

SERENITY RESIDENTIAL DEVELOPMENT – OXTOBY/HOWLAND

FREQUENTLY ASKED QUESTIONS

Over the past few months we have communicated with numerous residents and adjacent landowners, either by in-person meetings, Zoom, e-mail or telephone calls and were provided valuable feedback on density, housing types, and open space. We thank everyone for their comments and have revised the Area Structure Plan {“ASP”} amendment. The updated draft Serenity ASP amendment will be posted on the County Website for your review. We are anticipating that the public hearing on the ASP amendment will take place in late February / early March of 2021. We have created this FAQ to provide answers to questions posed to us over the past few months.

These lands have been located within the Hamlet of Heritage Pointe since 1995. The Heritage Pointe ASP was first adopted in 1995 to outline the development of the Golf Course, the Summit, Meadows, the Ridge and the Ravine. The ASP was amended in March 2000 to allow for new single family detached housing type, replacing a 9-hole golf course with a lake and lake amenities and expanding the retail / commercial area to 3.61 ac. A third amendment to the ASP occurred in 2004, this amendment allowed for additional residential development for a total of 698 units, revised plan boundaries, outlined one new area for residential development, The Ranche, and added lands for environmental reserve. Artesia, while part of the Hamlet of Heritage Pointe, was planned under a separate ASP adopted in September 2007. Each phase of Hamlet development must be planned by ASP. Serenity is proposed as the next phase of the Hamlet development, but it is not likely the last, as there are other lands within the Hamlet boundary that have yet to be planned. There are maps showing the Hamlet boundary and the phases of Heritage Pointe development in the Serenity ASP amendment.

HOW DOES SERENITY ALIGN WITH THE CURRENT HAMLET OF HERITAGE POINTE ASP?

DENSITY:

HOW IS DENSITY CALCULATED?

Density is calculated as a factor of units per acre (UPA) and deducting non-developable areas from gross acreage in title. Utilizing this method, the Environmental Reserve (ER) and the Environmental Reserve Easement (ERE) areas are deducted from gross acreage resulting in 21.32 net developable acres for the project. The proposal is for 71 dwelling units, this is divided into 21.32 acres resulting in a density of 3.32 UPA on net acres for the project. This breakdown is found on page 15 of the updated draft Serenity ASP addendum.

One of the best examples of how to calculate density within the Calgary Region is provided on page 193 of the Town of Okotoks Municipal Development Plan, as follows:

Regional Density Methodology

Calculating Density in the Calgary Region

Step 1: Calculate the gross developable area

$$1 \quad \text{Gross Total Area (all lands)} - \text{Non-Developable Areas (environmental reserves, expressways, railways, other non-developable lands)} = \text{GROSS DEVELOPABLE AREA}$$

Step 2: Calculate the gross residential area

$$2 \quad \text{GROSS DEVELOPABLE AREA} - \text{Regional Land Uses (regional open spaces, major commercial centres [>4ha/10ac], major institutional sites, senior high schools, industrial areas, public lakes and water bodies, other regional uses)} = \text{GROSS RESIDENTIAL AREA}$$

Step 3: Calculate the gross residential density

$$3 \quad \text{Total number of residential units} \div \text{GROSS RESIDENTIAL AREA} = \text{GROSS RESIDENTIAL DENSITY}$$

What do you 'keep'/what's included in the gross residential area?

- Single unit residential
- Multi unit residential
- Local commercial
- Local parks & open space (municipal reserve)
- Elementary & junior high schools
- Local roads including majors & lanes
- Church sites
- Daycare centres
- Community centres
- Small indoor recreation centres
- Small site fire and police stations
- Private lakes, wet/dry ponds
- Public utility lots (PULs)
- Other local uses

Figure A.1. Regional Density Methodology

The overall density of the proposed Serenity project at **3.32 UPA** conforms to the 2004 ASP, which states on pg. 13:

- **maximum density should be 3.7 units per gross acre (inclusive of local roadways and landscaped parks, but exclusive of lake, golf course, and lake amenity);**

As such, when you deduct the lake, golf course, and lake amenity, the Heritage Pointe development is 3.7 UPA and Artesia is 3.85 UPA.

For the sake of comparison, Artesia, which is subject to the policy within the Heritage Pointe Stage III ASP, is 3.85 UPA. The newly adopted Municipal Development Plan for the Town of Okotoks sets 10 UPA as the minimum density permitted. Legacy, which is adjacent to the north boundary of Heritage Pointe and subject to the South Mcleod Centre ASP, is subject to the minimum Community Activity Centre intensity target of the City's MDP which is interpreted as 150 jobs and person per gross developable hectare.

The Hamlet Residential land use district in the Foothills Land Use Bylaw, directs Hamlet density to be between 3.0 UPA and 10.0 UPA. The following standard is outlined on page 163 of the Land Use Bylaw:

- 13.4.6.2 In order to facilitate the purpose and intent of this district and ensure the comprehensive development of hamlet residential uses within the District, the following applies to applications for subdivision:
- a. Parcel Density:
 - i. Minimum 3 gross units per acre (3 gross upa);
 - ii. Maximum 10 gross units per acre (10 gross upa).

LOT LAYOUT:

The 2004 Heritage Pointe ASP provides general direction on lot size and width, it states on page 13:

- **average minimum lot size shall be 525 square metres, and no individual lot should be smaller than 490 square metres;**
- **minimum effective lot frontage (measured parallel to the front lot line, at a distance into the lot of 15 metres) shall be 14 metres;**

The Hamlet Residential land use district, which was adopted after the ASP, indicates that a smallest lot size permitted in a Hamlet is 464m², slightly smaller than the ASP allows.

- b. Minimum Parcel Size:
 - i. 464m² (0.11 acres);
 - ii. The area in title at the time of passage of this Bylaw.

The Serenity project has been designed to accommodate the 2004 ASP lot size and width requirements. Only three (3) lots were reduced to 480 m² (above the land use bylaw minimum of 464m²) in order to retain pathway within Municipal Reserve on the property and provide greater amounts of open space. On these lots, only the depth was adjusted, the width remains at 14m as outlined in the ASP. These three lots are the lots opposite the villa pod.

HOUSING MIX:

Row Houses:

Based on community feedback, the rowhouses have been eliminated. We will be retaining the villa cell, but there was much concern received about rowhouses and their perceived inability to fit the design standard established for Heritage Pointe. Three home units are allowed in the 2004 Heritage Pointe ASP. However, given the concern over this housing form we have eliminated the rowhouse and replaced them all with single family. Our original intent was to be consistent with the current Heritage Pointe ASP which allows for cluster homes comprising individual buildings of no more than three dwelling units.

The housing mix is now 49 single family homes and 22 villa units. The height at 12m is what is allowed in both the 2004 Heritage Pointe ASP and the Foothills land use bylaw. Both of these documents allow for 12 metre maximum height of dwelling units.

WHAT IS THE CALGARY METROPOLITAN REGIONAL BOARD (CMRB) AND WHY ARE THEY SAYING DENSITY IN HAMLETS SHOULD BE 50 UPA??

The CMRB was inceptioned by the Province of Alberta and operates as a board of ten (10) Mayors and Reeves in the Calgary Region. This includes the City of Calgary, Foothills County, Rocky View County, Airdrie, Okotoks, High River, Chestermere, Strathmore, Cochrane and part of Wheatland County. In March of 2021 the CMRB will introduce their Regional Growth Plan designed to accommodate the next one million people. To the CMRB a fundamental principle of Regional Growth is to “promote the efficient use of land by increasing intensification and density”. They seek to ensure the development of compact, walkable communities around existing city and town centres in urban areas, in established rural hamlets, and in well-planned and serviced greenfield development.

Approved Area Structure Plans are allowed to build out as per the approved plans. However, the CMRB is moving the Region towards the three preferred **placetypes** (1. Infill/Redevelopment (40 upa), 2. Mixed Use/TOD (20 UPA), and 3. Masterplan Community (10 UPA)) which they believe have many local and regional benefits. Where possible, the CMRB encourages municipalities to find ways to move towards these preferred **placetypes** within existing approved areas (e.g., adding more mixed uses in approved ASPs that are mainly residential).

The CMRB is suggesting that municipalities need to achieve the three preferred place types in hamlets. The City of Calgary has a super-majority vote on this board, and they can direct growth and development as they see fit given this super majority voting power.

The Serenity application is trying to achieve 3.32 UPA prior to the adopting of the CMRB’s Regional Growth Plan in March 2021 which could then force higher densities from 10 UPA to 40 UPA in this area.

Many rural residents are unhappy about the CMRB and its density goals for growth in hamlets and its freezing and land banking of farmland. The Minister of Municipal Affairs will be reviewing the CMRB's Regional Growth Plan and determine if it is to apply or be abolished.

WHAT IS ENVIRONMENTAL RESERVE AND ENVIRONMENTAL RESERVE EASEMENT ("ER AND "ERE")?

Environmental Reserve is land that is to remain in its natural state in perpetuity. ER land is owned by the Municipality. ER land has to have the characteristics described in the Municipal Government Act in order to be claimed as ER. The MGA States:

Environmental reserve

664(1) Subject to section 663 and subsection (2), a subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land as environmental reserve if it consists of

- (a) a swamp, gully, ravine, coulee or natural drainage course,
- (b) land that is subject to flooding or is, in the opinion of the subdivision authority, unstable, or
- (c) a strip of land, not less than 6 metres in width, abutting the bed and shore of any body of water.

Environmental Reserve Easement (ERE) is a similar tool to protect land from development, however, with ERE the land remains in title to the lot owner, they are prohibited from developing that land. The MGA states:

(3) The environmental reserve easement

- (a) must identify which part of the parcel of land the easement applies to,
- (b) must require that land that is subject to the easement remain in a natural state as if it were owned by the municipality, whether or not the municipality has an interest in land that would be benefitted by the easement,
- (c) runs with the land on any disposition of the land,
- (d) constitutes an interest in land in the municipality, and
- (e) may be enforced by the municipality.

WHAT IS THE SETBACK FROM THE POND?

We have increased the setback from the pond on the property to 30m from the shoreline. All of the lots adjacent to this pond have been reduced in size and drawn back 30m from the water. We have identified this setback as part ER (Environmental Reserve) and part MR (Municipal Reserve). The MR portion will contain the existing pathway through this area and the pathway is to be retained. In addition, we have

added green space and linear green spaces to the project area in order to protect and retain trees. We have reduced the number of lots on the northerly point of the property from originally supporting seven (7) lots, to five (5) lots to retain more green space around the pond and protect a wildlife corridor. Updated Building Envelopes have been included on the County's website.

- All lots surrounding the pond have a 30 metre setback to allow for a wildlife corridor. The land within the setback designated as Environmental Reserve will remain in its natural state. The lands designated as Municipal Reserve will be the responsibility of the County to maintain and are designated MR because there is an existing pathway in this area.

WHY IS THE POND RECEIVING STORMWATER?

The pond is already receiving stormwater, it is part of a very large catchment that includes stormwater run off from the Ravine villas and stormwater from adjacent properties, the golf course and properties south of Dunbow Road.

- The pond will serve as the storm water management facility for the community and will have an oil and grit separator at the spillway into Pine Creek to ensure the quality of water.
- The proposed upgrades on the spillway will require the approval of Alberta Environment.
- Windmill Golf Group who owns the spillway has approved the infrastructure.

WATER AND WASTEWATER SERVICES – WILL THIS AFFECT MY RATES?

- Corix has confirmed to the developer in a letter of October 30, 2020 that they have the water and wastewater capacity to service the development.
- A preliminary report has been prepared by Pasquini & Associates, at the developer's cost, to review the infrastructure routes to provide water and wastewater to the development. Corix has engaged the services of an independent consultant to review the Pasquini report, such cost borne by the developer as well. The Pasquini report references a tie-in to "The Lake water reservoir" which is **NOT** the lake within the community. The potable water reservoir is located beside and under the Corix building by the commercial centre, immediately south of the Fire Hall.
- All cost associated with water and wastewater infrastructure servicing are borne by the Developer. 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.
- All infrastructure to provide the services will be at the sole cost of the developer and therefore no impact on current customer rates. Corix has sent all customers a letter on December 21, 2020 confirming this. The letter states:

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.

WHAT ABOUT THE WILDLIFE CORRIDOR?

- The lots surrounding the pond have been located to ensure there is 30 metre setback from the pond to allow the existing wildlife corridor to remain.
- There is also a migration path on the north and east side of the property that will not be developed.

WHY IS THERE NO HOMEOWNERS ASSOCIATION {"HOA"}?

There is no HOA being proposed as there is no common property to maintain. All open space identified as MR and all ER is to be owned and maintained by the County. The County is finding that many HOA obligations are transferred to them over time. They have no concerns with our not having an HOA. The architectural controls will be enforced by an architectural review agency and no building permits shall be issued until such time as the permit drawings have been stamped for release by the architectural administrator.

WHAT IF RESIDENTS TRY AND ACCESS THE LAKE?

We have heard concerns that the residents of this project will try and access the lake. The lake is a private amenity, and our Architectural Controls will identify to lot owners that they have no access to the lake. The Lake HOA makes all decisions about how this lake operates and who has access to it. This is very true of all private amenities within the Hamlet. The roads and some pathways at Heritage Pointe are public and can be accessed publicly. It is difficult to patrol who may be walking or using the pathway systems as, even though some pathways are private, they appear to be utilized by residents and the public alike.

WHAT HAPPENS WITH NUISANCE FACTORS SUCH AS PETS, LOUD EQUIPMENT OR EXCESSIVE NOISE?

Foothills County has a Community Standards Bylaw, adopted in 2013, the purpose of the bylaw is to control and provide enforcement when excessive nuisance is occurring at a property within the County. If in the opinion of Protective Services personnel, a premise is in violation of the Community Standards Bylaw, the individual(s) that are believed to be in violation may be issued one of the following:

- A violation ticket
- A remedial order
- A violation ticket and a remedial order.

Generally, fines for failing to comply with the Community Standards Bylaw range from \$200-\$500. If a person refuses to obey a remedial order, then fines of up to \$10,000 may be issued by the courts. In the spirit of fairness, as well as compliance with the Municipal Government Act Section 547, a Community Standards Appeal board has been established to rule on any potential citizen appeals.

Some of the key issues addressed in the Community Standards Bylaw include:

- Maintenance standards of residential properties;
- Unsightly and nuisance properties;
- Weed control;
- Cutting of grass on boulevards and clearing snow from sidewalks adjacent to residences;
- Construction projects and accumulation of construction materials;
- Recreational and passengers vehicles parked on streets longer than 72 hours;
- Noise nuisances;
- Accumulation of animal feces and manure management;
- Use of ATVs on private and public lands.

In March 2019 Foothills County passed a responsible dog ownership bylaw. This bylaw addresses vicious dogs, dogs running at large, unattended and tethered dogs, dogs left in a motor vehicle, excrement handling and excessive barking. This is a 38 page bylaw with serious consequences for repeat offenders.

WHAT SCHOOLS ARE AVAILABLE?

Heritage Heights School (K-9) is the closest public school (320 students enrolled can support 500) on Highway 552 and there is a companion Catholic school St. Francis of Assisi Academy (K-9) operated by Christ the Redeemer School Division (can enroll 450 students) right beside it. These sites also benefit from and utilize proximity to the Scott Seaman Sports Rink. Strathcona Tweedsmuir (private) and Okotoks High Schools accommodate other learners and age groups.

WHY ARE YOU PROPOSING ROUNDABOUTS ALONG DUNBOW ROAD?

We are not proposing roundabouts on Dunbow Road. Foothills County has undertaken a study that concluded roundabouts were a preferred option. The roundabouts illustrated on our site plan were the result of a Functional Study that was undertaken by Foothills County in September of 2019. WATT Engineering provided 4 options to the County to assist in alleviating congestion on this stretch of road and providing direct access to Dunbow Road for the fire hall. The roundabout option was the preferred option of Council. We are required by the County to protect for this long-term alternative and accommodate it in our design.

ARE THE ROADS DESIGNED CORRECTLY? WE CAN'T EVEN PASS EACH OTHER ON THE ROADS AT THE LAKE.

In order to allow for walkable connections to the existing commercial area, it is proposed that a 27.5 m Hamlet Road Standard be utilized as it runs along the east-west portion of the plan area. The hamlet collector includes a sidewalk on one side, the north side, in order to facilitate alternative modes of transportation to the commercial areas and to the regional recreational opportunities. This collector also includes 2 parking lanes in addition to driving lanes.

The land use strategy proposes an option for single-family detached housing with a laneway along a segment of the east-west collector. This was undertaken to ensure that the sidewalk on the north side

was unbroken by driveway aprons and avoids potential conflicts with cars and pedestrians along this sidewalk.

Two additional internal road standards are included. The major north - south collector road is designed to a 20m standard with a parking lane. The internal collector loop is designed to a 16m standard, this is 1m wider than the current standard for internal collectors at the Lake at Heritage Pointe. The final design will be engineered in conjunction with the Public Works department to the satisfaction of Foothills County. Road cross sections include parking lanes to ensure that there is sufficient on-street parking with room for two vehicles to safely pass in all road conditions.