

# Proposed Summer Village of Poplar Bay Annexation

'What We Heard' Report to Council | 16 August 2021 | Prepared by Municipal Planning Services for Council

## Overview of May 2021 Online Engagement Session/Public Meeting

On May 20, 2021 Municipal Planning Services (MPS) hosted an online engagement session/public meeting (via Zoom) for residents and community members of Poplar Bay. Persons could attend via a mobile/computer device, or call in via their phone. The meeting was led by planners Jane Dauphinee and Brad MacDonald of MPS, and was attended by approximately 25-30 persons.

MPS gave a presentation to attendees that provided information about:

- What annexation is, and the annexation process in Alberta;
- The Summer Village's proposed annexation of a property current in the County of Wetaskiwin;
- A summary of public engagement that had occurred to date (by the previous consultant and MPS)
- Answers to questions, comments, and suggestions provided by residents and community members following the notice sent to adjacent landowners and posted on the Summer Village's website.

During (and after) the presentation, MPS answered questions/comments asked by attendees through the platform's chat function. Following the session, a recording was hosted on MPS' YouTube channel and shared with the Summer Village for residents unable to attend the session live. The recording is available at: <https://www.youtube.com/watch?v=wP-qW4poYGw>.

The following is a summary of the questions/comments asked by attendees, and the responses provided by MPS. Please note: some questions/comments and answers provided are edited for brevity/clarity, and/or combined with similar questions/comments. In some instances, further clarification is provided by MPS.

**If the existing Low Density Residential District (zone) in the Summer Village's Land Use Bylaw is applied to the proposed annexation area, can it be changed (redistricted, or re-zoned) in the future?**

Yes. A decision of the Council of the day do not prevent future Councils (or the same Council) from making changes to a bylaw. A Land Use Bylaw can be amended at any time. However, an amendment to a Land Use Bylaw will require (at minimum) a public hearing.

**The proposed annexation area is an irregularly shaped lot. What are its front, side, and rear yards?**

Typically, the front yard of a property is the side that faces the roadway that provides legal road access. Currently, this would be the side that faces 2<sup>nd</sup> Street/Pigeon Lake. Were the proposed annexation area subdivided in the future, the specific yards would be dependent on the configuration of the subdivision.

**Is it possible to have a buffer along the southern boundary of the proposed annexation area?**

It is a possibility, but a complicated process. The Summer Village cannot insist on a buffer that would result in the creation of an undevelopable portion of the proposed annexation area (e.g. the eastern portion).

**Can you explain/clarify how 2<sup>nd</sup> Street came to be in its current location, and how it became a legal road access to the proposed annexation area?**

2nd Street was included in the original plan of subdivision for this area (Plan 5128 TR) in 1974. At the time of subdivision, this area was within the County of Wetaskiwin. An annexation in 1976 brought this area into the boundaries of Summer Village of Poplar Bay.

In 1996, as part of a new subdivision application which was proposed to facilitate the development of two side-by-side lots that would have otherwise been separated on either side of 2nd Street, the road (2nd street) was closed and the lands were incorporated into a new residential lot. A new 2nd Street was registered proximately 50 metres to the southeast of its original location to ensure continued access to the remainder parcel through the Summer Village. The process for closing a road is outlined in the Municipal Government Act and requires Ministerial approval. The process also involves:

- Council approval of a bylaw;
- Notification of adjacent landowners; and
- A non-statutory public hearing.

Ultimately, a road cannot be closed without Ministerial approval. The road closure and registration of the relocated road were completed in 1996 concurrently with the approval by the Summer Village's Subdivision Authority of the subdivision which created the new residential lot and relocated road. These processes have been complete for 25 years and have no bearing on the current annexation application.

MPS understands that 2nd Street was constructed by the original subdivision applicant, likely as a condition of their subdivision approval which is common practice. Costs associated with the development of infrastructure, including roads, are normally the responsibility of the developer. The person or firm contracted to undertake the work is normally determined by the developer.

#### **How can the Summer Village apply for an Environmental Reserve designation?**

Normally, this occurs at the time of subdivision. Environmental Reserve (ER) can only be applied to lands that have attributes that indicate they are environmentally significant lands (e.g. wetlands, lakes, watercourses, steep slopes, or lands adjacent to these).

If these lands have these features, they may qualify for ER if a subdivision application is made. Additionally, a municipality can, by bylaw, can alter the title of lands already owned by the municipality to identify the land as ER.

#### **Can the proposed annexation area be accessed through lands to the south?**

Legal road access (which all lots in Alberta must have) to the proposed annexation area is through 2<sup>nd</sup> Street in the Summer Village of Poplar Bay.

#### **Have any studies (e.g. Traffic, Financial, Environmental, Watershed, Wildlife) been undertaken in regard to the proposed annexation?**

Reports of this nature are common for annexation applications that involve a large area of land (e.g. quarter sections) adjacent to urban municipalities. Given the small size of the proposed annexation area, these studies have not been required.

If the proposed annexation area is annexed into the Summer Village, technical studies/reports may be requested by the Summer Village's Development Authority or Subdivision Authority to assess a future application for development and/or subdivision.

#### **The Summer Village has undertaken several annexations since 1967. Are there any plans for further annexations by the Summer Village?**

MPS is not aware of any plans for future annexations. The draft South Pigeon Lake Intermunicipal Development Plan (to which the Summer Village is a participating municipality) identifies criteria for when/why an annexation application may be considered in the future.

The proposed annexation area is in the southeast portion of the Summer Village; residents of the Summer Village of Grandview may be affected. Has noticed been provided to Grandview?

It is not a common practice to notify a municipality that is not adjacent (or, is not the 'annexed' municipality) to a proposed annexation application. MPS can share information about the proposed annexation with the Summer Village of Grandview.

(Note: information about the proposed annexation was shared by MPS with Summer Village of Grandview Council in May 2021).

**Would the landowner of the proposed annexation want to incur costs associated with improvements to the road and servicing for two lots?**

MPS cannot speak to the landowner's opinion. Servicing/infrastructure Costs to develop/subdivide undeveloped land are common, especially in municipalities like a Summer Village.

**Who is responsible for unlicensed vehicles (e.g. ATVs and motorcycles) on 1<sup>st</sup> and 2<sup>nd</sup> Street?**

MPS cannot answer this question. This would be the person responsible for the Summer Village's roads and/or bylaw enforcement.

**Is the planned emergency access along Range Road 14 (addressed in the May 7, 2021 What We Heard Report) going forward?**

MPS is not involved in this undertaking by the Summer Village; it is not associated with the proposed annexation application. Questions regarding it should be directed to Council and Administration.

(Note: Concerns/questions about the proposed emergency access project by the Summer Village were shared with Summer Village Administration).

**Can Aspen Acres become a Village? Can residents of Aspen Acres initiate an annexation application?**

MPS is not familiar with the process of creating a new Village in the Province; we are unfamiliar with recent examples. Aspen Acres is a country residential subdivision in the County of Wetaskiwin. Only municipalities can initiate an annexation application.

**Can the existing wastewater line handle future development?**

MPS is not aware of any limitations to the Summer Village's wastewater system that would limit connections to the proposed annexation area.

**Given that concerns regarding this proposed annexation have been raised by residents/ratepayers, why is this application continuing to proceed?**

MPS cannot answer this question, as it should be directed to Council. From a planning perspective, there does appear to be benefits to the Summer Village, such as jurisdictional control over when/how the proposed annexation area may be developed in the future, and contributions through taxation and it would provide the Summer Village with greater control over future subdivision and development within this parcel of land.

**If the annexation was approved today (hypothetically), how long could it take for a subdivision to go through to split the property into two lots?**

An application for subdivision for the proposed annexation area could be submitted today without annexation approval, if applied for to the County of Wetaskiwin. The landowner could go to the County's subdivision authority and apply to subdivide the lot; the application could be approved if it meets the requirements of the county planning documents.

If the annexation process is complete and the land is annexed into the Summer Village, normally the subdivision process takes approximately six months. For this property, if the annexation is approved, it would require an amendment to the Summer Village's Municipal Development Plan and Land Use Bylaw, which may increase the length of time required to complete the subdivision.

**What costs have been incurred by the Summer Village with this annexation application to date?**

MPS does not have this information; this question should be directed to Summer Village Council and Administration.

**Why is a subdivision application/plan not part of the annexation application?**

It is not required as part of an annexation application. Approval of a subdivision is provided by the Summer Village's Subdivision Authority, rather than the Summer Village's Council.

However, the landowner has provided information about their intentions for future subdivision. The maximum density they have indicated that they wish to develop on this site is two lots.

**Would the Municipal Government Board consider feedback of Summer Village residents when making their decision regarding the proposed annexation application?**

If there is no general agreement from community members, the Municipal Government Board will consider this in the decision-making process as to whether to approve or not approve the application. This application will likely go to a hearing before the Municipal Government Board, where testimony/submissions can be presented at the hearing by any affected by the proposed annexation.

**Could a permanent caveat be put on the title of the property to ensure that it never subdivided into more than two lots?**

No, that is not possible. The current Council is not allowed to fetter or bind a future Council. The Summer Village does not have authority to place such a restriction on the property.

**Any indication about how soon development would occur once annexed?**

MPS cannot answer that question. Development within the proposed annexation area (if/when the annexation is approved) would require the approval of development permits from the Summer Village's Development Authority.