

BY-LAW NUMBER 2000/42

BY-LAW NO. 2000/42 is a by-law of the County of Wetaskiwin No. 10 in the Province of Alberta, to authorize the adoption of an Area Structure Plan for the purpose of providing a framework for subsequent subdivision and development of the area known as Lot 1, Block 2, Plan 802 0442 and Lots 2 & 3, Block 2, Plan 992 0165 (in SW 12-47-2-W5M), in accordance with Section 633 of the Municipal Government Act, Chapter M-26.1, Revised Statutes of Alberta 1994, and amendments thereto.

WHEREAS: at the requirements of County Council, as per Policy 6 of the Pigeon Lake Watershed Management Plan, an Area Structure Plan has been prepared for Lot 1, Block 2, Plan 802 0442 and Lots 2 & 3, Block 2, Plan 992 0165 (in SW 12-47-2-W5M).

AND WHEREAS: the proposed Area Structure Plan has been widely circulated and discussed within the County pursuant to Section 230, 606(1), and 633(1) of the Municipal Government Act, 1994, Chapter M-26.1, and amendments thereto.

AND WHEREAS: public hearings were held on April 11 and April 27, 2000, to hear and review the concerns of the public.

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

1. The document attached to this By-law as "Appendix A", together with accompanying maps, is hereby adopted as the "*Lot 1, Block 2, Plan 802 0442 and Lots 2 & 3, Block 2, Plan 992 0165 (in SW 12-47-2-W5M) (Sunset Harbour Developments Ltd.) Area Structure Plan*"
2. This by-law comes into effect on the date of third reading and signing of the by-law.


READ: A First time this 27th day of April, A.D., 2000.

READ: A Second time this 27th day of April, A.D., 2000.

READ: A Third time and finally passed this 2nd day of May, A.D., 2000.



REEVE



SECRETARY-TREASURER

Sunset Harbour Developments Ltd.

AREA STRUCTURE PLAN

For Lots 1, 2 & 3, Block 2, Plans 992 0165 & 802 0442

In SW ¼ of 12 – 47 – 2 W5M

County of Wetaskiwin No. 10

Prepared for Sunset Harbour Developments Ltd.

by Henning F. Rasmussen, P.Eng.

March, 2000

Adopted by County of Wetaskiwin No. 10 Council
May 2, 2000 by By-law 2000/42

(Amendments & Additions required under
By-law 2000/42 shown in *italics*)

1. **Introduction**

The area in this structure plan includes all of Lots 1, 2 and 3, Block 2 in SW 12 – 47 – 2 W5M.

An Area Structure Plan is required in accordance with the Pigeon Lake Management Plan Policy 6: Allow properly planned new development.

This Area Structure Plan has been prepared, using the principles set out under Section 633 of the Municipal Government Act.

The developer has also prepared and made available to the public the following reports:

1. Sunset Harbour Developments Ltd., Proposed Boat Harbour and Subdivision Development, Preliminary Engineering Report, by Henning F. Rasmussen, P.Eng.
2. Sunset Harbour Developments Ltd., Proposed Boat Harbour and Subdivision Development, Storm Water Management, by Henning F. Rasmussen, P.Eng.
3. Sunset Harbour Developments Ltd., Proposed Harbour and Subdivision Development, Environmental Assessment, by R, L & L Environmental Services Ltd.
4. Aquifer Testing SW 12-47-2-W5M, Sunset Harbour Developments Ltd., Proposed Pigeon Lake Subdivision, by Thurber Environmental Consultants Ltd.
5. Pigeon Lake Marina and Residential Subdivision, Geotechnical Investigation, by Thurber Engineering Ltd.
6. Sunset Harbour Developments Ltd., Littoral Transport, Pigeon Lake, by Northwest Hydraulic Consultants Ltd.

The above reports will be available to the public for viewing at the County of Wetaskiwin administration office located 1.5 km west of Hwy. 2A on Highway 13 until the date of the public hearings, April 11, 2000.

It is noted, that the developer has obtained the necessary licenses, authorizations and approvals required for the proposed development of Lot 3 from the Provincial Government under the Alberta Environmental Protection and Enhancement Act, the Water Act (License No. 00073615-00-00) and the Public Lands Act (L.O.C. 1295) and from the Federal Government under the Fisheries Act and Navigable Waters Protection Act. (Authorization No. AB 99-149).

2. Natural and other existing features

The area is located between Secondary Highway 771 and Pigeon Lake. It is bordered by a ravine and water course along the north west (shown as environmental reserve on the attached plan).

There is no marked water course within the area itself with the exception of a small manmade swale ditch located in Lot 1, running in a south to north direction towards the ravine.

The land has a gentle, uniform slope of about 1.5 % with the highest point at the south west corner. The slope runs in a north easterly direction down towards the lake. The area is at present mainly pasture with a few trees in a shelter belt located along the east side of Lot 2. There are two dug-outs, located on the eastern portion of Lot 3.

The area is not considered a ground water recharge area.

There is at present only one building in the area. This building is a single family residence located at the south eastern portion of Lot 1. Access to this residence is from Secondary Highway 771.

There are no major utility lines. There is a power line and a telephone line to the residence and a natural gas pipe line (Buck Mountain Co-op) is running parallel to the highway and with a service line to the residence.

The nearest major water course is located almost 2 km away to the north (unnamed creek, locally known as Tide Creek).

The neighbouring area is mainly agricultural in nature with the exception of the acreage subdivision to the north (Beaver Haven Subdivision) as shown on the attached plan. Pigeon Lake Provincial Park is located approximately ½ km to the South. There are no intensive livestock operations in the vicinity of the proposed development.

3. **Proposed development**

a) Zoning

The developer intends to include the entire area of Lots 1, 2 and 3 as shown on the attached plan in a so-called Bareland Condominium development.

At present, Lot 3 is zoned Lakeshore Mixed Use district allowing for the subdivision and development of a range of uses adjacent to a lake. These may include but are not limited to residential, commercial and recreational uses, or a combination of said uses.

Lots 1 and 2 are presently zoned Agricultural, but will form part of the Bareland Condominium development. If Lots 1 and 2 were to be rezoned the Bareland Condominium Association must go through the normal process of application, public hearings etc.

The developer has not at this point in time applied for rezoning of Lots 1 and 2. As shown on the attached plan, the intent is to develop one commercial Lot adjacent to the highway. It is also seen from the plan that two utility Lots will be located in Lots 1 and 2 containing water supply facilities for the proposed subdivision and a sewage holding tank.

With the exception of the one commercial Lot, the preferred future use of Lots 1 & 2 will be for recreational purposes, such as sports grounds, picnic area or park.

In a Bareland Condominium development, the individual Lots will be privately owned. However, roads and utilities will be jointly owned by the members of the Condominium Association and they will likewise be responsible for operation, maintenance and all associated costs.

b) Development Concept

The developer intends to subdivide Lot 3 into approximately 60 single family residential Lots. The only commercial venture on Lot 3 will be a health and fitness centre, to be located on the proposed Lot 21 or alternatively Lot 23.

It is anticipated that the population in the proposed subdivision will be a mixture of year round residents and summer/weekend residents. The total population of the subdivision when fully developed is expected to be around 150–200.

The proposed subdivision will be built around an inland boat harbour as shown on the attached plan. The harbour basin will be excavated to a depth of approximately 4.5–5.0m and there will be boat access to the lake via a canal. A License of Occupation (L.O.C.) will allow dredging of a defined, relatively narrow channel into the lake over approximately 100–120m in order to obtain sufficient depth for the navigation of boats.

The material excavated from the proposed harbour basin will be used as fill for the residential area in order to raise it well above a set minimum elevation for flood prevention and to allow for proper landscaping and surface drainage.

A flood elevation of 850.5m, which is approximately the historic high water level, will be used in the design, with 851.2m being the minimum design grade elevation for the subdivision.

The harbour will be equipped with floating docks, allowing for the mooring of a maximum of approximately 65 boats, corresponding to the number of residences and allowing for some additional berths such as mooring for an RCMP patrol boat. It is noted that the Wetaskiwin RCMP rural detachment has expressed interest in obtaining mooring rights for their patrol boat.

The boat launch will be located on the west side of the harbour basin on Lot 22.

Personal water craft, commonly known as sea-doo's, will not be allowed within the access canal and the harbour basin and speed limits will be put in place. The ban on personal water craft and the speed limit will be enforced through the bylaws of the Condominium Association.

c) Development Design Standards – Roads, Water Supply, Sewage Disposal, Utilities, Drainage, etc.

The layout of the roads is shown on the attached plan. Access to the proposed subdivision will be from Secondary Highway 771.

Two access roads will be constructed. The narrow portion of Lot 3 that connects the subdivision with the highway will contain the preliminary access road to the subdivision. Once the subdivision has been more than 50 % developed with residences, the developer intends to build a permanent access road through the central portion of Lots 1 & 2. This permanent access road will have a deceleration and acceleration lane on Secondary Highway 771. Once the permanent road is completed the preliminary access road along Lot 3 will be used as an alternate or emergency access road.

The southerly access along the south boundary of the lands is temporary only and the access on to Secondary Highway 771 shall be closed with the northerly access is open. The configuration and location of the northerly access road may be determined at the subdivision stage. (amendment/addition by Council)

The roadways will be constructed in accordance with Roads and Transportation Association of Canada (RTAC) standards as adapted by Alberta Transportation.

The finished pavement width of the internal subdivision road will be 7m and the width of the access road will be 8m. All roadways will be paved with hotmix asphaltic cement.

Traffic volume data for Secondary Highway 771, supplied by Alberta Transportation, shows a large increase in volume over the past 5 years. It is estimated, that the projected volume on Secondary Highway 771 within the next 5 years may be around 800–900 vehicles or more per day on average, not including the traffic to and from the proposed subdivision. It is estimated, that the capacity of Secondary Highway 771 by far exceeds the projected volume for many years to come and the added volume of traffic generated by the proposed subdivision will not require upgrading of the highway.

The subdivision will have a piped water supply with intake from a ground water well located immediately west of the subdivision in Lot 1. Ground water levels will be monitored on a continuous basis to ensure that the subdivision intake will not have any adverse effect on existing water wells in the area. Pumping tests have been carried out by the developer's Hydrogeological Consultant and the results show adequate sustainable water supply for the subdivision.

Water for fire fighting will be provided by a dry hydrant with intake from the harbour basin.

Sewage disposal will be by a low pressure piped system to which each individual residence is connected. The sewage will be discharged to a holding tank located west of the subdivision near Secondary Highway 771. From the holding tank the sewage will be trucked to an approved lagoon site within the County of Wetaskiwin at Mulhurst Bay with an alternate site at Alder Flats. Permission to use these sites for sewage generated in the subdivision has been granted in writing by the County of Wetaskiwin. The sewage system will be built to the current Provincial and Municipal standards and regulations.

The proposed subdivision will be serviced by natural gas, telephone and underground power lines.

All operation and maintenance of services, including road maintenance, snow clearing, water supply, sewage trucking, utilities, garbage pick-up, grounds keeping etc. will be the responsibility of the Condominium Association and carried out at no cost to the County of Wetaskiwin.

In order to ensure a good water quality in the harbour basin – and the lake – all surface run off will be directed to storm water detention ponds. A granular filter block will be installed at the outlet end of the ponds. The purpose of the filter blocks is to reduce the velocity of the storm water passing through the system. The vegetation in the ponds and hydraulic retention will result in the capture and sedimentation of suspended solids including the clay and organic particles to which phosphorus is absorbed. Because phosphorus is generally regarded as a limiting nutrient, controlling its input is usually considered a practical solution to problems associated with algal growth in lakes. The storm water system will be built to meet or exceed current provincial and municipal standards and regulations.

An aeration system will be installed in the harbour basin as prevention against stagnation.

d) Public Access to the Lake

At present there is no public access to the lake across the privately owned land, Lots 1,2 & 3, block 2, between Secondary Highway 771 and Pigeon Lake.

The proposed development will provide access to the lake along the shoreline for a distance exceeding 400m which is over twice that required of 3m per residential Lot less than one acre in size within 400m of the lake shore as outlined in the Pigeon Lake Management Plan.

Public access will be provided by a walking trail along the top of the slope revetment adjacent to the shoreline. This trail may be linked to the Kaskiayo Trail some time in the future.

The walking trail will also run along the access road and subdivision roads.

The residential area in the proposed development will be separated from the lake shore by an 8m wide area containing the walking trail and lake shore slope and a 10m wide Conservation Easement.

Whether this strip of land is taken as traditional Environmental Reserve or Conservation Easement may be addressed at the subdivision stage. The actual width may also be addressed at the subdivision stage. Motorized vehicles will be excluded except those required for maintenance. (amendment/addition by Council)

The land used for the walking trails will be common property owned by the Condominium Association and the public will have legal access to it by an Easement Agreement.

The maintenance of the walking trail will be the responsibility of the Condominium Association.

The Conservation Easement will be owned by the Condominium Association but stewardship of the Easement will be taken on by one of the several conservation associations in the Province. The Alberta Conservation Association has already expressed interest in this project.

The developer intends to create a small public area with benches or a picnic table at the south east corner of the subdivision on Lot 3 adjacent to the proposed Lot 60 & 61 and at the north side of the access canal adjacent to the proposed Lot 5. These public areas, intended for use by the pedestrians on the walking trails, will be on common property, owned and maintained by the Condominium Association. The public will have legal access by an Easement Agreement.

Environmental Reserve along unnamed creek: The actual configuration may be addressed at the subdivision stage. Municipal Reserve and additional Environmental Reserve shall be addressed at the subdivision stage to ensure public access. (amendment/addition by Council)

e) Fish and Wildlife

An environmental assessment report has been prepared by a professional Environmental Consultant. The report was submitted in support of an application to the Department of Fisheries and Oceans and to Alberta Environment under the Federal Fisheries Act, the Provincial Water Act and the Environmental Protection and Enhancement Act.

The report describes in detail how the developer will compensate for any loss of habitat and outlines mitigative measures.

It is noted, that the public has had an opportunity to raise any concerns with the Federal and Provincial Regulators with regards to the environmental impact of this proposed development.

The developer has responded in writing to all individual letters of concern that were submitted to the Alberta Environment and also indirectly to concerns submitted to the Federal Department of Fisheries and Oceans.

4. Assumption of Liability

In accepting this Area Structure Plan, Council relied on information provided by the developer's engineers and consultants. Any subdivision or development approval issued pursuant to this Area Structure Plan shall be on the following conditions:

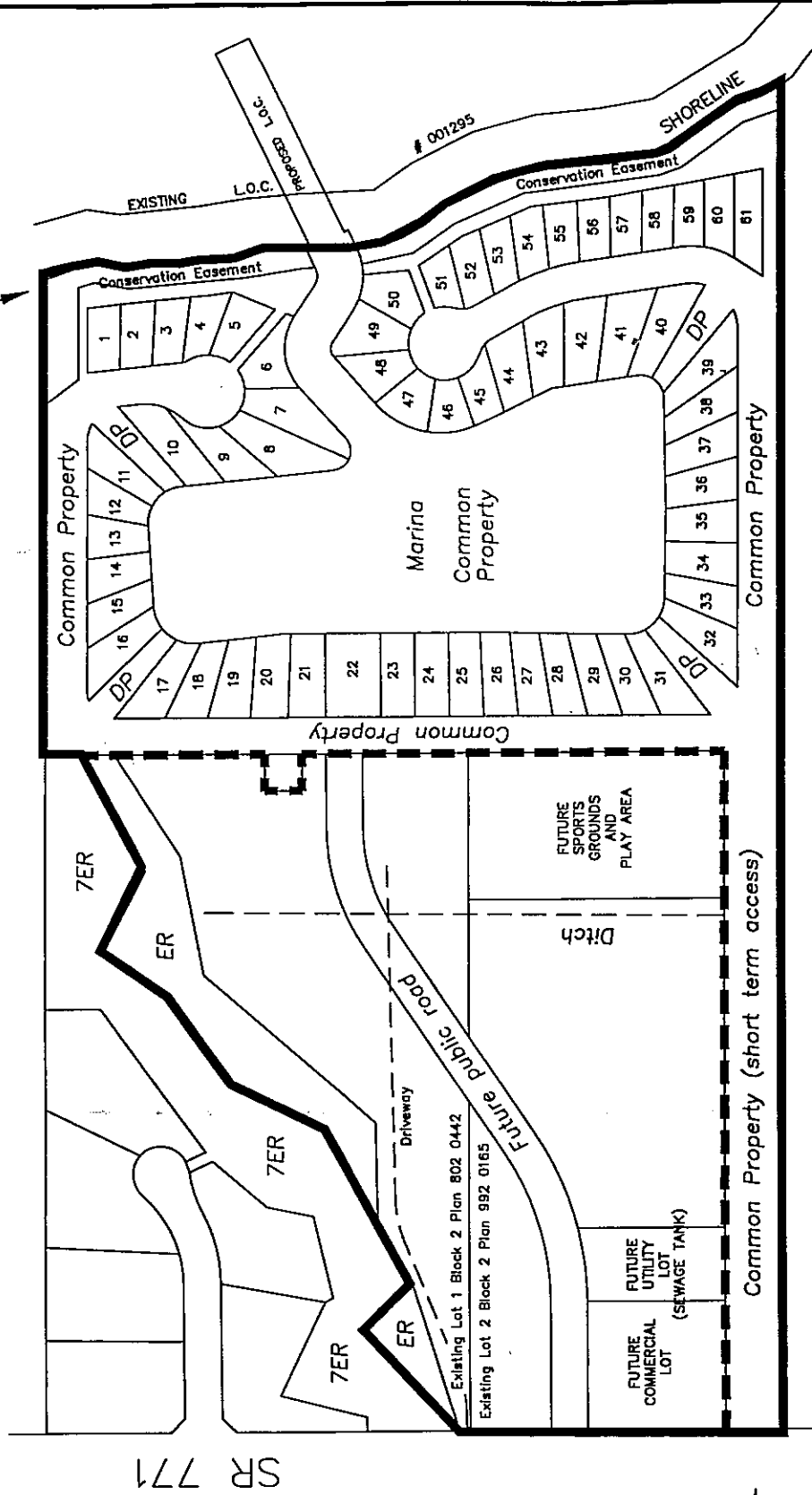
Indemnity: The developer shall indemnify and save harmless the County from any and all loss and damage and all fines, costs, suits, claims, demands and actions of any kind or nature for which the County shall or may be liable or incur or suffer by reason of any breach, violation and non-performance by the developer of any warranty, covenant, or agreement contained within this approval, or by reason of any injury occasioned to or suffered by any person or damage to any property as a result of any wrongful act, neglect, or default on the part of the developer or any of his employees, agents, or servants.

Force majeure: The County shall not be held liable for and delay or default in performance hereunder due to any cause beyond its control and occasioned by an act or omission of either party, its employees agents or assigns, including but not limited to acts of God or the public enemy, acts of the federal or provincial government or any federal or provincial officer or agency purporting to act under duly constituted authority, floods, wars, fires, storms, strikes, lockouts or other labour disturbances, weather conditions, interruptions of transportation, freight embargoes or failures, exhaustion or unavailability on the open market of materials, equipment or service necessary for the performance of any provision hereof whereby performance hereunder is delayed or prevented.
(amendment/addition by Council)

Area Structure Plan For Sunset Harbour

SW 12-47-2-W5M

Conservation
easement:
public access
on foot only



This access to
be closed when
public road
is developed

AutoCAD File: SSH_ASP
Revised 2000 April 20

The area inside the heavy line is owned by Sunset Harbour.
The heavy dashed line shows the extent of the condominium.
The remainder of present Lots 1 and 2 will not be included
in the condominium.

Scale
1:4000