

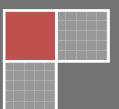
2010

Lac Sante Area Structure Plan

County of St. Paul No. 19



BYLAW NO. 1542
October 2010



**LAC SANTE AREA STRUCTURE PLAN
BYLAW NO. 1542**

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 the County of St. Paul deems it desirable to adopt a new Area Structure Plan for the Lac Sante area;

NOW THEREFORE the Council of the County of St. Paul, duly assembled enacts as follows:

1. THAT the Lac Sante Area Structure Plan – 2010, being Schedule "A" attached hereto, is hereby adopted.

READ A FIRST TIME this 9th day of December, 2009.

PUBLIC HEARING HELD this 22nd day of January, 2010.

READ A SECOND TIME this 14th day of September, 2010.

READ A THIRD TIME and finally passed by Council this 14th day of September, 2010.

Signed by the CEO and Chief Administrative Officer this 14th day of Sept., 2010.

(Original Signed by Reeve R. Bouchard)

REEVE

(Original Signed by CAO S. Kitz)

Chief Administrative Officer

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1.0 Introduction, Goals, Management Principles

1.1 Introduction & Purpose

Agricultural settlement around Lac Sante began near the turn of the 20th century, prior to which time the area had been predominantly forested. Throughout much of the 20th century Lac Sante was used as a day-use picnic and recreation area by members of the general public.

Settlement for recreational purposes at Lac Sante occurred in roughly two phases. The first phase began in 1979 and continued until the mid-1980s, and contains just over half of the residential lots that have been developed to date at Lac Sante. The second phase of development began in approximately 1997 and continued into the 2000s, during which time approximately 150 additional residential lots were added to land adjacent to Lac Sante. Additionally, there are presently approximately 250 lots for Recreational Vehicles with approximately 135 additional Recreational Vehicle lots approved for development for a total of 385 lots. Without the aid of a comprehensive land use plan, development around the lake has occurred on an ad hoc basis without heed to overall density, conservation practices, or cumulative impacts.

There has been very little development within the remainder of the Study Area, particularly around Lac Brosseau and Lac Poitras, though some development at Lac Poitras has recently been approved by County of St. Paul Council.

In 2008, in response to the development that had occurred adjacent to the lake in the 1990s and 2000s, the Counties of St. Paul and Two Hills began work on an Area Structure Plan (ASP) for the Lac Sante area. The purpose of the ASP development exercise was to assess the demographic make-up and physical and social environments of the Lac Sante community, and further, to link these factors with environmental best practices in order to establish a sustainable vision to guide existing and future development at Lac Sante.

The first phase of the ASP development process involved gathering detailed information on various aspects of Lac Sante and the Lac Sante area, including information regarding land use and development, infrastructure, physical environment, and planning issues and community concerns. This information is contained in the 2009 Lac Sante Background Report.

The second phase of the process involved the preparation of this Area Structure Plan for Lac Sante. 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 Lac Sante.
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 Lac Sante.

3. To establish a future development pattern for Lac Sante and the land surrounding it.

The Counties of St. Paul and Two Hills recognize that they have a key role to play in directing the responsible management of the Lac Sante area. Council of the two Counties can effectively guide the best and efficient use of Lac Sante through the preparation and implementation of this Area Structure Plan.

Although the Counties have worked on the Lac Sante Area Structure plan in collaboration with one another, each has passed a separate bylaw in order to adopt the Plan. References to “the County” or “County Council” refer to the municipality that has passed the bylaw. Specific policies referring to the County of St. Paul that occur in the County of Two Hills Area Structure Plan are intended for informational purposes only and are not binding upon the County of Two Hills, and vice versa.

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 (and ASPs) for Alberta lakes completed by the province in the 1980s. However, in the first instance, some of the assumptions of lake capacity were 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. Though some of these assumptions can be based on the empirical facts around a particular lake, all of the assumptions are merely that – assumptions. Often they are based on the level of current use at a particular lake, and reveal little about that lake except for its current level of 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 dependent 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 described and assessed relative to the natural condition, it is impossible to make a scientific judgment about 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 pressures are not in balance and are changing. 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 Lac Sante 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 land around a lake must ultimately be determined by the plan’s goals and management objectives.

1.3 The Lac Sante Area Today

Despite the fact that lake use has been increasing on Lac Sante for the past decade, the lake has maintained a high level of water quality. At present, one of the largest environmental issues at Lac Sante is damage to the riparian area, which, over time, can lead to substantial degradation of fish and wildlife habitat and of the lake’s water quality. This damage includes clearing the riparian area to create beaches, as well as ATV and other motorized vehicle use on the lakeshore. ATV trespassing is also a major concern for agricultural landowners in the area.

Though there has been little development to date adjacent to Lac Brosseau and Lac Poitras, development pressures are present, especially at Lac Poitras (because of its proximity to Lac Sante).

Damage to sensitive riparian areas can not only lead to erosion and the degradation of fish and wildlife habitat, but also impede the lake’s ability to filter pollutants and maintain good water quality. Additionally, inappropriate lawn and garden care, fertilizers, aging private sewage systems and illegal waste 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 Lac Sante 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 Lac Sante Area Structure Plan area? When 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, deforestation, etc). The Area Structure Plan’s goals and related management principles will determine the nature and intensity of development at Lac Sante for both existing and potential new development.

The majority (71%) of Lac Sante land owners are opposed to additional new development at Lac Sante, as they feel that current development is excessive and unregulated. Whether or not the biophysical opportunities for recreational/residential development at Lac Sante have been exhausted, the planning process made clear that the socio-perceptual limits of the current lot owners for additional development are exceeded.

It is estimated that once currently approved development reaches saturation there could be as much as a 115% increase over the existing population at Lac Sante. As a result, this Area Structure Plan provides for only limited additional development within the immediate area of

Lac Sante. At such time that Council feels further development to be appropriate, the Future Land Use Concept may be amended (**Map 1**).

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

It has been observed that both Counties' Environmental Reserve lands adjacent to Lac Sante as well as the Municipal Reserve lands set back from the lake are generally not observed as County property. Further, many of the lakeside lots are 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.

In addition, survey results indicate that landowners perceive there to be issues with the state of ill-repair of the boat launches in the Counties of St. Paul and Two Hills, as well as livestock watering in the lake. As such, the Plan will include policies intended to alleviate these concerns.

Further, it has been observed that some of the developments at Lac Sante 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.

1.4 Plan Goals, Management Principles

This Area Structure Plan establishes six major plan goals for Lac Sante, as follows:

Plan Goals:

1. To maintain lake and ground water quality.
2. To require any future development to be conservation-based.
3. To protect and enhance the existing recreational and amenity resources of Lac Sante.
4. To protect fish and wildlife habitat.
5. To address community needs.
6. To protect, as much as possible, the amenities of other parts of the Plan area.

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 multi-lot residential development in the Lac Sante 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 multi-lot residential development in the Lac Sante Area Structure Plan area shall have associated with it some form of recreational opportunity, either active or passive, in addition to consumptive recreational use of the lake.
4. All future multi-lot residential development in the Lac Sante Area Structure Plan area shall occur on the basis of the highest levels of municipal services available, in accordance with the Counties' 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. the municipalities 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 shoreline clearing, development, and water handling which may decrease water quality in Lac Sante or in other water bodies. 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 a lake from the land depend mainly on the use of land in the watershed. Forested land contributes about 10kg/km²/yr. Farm land contributes 20 to 50 kg/km²/yr. – less from hay land and more from crop land. Urban areas contribute about 100kg/km²/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 Recreational Residential Area

The purpose of the Recreational Residential Area is to recognize existing development and development commitments at Lac Sante, rather than specifically allow for additional multiple lot residential or recreational trailer park 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, and that existing development reduce its impact on the environment.

The following policies apply to lands in the Recreational Residential Area:

General

1. Commercial and industrial uses shall not be allowed within the Recreational Residential Area, except for small convenience stores and/or services serving the general neighborhood in accordance with the provisions in the County's Land Use Bylaw.
2. Secondary dwelling units will not be allowed in the Recreational Residential Area.

Multi-lot Country Residential Development

3. The re-subdivision of country residential lots within the Recreational Residential Area shall not be allowed, unless the subdivision was initially designed to allow for such re-subdivision.
4. Seasonal and permanent single family dwellings shall be allowed as primary dwellings in multi-lot residential subdivisions, as per the regulations of the County's Land Use Bylaw. Associated buildings shall be discretionary developments. Development permits for the use of a recreational vehicle as a

primary dwelling in a multi-lot residential subdivision shall be issued on a temporary basis.

5. Must meet the requirements as set out in the County's Land use ByLaw No. 1486 Sections 8.3.4(5) and 8.4.4(5)

Recreational Trailer Parks

6. Recreational vehicles shall be allowed as primary dwellings in recreational trailer parks.
7. Further residential development in Pelican Bay Resort and Tranquility Bay beyond that which has been approved as of the date of passage of this bylaw shall not be allowed.
8. The County of Two Hills shall consider regulating Pelican Bay Resort and Tranquility Bay through a special district in their Land Use Bylaw.
9. Any subdivision of Pelican Bay Resort and Tranquility Bay shall occur in accordance with the provisions of the County's Land Use Bylaw.

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 Lac Sante shall not be allowed.

All 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:

General

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 Lac Sante watershed, Lac Sante water quality, and existing development. Subdivision and/or development for industrial uses shall not be allowed, though subdivision and/or development in commercial uses, both sales and service, that provide service to the local agricultural economy, may be allowed in accordance with the County's Municipal Development Plan and Land Use Bylaw.
2. Subdivision for residential purposes shall be allowed in accordance with the policies for farmstead separations and single lot country residential subdivisions in the County's Municipal Development Plans and Land Use Bylaw. An application to re-district land within the Rural Conservation Area for multi-lot Country Residential development or to develop an Intensive Campground shall not be approved by Council unless and until this Area Structure Plan is amended.
3. The preservation of forested land shall be encouraged. Forested land contributes fewer nutrients per unit area than cleared land. Municipalities may wish to 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 County's Municipal Development Plan on tree covered land in the Rural Conservation Area, provided that:
 - (1) the lots adhere to any other policies and regulations in the County'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 Lac Sante. 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 should be developed in such a manner as shall not adversely affect the Lac Sante environment, Lac Sante water quality, or existing development.
7. Secondary dwelling units may be allowed on a parcel of land in accordance with the regulations of the County's Land Use Bylaw.
8. Within the Rural Conservation Area, not more than one recreational vehicle may be located within 0.8 km (0.5 miles) of Lac Poitras, or Lac Sante unless the following requirements are met:
 - (1) the purpose of the additional recreational vehicle(s) is to accommodate a short term temporary event such as but not limited to a family reunion;
 - (2) the event does not exceed seven consecutive days; and
 - (3) a development permit has been obtained from the County.

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. The policies in this section shall also apply to land that is developed for private recreational use, whether or not the land is subdivided. 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.

At present, there are few areas designated as Residential Conservation Area on the Future Land Use Concept (**Map 1**). However, as vacant lots in existing subdivisions become developed, Council may wish to amend the Future Land Use Concept to allow some future development to take place, concurrent with a Land Use Bylaw amendment to re-designate the area to the appropriate land use district.

There are two development options in the Residential Conservation Area: conventional style country residential development and cluster style development. Both options will require a development concept to be submitted and approved by County Council before any development or subdivision takes place, and both options can be used for multi-lot country residential development, recreational trailer parks and campgrounds designed for the general public. The intent of cluster style development is to retain 50% of a site's natural features. Cluster style development should 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. While developers will be encouraged to design new subdivision and development using the cluster style pattern, they will not be required to do so. See section 4.3 for further detail.

Special Objectives have been identified for Cluster style development, as follows:

1. To regulate 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.

The following policies will apply to lands in the Residential Conservation Area:

General

1. Development of more than 8 ha 5 separate titles (4 lots and a remainder), or 4 campground or recreational trailer park sites in a quarter section shall only be allowed if a Development Concept Plan has first been prepared by the applicant and approved by County Council. Previous development on the quarter section shall be included in the calculation of acreage, number of lots and campground sites. 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. The residential density of development in the Residential Conservation Area shall not exceed 50 residential lots per quarter section. However, should a developer wish to use cluster-style development the County shall consider granting a 33% density bonus.
3. In order to implement a Development Concept Plan, the County may utilize a Direct Control District or other appropriate designation within its Land Use Bylaw.
4. Single family dwellings shall be permitted developments in multi-lot country residential developments. Buildings associated with seasonal and permanent single family dwellings shall also normally be permitted.
5. A Recreational Vehicle shall only be used as a primary dwelling unit within a designated recreational trailer park. A Recreational Vehicle shall not be used as a secondary dwelling unit.
6. Not more than one recreational vehicle may be located on each residential lot in the Residential Conservation Area.

7. The natural topography and vegetation of the development area shall be conserved wherever possible.
8. 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.
9. The municipality shall require the developer to build new roads in accordance with County standards in all new developments within the Residential Conservation Area.
10. All new developments shall provide and pay for infrastructure and servicing improvements, as well as the extension of service to facilitate the development.
11. The use of motorized vehicles such as but not limited to all terrain vehicles and snowmobiles shall be allowed within the Residential Conservation Area only if their use is provided for in an Open Space Management Plan. Motorized vehicles shall not be allowed on Municipal Reserve and Environmental Reserve land, in accordance with County policy.
12. 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:
 - a. reduced site disturbance and heat island effects;
 - b. increased water efficiency through such elements as eco-scaping, innovative wastewater technologies and water use reduction;
 - c. the use of renewable energy and “green” power, including small wind energy conversion systems and photovoltaic panels;
 - d. introducing materials and resources that are or can be recycled, thereby reducing construction waste;
 - e. improving indoor air quality through the use of low-emitting materials;
 - f. maximizing passive solar energy by situating residences on an east-west axis; and
 - g. reducing energy consumption by utilizing high value insulation materials.
13. 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 Environmental Reserve, Municipal Reserve and open space will meet the requirements of these policies. The site analysis should indicate:

- 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 Provincial and Federal government agencies.
- 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.

The Development Concept Plan should also include provisions for storm water management.

- 14. Transportation, communication, and public utility uses shall be considered discretionary uses.
- 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, unless re-subdivision is provided for in the Development Concept Plan.
- 17. Any Environmental Reserve, Municipal Reserve or open space passageway that provides access to the lake front from the residential area shall be designed to be a minimum of 1.5 m (4.9 ft.) and a maximum of 3 m (9.8 ft.) in width, unless site conditions require otherwise.

Conventional Development

- 18. The developable area of a conventional style development is the total gross area, less the area of:
 - a. anticipated rights-of-way for roads and utilities;
 - b. Environmental Reserve areas;
 - c. Municipal Reserve areas;
 - d. naturally occurring streams, rivers, lakes, wetlands, and other hydro-geological features (including seasonal water flow and ponding areas) within the site;
 - e. all environmentally sensitive areas as identified by Provincial and Federal agencies.
 - f. land with a 15% slope or greater, unless a geotechnical report has been conducted to the satisfaction of the development authority.

Cluster Style Development

19. Because 50% of the gross area of a cluster style development is to be comprised of open space, the average residential parcel size would be approximately 0.36 ha (0.9 ac) or less. The developable area of a cluster style development is the total gross area, less the area of:
- a. primary and secondary conservation areas;
 - b. anticipated rights-of-way for roads and utilities;
 - c. Environmental Reserve areas;
 - d. Municipal Reserve areas;
 - e. naturally occurring streams, rivers, lakes, wetlands, and other hydro-geological features (including seasonal water flow and ponding areas) within the site;
 - f. land with significant vegetation features;
 - g. all environmentally sensitive areas as identified by Alberta Environment and Alberta Sustainable Resource Development.

The developable area may also exclude:

- h. land with a farmland assessment ratio of 55% or greater if the developer wishes to conserve the farmland with a legally binding instrument; and
 - i. land with 15% slopes or greater, unless a geotechnical report has been conducted to the satisfaction of the development authority.
20. Development Concept Plans for cluster style development 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 area. 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. 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.

Any portion of the open space area that is not managed by the municipality shall be protected via a legally enforceable instrument such as a conservation easement. The Open Space Management 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 County 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 which 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 County 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 County, then a third right of enforcement favoring the County shall be included in the easement.

- (6) Though the form of ownership of the individual residential dwelling units may be the normal fee simple ownership, other forms, such as co-operatives, bareland 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.
- (7) 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 County. 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 County may assume the responsibility for maintenance, enter the premises to take corrective action, and charge the costs to the previously responsible party. The County 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.

- (8) If adjacent quarter sections are developed using cluster style subdivision design, the open space component of each development should be designed in such a way as to be contiguous.

21. Though private recreation facilities shall be encouraged within cluster style 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.

3.0 Land Use Policies

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

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, unless adequate water trucking services are available in the region.
 - (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 unless a sufficient geotechnical assessment is submitted to and approved by the County.
 - (4) The County shall require a developer to provide it with a biophysical site assessment if, in the opinion of the development and/or subdivision authority, the proposed development is located in an environmentally sensitive or significant area.
2. Water-tight septic tanks or sewage holding tanks will be required to handle sewage disposal within all new developments in the Recreational Residential Area or Residential Conservation Area, as well as on soils which have extremely fast percolation rates and/or which might result in the possibility of groundwater contamination. The use of a leaching pit or cesspool for kitchen sink waste/ grey water disposal in new developments will not be allowed.
3. The County shall encourage any new multi-lot country residential development and/or recreational trailer park development to use a communal sewage disposal system that is approved by Alberta Environment. Such a system may take the form of communal tanks that use a gravity low-pressure system to move the sewage from individual properties to communal tanks.
4. The public amenities in the County shall be clearly marked. Adequate lake access and parking facilities shall be provided where appropriate.

5. New agricultural activities which the County believes will have little impact on the Lac Sante environment or lake water quality may be allowed. While the County 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 Lac Sante Area Structure Plan area.
6. All recreational vehicles shall have such sewage disposal facilities as may be required by Provincial or Health Regulations and/or guidelines.

3.2 Environmental Protection

1. Three (3) categories of environmentally sensitive lands have been identified within the Area Structure Plan 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 Area Structure Plan area.
2. The County shall create a policy which establishes the permitted uses on municipally-owned Environmental Reserve and Municipal Reserve lands.
3. 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 Lac Sante. A site plan detailing the protection of treed areas shall accompany any application for a development permit.
4. Alterations to the bed and shore of any lake in the Area Structure Plan area, including any development or structure (except for removable domestic piers or removable boatlifts), shall be required to obtain authorization from appropriate Provincial agencies.
5. The County may 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.
6. 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 including the clean up and removal of pit toilets
7. The use of herbicides and inorganic fertilizers will be discouraged on residential lots within the Area Structure Plan area.

8. The County may support initiatives of the Lac Sante Watershed Society and local landowners to assist in the stewardship of the lake, such as but not limited to initiatives that encourage livestock to water and feed away from Lac Sante.
9. Alberta Sustainable Resource Development guidelines for minimum environmental reserve/easement widths shall be required for all new development within the Area Structure Plan area.
10. The County shall encourage the use of alternative energy such as but not limited to geothermal heating, small wind energy conversion systems and solar photovoltaic power.
11. The location of Municipal and Environmental Reserve lots shall be clearly marked in all new multi-lot country residential subdivisions.
12. The developer of any multi-lot residential development adjacent to the bed and shore of any water course or water body within the Lac Sante Area Structure Plan area shall be required to provide potential purchasers with a copy of Sustainable Resource Development's booklet "Caring for Shoreline Properties, Living on the Water's Edge".
13. In those cases where private lots would include environmentally sensitive land and/or abut County-owned Environmental Reserve land, the County may require an Environmental Reserve Easement to be registered against a portion of the new lot in order to preserve environmentally sensitive features.

3.3 Services & Infrastructure

1. The County shall ensure that local access roads are developed, surfaced, and maintained to a high standard and in accordance with County policy.
2. If adjacent quarter sections are developed for multi lot residential development, the internal roads of each development should be designed in such a way as to be connected.
3. The County may explore the option of placing recycling bins adjacent to the garbage disposal bins at Lac Sante in order to encourage responsible waste management.
4. In those areas of the Area Structure Plan area where speeding on municipal roads is an issue, the County may consider introducing traffic calming devices.
5. The County may consider creating a municipal system for disposing of sewage from the individual sewage systems located in the Area Structure Plan Area, following considerable review with Alberta Environment and the landowners in the Area Structure Plan area.

6. The County of St. Paul shall act within its capacity to ensure that the Evergreen Regional Landfill is operated in accordance with Provincial regulations. Any expansion of the Landfill shall take into account the environmental sensitivity of the watershed in which the Landfill is located.

3.4 Recreation

1. In order to ensure safety on Lac Sante, the County may consider posting signage with Transport Canada's Vessel Operating Regulations at the County's boat launches.
2. The County may consider adding new signage and/or replacing existing signage at Lac Sante that would prohibit all motorized vehicle use on Environmental Reserve land.
3. The County shall support Sustainable Resource Development's initiative to post signage restricting motorized vehicles on its Environmental Reserve land.
4. The County may consider supporting the initiative by the Lac Sante Recreational Society to create a formalized trail system in the Lac Sante Area Structure Plan Area.
5. The County shall endeavour to keep the boat launches on Lac Sante within their municipal boundaries in good repair.
6. The County of Two Hills shall consider separating the boat launch and swimming area in its day use area in order to enhance water safety.
7. The County of Two Hills may consider developing a public campground in conjunction with an expanded day use and public beach area.

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 separately adopted by the Counties of St. Paul and Two Hills. The County of St. Paul shall adopt this plan as the Lac Sante 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 County's Land Use Bylaw may be amended.

4.3 Plan Review and Amendment

1. The planning process is a dynamic process, subject to inevitable change. It is intended that this Plan will be subject to periodic review, initiated in the following ways:
 - (a) a complete or partial review upon amendment;
 - (b) a review of this document to be conducted by County Council every five years; or
 - (c) a complete or partial review whenever, due to economic, social, technical developments or environmental considerations, the Plan is considered by Council not to meet the long term goals of the County.
2. When considering any amendment proposal to this Plan, the County 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.
3. Among other matters, in dealing with an amendment to this Area Structure Plan to change the designation of an area to Residential Conservation Area, Council will require documentation regarding the impact of proposed development on Lac Sante and/or Lac Poitras. Council shall also consider the impact of the

development of those lands within the Plan area which may have already been approved for development, but which might not yet have been sold, leased, or developed. The proponent of the amendment shall be responsible for providing an Environmental Assessment prepared by a registered professional biologist with the Alberta Society of Professional Biologists in the Province of Alberta showing no greater than a 30% net impact for the proposed subdivision. The proponent of the amendment shall also be responsible for providing an Environmental Code of Conduct to insure the 30% net impact is maintained. The Environmental Code of Conduct shall be adopted by Bylaw for the proposed subdivision and be followed by all landowners within the subdivision.

4. Upon receipt of an application for substantial subdivision and/or development within the Area Structure Plan Area, the County shall circulate the proposal to the County of Two Hills for review and comment. The subdivision and/or development shall not be approved until comments are received from the County of Two Hills.

4.4 Interpretation

1. 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 County's Land Use Bylaw.
2. 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 allowed to this Plan, provided that such deviations do not alter the intent of this Plan.
3. The Lac Sante Area Structure Plan will be adopted by the County of St. Paul and the County of Two Hills as separate bylaws. As such, the policies in this document make reference to only one County. Policies which refer to a specific municipality are included in both documents for informational purposes only.

5.0 Definitions

Definitions and requirements of the County's 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 in conjunction with the terminology in this section.

“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.

“CAMPGROUND” refers to an outdoor area which has been planned and improved to be used and maintained for seasonal, short-term and overnight use for members of the general public. Structures used for camping purposes are temporary in nature and include but are not limited to tents, tent trailers, holiday trailers, campers and motor homes. Accessory facilities may include an administrative office, laundromat, parks, picnic area, beach and boating area.

“CAMPGROUND, INTENSIVE” refers to an outdoor area which has been planned and improved to be used and maintained for seasonal, short-term and overnight use exclusively for members of said campground. Recreational vehicles are commonly used as seasonal dwellings. Accessory facilities may include an administrative office, laundromat, parks, picnic area, beach and boating area.

“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. Qualifying organizations include the provincial government, a municipality, and non-governmental registered charities formed to hold conservation land interests.

“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.

“ENVIRONMENT” means the components of the earth including the land, water, vegetation and wildlife.

“ENVIRONMENTAL ASSESSMENT” means a detailed study examining the effects of the proposed activity on the environment. Effects include those on the land, the water (quality and quantity), vegetation and wildlife

“ENVIRONMENTAL CODE OF CONDUCT” refers to a bylaw of the County of St. Paul No. 19, derived from the Environmental Assessment that dictates how residents in a specific subdivision manage their lots to insure no addition impact is incurred. Document may include land management practices (such as fertilizer use, pesticide use, naturesscaping, ect), prohibition of tree cutting, water conservation practices, waste management, private sewage disposal criteria, wildlife management, restricted speed limits on water bodies, community beach use, management of public areas as well as anything else identified in the Environmental Assessment.

“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.

"MAY" is an operative word meaning a choice is available, with no particular direction or guidance intended.

"MAY NOT" is an operative word meaning a choice is not available, signifying that the action is prohibited.

“NET IMPACT” references the overall effect of the proposed activities on the environment in regards to land, water, vegetation and wildlife.

“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 greater than 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, motor homes 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, but does not include a recreational vehicle.

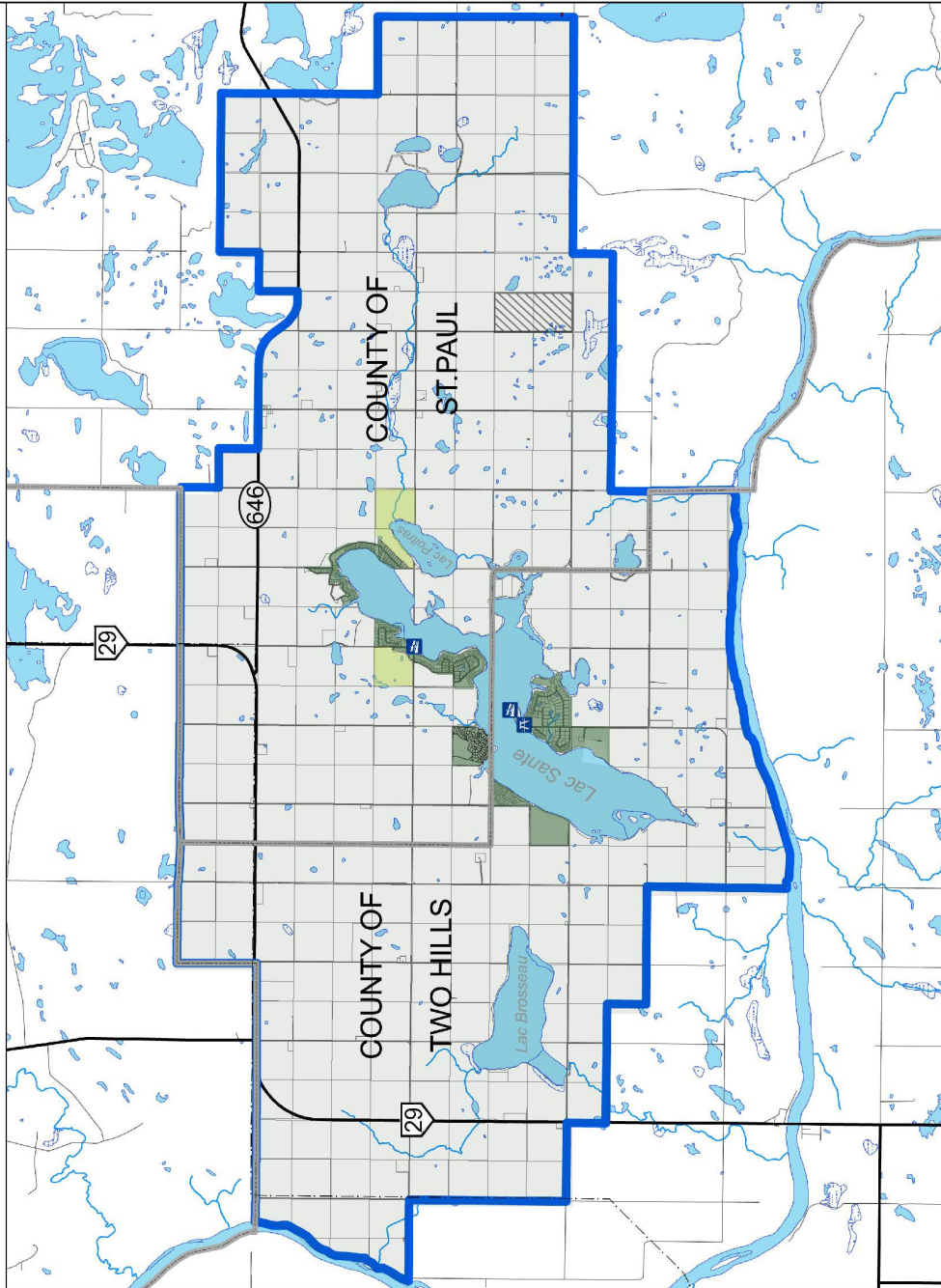
“SHALL” is an operative word which means the action is obligatory.

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

“SMALL WIND ENERGY CONVERSION SYSTEM” means a wind energy conversion system consisting of a wind turbine, tower and associated control or conversion electronics, which has a rated capacity of not more than 300 kW, and whose primary purpose is to provide electrical power for use on-site (either behind-the-meter or off-grid) rather than produce power for resale.

“TRAILER PARK, RECREATIONAL” refers to a multi-lot subdivision that has been designed exclusively for recreational vehicles. Accessory facilities may include an administrative office, laundromat, parks, picnic area, beach and boating area.

Map 1: Lac Sante Land Use Concept



Study Area

County Boundaries

Property Boundaries

Paved Roads

Gravel Roads

Overhead Transmission Line

Rural Conservation

Recreational Residential

Residential Conservation

Boat Launch

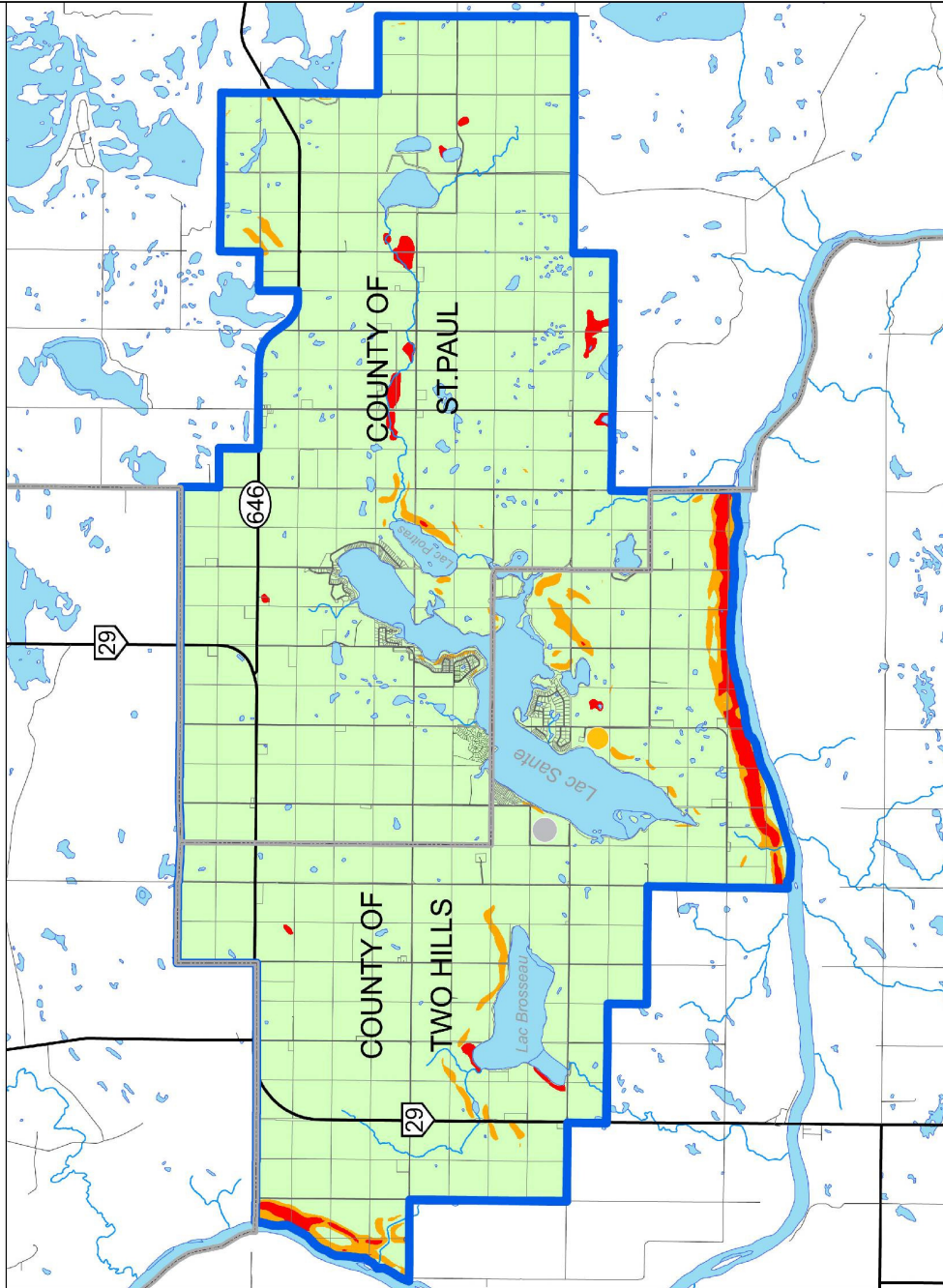
Public Day Use Area

Landfill

0 1 2 3 4 5 Kilometers

Digital geographic information obtained from: Government of Canada, National Topographical Survey (Geographic), the County of Two Hills (Alberta), and the County of St. Paul (Alberta).
 All boundaries are approximate.
 All coordinates are approximate.
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Map 2: Lac Sante Physical Constraints Analysis



- Study Area
- County Boundaries
- Property Boundaries
- Paved Roads
- Gravel Roads
- Water Bodies
- Low Constraints
- Medium Constraints
- High Constraints
- Pelican Bay Resort
- Tranquility Bay



Digital geographic information obtained from: Government of Canada, National Topographical Survey (Geographic), the County of Two Hills (Alberta), and the County of St. Paul (Alberta). All boundaries are approximate. All coordinates are approximate.

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