepared at the subdivision stage and the landscaping plan needs to work in harmony with the grading plan. The grading plan will also help inform what trees can be retained and what trees need replacing. We will replace any tree along the east boundary that may be lost due to grading (we don't anticipate this, but you never know) with a tree of a caliper and variety recommended by a Landscape Architect (i.e. – maybe not a poplar but an evergreen or conifer). The Landscaping Plan will be shared with the Ravine Villas to ensure, within reason, that trees are planted to afford screening to Ravine Villas residents and additionally enhance the natural environment around the pond and eastern boundary MR areas. The landscaping plan will be prepared the satisfaction of Foothills County as it is their MR, and they will maintain the areas.

Community Association

As you request, we will incept a community association, not a homeowner's association. A HOA is incepted under the Societies Act of Alberta and is required to have bylaws, board members and reporting mechanisms. We will, at the subdivision stage, incept a community association with a charter and assign a contact person for that CA.

Shared Community Goal #3 – The developer will, at the subdivision stage, prepare a community association charter and assign a contact for the CA upon 30% of the lots being sold. The CA contact information will be shared with existing HOA Board Presidents.

Existing Utilities

We do not want to destabilize land around the pond either. We have suggested a directional drill to ensure that the integrity of the pond and land surrounding it is maintained. I recently worked on a large directional drill at Spruce Meadows and we drilled from Founder's Plaza, underneath the two massive staircases within the international plaza to a point of exit south of the international ring. This worked brilliantly and there was no subsurface or surface damage. We are committed to ensuring that there is no damage to the existing system, no negative functionality, and no increase in rates as a result of our development. We, as the developer, will have to enter into an agreement with Corix. The MX testing has been conducted but the results have not been provided to us by Corix, although they have signaled that the results are positive. We do not know what the report says as it has not been shared with us. If we can share the report when available, we will do so, however, as we have not seen it we are not aware if any proprietary information on the Corix system is in the report and we will need to understand if Corix will allow for the report to be shared.

Shared Community Goal #4 – The developer will assume all costs associated with water and wastewater infrastructure servicing. No rate increase is anticipated, but should one occur as a result of this service extension, the developer must contribute to preserve the existing rate. As all infrastructure to provide the services will be at the sole cost of the developer, there will be no impact on current customer rates.

Water Utility - A principle part of that process is the completion of a standardized Main Lines Extension Test (MX Test). If the results of the MX Test indicate the proposed development will have a positive impact on rates, or at very least no negative impacts, then an Application would be filed with the Alberta Utilities Commission citing the results of the MX Test. If the MX Test indicates rate payers would be negatively impacted, then Corix would only proceed if the developer agrees to a financial contribution to preserve existing rates.

Wastewater Utility - Although the wastewater utility is not regulated, Corix follows the same procedures applied to the water utility (except for the regulatory filing). This ensures rates paid by existing customers are not negatively impacted by the proposed development.

We wish to offer a couple more shared community goals that have arisen from conversations with the greater community.

Shared Community Goal #5 – The developer will submit a Construction Management Plan to the County at the subdivision stage. This plan will require notice posting of the site managers name and contact information, it will outline hours of work (no work on holidays, must cease at 6:00pm, and no exterior finishing work on weekends), noise, dust and garbage control and mitigation techniques and a submission of corresponding Erosion and Sedimentation Control (ESC) plan outlining the implementation and monitoring of the eco-fencing and pond interface.

Although not reflected in your correspondence, we have heard concerns over traffic on Dunbow Road and we have been working with County and Alberta Transportation on meaningful ways to improve the overall function of this corridor. It is apparent to us that the County needs to do more homework on this corridor, and they must include all stakeholders (ourselves, yourselves, all residents along Dunbow Road) to implement a meaningful design solution (i.e. – roundabouts or no roundabouts feelings have been mixed on these) for this corridor. As a result of our conversation, we have offered to construct a staged left from Dunbow Road that allows for free passage of vehicles and does not interrupt traffic flow in the interim until such time as the County and AT have a solution for Dunbow. We are required to contribute \$11,300 per lot toward the upgrade of Dunbow or \$802,300.00 – this is over and above any money we spend on implementing our staged left turn. With the previous

development of the Lake, the Ranche, and Artesia the County has also received \$3,500 per lot contributions in the past. Given the usual anticipated timelines for development, and required approvals as we progress the project, we will not be in the ground with this application for at least two years and the County, during this two-year timeframe, is obliged to communicate their design solution for this corridor to all residents and stakeholders. The County has indicated that further study and consultation will be undertaken by Foothills County in consultation with all stakeholders, including the surrounding community and Alberta Transportation to align an interchange and to accommodate future growth north and south of Dunbow Road. This work does not need to hold up our approvals and we feel that two years will pass prior to our making any physical development efforts on this site given the amount of work required to ensure that the site is developed appropriately and to County standards.

Lastly, the request to delay this process regrettably cannot be honoured. We have conducted outreach by mail on October 7, 2020 and January 2, 2021. This was extensive, and our entire application has been on the County website since its formal submission. We have had a Zoom meeting and a site meeting with your Board on Nov 25th and Nov 28th accordingly.

Our greatest concern is the activity of the Calgary Metropolitan Region Board (CMRB). I don't know if anyone on your Board has been watching the meetings, which are livestreamed, or have been on top of this emerging policy like we have. Currently, the CMRB has a target to have their draft growth plan voted on February 27th (vote is by 10 Mayors and Reeves in the Greater Calgary Region) and sent to the Minister of Municipal Affairs for adoption, or rejection, based on his review. What I am seeing in the meetings is "steam roll" of rural municipalities by urban ones and despite Foothills efforts to convey that the density targets of the CMRB are not appropriate for Foothills they are not being listened too, and if fact, rudely talked down to. The CMRB has identified the Hamlet of Heritage Pointe as an "Infill growth hamlet" and as such a minimum of 6.0 upa is required and can be upward of 20 upa for mixed use (we are 3.32 upa). We are concerned that if we do not have first reading on our ASP prior to the issuance/adoption by the region of these higher density policies being forecast in the CMRB plan that we will have to align with that higher density in order to get CMRB approval of our amendment. This is occurring at this time and is changing rapidly, however, the writing is on the wall and we are not liking it. We are asking for your understanding that moving this forward is in the best interest of the overall Hamlet in light of the higher density targets that are emerging and that the County will be obligated to follow. Offering the SWMP at the land use stage delays our land use approvals, and may jeopardize our ability to get under the CMRB density, but we are willing to take that risk to ensure the SWMP is prepared and shared. The consultant preparing the CMRB plan will be at Foothills County making a presentation at **3:00 pm on February 10th** and you can watch the Council livestream to see for yourself what we are all facing.

Please let me know if you are in agreement with our commitment to the five (5) stated **Shared Community Goals** in this letter and I will ensure that they are within my Council presentation and reiterated. I will also work with the Foothills County Planning Department to ensure that the Shared Community Goals are included in the conditions required to move us through this process. We would appreciate your response no later than February 15th and we can be available for a Zoom call to further clarify the contents of the letter if required.

Sincerely,
Township Planning + Design Inc.



Kristi Beunder, B.A., M.E.Des.
RPP MCIP
Senior Planner / Principal