

BY-LAW NUMBER 2008/74

BY-LAW NO. 2008/74 is a by-law of the County of Wetaskiwin No. 10 in the Province of Alberta, to authorize the adoption of an Area Structure Plan for the purpose of providing a framework for subsequent subdivision and development of the area known as Silver Woods located within SW 13-46-01-W5M, Plan 792 2380, Block 2, Lot 10MR, 11 and 12 in accordance with Section 633 of the Municipal Government Act, Chapter M-26.1, Revised Statutes of Alberta 2000, and amendments thereto.

WHEREAS: at the requirements of County Council, as per Policy 6606, an Area Structure Plan has been prepared for SW 13-46-01-W5M, Plan 792 2380, Block 2, Lot 10MR, 11 and 12

AND WHEREAS: the proposed Area Structure Plan has been widely circulated and discussed within the County pursuant to Section 230, 606(1), and 633(1) of the Municipal Government Act, 2000, Chapter M-26.1, and amendments thereto.

NOW THEREFORE: the County of Wetaskiwin No. 10, duly assembled, hereby enacts as follows:

- (a) The document attached to this By-law as "Appendix A", together with accompanying maps, is hereby adopted as the " *Silver Woods* located within SW 13-46-01-W5M, Plan 792 2380, Block 2, Lot 10MR, 11 and 12".

2. This by-law comes into effect on the date of third reading.

READ: A First time this 17th day of December, A.D., 2008.

READ: A Second time this 17th day of December, A.D., 2008.

READ: A Third time and finally passed this 19th day of May, A.D., 2009.


REEVE


SECRETARY-TREASURER

RESLAND
Development Group

SILVER WOODS AREA STRUCTURE PLAN

May 19/07 Council

May 3, 2009



Scheffer Andrew Ltd.
Planners & Engineers

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FIGURE 1
SITE CONTEXT
 SILVER WOODS
 AREA STRUCTURE PLAN

COUNTY OF
 WETASKIWIN

Scale 1:10000
 November 17, 2008
 3151200 Site Context.dgn

The Summer Village of Crystal Springs is northwest of the plan area along the lakeshore west of Norris Beach. The residential areas known as Viola Beach and Beachside Estates are east of Norris Beach and the plan area.

Woodwind Estates is directly south of the plan area and contains 19 lots ranging in area from 0.8 ha to approximately 1.5 ha.

In addition to this existing residential development, some higher density residential development is planned to the west of the site across Norris Beach Road.

Adjacent to the northwest corner of the site is a commercial storage facility and a mini-golf centre. The Village at Pigeon Lake, a year round centre for shopping and other services, lies southwest of the site at the intersection of Highway 13 and Norris Beach Road.

2.2 Natural Features

The site slopes gently and drains generally to the north towards the lake. Approximately one quarter of the site along the northern side has been cleared. The balance of the site is forested with a mix of coniferous and deciduous trees.

2.3 Phase I Environmental Site Assessment

A Phase 1 Environmental Site Assessment is complete and has been submitted under separate cover. It concludes that "The information gathered during the course of this investigation revealed no environmental concern; therefore no further environmental investigation (Phase II) is required."

2.4 Biophysical Examination

In November 2006, Spencer Environmental Management Services conducted a biophysical examination of the subject land addressing the potential impact of proposed residential development. A copy of a letter describing the review has been submitted under separate cover.

The following are Spencer Environmental's design and development recommendations:

- Given the position of the property in the Pigeon Lake watershed, ensure, through caveats that all wastewater systems are of a type that provide superior long-term function and are suitable for the soil types present. Do not allow septic fields or mounds.

- Prohibit the use of lawn fertilizer in the subdivision, to protect water quality in Pigeon Lake.
- Endeavour to maximize tree retention on the parcel through a combination of restrictive covenants, conservation easements, and programs that promote environmental stewardship.
- Retain a portion of the existing municipal reserve lot at the east parcel boundary to promote connectivity to the wooded lands to the east. Thirty metres is the recommended minimum width.
- Ensure that all covenants for tree retention at the back of lots provide a minimum 8 m width. This width is selected to promote connectivity and still provide lot owners with a choice of building sites.
- If clearing is restricted, provide some guidelines to homeowners regarding management of retained treed areas.
- Design the storm water management facility as a naturalized storm water wetland with input from a qualified professional biologist.

These recommendations have been incorporated into the plan and will be incorporated in the developer's building and development requirements which will be registered as a restrictive covenant running with the lands.

2.5 Geotechnical Assessment

A geotechnical assessment will be submitted with the detailed engineering design.

2.6 Historical Resources

Alberta Tourism, Parks, Recreation and Culture has indicated that a historical impact assessment is not required for this parcel of land.

2.7 Access

Access to the subject land is currently available from Norris Beach Road along the west boundary of the site. An opportunity exists for a second access south to the Westeros Acreage Road at the southeast corner of the plan area.

3 POLICY CONTEXT

3.1 Statutory Plans

The *County of Wetaskiwin Municipal Development Plan, 1998* acknowledges that proximity to the City of Edmonton and other urban centres has created pressure for residential development in and around the plan area. The Municipal Development Plan also acknowledges that residential development is welcome in the County subject to the goals and policies of the Municipal Development Plan and the requirements of the Land Use Bylaw.

The subject area is not currently included in an area structure plan.

3.2 Pigeon Lake Management Plan

County of Wetaskiwin is committed to using "the policies set out in the [Pigeon Lake] Management Plan as a guide when making any decision affecting the Pigeon Lake watershed."

The Management Plan contains a guideline to the effect that 10 linear feet of public access to the lake should be provided for each proposed residential lot under one acre in area that lies within 400 metres of the lakeshore. Figure 2 Proposed Plan shows this 400 m boundary.

This topic is addressed in Section 5.6.

3.2.1 Land Use Bylaw

The subject land is currently districted "Country Residential" under the County's Land Use Bylaw #95/54. It is proposed to be redistricted to "Urban Residential".

4 COMMUNITY CONSULTATION

4.1 Initial Public Meeting

An initial public meeting was held on August 26th, 2006 at the Lakedell Agriculture Society building. Approximately 40 area residents attended the meeting. The following is a summary of the meeting:

- Scheffer Andrew Ltd. provided an overview of the project;
- Discussion groups were formed and a series of prepared questions/issues were discussed and comments recorded by a facilitator;

- Comment sheets were made available for individual written submissions; and
- Contact information of attendees was recorded so that information can be conveyed as the planning process moves forward.

Topics discussed included:

- residential density of the proposed development;
- impact of increased traffic on Norris Beach Road and the Highway 13 intersection;
- privacy and access to lake;
- potential environmental impact, especially concerning storm water drainage into the lake; and
- the quality of residential development.

4.2 Second Public Meeting

A second public meeting was held on November 18, 2006 at Ma-Me-O Beach Town Hall. It was attended by approximately 80 people. The developer made a presentation followed by a question and answer period.

Topics discussed included:

- proposed reallocation of the municipal reserve;
- water quality of storm water management facility;
- potential impact on roads of trucking in water and trucking out sewage;
- construction of a trail along Norris Beach Road (alignment along road or internal to subdivisions, and the possibility of cooperation/coordination with other developers).
- traffic at the intersection at a Highway 13.
- possible need for municipal/regional water supply system.

4.3 Pigeon Lake Residents Group

On May 12, 2007, the proponent of this development met with members of the Pigeon Lake Residents Group. The development specific concerns discussed were:

- residential density;
- storm water runoff;
- lake access; and
- proposed redistribution of municipal reserve.

The meeting resulted in a constructive exchange of information, but did not establish a specific agreement regarding detailed revisions to the proposed development.

4.4 Intermunicipal Consultation

The Summer Village of Norris Beach was contacted directly and informed of this proposed development. Representatives of the Summer Village attended the public meetings and provided comment. Representatives of the proponent also met with representatives of the Summer Village of Norris Beach Council in the spring of 2008.

4.5 Response to Public Input

The following sections describe the development concept proposed, based on the background investigations and the community consultation described in this Section. The proposed development concept addresses the topics arising from public consultation as follows:

4.5.1 Residential Density

The proposed residential density remains consistent with the majority of the surrounding area (see Section 5.5).

4.5.2 Quality of Residential Development

The quality of residential development will be controlled, as in other parts of the County, through the regulations contained in the County's Land Use Bylaw and through building and development controls imposed by the developer. Controls to be put in place by the developer are addressed in Section 5.7.

4.5.3 Storm Water Runoff

The storm water management concept described in Section 6.1 addresses residents' concerns regarding the quality of storm water runoff and its potential impact on Pigeon Lake. It meets the highest standards of storm water control and treatment.

4.5.4 Lake Access

Section 5.6 discusses the proposed development in the context of County policy regarding lake access.

4.5.5 Proposed Redistribution of Municipal Reserve

The change proposed to the existing municipal reserve lot, which remains part of the proposed development, is explained in Section 5.3.

4.5.6 Potential Impact on Roads of Trucking Water and Sewage

Section 7 addresses these concerns.

4.5.7 Trail Along Norris Beach Road

The provision of a trail is discussed in Section 7.

4.5.8 Traffic on Norris Beach Road and Highway 13 Intersection

See Section 7.

5 LAND USE CONCEPT

The land use concept (Figure 2) proposes the creation of residential development between the Summer Village of Norris Beach and the Woodwind Estates subdivision.

5.1 Proposed Land Use

The Silver Woods development will be a multi-lot residential subdivision including a public park and a storm water management facility.

5.2 Subdivision Design

The County's Urban Residential (UR) land use bylaw provides for a minimum lot size of 930 sq. m. (10,000 sf). Based on community input and upon direction from County Council, the development will contain up to 120 building lots, each a minimum of 1,300 sq. m. (14,000 sf) in area. Lot widths will meet or exceed the requirements of the County's UR Bylaw (21m or 70 ft).



FIGURE 2 DEVELOPMENT CONCEPT

SILVER WOODS
AREA STRUCTURE PLAN

COUNTY OF
WETASKIWIN

Scale 1:4000
May 4, 2009
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The lots in Woodwind Estates immediately south of the Silver Woods development are unusually large in comparison to the surrounding development in the area. Consequently, the lots along the south boundary of the Silver Woods development have been increased in area to provide a transition to the larger lots to the south. The main local roads in Silver Woods are oriented east/west and provide access to a series of local cul-de-sacs. No vehicular access to Pigeon Lake is provided.

Pedestrian linkages between the residential area and the public park, and within the park, will be constructed. Figure 2 provides a conceptual indication of the alignments proposed.

Land Use	Area (ha)	Percent
Residential	16.1	56%
Park (municipal reserve)	6.1	21%
Stormwater Management	1.6	6%
Remnant Land	1.4	5%
Roads	3.5	12%
Total	28.7	100%

5.3 Municipal Reserve

As part of a previous subdivision, 6.14 hectares of municipal reserve land were created along the eastern edge of the subject property adjacent to existing residential development. This land belongs to the County and should be allocated in the best interests of County residents, existing and future.

The Silver Woods plan proposes to allocate this same 6.14 hectares of reserve land in a manner that maintains a green buffer along the eastern edge of the property in addition to creating a green buffer 78 m or more in width along the northern edge of the subdivision adjacent to the Summer Village of Norris Beach. The overall area of municipal reserve (6.14 hectares) will remain the same, and a buffer of approximately 30 m will remain between the proposed development and residences in the acreage development to the east.

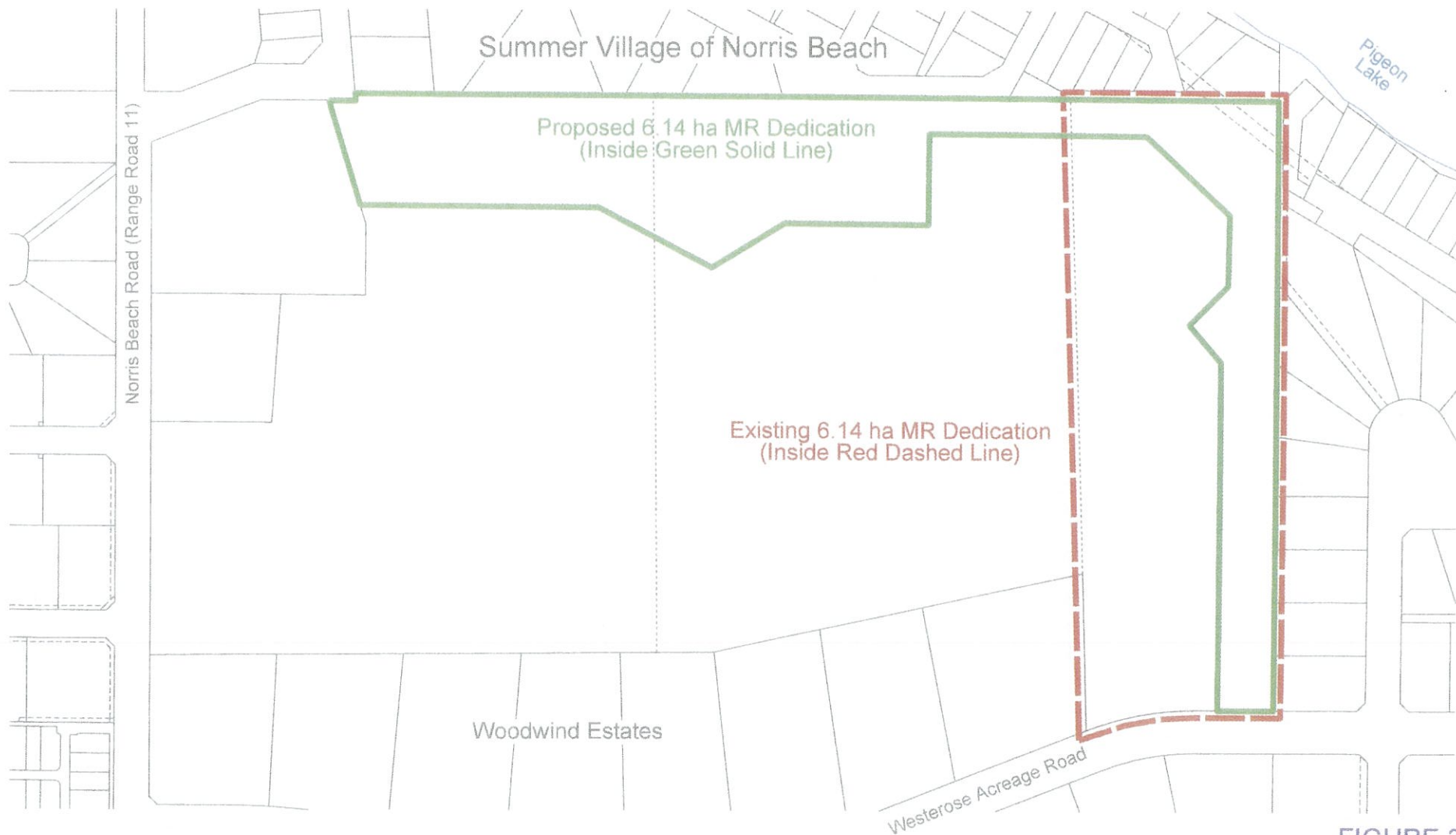


FIGURE 3
RESERVE ALLOCATION
SILVER WOODS
AREA STRUCTURE PLAN

COUNTY OF
WETASKIWIN

Scale 1:4000
May 16, 2008
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This reallocation of park land is consistent with the recommendations provided by Spencer Environmental with respect to the maintenance of wildlife corridors.

The park land (municipal reserve) will remain generally in its natural state to minimize maintenance costs and to emphasize its function as a buffer.

5.4 Storm Water Management

The proposed storm water management facility will occupy approximately 1.6 hectares and will add to the open space component of the development. Located as shown in Figure 2, it will also provide an additional separation between the proposed development and the existing residences in Norris Beach.

5.5 Density

The proposed development will contain approximately 120 lots. With a minimum lot size of 1300m² (14,000 ft.²), the proposed dwelling unit density is appropriate for the area. This density is within the range found in the surrounding area which includes small condominium units (west of the plan area) and some uncharacteristically large country residential lots (in Woodwind Estates) to the south.

Considerable care and attention has been taken to ensure that Silver Woods will be compatible with development in the surrounding area. The proponent has conducted a historical assessment of land development on Sections 13 and 14, Township 46, Range 1, W5 which revealed:

- The majority of lots in the area (about 60%) were developed prior to 1980.
- There was no significant residential development in the area from 1980 through 1997.
- Significant development commenced again in 1997 and has been continuing since then.

Pre 1980 and post 1997 information was reviewed to analyze development and market trends. Some key findings include:

- Post 1997 developments are better focused on land conservation. The average land area consumed by each building lot post 1997 is 50% on average of the area consumed prior to 1980.
- The trend, and therefore market demand, is moving away from extreme lot sizes, both small and large. With pre 1980 development, approximately 60% of all lots

were less than 10,000 square feet in area. Since 1997, only about 34% of building lots have been less than 10,000 sq. ft. in size. Conversely, Fully 96% of lots developed since 1997 have been less than ½ acre in size, as compared to about 70% prior to 1980.

The current development trend and market demand is clearly for building lots between 10,000 sq. ft. and 21,500 sq. ft. in size. A majority of area buyers are looking for lots of sufficient size to preserve a "country look and feel" but without the extensive maintenance demands and costs that often come with larger properties.

County staff have received some interest in the re-subdivision of large country residential lots in Woodwind Estates. This suggests a trend or preference toward smaller lots and higher density rather than large lots at lower densities.

All Silver Woods lots will be sized within this desirable range and Silver Woods will be compatible with surrounding development.

The permanent population is expected to be less than the urban equivalent because the development will include a significant proportion of semi-permanent and temporary residents.

5.6 Lake Access

Because the majority of lakefront lots in the area were acquired and developed prior to 1980, direct lake access has not been available to any lot since that time. Consequently lake access has been neither an option nor an issue for post 1980 development. However, the guideline described in Section 3.2 requires that that 10 linear feet of public access frontage to the lake should be provided for each proposed residential lot under one acre in area that lies within 400 metres of the lakeshore.

The proposed Silver Woods development must respond to market preferences, which, as they have in the past, favour smaller, easier to maintain semi-urban lots. However, approximately 40% of the lots within the proposed development (all of which are under one acre) lie within 400 m of the Pigeon Lake shore. The following paragraphs consider the proposed development in the context of the guideline.

If all publicly owned land (including municipal and environmental reserve) that lies along the shore of Pigeon Lake in the vicinity of the proposed development (3,100 feet) is included in the calculation, the guideline would allow a total of 310 lots under one acre within 400 m of the lake. The total of such lots within Norris Beach (125) and proposed in

the Silver Woods development (50) would total only 175 lots. The proposed development would therefore be well within the guideline.

However, past practice has been to exclude land that lies between existing private lots and the lakeshore from the calculation, even though that land is publicly owned. This means that only public land that is part of a public park or roadway leading to the lake is included in the calculation. On this basis, land for public access would total only about 760 feet. Using this method, the existing lots in Norris Beach would already exceed the guideline and no additional residential lots could be created within 400 m of the lake in the vicinity of Norris Beach.

It is understood that the lake access guideline contained in the Pigeon Lake Management Plan is a general expression of the Pigeon Lake municipalities' wishes. Municipal Councils considering development applications should take it into account, but are not specifically bound by it.

Several factors support allowing this development to proceed as proposed:

- the distance of this development from the lakeshore;
- its separation from the Lake by the Summer Village of Norris Beach;
- the additional separation provided by the public park and storm water management feature along the north side of the development;
- the presence of local recreational amenities in the form of the proposed public park and the storm water management feature;
- the recreational opportunities, other than the lake, existing in the area;
- the lots will ultimately be provided with some municipal servicing, so smaller lots are more appropriate;
- the relatively small number of lots (50, or about 40% of the lots proposed in the Silver Woods development) affected by the lake access guideline, and
- the development is not being marketed as a lake front recreational development.

Furthermore, circumstances have changed in three significant ways since the 400 meter guideline was created.

1. First, the area along Norris Beach Road, between Highway 13 and the Lake, is becoming an urban node in the context of development around

Pigeon Lake. The area now includes multifamily residential development and commercial services (Village at Pigeon Lake), and Norris Beach itself, all of which developments are urban in nature. The 400 meter guideline was intended to be applied generally around the perimeter of the Lake where the majority of development as a combination of lake related recreational residential, agriculture, and open space.

Given this local evolution to an urban node, it is not appropriate to apply a broad guideline aimed at reducing development intensity in this specific location.

2. Second, Transport Canada has made it clear that boat lifts (or hoists) require government approval under the *Navigable Waters Protection Act*. The relevant criteria prohibit the placement of boat lifts beyond 30 meters of the shore, and require the consent of "upland property owners" prior to an approval being issued. This provides landowners near the lake with protection from the overuse of access points that the 400 meter guideline was intended to address. This change in circumstances significantly reduces the importance of the guideline to the plan area.
3. In recent years, many municipalities have recognized the environmental importance of compact, sustainable development. Smaller lots use less land and make more efficient use of roads and utility infrastructure than larger, dispersed lots. The 400 meter guideline encourages larger lots, and the distribution of development further from the Lake.

Finally, the development of smaller, more efficient lots offers support to the planned introduction of piped municipal services to the general area. The larger the lots, the less efficient municipal servicing becomes, and the higher the cost to individual landowners.

For these reasons, the Pigeon Lake Management Plan 400 meter guideline should not be applied to the proposed development.

5.7 Building & Development Requirements

To help preserve and enhance the value of land and homes in the subdivision, the County's bylaws will be supplemented by building and development requirements (see Sect 2.4) to be prepared by the developer and registered as a restrictive covenant running with the lands. These controls will address issues such as:

- prohibiting the use of chemical fertilizers on lawns;
- fencing
- dwelling standards (flexible but achieving a compatible look and feel to home styles and exterior finishes, minimum size, exterior finishes, colors etc.)
- requiring permanent dwellings to be "stick built", conforming modular, or conforming pre-fabricated
- prohibiting trailers, manufactured homes, recreational vehicles, and motor homes being used as permanent dwellings.

To help ensure the quality and appearance of the project, the developer group intends to become very involved with home building within the development.

Restrictive covenants will also be placed on the titles of selected lots, particularly those along the southern boundary of the development, requiring that trees adjacent the rear property lines be retained, and that the rear 8 m of these lots not be fenced. The retention of trees will increase privacy for residents of the proposed development and their neighbours, and restricting fencing will preserve wildlife corridors as recommended by Spencer Environmental. This approach is consistent with the Municipal Development Plan policy regarding watershed protection.

6 MUNICIPAL SERVICES

Each lot will be individually serviced by the purchaser, initially with pump-out sewage removal. This system will be designed to facilitate possible future connection to regional water and sewer systems. This is consistent with the Pigeon Lake Management Plan, which supports the provision of regional utility services.

6.1 Storm Water Management

In response to the recommendations provided by Spencer Environmental, and to the standards set by Alberta environment and the municipality, storm water drainage from this development will be retained in an on-site storm water management facility. This facility will be designed as a constructed wetland discharging at pre-development flows across public land at the northeast corner of the proposed development to the lake. It is possible the outfall will be piped under the existing public lands, subject to further analysis at the detailed design stage.

The constructed wetland will help to improve the quality of runoff to meet or exceed all current standards.

6.2 Water

A full municipal, regional, or "stand alone" water distribution system is not viable for Silver Woods on its own. It is therefore necessary that an adequate supply of potable water for each individual lot in the development be confirmed. Hydrogeological Consultants Ltd. has completed an assessment of groundwater availability (submitted under separate cover) which identified an Upper and a Lower aquifer. The existing groundwater information for the study area is of very high quality, providing a basis for the consultant's conclusion that:

"The present groundwater study, as required under Section 23 of the Water Act, shows that the entire 524 m³/day that would be required for the proposed development could be obtained from either the Upper Aquifer or the Lower Aquifer, without adversely affecting any existing groundwater users."

6.3 Sanitary Sewer

The owner of each lot will install an individual sewage holding tank for interim pump out sanitary service. The interim system shall include a dry-line ready to connect each lot service within the subdivision that will be convertible into a regional system when it becomes available. The connections and the mains in the street will be pre-installed for connection to the future regional sewer.

As with the water system, inclusion of the proposed development in the servicing area for the regional sewer line will make that facility more economically viable and less expensive, on a per household basis, than it would be without the proposed Silver Woods Development.

It is anticipated that the County will impose an off-site development levy or similar charge to help support the provision of regional sanitary and water service. The current levy is \$2,034 per lot, and is payable at any point up to and including the issuance of a development permit.

6.4 Fire Protection

Fire protection will be provided from an appropriately sized reservoir which will be integral with the Storm Water Management Facility. A dry hydrant will be constructed

with a direct connection to the reservoir. Access to the hydrant location will be available via one of the walkways connecting the open space area to the internal subdivision road. Specific details of the access will be finalized when the Storm Water Management Facility is designed.

6.5 Snow Storage

With the proposed urban roadway section and relatively wide lots, there will be sufficient room for snow storage on the boulevards, similar to low density urban types of development in other municipalities.

7 ACCESS AND CIRCULATION

Direct access to the development will be from Norris Beach Road (Range Road 11) on the west, with a second internal road connection south to Westrose Acreage Road in Woodwind Estates. The Westrose Acreage Road provides an additional connection west to Norris Beach Road and to the residential development to the east.

A traffic impact assessment for this development has been prepared on the basis of 150 lots, and therefore overestimates the traffic expected to be generated by the development. The TIA has been submitted under separate cover. Based on the results of this Traffic Impact Assessment, the following conclusions are evident:

- The major intersection in the study area, the intersection of Highway 13 and Norris Beach Road, will safely accommodate the additional traffic from the proposed development without improvements. Stop control on the minor road (Norris Beach Road) will provide adequate Level of Service at the future design year with the full build out of the proposed project.
- Norris Beach Road currently serves as a rural minor arterial. Based on the existing geometric design and the posted speed limit, Norris Beach Road can carry a AADT (Average Annual Daily Traffic) volumes of 12,000 at an acceptable Level of Service. The existing traffic volume is approximately 2900 AADT in 2007. With the additional 900 AADT generated from the proposed development, Norris Beach Road will still operate well below its acceptable capacity.
- Westrose Acreage Road is a rural collector road. The design AADT for rural collectors is typically 5000 AADT. The estimated AADT of Westrose Acreage Road is currently about 900 AADT, increasing to about 1500 AADT after full build out of the Silver Woods development. Upgrading of Westrose Acreage Road is

not deemed to be necessary in view of the low existing and projected traffic volumes. Additional dust control on this road may be required.

The developer will be required to bear a fair share of the maintenance/upgrade costs of Norris Beach Road and the Westeros Acreage Road, through an appropriate acreage assessment (currently \$2,000 per lot) that will be equitably applied to all new and existing developments and/or the benefiting municipalities. The adjacent trail and/or sidewalk on Norris Beach Road will be part of any such upgrade.

As an alternative to the acreage assessment referred to above, the developer may be permitted the option of paying for the actual construction of some or all required road upgrades.

Silver Woods will generate additional sewer and water truck traffic in the near term. However, it will be well within the design capacity of the roadways and should not be a concern, particularly if Norris Beach Road is upgraded.

Local roads within the Silver Woods subdivision will have an urban paved cross-section with curb and gutter. The roadways will be constructed to standards acceptable to the County, which will be addressed at the detailed design stage.

During construction of the subdivision, the developer will be responsible for dust control during the time of construction of the subdivision including dust control for Range Road 11 (if applicable) and Westeros Acreage Road.

8 IMPLEMENTATION

8.1 Land Use Bylaw Amendment

Subdivision approvals for this development will require amendment to the County's Land Use Bylaw to apply the appropriate land use district(s) to the land.

8.2 Staging

Staging of the development will be dependent on market conditions, but is generally expected to progress from west to east. The proposed storm water management facility will be staged to coincide with the requirements of the development as it proceeds.

8.3 Construction standards

All municipal and local improvements will be constructed to standards acceptable to the County.