

# 07 November (presented in meeting)

LAC STE. ANNE COUNTY  
Municipal Website



Meeting: County Council and  
Municipal Planning  
Commission - 07 Nov 2018

## County Council

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**Title:** Bylaw 16-2018 - Nakamun Oasis Area Structure Plan

### PREPARATION DETAILS

<b>Department Of:</b>	Planning and Development
<b>Proposed Actions:</b>	Adopt Policy/Bylaw
<b>Roll #: 5602362001</b>	Yes
<b>Severed in Accordance with FOIP:</b>	

### RECOMMENDATION:

that Council accepts for information and further directs Administration to make the amendments to Bylaw 16-2018 as outlined.

### SUMMARY/BACKGROUND:

#### **Background**

After the public hearing, Council requested further information in order to guide amendments to the Area Structure Plan. Administration requested further information from the applicant via a letter emailed to applicant on September 12, 2018. Council also requested that Aquality verify the RSMM setback calculation provided by the applicant. Council identified 9 items of concern, which are addressed as follows:

#### **1. RIPARIAN SETBACK**

Concerns were raised at the public hearing that the development will have a negative impact on the quality of the natural environment that is a primary feature of the Nakamun area. Council directed that the RSMM be verified by Aquality.

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Aquality conducted a site inspection on October 2nd to verify the RSMM setback. Aquality's calculation concluded that the setback should be 40 m, based on the lake's fish-bearing status (30 meters baseline setback) and the Lakeside Development status (10 m baseline setback) of the proposal.

The applicant's original RSMM setback determined that the lake qualified only for moderate fish-bearing-potential status (18 m baseline setback), and calculated a 30 m total setback. However, the criteria for whether a lake is fish-bearing or has only moderate fish-bearing potential is outlined in section 10.2.27(b) of the LUB. Under that criteria, a lake is considered to be fish-bearing if there are provincial Fish and Wildlife Management Information System (FWMIS) records of fish present. Since there are records of several species of fish in Lake Nakamun, it qualifies as a fish-bearing lake, and the 30 m baseline setback applies, not the 18 m baseline setback originally provided.

Section 10.2.21 of the LUB states "development that, in the opinion of the Development Authority, will have an unreasonable adverse impact on lake water quality or lake area aesthetics shall be prohibited". Based on the RSMM calculated by Aquality, which complies with the criteria set out in the LUB, development within 40 m of the lake (except for that development which is specifically allowed) would have an unreasonable adverse impact on lake water quality and lake area aesthetics. Administration recommends that the 40 m setback be applied, in order to address concerns raised at the public hearing that lakeside development must have an appropriate buffer in order to mitigate the negative impacts on the lake. Within that setback, minimal development (trails and a cleared area for lake access) will be permitted to support the recreational nature of the proposal. The stormwater management pond will also be within the 40 m setback, located according to the stormwater management plan.

Section 9.1.2(j) of the MDP requires an ASP to address environmental setbacks, and section 9.11.23 states that those setbacks are to be determined according to the RSMM. The RSMM calculation, completed in compliance with the LUB, determined that the setback for this proposal should be 40m. If it is less than 40 m, it will not be consistent with MDP.

Section 633(3)(b) of the MGA requires that an ASP be consistent with an MDP. Therefore, if the setback is not set at 40 m according to the RSMM, the ASP would not comply with the MGA because it would be inconsistent with the MDP.

## *Recommendation*

Administration recommends a setback of 40 meters across the entire lake frontage, within which no development may occur, except for the following:

- Stormwater management pond to be located as per the stormwater

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management report;

- Trails with a permeable surface such as gravel, dirt, or woodchips, to guide pedestrian traffic. Trails shall be no wider than 4 meters, and shall not occupy in total more than 8 meters of the 40 m setback distance from the lake. Trails not extend further east than 400 m from the west property line. Signage shall be placed every 300 m directing trailgoers not to leave the trail.
- A day use area located as per the site plan, which may be cleared of trees, and shall be no wider than 40 meters east-west.

There shall be no buildings, dock, or boardwalk within the riparian setback area. Tree clearing within the 40 m setback shall only be done in order to accommodate trails and for lake access for human-powered watercraft.

The applicant has not provided an updated site plan which contemplates a 40 m setback. The applicant objects to the analysis which concluded that a 40 m setback is required. The applicant contends that the 40 m setback was calculated with a bias, but administration has identified no bias. Aquality created the RSMM calculation matrix, which is a legally defensible method of determining site-specific setbacks. Council requested Aquality verify the RSMM calculation, as administration identified procedural anomalies in the applicant's submission.

## 2. NOISE LEVEL STUDY

Concerns were raised at the public hearing that the development will be a nuisance to existing residents of the neighbouring multi-parcel subdivisions due to excessive noise. Council directed that a noise level study be prepared for the proposed development. Council also directed that the ASP include an enforcement strategy for violators of the campsite's quiet hours.

### *Summary of the Noise Level Study*

The Applicant has submitted a Noise Level Study done by an acoustical consultant. The consultant visited the site on September 25, 2018. A test was conducted at the north end of Range Road 21, where it turns west into the subdivision, near the residence closest to the propose development. A sound source was placed 150 feet into the trees, approximately where the closest RV sites would be to the road. When the sound source played noise at 104.9 dBA (approximately the noise level of a lawnmower at 3 feet away), the reading at the test point on Range Road 21 was 65.1 dBA (approximately the level of normal conversation, or a dishwasher running, etc). For context, the background noise reading at the test site was 43.7. Administration finds that the development will likely have a negligible impact on the noise level near existing residences.

The ASP as submitted contains a clause regulating quite hours to between 11:00 PM and 8:00 AM.

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## *Recommendation*

Administration is satisfied that the setback distance and vegetative buffer, along with the regulation of quiet hours, will attenuate sound from the campground such that existing residences will not be negatively impacted. Administration recommends a three-strike strategy for enforcement, where the first incident of contravention of quiet hours results in a warning, the second incident results in a \$100 fine, and the third incident results in the removal of the occupant from the property and termination of lease.

## **3. UPDATED TRAFFIC IMPACT ASSESSMENT**

Concerns were raised at the public hearing that the proposed development will create an unsafe amount of traffic on the road network around Four Oakes, Nakamun Lake Estates and Losie Glade. Council directed that the Traffic Impact Assessment be updated with on-site traffic counts and recommendations regarding maintenance and/or upgrading.

The Traffic impact Assessment was updated with onsite traffic counts done at two intersections: RR 21 and TWP RD 565A, and RR 22 and TWP RD 565A. Counts were collected from 7:00 AM to 7:00 PM on September 28, 29, and 30, 2018. The onsite counts turned out to be lower than the desktop estimates in the initial TIA. The TIA notes that the timing of counts may be quite different from the real traffic during the high summer season; however, the TIA concluded that the roads should handle the increased traffic at their current design standard. While the increased traffic may slightly increase maintenance requirements, the TIA concluded that upgrading to pavement is not warranted by the estimated increase in traffic.

## *Recommendation*

Based on the results of the TIA, administration is satisfied that the road network around the proposed development can support the estimate increase in traffic demand resulting from the Nakamun Oasis Campground; however, administration recommends the main access to the campground be from TWP RD 565A (rather than RR 21) in order to minimize traffic conflicts on RR 21. Based on the TIA's analysis, paving of the road network is not necessary, however, the cost of more frequent grading and maintenance of TWP RD 565A is a consideration. Administration is also concerned that the on site traffic counts, done in September, are not representative of peak summer traffic.

## **4. ACCESS**

Concerns were raised at the amount of traffic and wear-and-tear on Range Road 21. The Applicant has proposed an alternative main access road onto Township Road 565A from the east corner of the campground. This will reduce traffic conflicts and

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reduce road maintenance costs on RR 21.

## *Recommendation*

Administration recommends a clause stating that the main entrance to the campground will be via Township Road 565A, that the access onto Range Road 21 will be used as an emergency exit only, and that signage will be placed at the intersection of Range Road 21 and Township Road 565A directing campground traffic to the main entrance on Township Road 565A to discourage traffic on Range Road 21. The Applicant provided an updated site plan that includes the access onto TWP RD 565A.

## **5. OFFROAD VEHICLES AND MOTORIZED BOATS**

Concerns were raised at the public hearing that the proposed campground will lead to increased ATV usage, which will negatively impact the surrounding environment. Similar concerns were raised that increased motorized boat traffic will have a negative impact on the aquatic environment and on safety of recreational watercraft users.

The ASP prohibits off-highway vehicles from entering the Nakamun Oasis Property, except for those used by staff. Given the vulnerability of the aquatic environment, administration recommends that no motorized boats be permitted on the Nakamun Oasis property. Human-powered watercraft will be encouraged.

## *Recommendation*

Administration is satisfied with the restriction on off-highway vehicles, and recommends a prohibition on any motorized boats (including those with electric motors) from entering the campground.

## **6. DESCRIPTION OF SEASONAL OPERATION**

At the public hearing, council directed that the ASP describe in detail the seasonal operational aspects of the campground. The Applicant provided a description of the the seasonal operation of the campground. Nakamun Oasis will be in full operation from May 15 to October 31 annually, with limited operation from November 1 to May 14. Full operation means all amenities of the campsite will be available, while limited operation means ten campsites will available for winter camping, with water being available from the main building. Under limited operation, the main building will remain available for rental and community events.

## *Recommendation*

Administration is satisfied with the description of seasonal operation provided by the applicant.

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## 7. POLYGON B

At the public hearing, concerns were raised that the proposed development does not align with the recommendation of the Biophysical Impact Assessment (BIA) in the preservation of habitat in the vegetation community identified as Polygon B in the BIA. The BIA describes Polygon B areas as having "the most mature vegetation units in the study area" and "standing deadfall, snags, and cavities... providing necessary habitat for a variety of birds such as owls, bats, squirrels, northern flickers, and wood ducks)." It states that "whenever possible efforts should be made to minimize the removal of mature deciduous forests located within polygons labelled 'B'. To achieve this, the developer is encouraged to incorporate the use of building envelopes to restrict and limit the removal of vegetation".

### *Recommendation*

Administration recommends a clause stating that exact location of each RV site within polygon B will prioritize existing mature trees reflecting the intent of Biophysical Impact Assessment. For all RV sites within the Polygon B areas, the location shall be determined such that the fewest number of trees shall be removed.

## 8. UPDATED ASP

An area structure plan has been attached with proposed amendments

## 9. GRAVEL REMEDIATION

The applicant recommended amendments outlining the phasing of remediation.

- Weeks 2-4: The gravel deposit will first be leveled and natural drainage patterns will be restored.
- During construction of the campground, the area will be used as a staging area, and any already-extracted gravel will be used to build the internal roadways.
- Weeks 22 -24: Final remediation of the gravel pit area, including restoring natural drainage patterns and topsoil.

### *Recommendation*

Administration is satisfied with the phasing of remediation, and recommends an amendment to include the description of phasing.

## SUMMARY OF RECOMMENDATIONS

Appendix A contains the ASP with proposed amendments, which are summarized as follows:

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- A development setback of 40 meters from the Ordinary High Water Mark. No development may occur within this 40 m, except:
  - Stormwater management pond to be located as per the stormwater management report;
  - Trails with a permeable surface and signage, to guide pedestrian traffic.
  - A day use area to be located as per the site plan, where trees may be cleared. This area shall be a maximum of 40 m wide east-west, and no buildings shall be built within the 40 setback from the lake.

The Applicant will need to submit a redesigned site plan that accommodates the setback and development restrictions, including relocation of any development (such as the sani-dump and multi-use building, if they are within the setback distance).

- removal of references to development within the 40m setback area which are not specifically permitted (such as the proposed boardwalk, dock, etc).
- A clause stating that final location of RV sites within the Polygon B areas will be where the fewest number of trees need to be removed.
- Addition of section 3.7 to include the results of the Noise Level Study, and addition of a three-strikes policy for enforcing contraventions (i.e. fines, termination of lease, etc).
- That access to the campground be from Township Road 565A, and that the access onto Range Road 21 be used as an emergency exit only and signage be provided accordingly.
- A clause prohibiting motorized boats and stating that only human-powered boats will be permitted on the Nakamun Oasis property.
- Removing figure 3.5 and all references to section 9.16 of the LUB, as well as references to the Summer Village of Nakamun Park Municipal Development Plan, and other references that are not applicable to this development.
- The applicant provided updated boat traffic projections based on comments heard from adjacent landowners at the public hearing. Administration recommends the updated calculation be included in section 3.8 of the ASP.
- A detailed description of the gravel site remediation process.

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## **OPTIONS:**

1. That Council accepts the information provided.
2. That Council table Bylaw 16-2018.
3. That Council move that Bylaw 16-2018 be given second reading.
4. That based on concerns regarding setbacks and traffic impact, Bylaw 16-2018 be defeated.

**PREPARED BY:** Andrew Chell

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## **ATTACHMENTS:**

[Aquality Report 18-089 - SW-36-056-02-W5 Nakamun Lake RSMM verification Noise Study](#)  
[Traffic Impact Assessment Nakamun Oasis Campground Updated Oct 18 18 ReducedSizePDF](#)