

**Clear Lake  
Area Structure Plan  
2009**

**Bylaw No. 1475**

**M.D. of Wainwright No. 61**

**January 6, 2009**

**M.D. OF WAINWRIGHT NO. 61  
CLEAR LAKE  
AREA STRUCTURE PLAN  
2009  
BYLAW NO. 1475**

**WHEREAS**

pursuant to the Municipal Government Act, R.S.A. 2000, a municipality in the Province of Alberta may adopt and amend an Area Structure Plan; and

**WHEREAS**

the Council of M.D. of Wainwright No. 61 deems it desirable to adopt a new Area Structure Plan for the Clear Lake area;

**NOW THEREFORE** the Council of M.D. of Wainwright No. 61, duly assembled enacts as follows:

1. THAT the Clear Lake Area Structure Plan – 2009, being Schedule "A" attached hereto, is hereby adopted.

**READ A FIRST TIME** this 20 day of January, 2009.

**PUBLIC HEARING HELD** this 17 day of February, 2009.

**READ A SECOND TIME** this 21 day of April, 2009.

**READ A THIRD TIME** and finally passed by Council this 21 day of April, 2009.

signed "BobBarss"  
REEVE

signed "Kelly Buchinski"  
M.D. MANAGER

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# 1.0 Introduction, Goals, Management Principles

## 1.1 Introduction & Purpose

Settlement for recreational purposes first occurred adjacent to Clear Lake in the 1920s and continued until the 1970s, during which time approximately 135 “interests in land” were established around the Lake. The development at Clear Lake occurred many years before planning and development controls were applied in the Municipal District of Wainwright No. 61 (the MD), and, as a result, residences were constructed without development permits and situated very close to the Lake and to each other.

In 1976, a proposal came before the MD and Alberta Municipal Affairs to create several “block” titles encompassing the lakeshore cottage development. Initially refused by Alberta Municipal Affairs and the MD, the proposal was appealed to the Provincial Planning Board and ultimately approved on condition that public reserves be dedicated, that there be no further development of the blocks nor any more dwellings, and that any improvements to existing development be effected only upon receipt of a development permit from the MD. In the early 2000s the policies in the MD’s Municipal Development Plan and Land Use Bylaw were amended to support the subdivision of the “block” titles into individual lots. However, the Province’s *de facto* moratorium on development adjacent to Clear Lake remained unchanged.

In 2008, in response to increasing development pressure on the agricultural land set back from Clear Lake, the Municipal District of Wainwright No. 61 began work on an Area Structure Plan (ASP) for the Clear Lake area. During the past two decades much has changed in terms of the demographic make-up and the physical and social environments of the MD and the Province as a whole, as well as environmental best practices. The purpose of the ASP development exercise was to assess those changes and their impact on both Clear Lake and the surrounding area, and to establish a vision to guide development in the Clear Lake area by way of an Area Structure Plan.

The result of the Area Structure Plan development study was this Area Structure Plan (ASP) for the Lake that outlines specific policy recommendations and management principals for land use and development in the Clear Lake area.

The first phase of the ASP development process involved gathering detailed information on various aspects of Clear Lake and the Clear Lake area, including land use and development, infrastructure, physical environment, and planning issues and community concerns. This information is contained in the 2008 Clear Lake Background Report.

The second phase of the process involved the preparation of this Area Structure Plan for Clear Lake. The purpose of this Area Structure Plan can be described as follows:

1. To establish plan goals and land use management principles outlining a vision for the pattern of development around Clear Lake.

2. To provide land use planning policies in the form of text and maps to promote and achieve the plan goals and land use management principles established for Clear Lake.
3. To establish a future development pattern for Clear Lake and the land surrounding it.

The MD of Wainwright No. 61 recognizes that it has a key role to play in directing the responsible management of the Clear Lake area. The MD of Wainwright No. 61 Council can effectively guide the best and efficient use of Clear Lake through the preparation and implementation of this Area Structure Plan.

## **1.2 Lake Capacity**

It has historically been believed that a lake can have a number of different development capacities, such as biophysical, recreational, socio-perceptual, and economic. That was, in part, the basis of the discussion of the suitability of lakes contained within Lake Management Plans (or ASPs) for Alberta lakes completed by the province in the 1980s. However, some of the assumptions of lake capacity were, in the first instance, not accurate; and, in addition, some of the assumptions and criteria of lake capacity formulation have changed over the past 20 years.

Recreation capacity studies have often been attempted for lakes. Those capacity studies all make assumptions about the number of residents per lot, the number of days each resident would be at the lake, the number of motorized boats per resident/day, the number of “boat-days” each resident will want to enjoy, the horsepower of the boat motors, the size of the “buffer” zone at the shoreline, the depth of water necessary for boat use calculation, etc. All of those assumptions are merely that – assumptions. Often they are based on current use at a particular lake – empirical data. Often they are assumptions or wishes, often based on the empirical data. They reveal little about a lake except for its current use. For this reason, it has been suggested that no accurate calculation of capacity, except for one based on the calculator’s assumptions and perceptions, can be established.

Likewise, biophysical capacity is dependant on biological assumptions. In contrast to its stance in the 1980s, Alberta Environment now stresses that the assessment of ecological impairment is primarily an ethical consideration. While the present ecological state can be assessed relative to the natural condition, it is impossible to make a scientific judgment relative to what constitutes an acceptable level of ecological impairment – and, by extension – what constitutes an appropriate level of development. Most lakes which are not facing pressure are in some form of ecological balance. However, many lakes facing similar pressures are not in balance and are changing. In any event, almost any change in the use of a lake or the area around a lake, even the most minor change, will alter the biological balance and biological capacity of the lake.

There is also the matter of demographic capacity – which is variable depending upon the age/sex ratios assumed. It is commonly known that the population in the Clear Lake area is aging; but it can also be assumed that, with generational change, the age pyramid of that population will be volatile and subject to continual revision if used as a determinant for planning purposes.

Rather than dwelling on the issue of retaining existing “capacities”, a plan for development of and around a lake must ultimately be determined by the plan’s goals and management objectives.

### **1.3 Clear Lake Today**

Despite the fact that Clear Lake is a small lake and has experienced intensive shoreline development, the Lake has maintained a high level of water quality and continues to be well used for recreational purposes. However, the size of Clear Lake and its popularity among boat users – lot owners and day users alike – creates numerous safety issues, both perceived and real.

Although the available background information indicates that Clear Lake is quite healthy in terms of water quality, it nonetheless remains vulnerable due to the historic, extensive and on-going damage to its riparian areas and littoral zones. Damage to these sensitive areas can not only lead to erosion and the degradation of fish and wildlife habitat, but can also impede the Lake’s ability to filter pollutants and maintain good water quality. Inappropriate lawn and garden care, fertilizers, aging private sewage systems and illegal sewage disposal by some lakeside lot owners (allowing cuttings and fertilizers/pesticides into the Lake and having uncontained pit privies and “grey water” discharge), will all affect the health of Clear Lake in the long term.

The question that has to be asked and answered in this Area Structure Plan is this: what kinds of future land uses are appropriate for the Clear Lake Area Structure Plan area? Clear Lake remains a popular destination for active recreational use. Any additional use pressure on the Lake (from would-be boaters or swimmers) has to be taken into account. If additional development occurs, it should be required to adhere to design guidelines that support zero or minimal further impact on the Lake from biophysical materials (storm or sanitary sewage, de-forestation, etc.) and designed in such a way as to enhance the recreational experience of existing cottage owners. The Area Structure Plan’s goals and related management principles will determine the nature and intensity of development at Clear Lake for both existing and potential new development.

Clear Lake cottage owners are adamantly opposed to any new development set back from the Lake, as they feel that the Lake is already at or over capacity. Whether or not the biophysical opportunities for recreational/residential development at Clear Lake have been exhausted, the planning process made clear that the socio-perceptual limits of the current lot owners for additional development are exceeded.

Due to the current and longstanding popularity of Clear Lake for boat users, it can be assumed that increased residents in the Clear Lake area will likely lead to an increase in boat use on the Lake. However, future development in and of itself can be designed and located so as to have almost no biophysical impact on the Lake. All sewage effluents and waste products must be fully treated before being allowed to enter the natural environment. The presence of other recreational opportunities in the Clear Lake area would mitigate any additional recreation pressure in the area.

As a result, despite that fact that there is concern about the pressure of additional development from current residents and landowners, in consideration of the fact that additional development could be undertaken with little perceptible physical impact on the Lake environment itself, this Area Structure Plan provides for some additional development in the Clear Lake area.

However, there is the matter of the impact of the current development on the Lake.

It has been observed that most of the Clear Lake shoreline has been significantly altered, and that the MD's Environmental Reserve lands adjacent to the Lake as well as the Municipal Reserve lands set back from the Lake (and usually "behind" the lakefront lots) are not observed as MD property. Further, several of the lots are each occupied for substantial parts of the year by a number of recreational vehicles or trailers, which increases the density at the Lake and also the human impact. This pressure should be controlled if not relieved.

Survey results indicated that there is some ambivalence about lake water levels. However, the MD recently replaced the rocks that were around the east end of the culvert with a large cement pad that extends almost to the waters edge. The pad has been installed at the level established by Alberta Environment – the level that would have naturally occurred had there never been any development at Clear Lake. The cement pad serves to clearly identify the correct water level, and if there is any build up of sand that restricts the flow, it can be cleared with a backhoe or a bobcat.

As well, it has been observed that several of the residential lots at Clear Lake may not have sewage disposal systems which are up to current standards, which may no longer be operating at peak efficiency, or which may even be no longer lawful. Land owners should be encouraged to bring up to standard and to peak efficiency those sewage disposal systems which are not up to current standards or maximum efficiency, and should be required to replace those sewage disposal systems which are simply illegal.

Finally, it has also been observed that several of the owners of residential lots at Clear Lake may be following practices that are not the most appropriate for maximizing water quality in the Lake (for instance, allowing vegetation cuttings or "grey water" to enter the Lake). Land owners should be encouraged to end those practices which may negatively impact the Lake's environment and be required to end those practices which are illegal.

## 1.4 Plan Goals, Management Principles

This Area Structure Plan establishes six major plan goals for Clear Lake, as follows:

### Plan Goals:

1. To maintain Lake and ground water quality.
2. To allow limited conservation-based development that increases the recreation potential of the Clear Lake Area Structure Plan area for new and existing landowners.
3. To protect and enhance the existing recreational and amenity resources of Clear Lake.
4. To protect fish and wildlife habitat.
5. To address community needs.

These goals lead to the following management principles:

### Management Principles:

1. Water quality and resource conservation will be given high priority when assessing the suitability of future land uses.
2. All future residential development in the Clear Lake Area Structure Plan area shall be carefully controlled using design guidelines so that minimal nutrient and recreational pressures are added to the Lake as a result of development.
3. All future residential development in the Clear Lake Area Structure Plan area shall have associated with it some form of recreational opportunity other than consumptive recreational use of the Lake.
4. All future residential development in the Clear Lake Area Structure Plan area shall occur on the basis of the highest levels of municipal services available, in accordance with the MD's policies on land development and subdivision.
5. Lake nutrient loading will be limited by appropriate watershed management practices, including:
  - i. controls on Environmental Reserve and Municipal Reserve land, development, and sewage handling, and
  - ii. Council ensuring as much as possible that watershed management principles are implemented, including the preservation of tree cover in the Area Structure Plan area.
6. The rights of the existing farming community, lake users and existing community members will be recognized.

7. Lake residents will be encouraged to modify or end those practices which may increase nutrient loading as a result of shoreland clearing, development, and water handling which may decrease water quality in Clear Lake. Lake residents will also be required to end those sewage or water handling practices which are not legal.

## 2.0 Land Use Allocation

The amounts of phosphorus entering the Lake from the land depend mainly on the use of land in the watershed. Forested land contributes about 10kg/km<sup>2</sup>/yr. Farm land contributes 20 to 50 kg/km<sup>2</sup>/yr. – less from hay land and more from crop land. Urban areas contribute about 100kg/km<sup>2</sup>/yr. from surface runoff plus 0.1 to 0.9 kg per person, depending on how sewage is treated.

The future land use concept depicted in this Area Structure Plan (**Map 1**) has been developed from the Plan Goals and Management Principles. Each policy area has a stated purpose which is further defined by specific policies relating to the types of land use and development which are suitable for that area.

### 2.1 Residential Area

The purpose of the Residential Area designation is to recognize existing development at Clear Lake rather than allow for additional multiple lot residential subdivision and development. Emphasis is placed on ensuring that seasonal and permanent residential development within this area occurs in a manner which is harmonious with the Lake environment.

The following policies apply to lands designated as Residential Area:

1. Seasonal and permanent single family dwellings shall be permitted developments. Associated buildings shall be discretionary developments.
2. No additional residential development, that is, no new individual titles shall be allowed in the Residential Area except as noted in Policy 2.1.3 below. Similarly, only one dwelling shall be allowed for each individual title or for each historic ownership within a “block” title within the Residential Area.
3. Subdivision may only occur where the purpose is to subdivide an existing residence from a “block” title. No additional single lot developments may be allowed in the Residential Area.
4. Within Municipal Reserve and Environmental Reserve areas, public recreation facilities such as tennis courts, picnic grounds, public boat launches, swimming areas, etc. which are compatible with nearby uses shall be considered discretionary uses.
5. Secondary dwelling units are not allowed in the Residential Area.

6. Recreational vehicles may be used on a temporary basis within the Residential Area, but may not be parked for a period longer than 30 consecutive days.
7. Not more than one recreational vehicle shall be parked on a lot at any one time. In those areas where ownership consists of a block title, not more than one recreational vehicle per permanent residence shall be parked on the titled area at any one time.
8. Transportation, communication, and public utility uses shall be considered discretionary uses.
9. The re-subdivision of lots within the Residential Area shall not be allowed.

## **2.2 Rural Conservation Area**

This designation identifies generally undisturbed lands which may have marginal agricultural capability, marginal recreational capability, and/or critical development constraints. The intent is that land uses and the limited development activity to be allowed in this area should complement the natural environmental features and the rural landscape quality of the area, while causing minimal disruption of vegetation and wildlife resources. Uses which increase nutrient loading of Clear Lake shall not be allowed.

Residential development in the Rural Conservation Area shall be designed to fit into the existing rural landscape in a manner that will retain the land's capacity to grow crops, provide wildlife habitat, prevent soil erosion, provide recreational open space, contribute to maintaining clean water and air and preserve rural character, features which contribute to the health and welfare of the community. New buildings and roads shall be designed to enhance rather than to replace these important existing features. Site disturbance shall be held to a minimum.

The following policies apply to lands designated as Rural Conservation Area:

1. The preferred uses within the Rural Conservation area shall be agriculture, and low environmental impact and low intensity recreational activities such as but not limited to multi-use trails. It is intended that the negative impact of such activities will be minimal to the Clear Lake environment, Clear Lake water quality, and existing development.
2. Subdivision for residential purposes will be allowed in accordance with the policies for farmstead separations and single lot country residential subdivisions in the MD's Municipal Development Plan and Land Use Bylaw. Thus, development will be at the maximum density of 3 dwellings per sq. km (8 dwellings per sq. mile or 2 dwellings per quarter section).

3. The preservation of forested land should be encouraged. Forested land contributes fewer nutrients per unit area than cleared land. Municipalities can provide incentives for landowners to maintain tree cover. This does not mean financial incentives; rather, experience shows that allowing limited subdivision is a very effective way for maintaining tree cover. Parcels larger than 10 acres should be allowed in accordance with the MD's Municipal Development Plan on tree covered land set back from the Lake, provided that:
  - (1) the lots adhere to any other policies and regulations in the MD's Municipal Development Plan and Land Use Bylaw, and
  - (2) that a conservation easement is registered on title in order to ensure that the treed area is protected in perpetuity.
4. Agricultural operators will be encouraged to use best practices to limit nutrient inputs into Clear Lake. Agriculture can have a significant impact on water quality and ground water supplies; however, the rights of the existing farming community must be respected. Any desired changes must be achieved through education and incentive, not compulsion.
5. The operation of the sewage disposal facility associated with the existing dwelling in any farmstead separation must be certified as conforming with current sewage disposal regulations prior to final approval of the subdivision.
6. Transportation, communication, and public utility uses shall be considered discretionary. Such uses shall only be developed in such a manner as shall not adversely affect the Clear Lake environment, Clear Lake water quality, or existing development.
7. Secondary dwelling units may be permitted on a parcel of land greater than 1.6 ha (4.0 ac), in accordance with the regulations of the MD's Land Use Bylaw.
8. Not more than one recreational vehicle may be stored on each residential lot in the Rural Conservation Area.

## **2.3 Residential Conservation Area**

The purpose of the Residential Conservation Area designation is to allow for additional low-impact multiple lot residential subdivision and development in environmentally appropriate locations. Emphasis is placed on ensuring that seasonal and permanent residential development within the Residential Conservation area occurs in a manner which is harmonious with the Lake environment.

The land use and development, physical environment and infrastructure analyses conducted as part of the development process for this Area Structure Plan indicated that there are a number of areas with few or no constraints to residential development within the Area Structure Plan area. However, through consultation with the community and the MD, a number of socio-perceptual constraints were identified. As a result, the total amount of development allowed within the Residential Conservation Area is not as large as it would be if land use, physical environment and infrastructure were the only criteria.

Residential development in the Residential Conservation Area shall be designed to retain the land's capacity to provide wildlife habitat, prevent soil erosion, provide recreational open space, contribute to maintaining clean water and air, and preserve the recreational character of the community. These features contribute to the health and welfare of existing landowners. Any new buildings and roads shall be designed to enhance rather than to replace these important existing features. Site disturbance shall be held to a minimum.

### **Objectives within the Residential Conservation Area**

MD Council recognizes the Residential Conservation Area as a special policy area within the Clear Lake Area Structure Plan area. As such, special Objectives have been identified, as follows:

1. To limit the total amount of residential development that might occur in any specific Residential Conservation Area, and within the Area Structure Plan area as a whole.
2. To encourage the development of residential and recreational communities that incorporate sustainable building design principals and offer lifestyle choices.
3. To preserve as much as possible unique and sensitive natural resources such as ground water, floodplains, wetlands, streams, steep slopes, woodlands, wildlife habitat, and significant historical and cultural areas.
4. To reduce the amount of required infrastructure including impermeable surfaces and utilities.

5. To encourage the clustering of dwellings and accessory facilities on less environmentally sensitive lands.
6. To encourage interaction in the community by clustering dwellings and locating them closer to roads, providing public gathering places, and encouraging the use of parks/open space as focal points.
7. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation.
8. To promote interconnected and continuous non-motorized greenways, walking trails, bike paths, and similar corridors throughout any new development.
9. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct views of open spaces.

## **Policies**

The following policies will apply to lands designated as Residential Conservation Area:

1. Development of land over and above 4 ha (9.8 ac.) per quarter section and/or 4 lots per quarter section shall only be allowed if a Development Concept Plan has been prepared by the applicant and approved by the MD Council. Previous development on the quarter section shall be counted in the calculation of acreage and number of lots. That Development Concept Plan shall assess the proposed development site and shall provide the details of all the development criteria within the development area.
2. All residential Development Concept Plans shall demonstrate adherence to the following conservation design-based guidelines:
  - (1) At least 50% of the gross development area shall be left as open space, and not divided into individually-owned titled areas. All primary conservation areas within a site must be included within the open space areas, and secondary conservation areas within a site may be included within the open space areas.
  - (2) All remaining lands will be considered low priority conservation areas. These areas are not required to be part of the open space areas. If the entire site of a development proposal is identified as low priority conservation area, development should be directed to previously cleared and/or disturbed areas.
  - (3) Open space areas may be used for the following purposes:

- a. conservation of natural, archeological, or historical resources;
  - b. conservation of meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented uses;
  - c. walking or bicycle trails, provided they are constructed of porous paving and pervious materials;
  - d. passive recreation, such as open fields;
  - e. active recreation, provided that they are limited to no more than 10% of the total open space area, and provided further that they are not located within primary conservation areas. Active recreation areas may include impervious surfaces. These impervious areas shall not count towards the minimum open space requirement. Active recreation areas in excess of this limit must be located outside of the open space areas;
  - f. agriculture, horticulture, or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas;
  - g. non-structural storm water management practices and structural storm water management practices that allow for filtered groundwater;
  - h. easements for drainage, access, and underground utility lines.
- (4) The Development Concept Plan shall include an Open Space Management Plan. The open space can be managed in a number of ways, including, but not limited to:
- a. municipal ownership (in Municipal and/or Environmental Reserve parcels);
  - b. as a common unit (or units) within a bareland condominium plan; or
  - c. as a commonly owned unit, provided that a conservation easement is placed on the lands.

The Development Concept Plan will clearly indicate who shall be responsible for maintaining and managing the open space areas and how funding for the maintenance and management shall be collected, including any legal instrumentation of such responsibilities and funding. The Plan will also indicate how, if the maintenance and/or management of the open space areas becomes neglected and/or if funding provisions cannot be enforced, the MD shall assume responsibility for maintenance and management of the open space areas, and, further, how the costs of such maintenance and management, including administrative costs,

interest, and penalties, will be charged back against the landowners within the development.

- (5) If the open space is protected by a legally binding instrument such as a conservation easement, the form of protection and the organization or entity to whom the instrument will be registered shall be identified in the Development Concept Plan for a particular development. The instrument will be registered to one of the following:
- a. A land trust or conservation oriented non-profit organization with the legal authority to accept such easements. The organization shall be bona fide in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer to the MD in the event that the organization becomes unable to carry out its functions.
  - b. A government entity with an interest in pursuing goals compatible with the purposes of this policy. If the entity accepting the easement is not the MD, then a third right of enforcement favoring the MD shall be included in the easement.
- (6) The Development Concept Plan shall include a site analysis, usually in map form with some text describing the features of the map (or maps). Layout of the development should be based on the findings of the site analysis.

The purpose of the site analysis is to ensure that the important site features have been identified and that the proposed open space will meet the opens space requirements of these Policies. The site analysis should include:

- a. site and property boundaries;
- b. all streams, rivers, lakes, wetlands, and other hydro-geological features (including seasonal water flow and ponding areas) within and adjacent to the site;
- c. topographic contours of no less than 3 m intervals;
- d. all environmentally sensitive areas as identified by Alberta Environmental Protection and Alberta Sustainable Resource Development;
- e. general vegetation characteristics;
- f. soil drainage;
- g. farmland assessment ratios for the site;
- h. existing roads and road structures; and

- i. potential connections of open space, green spaces, and trails.

This will help determine primary, secondary, and low priority conservation areas. The Development Concept Plan should also include provisions for storm water management.

- (7) The maximum residential density shall be calculated in accordance with Policy 3 below. Notwithstanding this calculation, the maximum residential dwelling unit density shall not exceed 40 residential dwelling units per quarter section. This density figure shall include all forms of residential dwelling units, including secondary dwelling units.
- (8) Primary dwelling units shall be in the form of single detached dwellings.
- (9) Not more than one recreational vehicle may be stored on each residential lot in the Residential Conservation Area.
- (10) Though the form of ownership of the individual residential dwelling units may be the normal fee simple ownership, other forms, such as co-operatives, bare land condominiums, rental accommodation, societies, joint ownerships, to name a few, shall be considered. The form of ownership, and the implications of the form of ownership for the management and maintenance of any services and utilities, shall be identified in the Development Concept Plan for a particular development.
- (11) The form of ownership, and the implications of the form of ownership for the management and maintenance of any services and utilities, shall be identified in the Development Concept Plan for a particular development. The Development Concept Plan will:
  - a. allocate responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon including provisions for ongoing maintenance and long-term capital improvements. Facilities may include: water treatment facilities, recreation facilities and trail networks;
  - b. provide a strategy for the enforcement of the Plan.

Any changes to the Development Concept Plan must be approved by the MD. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the owner.

In the event that the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the MD may assume the responsibility for maintenance, enter the premises to take corrective action, and charge the costs to the previously responsible party. The MD may also bill for administrative costs and penalties associated with the maintenance.

The instrument for permanent protection shall include clear restrictions on the use of open space. The restrictions shall include all restrictions included in this policy as well as any further restrictions the applicant chooses to place on the use of the open space.

(12) If adjacent quarter sections are developed using conservation design-based guidelines, the open space component of each development should be designed in such a way as to be contiguous.

3. The residential density of development in the Residential Conservation Area shall be calculated in accordance with the following method:

The maximum number of dwelling units is determined by dividing the developable area of the subject site by four (4), representing an average residential density of 1 dwelling per 4 ac. Because 50% of the gross area of the subject site must be comprised of open space, the average residential parcel size will be approximately 2 acres. The developable area of a site is the total gross area, less the area of:

- a. primary and secondary conservation areas;
- b. bodies of open water over 500 sq. m in area or greater;
- c. anticipated rights-of-way for roads and utilities;
- d. Environmental Reserve areas;
- e. Municipal Reserve areas;
- f. streams, rivers, lakes, wetlands, and other hydro-geological features (including seasonal water flow and ponding areas) within the site;
- g. land with a farmland assessment ratio of 55% or greater;
- h. land with significant vegetation features;
- i. land with 25% slopes or greater; and
- j. all environmentally sensitive areas as identified by Alberta Environment-and Alberta Sustainable Resource Development.

4. In order to implement the development concept, the MD shall utilize a Direct Control District within the Land Use Bylaw.
5. Seasonal and permanent single family dwellings shall normally be permitted developments. Buildings associated with seasonal and

permanent single family dwellings shall normally also be permitted developments.

6. The natural topography and vegetation of the development area shall be conserved wherever possible.
7. Internal road access shall be provided to each residential parcel, though the roads may be private in accordance with the policies of this Residential Conservation Area.
8. The municipality will require oiled roads in all new multi-lot country residential developments.
9. All new developments shall provide and pay for infrastructure and servicing improvements, as well as the extension of service to facilitate the development.
10. The use of alternative building methods and innovative housing concepts shall be encouraged in order to encourage the development of more sustainable housing and reducing the amount of land consumed by residential development. Such alternatives might include:
  - i. reduced site disturbance and heat island effects;
  - ii. increased water efficiency through such elements as eco-scaping, innovative wastewater technologies and water use reduction;
  - iii. the use of renewable energy and “green” power, including wind energy conversion systems and photovoltaic panels;
  - iv. introducing materials and resources that are or can be recycled, thereby reducing construction waste;
  - v. improving indoor air quality through the use of low-emitting materials;
  - vi. maximizing passive solar energy by situating residences on an east-west axis; and
  - vii. reducing energy consumption by utilizing high value insulation materials.
11. Though private recreation facilities shall be encouraged within developments in the Residential Conservation Area in order to provide residential recreational amenity, public recreation facilities, that is, facilities open to the general public, shall be considered discretionary developments and shall only be developed if compatible with the environment and with nearby uses and developments.
12. All terrain vehicle and snowmobile use shall be allowed within the Residential Conservation Area only if their use is provided for in the Open Space Management Plan.

13. Transportation, communication, and public utility uses shall be considered discretionary uses.
14. The landowner/developer of any proposed new development in the Residential Conservation Area shall be required to provide or maintain a treed/vegetation buffer at least 300 feet (91.4 m) in width between the existing development adjacent to Clear Lake and the proposed new development. This buffer may comprise part of the open space calculation.
15. Secondary dwelling units that were not calculated in the density of the Development Concept Plan shall not be allowed in the Residential Conservation Area.
16. The re-subdivision of lots within the Residential Conservation Area shall not be allowed.

### 3.0 Land Use Policies

The following land use and development policies shall apply to all lands and developments within the Clear Lake Area Structure Plan area, and shall be used by the MD to guide decision-making regarding all land use and development at Clear Lake.

#### 3.1 Development

1. Residential development shall not be allowed on lands having critical development constraints. The following criteria shall be used in determining the suitability of land for residential development:
  - (1) Groundwater of sufficient quantity and quality shall be available to support the proposed development. No development shall occur in areas where reserves of potable water are inadequate.
  - (2) Development shall not be allowed in areas characterized by wetlands, swamps, muskeg, or saturated soils. Development shall also be prohibited in valleys, ravines, or seasonal draws.
  - (3) Development shall be prohibited on slopes in excess of 15 percent or on slopes which are subject to slippage or mass movement.
  - (4) Development is prohibited in or adjacent to important wildlife habitat areas;
  - (5) Development is prohibited on soils which have extremely fast percolation rates and/or which might result in the possibility of groundwater contamination.
2. The MD will insist that holding tanks are used within all new developments in the Clear Lake Area Structure Plan area. The use of a leaching pit or cesspool for kitchen sink waste/ grey water disposal in new developments will not be allowed.
3. Any development or structures (except for removable domestic piers or removable boatlifts) proposed on the Lake shore or bed shall be required to obtain authorization from appropriate Provincial agencies.
4. The public amenities at Coventry Beach shall be clearly marked. Adequate lake access and parking facilities shall be provided where appropriate.
5. New agricultural activities which the MD believes will have little impact on the Clear Lake environment or Lake water quality may be allowed.

While the MD acknowledges that the Natural Resources Conservation Board approves and regulates confined feeding operations – such as feedlots, hog barns and poultry farms – these uses shall be discouraged within the Clear Lake Area Structure Plan Area.

### 3.2 Environmental Protection

1. Three (3) categories of environmentally sensitive lands have been identified within the Study Area. They represent areas of high, medium and low environmental sensitivity. **Map 2** illustrates the three (3) categories of environmentally sensitive lands. The environmental sensitivity of a parcel of land will be taken into consideration when assessing the acceptability of development proposals for lands within the ASP Area.
2. The MD shall consider creating a policy which establishes the permitted uses on MD owned Environmental Reserve and Municipal Reserve lands.
3. The MD may consider requiring landowners to re-vegetate the riparian area on the Environmental Reserve land adjacent to the Lake shoreline.
4. The clearing of vegetation on new lots shall be minimized in order to maintain aesthetic and visual buffers from neighbouring properties and to reduce soil erosion and nutrient runoff into Clear Lake. A site plan detailing the protection of treed areas shall accompany any application for a development permit.
5. Alterations to the bed and shores of Clear Lake shall not be undertaken without the necessary authorization and permits from appropriate Provincial agencies.
6. The MD shall require land owners to bring up to standard those sewage disposal systems which are not up to current standards and replace those sewage disposal systems which are not currently lawful within three (3) years.
7. Land owners shall be encouraged to end those gardening, water handling, and disposal practices which may negatively impact the Lake's environment, and be required to end those practices which are not currently lawful.
8. The use of pesticides and inorganic fertilizers will be discouraged on residential lots within the Area Structure Plan area.
9. The MD shall encourage the formation of a Clear Lake water stewardship society to assist the MD in the stewardship of the Lake.

10. The MD shall discourage the use of turf grass on residential lots within the Area Structure Plan area.
11. Alberta Sustainable Resource Development guidelines for minimum environmental reserve/easement widths shall be required for all new development within the Area Structure Plan area.

### **3.3 Servicing**

1. The MD shall ensure that local access roads are developed, surfaced, and maintained to a high standard and in accordance with MD policy.
2. The MD may explore the option of placing recycling bins adjacent to the garbage disposal bins at Clear Lake in order to encourage responsible waste management.

### **3.4 Boating**

1. In order to ensure safety on Clear Lake, the MD shall support an initiative by a stakeholder group to approach Transport Canada about instituting vessel operating restrictions on Clear Lake.

### **3.5 Trails**

1. The MD shall support an initiative by a stakeholder group to create a formalized trail system in the Clear Lake Area Structure Plan Area.
2. At such time that development occurs within the Residential Conservation Area, the MD may begin the process of formalizing the proposed trail system shown on the Future Land Use Concept (**Map 1**). The proposed trail system is set back from the Lake because the residential development adjacent to the Lake precludes it from being located near the Lake's shore.

## **4.0 Plan Implementation & Administration**

### **4.1 Authority of Plan**

1. Pursuant to the provisions of the Municipal Government Act, R.S.A. 2000, as amended, this plan shall be adopted by the MD of Wainwright No. 61 as the Clear Lake Area Structure Plan – 2009.
2. Subdivision, development, and redevelopment of lands within the planning area shall be in accordance with the provisions of this Area Structure Plan.
3. Council shall encourage the Provincial and Federal governments to have regard for the provisions of this plan in the development and redevelopment of public lands, and in the formulation of Provincial and Federal policies and programs, and in the issuance of any permits within the planning area.

### **4.2 Land Use Bylaw**

1. In order to implement the policies of this Plan, the MD's Land Use Bylaw may be amended.

### **4.3 Plan Review and Amendment**

1. The MD may amend this Area Structure Plan to incorporate new goals, policies and land use. Council shall review and, when necessary, amend this Plan at least once every Council term.
2. When considering any amendment proposal to this Plan, the MD shall review and consider the Plan goals, development constraints, surrounding land uses, and other pertinent information, shall refer any proposed amendments to concerned provincial agencies for review and comment, and shall consider such comments prior to the adoption of any amendments.

### **4.4 Interpretation**

1. Definitions and requirements of the MD Municipal Development Plan, Land Use Bylaw and the Municipal Government Act, R.S.A. 2000, as amended, shall be used in the interpretation of this Area Structure Plan.

2. The examples of preferred uses for each land use area are intended to illustrate the range of activities possible. Specific uses shall be defined in the MD's Land Use Bylaw.
3. Land use designation boundaries outlined in this Area Structure Plan may be considered to be approximate except where such boundaries coincide with roads, quarter section lines or clearly recognizable physical features. Minor deviations may be permitted to this Plan, provided that such deviations do not alter the intent of this Plan.

## 5.0 Definitions

**“BANK”** separates the bed and shore of a lake from terrestrial land. The location of the bank is not affected by occasional periods of drought or flooding.

**“BED”** refers to the land upon which a lake sits at its current water level.

**“CONSERVATION EASEMENT”** refers to an agreement between a landowner and a qualifying organization to protect the natural values of land, for a specified time or in perpetuity. Conservation easements are possible pursuant to Section 22 of the Alberta Environmental Protection and Enhancement Act. Under that Act, qualifying organizations include the provincial government, a municipality, and non-governmental registered charities formed to hold conservation land interests and comply with other requirements under that Act.

**“DEVELOPMENT,”** as per the Municipal Government Act, means

- (i) an excavation or stockpile and the creation of either of them,
- (ii) a building or an addition to or replacement or repair of a building and the construction or placing of any of them on, in, over or under land,
- (iii) a change of land use or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
- (iv) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

**“DWELLING” or “DWELLING UNIT”** means an accommodation providing a domestic kitchen, washrooms and sleeping area and used or intended to be used on a permanent or part-time basis for a household. A dwelling unit does not contain more than one room, which, due to its design, plumbing, equipment, and/or furnishings, may be used as a kitchen.

**“LITTORAL ZONE”** refers to the zone below the bank, and includes the portion of a lake and its bed that is relatively well lit by the sun and which supports photosynthetic plants.

**“LOW PRIORITY CONSERVATION AREA”** refers to land that is not designated as either a primary or secondary conservation area.

**“OPEN SPACE”** refers to areas of land that are not covered by building structures or infrastructure.

**“PRIMARY CONSERVATION AREA”** refers to:

- a. the 1:100 year floodplain,
- b. buffer zones of at least 30 m width along all perennial and intermittent streams,

- c. slopes above 15%,
- d. habitat for populations of endangered or threatened species,
- e. wetlands and recharge areas,
- f. environmentally sensitive areas, as identified by Alberta Environment or Alberta Sustainable Resource Development, and
- g. archaeological sites, cemeteries, burial grounds, and historical sites.

**“PRINCIPAL DWELLING UNIT”** refers to a dwelling unit for which a development permit was issued prior to any other dwelling unit on the property, or a dwelling unit with a larger gross floor area than another dwelling unit located within the same building or on the same property.

**“RECREATIONAL VEHICLE”** refers to a vehicle that is either conveyed by its own motor or is pulled by a vehicle with a motor, which contains in its interior a kitchen, washroom, and sleeping area. A recreational vehicle may include but is not limited to travel trailers, motorhomes and camper vans.

**“RIPARIAN ZONE”** refers to the strip of moisture-loving vegetation growing along the edge of a lake.

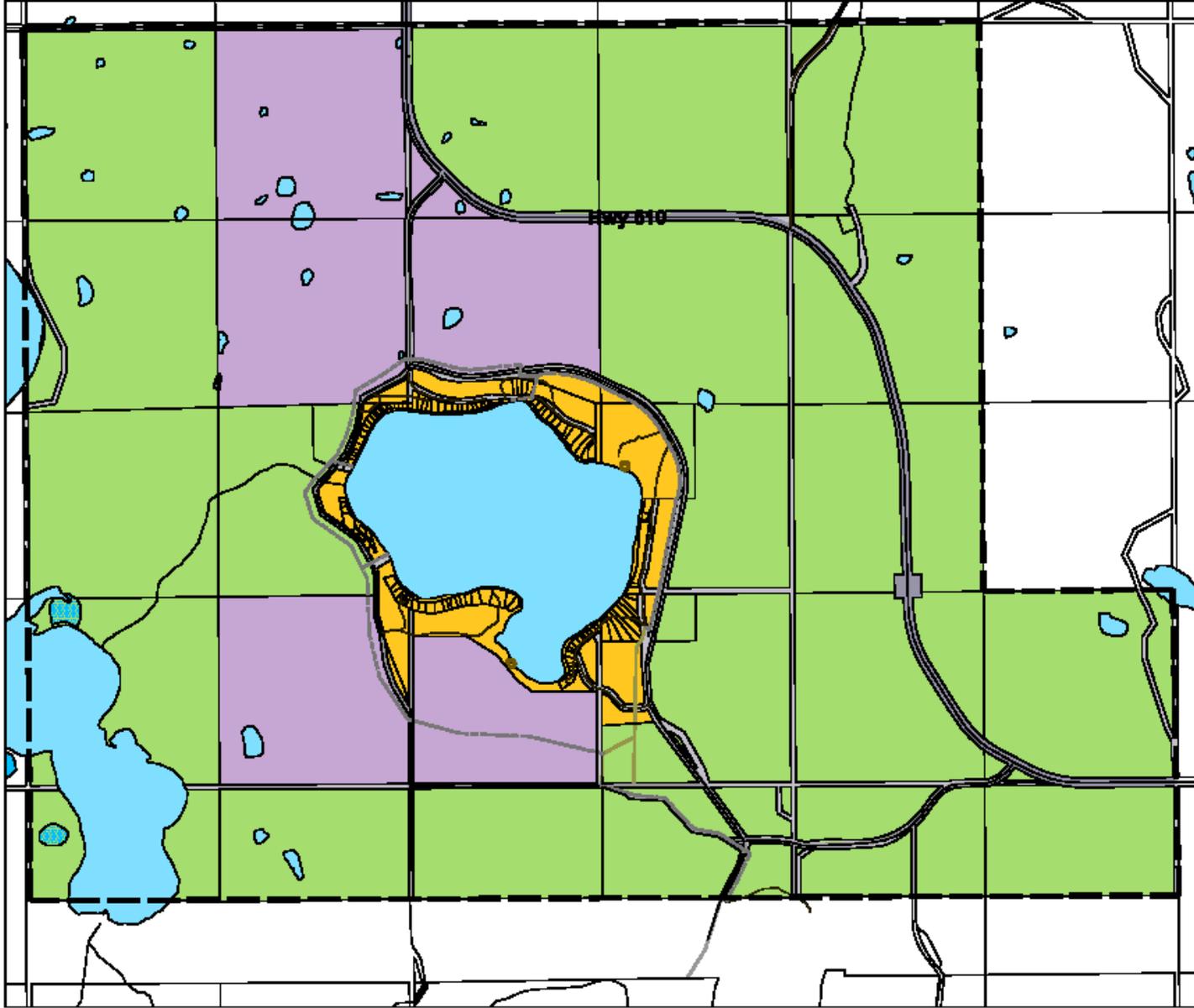
**“SECONDARY CONSERVATION AREA”** refers to:

- a. existing healthy, native forests of at least 0.4 ha contiguous area,
- b. other significant natural features and scenic viewsheds such as water bodies, ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads or public properties,
- c. agricultural lands with a farmland assessment ratio of 55% or greater of at least 2.0 ha contiguous area, and
- d. existing trails that connect to neighbouring areas.

**“SECONDARY DWELLING UNIT”** means a dwelling unit in addition to the principal dwelling unit. It includes but is not limited to a dwelling unit located within an owner-occupied single dwelling or within an accessory structure that is located on a residential parcel.

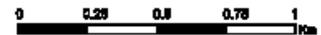
**“SHORE”** is the area below the bank but above the present water level. It is exposed when water levels are low

# Map 1 Land Use Concept



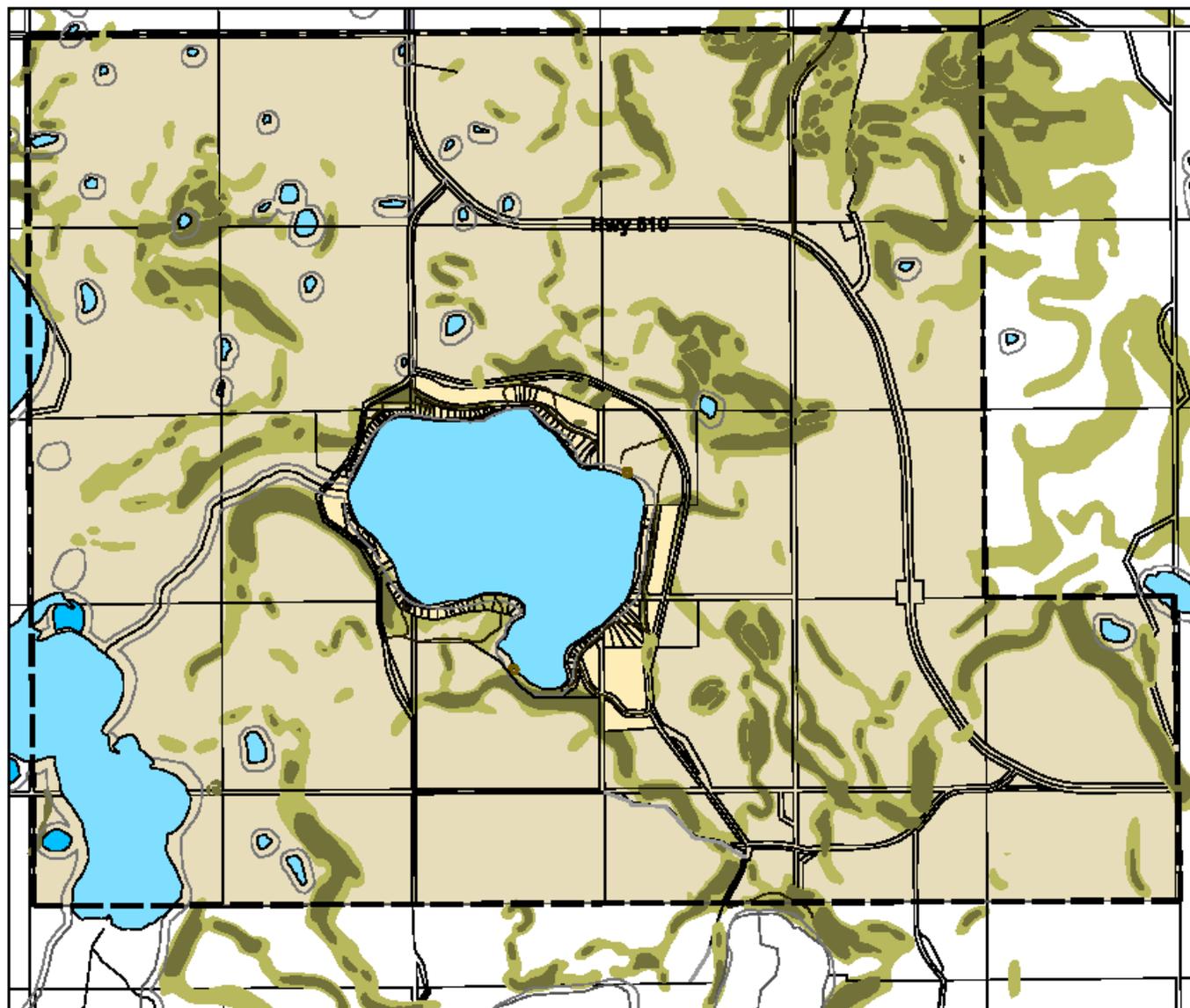
- Study Area
  - Highway
  - Paved Road
  - Gravel Road
  - Road Allowances
  - ~ Streams
  - ⊙ Springs
  - ⊙ Wetlands
  - ⊙ Water Bodies
  - Existing Trails
  - - - Proposed Trails
- Future Land Use**
- Rural Conservation
  - Residential
  - Residential Conservation

Digital Geographic Information obtained from : Government of Canada National Topographical Survey (Geographic), and the Municipal District of Watrous (Alberta).  
 Geographic coordinate system and projection: UTM, NAD 83 Datum, Zone 12N  
 Map work by: Pal Services Municipal Planning Services (Alberta) Ltd.  
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## Map 2: Physical Constraints Analysis



--- Study Area

- Low Constraints  
- Slope 0% - 10%
- Medium Constraints  
- Slope 10%-15%
- High Constraints  
- Slope >15%
- Wetlands  
- Riparian Areas



Digital Geographic Information obtained from : Government of Canada  
National Topographical Survey (Geographic), and the Municipal District of  
Waterhead (Alberta).

Geographic coordinate system and projection: UTM, NAD 83 Datum,  
Zone 12 N

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