

**GARNER LAKE AREA STRUCTURE PLAN
BYLAW NO. 1576**

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 Garner Lake area;

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

1. THAT Bylaw 1576, the Garner Lake Area Structure Plan, being Schedule "A" attached hereto, is hereby adopted.
2. THAT Bylaw 1018 (1982), the Garner Lake Area Structure Plan, is hereby repealed.

READ A FIRST TIME this ____ day of _____, 201__.

PUBLIC HEARING HELD this ____ day of _____, 201__.

READ A SECOND TIME this ____ day of _____, 201__.

READ A THIRD TIME and finally passed by Council this ____ day of _____, 201__.

REEVE

Chief Administrative Officer

SCHEDULE A

GARNER LAKE AREA STRUCTURE PLAN

COUNTY OF ST. PAUL

May 20, 2011

BYLAW NO. 1576

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Part 1 Plan Goals, Management Principles

1.1 Introduction, Purpose and Plan Objectives

In early 2008 in response to the steady increase in interest toward lake-oriented development in Smoky Lake County and the County of St. Paul, as well as a growing awareness of the importance of local environmental stewardship and healthy watersheds, both Counties began work on revising the existing Area Structure Plan for the Garner Lake Area.

This Area Structure Plan (ASP) was prepared through a process of compiling and analyzing stakeholder comments, case studies and area specific baseline data. The information collected was carefully considered in order to determine appropriate land use policies for the ASP area which conform to current municipal and provincial planning documents.

The ASP project resulted in the creation of three deliverables: a background report and two (2) ASPs: namely, an ASP which provides land use policies and management principles for that portion of the Garner Lake Plan Area that is situated in Smoky Lake County and this ASP, which provides land use policies and management principles for that portion of the Garner Lake Plan Area that is situated in the County of St. Paul.

The first deliverable, the Background Report, is a supporting document containing baseline data and an analysis of the data gathered from the community and government stakeholders in order to determine appropriate land use and management principles for land situated within the Garner Lake area. The second and third deliverables; the ASPs, contain the resulting land use and land management policies for the ASP area.

1.1.1 Purpose

The purpose of the Garner Lake ASPs is to provide sustainable land use policies and management principles to guide development in the Garner Lake area for the next decade.

1.1.2 Project Phasing

The **first phase** of the project involved gathering detailed information on various aspects of Garner Lake and the Garner Lake area; including the lake's physical resources and critical lake planning issues. This information is contained in the 2011 Garner Lake Background Report.

The **second phase** of the project involved a synthesis and analysis of the data gathered for the Background Report.

In **phase three**, drafts of the Background Report, mapping, and the ASP were prepared and circulated to the Counties, the community, and government stakeholders for comments.

The **fourth and final phase** of the project involved incorporating appropriate changes into the drafts and preparing the final Background Report, ASP and maps.

1.1.3 Plan Objectives

The objectives of this plan can be described as follows:

1. To establish plan goals and land use management principles outlining a vision for the pattern of land management and development within the Garner Lake ASP area for the next 20 years.
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 Garner Lake.
3. To establish a future development pattern for the Garner Lake ASP area.

The County of St. Paul recognizes that it has a key role to play in directing the responsible management of the Garner Lake area. The County of St. Paul Council can effectively guide the best and efficient use of Garner Lake through the preparation and implementation of this ASP.

1.1.4 Public Consultation

A number of opportunities for public engagement and involvement were provided over the duration of the project. Public open houses were held, surveys were circulated and meetings with stakeholder groups and individuals were conducted. A full day planning workshop was held in Spedden to provide information to the community about current planning issues and to gather additional feedback regarding the Garner Lake Area. The final draft of the plan incorporates recommendations and feedback received from Council, staff, stakeholders and the community throughout the entire duration of the project.

1.2 Garner Lake Today

Garner Lake is a desirable active recreation experience, although water quality and water levels of the lake have decreased in recent years. As a result, recreational use around the lake is changing from being “consumptive” to being “non-consumptive”. Subdivision has been restricted around the lake and as a result residential development has not significantly increased over the last 30 years. In some developments sewage disposal systems have been of a high quality and in others illegal private sewage systems (pit toilets) have been a problem.

Lower water levels, which are a province wide phenomenon, may have had a negative effect on the water quality at Garner Lake which, residents in the area have indicated has deteriorated over time. Fish stocks and the general water-related recreational experience of Garner Lake lot-owners, residents, and lake users have been affected. The lake is too shallow in many areas to use for safe, unrestricted motor boating (except for small horsepower motors). While in other areas the lake is deep. The shallow waters in the shore land areas limit the potential for developing boat launches. This has resulted in some conflicts about public access to the lake. Recreational fishing is a popular all season pursuit of residents in the area. Preserving the lake as a water resource and also preserving the resources (fish and water fowl habitat areas) within the lake were identified as high priorities by both current residents in the country residential communities and traditional lake users. Residents have indicated, and site visits and consultation sessions with stakeholders confirm, that the inlet to and outlet from the lake have dried up and spawning habitat areas have been altered and damaged as a result of cottages and camping activities taking place along the southern, eastern and (in a more limited area) the northern shore lines of the lake.

Water contact (swimming), and boating are also preferred activities at the lake. In recent years algae blooms have had a limited impact on the enjoyment of these activities. Over all, lake water quality is still high enough to support intensive lake oriented recreational activities.

The Garner Lake area may still be considered a recreation destination for lot owners and day users. The recreation experience provided is predominantly lake-oriented both as a result of the water quality and the orientation of the existing developments. However, there are a number of designated non-lake oriented recreational opportunities specifically located in Garner Lake Provincial Park and associated with the Iron Horse Trail.

An analysis of the background information revealed that the lake is both a **recreation amenity** and a **landscape amenity**.

While the available background information indicates that there has been a

decrease in lake water quality which may be having an impact on fisheries stocks in the lake, it does not clearly identify which factor(s) have caused the change.

Several factors such as: cattle grazing, recreation property development, damage to fish spawning areas caused by boaters, inappropriate lawn and garden care, fertilizers, aging and illegal private sewage disposal systems-and the general reduction in surface water levels affecting the St. Paul region of Alberta have certainly had an impact on the lake. We can estimate that all of these factors have contributed to the general decrease in lake water quality, and damage to fish spawning areas and water fowl habitat.

The question addressed by this ASP is: What kinds of future land uses are appropriate for the Garner Lake area? The land use designations shown on **Map 1** were established in order to ensure that the water quality, lake productivity and the overall enjoyment of the lake is protected for future generations of community members and traditional lake users. The policies and guidelines in this plan support zero or minimal further impact on the lake from biophysical materials (storm or sanitary sewage, de-forestation, etc.).

Additional use pressure on the lake (from would-be boaters or swimmers) must also be considered as a potential issue for water quality. The water quality of the lake is such that a quality recreational experience is still possible. Future uses of the shore lands should be considered in relation to the impact they may have on the quality of the current recreational experience and the resource potential of the lake both for traditional users and existing community members.

The background report indicates that stakeholders and landowners around the lake are notably concerned about additional development around the lake which could impact their experience of the lake, lake water quality, the resource potential of the lake, existing infrastructure and the overall quality of life within existing developments.

Community members are also concerned about receding water levels which have caused lake inlets to dry up in recent years. As a result the shallow shoreland areas have become even more significant as spawning areas. The preservation of these environmentally sensitive areas will be imperative to ensuring the water quality and resource potential of the lake.

The ASP's goals, management principles and policies will determine the nature and intensity of development in the Garner Lake area. Opportunities for further multi-lot country residential, commercial and industrial development are limited within the ASP area. As such, any changes in the quality of the Garner Lake environment or recreational experience will not be as a result of the impact of new development on the lake or on lake capacity in existing, approved country residential developments because these areas have been almost entirely built out.

Whether biophysical opportunities for recreational/residential development at Garner Lake have been exhausted will require additional investigation at the site level. All future developers will be required to provide information about the potential biophysical impacts of proposed development for analysis prior to the issuing of any approvals for multi-lot country residential and commercial recreation developments. Still, it is clear from information gathered during the public consultation process that the socio-perceptual limits of the current lot owners and users for lake development are nearing capacity if not already exceeded.

There is also some concern that additional development would limit the ability of Garner Lake to maintain current fish stocks or to provide opportunities for improving the water quality and resource capability of the lake. However, if additional development in the ASP area could be predominantly non-consumptive in nature, using the lake primarily as a landscape amenity rather than a recreational amenity, then the biophysical impact of further development could be minimized.

All future development within the ASP area should be designed and located so as to limit the biophysical impact on the lake. All sewage effluents and waste products must be fully treated before being allowed to enter the natural environment. Additional development in the ASP area will add to the human use pressure on the lake, but that addition can be limited to some extent, by the quality of the lake experience itself and limited public access points to the shoreland areas. The requirement for non-lake oriented recreational opportunities in the Garner Lake area will also mitigate additional pressure on the lake.

As a result, this plan strives to reach a balance between addressing community concerns about the potential impacts of additional development on the enjoyment of the lake while still providing some opportunity for future growth in locations that are not highly environmentally sensitive.

This plan also recognizes that even if no new development occurs in the ASP area the impacts of the existing developments on the lake must be addressed. It has been observed that several portions of the Garner Lake area, which were specifically designated for intensive use, are being used in contravention of the County's land use regulations and the intent of the County's Land Use Bylaw, thus adding to the pressures on the lake environment. Specifically, several lots within the multi-lot country residential developments are occupied for substantial parts of the year by a number of recreational vehicles or trailers, the location and use of which substantially increases the impact of these developments on the lake and other community members. This pressure should be controlled if not relieved.

As well, it has been observed that several of the residential lots within the country residential developments may have sewage disposal systems which are

not up to current standards or which may be unlawful. Land owners should be encouraged to bring up to standard those sewage disposal systems which are not up to current standards and required to replace those sewage disposal systems which are illegal.

It has also been observed that several of the owners of residential lots within the Garner Lake Resort may be following practices that are not appropriate for ensuring high water quality in the lake (for instance, allowing vegetation cuttings or "grey water" to enter the lake) or following practices that are not lawful (for instance, back lot owners drawing water from the lake for gardening use). 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.

1.3 Plan Goals, Management Principles

The goals of the ASP are based on the values expressed by County Council, the Garner Lake community and administration. There are seven (7) major plan goals for Garner Lake:

- | | |
|----------------|--|
| Goal #1 | To protect the water resources in the Garner Lake watershed. |
| Goal #2 | To maintain a healthy lake watershed. |
| Goal #3 | To enhance and maintain a range of sustainable public and private accesses within the Plan area in an environmentally, socially and economically responsible manner. |
| Goal #4 | To maintain functional rural residential/recreational values and development while allowing the evolution of sustainable land and water uses. |
| Goal #5 | To maintain agriculture as the primary use in the larger watershed. |
| Goal #6 | To protect environmentally significant ecosystems. |
| Goal #7 | To improve emergency preparedness in the area through the implementation of FireSmart policies. |

1.3.1 Management Principles

The following management principles have been developed to achieve these plan goals:

1. Water quality and resource conservation will be given high priority when assessing the suitability of future land uses.
2. All future residential and recreational development in the Garner Lake area shall be carefully controlled using cluster design guidelines so that minimal nutrient and recreational pressures are added to the lake as a result of development.

3. All future multi-lot country residential development in the Garner Lake area shall have associated with it some form of recreational opportunity other than consumptive, lake oriented recreational use of the lake to encourage connectivity and multi-modal transportation options within the community.
4. All future development in the Garner Lake area shall occur on the basis of the highest levels of municipal services available, in accordance with the County's policies on land development and subdivision.
5. Lake nutrient loading will be limited by appropriate watershed management practices, including the following:
 - a. controls will be implemented on shoreland clearing, development, and sewage handling;
 - b. the provision of Reserves (Environmental and/or Municipal) will be required with all new subdivisions in appropriate areas;
 - c. new development will not be permitted on land identified as highly environmentally sensitive without appropriate mitigation measures; and
 - d. the inlet to the south of lake and the outlet to the north of the lake will be protected.
6. The rights of the existing farming community, traditional lake users and existing community members will be recognized.
7. The County will take available steps within its jurisdiction to ensure that existing and future sewer systems conform to current provincial regulations.
8. Boating restrictions are necessary in certain locations in order to help reduce lake user conflicts.
9. 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 Garner Lake. Lake residents will also be required to end those practices related to development and sewage or water handling which are not legal.
10. All future development in the Garner Lake area shall comply with FireSmart and Emergency Response Plans for the area.

Part 2 Land Use Allocation

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 at Garner Lake, rather than specifically 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, and that existing development reduces its impact on the environment.

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

2.1.1 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 neighbourhood 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.

2.1.2 Multi-lot Country Residential Development

1. 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.
2. Seasonal and permanent single family dwellings shall be allowed as primary dwellings in multi-lot residential subdivisions, in accordance with the regulations of the County's Land Use Bylaw. Accessory uses 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.
3. Within multi-lot country residential subdivisions in the Recreational Residential Area all recreational vehicles will abide by those rules and regulations pertaining to recreational vehicles within the County of St. Paul's Land Use Bylaw.

2.2 Rural Conservation Area

This designation identifies generally farmed or forested but otherwise undeveloped areas 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 significantly increase nutrient loading of Garner Lake shall not be allowed.

All development in the Rural Conservation Area shall be designed to fit into the rural landscape in a manner that will retain the land's capacity to be farmed, 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 at a minimum.

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

2.2.1 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 Garner Lake watershed, Garner Lake water quality, and existing development. Subdivision and/or development for industrial uses shall not be allowed, though subdivision and/or development for 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 Plan and Land Use Bylaw. An application to re-district land within the Rural Conservation Area for multi-lot Country Residential development or to develop a recreational trailer park or other intensive recreation facility 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. The County 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 of up to 8 ha (19.8 ac.) may be allowed in accordance with the County's Municipal Development Plan on tree covered land in the Rural Conservation Area, provided that:

- a. the lots adhere to any other policies and regulations in the County's Municipal Development Plan and Land Use Bylaw, and
 - b. a conservation easement is registered on title in order to ensure that the treed area is protected.
4. Agricultural operators will be encouraged to use best practices to limit nutrient inputs into Garner 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. Transportation, communication, and public utility uses shall be considered discretionary. Such uses shall be developed in such a manner as shall not adversely affect the Garner Lake environment, Garner Lake water quality, or existing development.
 6. Secondary dwelling units may be allowed on a parcel of land in accordance with the regulations of the County's Land Use Bylaw.
 7. Within the Rural Conservation Area, all recreational vehicles will conform to regulations pertaining to recreational vehicles within the County of St. Paul's Land Use Bylaw.

2.3 Residential Conservation Area

The purpose of the Residential Conservation Area designation is to allow for additional multiple lot residential subdivision and development in appropriate locations with appropriate development requirements. 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.

There are two options for multi-lot country residential subdivision and development in the Residential Conservation Area: conventional style country residential development and cluster style development. Both may be developed in the form of conventional, individual-lot-ownership subdivisions or as bare land condominiums. Both require that a development concept be submitted to and approved by County Council before any multi-lot development or subdivision takes place.

The objective of cluster style development will be to retain 50% of a site's natural features in an undeveloped state. Cluster style development will 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.

2.3.1 Objectives

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 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, impermeable surfaces, and utilities.
5. To encourage interaction in the community by having dwellings located fairly close together, locating them closer to roads, providing public gathering places, and encouraging the use of parks/open space as focal

points.

6. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation.
7. To promote interconnected and continuous non-motorized greenways, walking trails, bike paths, and similar corridors throughout new development areas.
8. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct views of open spaces.

2.3.2 Policies

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

General

1. Development of more than 8 ha (20 ac.) or 5 separate titles (4 lots and a remainder) 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, and if the lands are designated Residential Conservation in this Area Structure Plan. Previous development on the quarter section shall be included in the calculation of acreage and number of lots. The 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 50 % 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. Accessory buildings associated with seasonal and permanent single family dwellings shall also normally be allowed.
5. All recreational vehicles will conform to regulations pertaining to recreational vehicles within the County of St. Paul's Land Use Bylaw.
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 County shall require the developer to build new roads in accordance with County standards to and within all new developments within the Residential Conservation Area.
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 motorized vehicles such as but not limited to all terrain vehicles and snowmobiles may 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.
11. The use of alternative building methods and innovative housing concepts shall be encouraged in order to facilitate the development of more sustainable housing and reduce 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.
12. 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 other open and protected spaces will meet the requirements of these policies. The site analysis should indicate:

- a. existing and proposed 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 and other non-governmental 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 shall also contain a description of how storm water is to be managed.

- 13. Transportation, communication, and public utility uses shall be considered discretionary uses.
- 14. Secondary dwelling units that were not calculated in the density of the Development Concept Plan shall not be allowed in the Residential Conservation Area.
- 15. 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.
- 16. 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 6 m (20 ft.), unless site conditions require otherwise.

Conventional Development

- 17. 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 and Municipal Reserve areas;
 - c. areas which are to be subject to other environmental controls, together with the nature of those controls;
 - 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 government 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

18. 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 0.4 ha (1 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, that is those areas where it is important to preserve the natural environment (primary areas) and those areas where it is less important but still reasonable to preserve the natural environment (secondary areas);
 - b. anticipated rights-of-way for roads and utilities;
 - c. Environmental and 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. land with significant vegetation features;
 - f. all environmentally sensitive areas as identified.

The developable area may also exclude:

- g. land with a farmland assessment ratio of 55% or greater if the developer wishes to conserve the farmland with a legally binding instrument; and
 - h. land with 15% slopes or greater, unless a geotechnical report has been conducted to the satisfaction of the development authority.
19. Development Concept Plans for cluster style development shall demonstrate adherence to the following conservation design-based guidelines:
 - a. 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.
 - b. 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.
 - c. Open space areas may be used for the following purposes:
 - i. conservation of natural, archeological, or historical resources;

- ii. conservation of meadows, woodlands, wetlands, wildlife corridors, habitat, or similar conservation-oriented uses;
 - iii. walking or bicycle trails, provided they are constructed of porous paving and pervious materials;
 - iv. passive recreation, such as open fields;
 - v. 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;
 - vi. 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;
 - vii. non-structural storm water management practices and structural storm water management practices that allow for filtered groundwater;
 - viii. easements for drainage, access, and underground utility lines.
- d. 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:
- i. municipal ownership (in Municipal and/or Environmental Reserve parcels);
 - ii. as a common unit (or units) within a bare land condominium plan; or
 - iii. 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 provided, 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.

- e. 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. The instrument will be registered to one of the following:

- i. 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.
 - ii. 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.
- f. 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 accommodations, societies, or 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.
- g. 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. The Development Concept Plan will:
- i. 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;
 - ii. provide a strategy for the enforcement of the Plan.

Any changes to the Development Concept Plan must be approved by the County.

- h. 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.

- i. 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.
 - j. 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.
20. 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.

Part 3 Land Use Policies

The following land use and development policies shall apply to all lands and developments within the Garner Lake Area Structure Plan area, and shall be used by the County to guide decision-making regarding all land use and development at Garner 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:
 - a. Potable of sufficient quantity and quality shall be available to support a 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.
 - b. 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.
 - c. Development shall be prohibited on slopes in excess of 15 percent or on slopes which are subject to slippage or mass movement unless a satisfactory geotechnical assessment is submitted to and approved by the County and thereafter made a condition of the development.
 - d. The County shall require a developer to provide it with a biophysical site assessment and/or other supporting documents 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 to use communal sewage disposal systems as approved by Alberta Environment. Such systems 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 Garner Lake 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 Garner Lake Area Structure Plan area.

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. 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 establish a policy for the use of 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 Garner Lake. 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 Garner Lake, 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 standards 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 any pit toilets.
7. The use of herbicides and inorganic fertilizers will be discouraged on residential lots within the Area Structure Plan area.

8. Alberta Sustainable Resource Development guidelines for minimum environmental reserve/easement widths shall be required for all new development within the Area Structure Plan area.
9. 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.
10. The location of Municipal and Environmental Reserve lots shall be clearly marked in all new multi-lot country residential subdivisions.
11. The developer of any multi-lot residential development adjacent to the bed and shore of Garner Lake 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".
12. 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 Garner Lake 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.

3.4 Recreation

1. In order to ensure safety on Garner Lake, 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 Garner Lake that would prohibit all motorized vehicle use on Environmental Reserve land.

3. The County shall support Sustainable Resources Development's initiative to post signage restricting motorized vehicles on Crown lands.
4. The County shall endeavour to keep the boat launches on Garner Lake within their municipal boundaries in good repair.

Part 4 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 County of St. Paul and Smoky Lake County. The County of St. Paul shall adopt this plan as the Garner Lake Area Structure Plan – 2011.
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 consider what it believes will be the impact of the proposed development on Garner Lake, as well as 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 the information necessary for Council to make that assessment, and County staff will work with the proponent to provide what information it can to help Council in this consideration.

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 Smoky Lake County for review and comment. The subdivision and/or development shall not be approved until comments are received from Smoky Lake County.

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 Garner Lake Area Structure Plan will be adopted by the County of St. Paul and Smoky Lake County 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.

Part 5 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.

1. **"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.
2. **"BED"** refers to the land upon which a lake sits at its current water level.
3. **"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.
4. **"DEVELOPMENT,"** as per the Municipal Government Act, means:
 - a. an excavation or stockpile and the creation of either of them,
 - b. 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,
 - c. 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
 - d. 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.
5. **"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.
6. **"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.
7. **"LOW PRIORITY CONSERVATION AREA"** refers to land that is not designated as either a primary or secondary conservation area.
8. **"MAY"** is an operative word meaning a choice is available, with no

particular direction or guidance intended.

9. **"MAY NOT"** is an operative word meaning a choice is not available, signifying that the action is prohibited.
10. **"OPEN SPACE"** refers to areas of land that are not covered by building structures or infrastructure.
11. **"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 provincial or federal government agencies, and other outside agencies, and
 - g. archaeological sites, cemeteries, burial grounds, and historical sites.
12. **"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.
13. **"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.
14. **"RIPARIAN ZONE"** refers to the strip of moisture-loving vegetation growing along the edge of a lake.
15. **"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.
16. **"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.

17. **"SHALL"** is an operative word which means the action is obligatory.
18. **"SHORE"** is the area below the bank but above the present water level. It is exposed when water levels are low.
19. **"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.

Part 6 Maps

Map1 : Future Land Use Concept

Map2: Future Environmentally Sensitive Areas