



Bylaw No. 22-01 Summer Village of Larkspur & Westlock County Intermunicipal Development Plan

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# PUBLIC HEARING SUMMARY

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Report to Steering Committee and Councils | April 20, 2022

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## 1. OVERVIEW

The Summer Village of Larkspur held a Public Hearing for Bylaw 22-01, the Summer Village of Larkspur and Westlock County Intermunicipal Development Plan (IDP) on March 1, 2022. The Hearing was held virtually, during a special meeting of Council. The Hearing was attended by 36 people (including Council, administration, and the planning consultants).

The following report provides a summary of the testimony provided at the Public Hearing. In addition to the testimony presented verbally, written submissions were also provided and included as testimony during the hearing.

## 2. MARCH 2022 ONLINE PUBLIC ENGAGEMENT SESSION

DATE AND TIME	Tuesday March 1, 2022, at 6:30PM
FORMAT	Held virtually via Zoom due to COVID-19 public health protocols
ATTENDANCE	36 attendees, including: <ul style="list-style-type: none"><li>• Larkspur Council (3): Mayor Greg Dreschler, Deputy Mayor Jason Meliefste, Councillor Blaine Boutin</li><li>• Chief Administrative Officer (1): Kim Bancroft</li><li>• Municipal Planning Services Representatives (3): Jane Dauphinee, Kyle Miller, Allison Rosland</li><li>• Members of the Public (29)</li></ul>
SUBMISSIONS	21 Written submissions were received (including 4 provided after the deadline which were read into the proceedings during the hearing) Verbal testimony was provided by 8 individuals.

## 3. OVERVIEW

Jane Dauphinee of MPS provided an overview of the IDP and the process taken to date. This included a statement regarding the recording of the online public hearing for purposes of review by MPS to create this document, a statement on the purpose and overview of the IDP, the team members who created the IDP, and the previous engagement session(s).

Written submissions were identified for Council by administration and presented for the record of the hearing.

21 written submissions were received, including four (4) submissions that were received after the deadline. All the submissions received before the deadline were posted for the public to view in the meeting agenda package. The 4 late submissions were presented verbally at the public hearing either by the CAO or by the letter writer's themselves as part of their verbal submissions.

All the written submissions indicated that the letter writers were opposed to the bylaw and **objected specifically to the plan area boundary**. All the written and verbal testimony provided recommended that the not be approved unless the plan area is increased to include the shorelands around the entirety of Long Island Lake.

In addition to the written submissions 11 verbal presentations were made at the public hearing by 8 individuals, with some individuals speaking more than one time. The chair opened the floor for further or additional comments after all of the speakers had an opportunity to provide testimony to ensure that everyone had the opportunity to be fairly heard.

- Nick Tywoniuk
- Brad Schauenberg
- Randy Tywoniuk
- Ken Schauenberg
- David Schuster
- Al & Suzanne Tywoniuk
- Mike Gomes

A summary of the concerns identified in writing and during the oral testimony is included in the following pages.

## 4. SUBMISSIONS/TESTIMONY FROM THE PUBLIC

The following is a summary of submissions and testimony received from community members at the March 1, 2022, Public Hearing. Comments have been lightly edited for clarity, brevity, anonymity, and relevancy to the IDP, where necessary for the purposes of this report. Many of the written submissions provided addressed similar concerns. For brevity, we have grouped these comments together to remove repetition. The full text of the written submissions is included in **Appendix A**.

SUMMARY OF WRITTEN SUBMISSIONS (BY THEME)	MPS RECOMMENDATION
<p>IDP boundary should be expanded to include north side of Long Island Lake and all parcels within 400 m of the Lake.</p> <p>The area covered leaves a large portion of the lake and surrounding lands unprotected.</p> <p>The full lake, not just the Summer Village portion should be protected.</p>	<p>Including all the shorelands within the plan area may enable the municipalities to establish a consistent approach to the implementation of watershed management best practices adjacent to the shore of Long Island Lake.</p> <p>Earlier drafts of the IDP provided by the consultant did identify a plan area boundary that included all the lands within the watershed. The County did not support this plan area boundary and the plan area was adjusted to enable the project to move forward.</p> <p>When the plan area was revised, additional referral policies were added to the IDP which established a referral area that is larger than the plan area itself. The larger referral area is established in <b>Policy 6.4.2</b>:</p> <p><i>“The County shall notify the Summer Village of the items of the referral items identified in 6.4.1 that affect lands within 800 m, (0.5 miles) of the shoreline of Long Island Lake.”</i></p> <p>This new policy was negotiated between the two municipalities to ensure open and transparent dialog about future development proposals within the 800 m (0.5 miles) of the lake.</p> <p><b>Recommendation: That the committee meet to discuss the plan area boundary.</b></p>
<p>Plan area should be the watershed of the Lake</p> <p>Development on the north side of the lake will impact the entire lake</p>	<p>The watershed of Long Island Lake is quite small and includes a large amount of crown land. This approach may also be reasonable given the small lake watershed.</p> <p><b>Recommendation: That the committee meet to discuss the plan area boundary.</b></p>
<p>Plan should identify and protect environmentally significant areas, however the Plan Area has limited areas identified as environmentally sensitive.</p>	<p>The plan does provide a summary of the available data regarding environmental features within the watershed. This data was collected, mapped and analyzed at the watershed scale. Where the term “Environmentally Significant Areas” is used in the IDP it is used to signify those lands which the Government of Alberta has classified as “Environmentally Significant Areas”.</p> <p>There may be additional lands/waters within the plan area that are environmentally <i>sensitive</i>, however, additional information which would have enabled these areas to be mapped was not available.</p> <p><b>No change recommended</b></p>
<p>Opposed to any development on lands surrounding Long Island Lake.</p>	<p>Restricting all new development adjacent to the lake may be interpreted as “unduly interfering or infringing on the</p>

<p>Concerned about volume of boat traffic.</p>	<p>rights of individuals both within the County and the Summer Village and may be inconsistent with s. 617 of the MGA.</p> <p>The IDP was purposefully written with enabling language to ensure that landowners would be able to continue to use and enjoy their property in a similar manner after the IDP came in to effect as they are able to do today. The consultants carefully reviewed the existing development footprint and the existing Land Use Bylaw Districts when preparing the future land use concept and the policies in the IDP.</p> <p>S. 617 of the MGA states that the purpose of bylaws issued under Part 17 of the MGA is to provide means whereby plans and related matters may be prepared and adopted</p> <p><i>(a) to achieve the orderly, economical, and beneficial development, use of land and patterns of human settlement, and</i></p> <p><i>(b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,</i></p> <p><i>without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.</i></p> <p>The IDP includes policy direction that is intended to satisfy s. 617 (a) and (b) without unreasonably or unrealistically infringing on the rights of individual property owners to use and enjoy their property.</p> <p><b>No change recommended</b></p>
<p>The IDP was not revised to change the boundary of the Plan area after this concern was raised at the open house. Therefore, the plan does not take into consideration the interests of all parties.</p>	<p>Feedback from the public engagement session (and the comments received after the session) were compiled into a “<i>What We Heard Report</i>” that was shared with the Committee, administration and both Councils for information.</p> <p>Following extensive discussion regarding the comments received during the engagement session and feedback provided by both Councils, the consultant made changes to the draft IDP as directed by the Committee based on the direction that was received from both Councils.</p>
<p>Concerned that information provided during engagement was not shared with Council and Committee members</p>	<p><b>See comment above</b></p>
<p>Concerns about water quality, safety and noise. Expanding the plan area to include all of the shorelands would enable a joint management approach which would help to ensure that land management decisions did not have a negative impact on lake health and water quality.</p>	<p>Developing and implementing a consistent plan for the management of the shorelands around the lake would be the most effective means of implanting watershed management best practices and developing a plan that “maintains and improves the quality of the physical environment”.</p> <p>As currently drafted, the IDP does provide for a larger referral area than is currently in effect for development around the shoreline of the lake. Additionally, policies</p>

	5.2.7 and 5.2.8, which were added when the plan area was reduced, do effectively limit new development that would increase the intensity or density of development within the Agriculture and Rural Development Area without an amendment to the IDP. If the plan area were to be revisited we would recommend that these policies also be revisited to soften the language.
<b>SUMMARY OF COMMENTS FROM PUBLIC SPEAKERS</b>	<b>MPS RECOMMENDATION</b>
<p><b>Speaker 1: Nick Tywoniuk</b></p> <p>Summary – Issues with IDP area, recommends that bylaw is rejected unless plan area is revised to include all the land around the lake.</p>	<p><b>Comments on the plan area are provided above</b></p>
<p><b>Speaker 2: Brad Schauenberg</b></p> <p>Was in attendance in the public forums and has read through the IDP. Concerns with IDP planning area only being a quarter of the lake.</p> <p>Ranching Background – joint grazing areas can be abused and misused if all parties don't have a chance to manage those areas; why isn't the planning area the watershed of the lake?</p>	<p><b>Comments on the plan area are provided above</b></p>
<p><b>Speaker 3: Randy Tywoniuk</b> (Written submission also read by Kim Bancroft)</p> <p>Opposes the bylaw in its current state. The IDP intent is all about the watershed and how it affects the entire lake. Therefore, it is not right that the North end of the lake is excluded from the plan boundary.</p> <p>Long term costs due to arbitration should not be a concern – we can do better, and we should take all measures to do so.</p> <p>In my opinion, if the intent is to protect the quality of the lake, then arbitration would not get a worse deal for SV.</p>	<p><b>Comments on the plan area are provided above</b></p>
<p><b>Speaker 4: Ken Schauenberg</b></p> <p>We are STRONGLY opposed to the IDP and any development that takes place on the surrounding lands on Long Island Lake. This lake is very small and is at or very near its maximum capacity for development.</p> <p>The lake is a hazard waiting to happen with all the boat traffic in the summertime. If development goes ahead on the land that is up for sale at the north end of the lake a developer will essentially have the power to double the number of residences on this lake. That will increase pollution, boat and other watercraft traffic and make everyone's enjoyment of the lake substantially less enjoyable.</p> <p>I sold my boat, lift and majority of my dock because of boat traffic, shoreline erosion from the high water and the wake from the speeding boats that come too close to the shoreline. It wasn't safe being on the lake and you could recognise the boats that didn't respect the rights of others- most weren't residents. I have talked to numerous County taxpayers and not one wants this</p>	<p>MPS would not recommend that the plan be revised to prohibit any future development. This would have long reaching and significant implications on all landowners within the plan area and would be contrary to the purpose of an intermunicipal development plan, which is to jointly plan for land use and development within the plan area.</p> <p>Additionally, including boating restrictions or regulations is outside of the scope of the IDP and the municipalities. If there are concerns about safety in the lake these concerns should be brought to the attention of Alberta Environment.</p> <p><b>Comments on the plan area are provided above</b></p>

<p>proposal to go ahead. I hope they also voice opposition to this flawed proposal.</p>	
<p><b>Speaker 5: David Schuster</b></p> <p>My property is not governed by SV but I am up against the SV. As a part of the county, I find it prejudicial by the county. If IDP is accepted I am being treated differently than residents of North end of the lake.</p> <p>Will be speaking at the county meeting as well.</p> <p>I would support the full lake as IDP area boundary – all or none.</p>	<p><b>Comments on the plan area are provided above</b></p>
<p><b>Speaker 6: Brad Schauenberg</b></p> <p>Would prefer arbitration to accepting the IDP with the boundary as currently proposed. Believes the IDP should encompass all the lakeshore lands.</p> <p>Requested additional information about the arbitration process and costs.</p>	<p><b>Comments on the plan area are provided above</b></p>
<p><b>Speaker 7: Ken Schauenberg</b></p> <p>Would have preferred a joint public hearing (County and Summer Village)</p> <p>Concerned that there are plans that are not being disclosed for future development on the north end of the lake</p>	<p>MPS is unaware of any plans for development within the plan area (or the shorelands of the lake) that would or could be disclosed as part of this process. No information has been withheld.</p>
<p><b>Speaker 8: Randy Tywoniuk</b></p> <p>The actual drawings of the IDP have SV outside of the boundary – is this an error?</p>	<p>MPS has reviewed the IDP in response to this comment and agrees that there is an inconsistency between the plan area described in Section 2.2 and shown on the maps and the intended policy area of the plan.</p> <p>It was intended that all of the policies in the IDP except the polices specifically included in Part 5 – Future Land Use – apply to both the Summer Village and those lands within the County that are included in the Plan area. As currently drafted, this is unclear.</p> <p><b>Recommendation:</b></p> <p>The following amendments are recommended to address this inconsistency identified by the speaker:</p> <ol style="list-style-type: none"> <li>1. That the plan area identified on all of the maps be revised to include the Summer Village.</li> <li>2. Additionally, Section 2.2 be amended as follows: <p>2.2 Plan Area Boundary  “The Plan Area is located within the northeast portion of Westlock County. The Plan Area was developed by the Intermunicipal Planning Committee. <del>It generally extends 800 metres (0.5 miles) from the boundaries of the Summer Village of Larkspur.</del> The Plan Area includes the Summer Village of Larkspur and lands within Westlock County that generally extend 800 metres (0.5 miles) from the boundary of the Summer Village.”</p> </li> <li>3. That Section 3 be revised to insert the following statement before 3.1  “General land use policies that apply to all lands in the Plan Area are outlined below.”</li> </ol>

	<p>4. That Section 5.1 be amended to add the following statement after the chart which identifies the three Future Land Use Areas:</p> <p>“Future land use policies that apply to specific lands within the Plan Area identified on <b>Map 8.2 – Future Land Use</b> are outlined below. Future land use in the Summer Village of Larkspur shall be as guided by the policies of the Summer Village’s Municipal Development Plan.</p> <p>These changes would be consistent with the intended interpretation of the plan and direction previously provided from the IPC.</p>
<p><b>Speaker 9: Nick Tywoniuk</b> Comments about the arbitration process and costs</p>	<p>Comments did not pertain to specific bylaw content. <b>No recommendation required</b></p>
<p><b>Speaker 10: Al &amp; Suzanne Tywoniuk</b> We wish to object to the above bylaw as the IDP does not fully represent the whole area of interest or concern of the taxpayers of S.V. Larkspur. The boundary of concern to the S.V. owners should extend to the whole lake and the surrounding lands adjacent to the lake. The important reasons for this are:</p> <ol style="list-style-type: none"> <li>1. Any developments on and around the whole lake could affect the residents of our S.V.</li> <li>2. Any increase of density such as campgrounds would have an effect on increased activity on and around the whole lake.</li> <li>3. The S.V. residents have an interest in the lake level and the quality of the water which pertains to the whole lake.</li> </ol> <p>We strongly suggest that the boundary for S.V. of Larkspur in the IDP be extended to the whole lake before the bylaw is approved.</p>	<p><b>Comments on the plan area are provided above</b></p>