

# County of Wetaskiwin

## Pigeon Lake Watershed Area Concept Plan

### February 6, 2014

## 1 Introduction

### 1.1 Background

The Pigeon Lake area continues to attract significant attention from landowners wanting to pursue a mixture of residential, recreational and commercial development. With this demand expected to increase over time, concerns have been raised about the lake's ability to support an increase in development and ultimately the added growth pressures. There are also concerns regarding whether there is sufficient infrastructure to support existing and future developments, and the potential for adverse environmental impacts on the lake and surrounding lands. The County of Wetaskiwin recognizes that increased development and growth pressures need to be addressed on a cooperative basis to ensure the long-term protection and sustainability of Pigeon Lake.

Through the County's strategic planning process, Council recognized the need for long range plans in areas experiencing growth pressures. The 2010 Municipal Development Plan draws specific attention to areas in the County meriting special attention for administration to develop plans to better guide future development, and Pigeon Lake is named as one of these areas.

The *Municipal Government Act* is the provincial legislation which empowers municipalities to govern the development of lands within their boundaries in a manner that is logical, timely, economic and environmentally responsible. The planning and development process is based on the cooperation of public and private goals and objectives to achieve harmony.

### 1.2 Plan Area

Figure 1 shows Pigeon Lake's location in Central Alberta. The study area, as depicted in Figure 2, inexactly follows the Pigeon Lake Watershed. Some allowances were made to include selected growth nodes. Within the plan boundaries are multiple jurisdictional holders. Located on the south side of the lake are the summer villages of Grandview, Crystal Springs, Norris Beach, Ma-Me-O Beach and Poplar Bay. While on the north side of the Lake the summer villages of Silver Beach and Argentia Beach are also within the boundary of the plan. Pigeon Lake Provincial Park, administered by Alberta Tourism, Parks and



## **5.5 Planning principles**

In order to achieve the goals set out above, the County will be guided by the following policies when evaluating a proposal to develop land in the watershed.

### ***5.5.1 Presumption of development approval***

Pigeon Lake is seen as primarily a recreational lake, however, standard residential and agriculture remain as predominant land uses in the surrounding watershed. Development is expected, and will be welcome as long as it does not conflict with the planning policies set out here.

### ***5.5.2 Agriculture***

Large-scale confined animal operations are not appropriate in the Pigeon Lake watershed.

Recreational and residential development must not diminish the right of neighbouring farmers to manage their land using generally acceptable agricultural practices. This is guaranteed by provincial law (Agricultural Operations Practices Act, section 2).

Farm land will be reserved for agriculture, or released for other uses, depending in part on its assessment rating.

The County's normal policy is to reserve better farm land for agriculture. Section 1.2.1 of the MDP defines this as land with a farmland assessment rating of 30% or more, but because of the recreational value of land near Pigeon Lake, the County may allow residential subdivision on land with a farmland assessment rating up to 50%. Figure 7 shows the location of such land.

Note that this applies only in the Pigeon Lake watershed. The cut-off remains 30% in other parts of the County.

Soil quality does not change at property boundaries. Most quarters have a mixture of good and poor soil. On these mixed quarters, development must normally be clustered on the poorer soil, leaving better soil for agriculture, although small or odd-shaped areas of good soil may be included in the developed area.

### ***5.5.3 Protection of environmentally sensitive areas***

Area structure plans for land within the Pigeon Lake watershed must include an environmental impact assessment (EIA) prepared by a professional biologist.

This assessment must identify areas of environmental significance or value such as a Wetland Assessment. It must also address the changes that will be caused by the proposed development, especially loss of habitat and the effect on ground and surface water, and must propose ways of offsetting any losses. The requirement for an EIA may be waived by the County if the land to be developed contains no native habitat or wetlands.

Wetlands, including sloughs, must be left in a natural state, and must not be drained or filled unless there is no alternative. In that case, the developer will be required to construct substitute wetlands as close as possible to the one that has been destroyed. The County may protect the substitute wetland through a conservation easement or other registration on title.

Through referral input by Alberta Sustainable Resource Development and the reserve dedication options under the County's subdivision authority, lake shoreline tributaries and wetlands may be protected by a buffer strip wide enough to prevent damage to these water features.

Land adjacent to creeks, including seasonal flows, must be dedicated as environmental reserve when land is subdivided into small lots. On large lots, the County may take environmental reserve easements instead of land where the circumstances justify it. This decision will be made by council at the time of subdivision. The area to be protected -- the setback -- will be determined with input from professional biologists.

If a development area contains a damaged or dried-up creek, it must, as far as practical, be brought back to its natural state, and included in environmental reserve.

On quarters that are only partly tree covered, recreational and residential development must not result in a net loss of tree cover. Where trees must be removed, they must be replaced in such a way as to fill a similar role in the local ecosystem. Normally the lost trees must be replaced within the parcel being developed. However, in special cases, and acting on the advice of professional biologists, the County may allow the replacements at other locations within the Pigeon Lake watershed.

Where a quarter section is partly tree covered and partly cleared, new development must normally be restricted to the cleared areas. Note: That restrictions on the removal of tree cover apply on parcels of land under the Watershed and Rural Conservation districts. Lands under an Agriculture district are allowed clearing for agricultural purposes, however, it would be a disadvantage for the owner of an Agriculturally districted property to clear tree cover if another use for the land were contemplated that would benefit from the attractiveness that tree cover provides to a property. The tree covered areas must be left in their natural state. They may be:

- dedicated as reserve, or
- transferred to a conservation organization (which attracts an income tax credit), or
- registered as the common property of the private lots, or
- retained by a single individual.

In the last two cases, the County will register a conservation easement or similar encumbrance on title to restrict land clearance in perpetuity.

When development is proposed on a quarter which is mostly tree covered, the loss of trees must be minimized, and the County may require the loss to be offset by planting elsewhere in the watershed.

#### **5.5.4 *Cleaning up inflows***

New development must be laid out in such a way that the surface runoff does not contaminate watercourses or the lake. This will be accomplished through setbacks (see policy 2.5.3 above) and controls, where appropriate, by directing runoff through a treatment wetland (artificial marsh) or storm water ponds where solids will settle out and nutrients will be absorbed by water plants. (Those interested can look at the Olds College website to see the work being done by the College's School of Innovation.)

#### **5.5.5 *Sewer service***

Subject to the sewage treatment provisions under Sections 5.6 “Land Near the Lake”, all new lots in multi-lot subdivisions under 5 acres in size must be served by a sewage gathering system. (Anything over about two acres is too large to service economically, so developers will be driven to create lots that are small enough to service economically.) On the north side of the lake this will require hooking up to the existing NEPL line. Around the rest of the lake, because there is no line in place at present, on-site holding tanks may be allowed as an interim measure, provided they are designed and constructed to connect to the municipal line in future. This imposes a higher standard but is otherwise consistent with County Policy 6611.

There may be cases where a proposed multi-lot development is so far from a sewer line that building a connecting line is prohibitively expensive. In that case,



### **5.7.1 Small lots**

The County will encourage the development of lots which are smaller than the traditional three to five acres. Lots under two acres are preferred. This will make it economic to serve them with piped sewer. However, no more than 48 lots will be approved per quarter section [*this is the limit under CR zoning in the present land use bylaw*]. This means that large areas will be left undeveloped to create a rural feel to the development, and to preserve tree cover and better farm land. These large areas may be dedicated as reserve, transferred to a conservation organization, registered as the common property of the private lots, or retained by a single individual. In the last two cases, the County will register a conservation easement or similar encumbrance on title to guarantee future use.

### **5.7.2 Large lots**

The County will be open to requests to zone land in the Pigeon Lake watershed to Rural Conservation. This allows lots of ten acres or more to be created on tree covered land. Sixty per cent of the lot must remain tree covered, and the County may register a conservation easement to guarantee this. (In practice, most owners keep much more of their land in trees.) Detailed requirements are set out in Bylaw 95/54, Schedule B, section 8.

### **5.7.3 Hobby farms**

The County will encourage small-scale agriculture such as horse breeding and training, exotic animal breeding, greenhouses, market gardens, tree farms, and horticulture. Lots of an appropriate size are allowed under Agricultural zoning, but subdivision approval is granted only if the applicant proves his bona fides and his ability to run the proposed operation. Detailed requirements are set out in Bylaw 95/54, Schedule B, section 1.4(b). Alternatively, the County may establish a new district in the land use bylaw to regulate hobby farms.

Applicants will be reminded that it may be difficult to get a water licence to irrigate their land, so they should consider other options, such as trapping and managing on-site surface water.

### **5.7.4 Severed parcels**

The County's land use bylaw allows agricultural land to be subdivided where it is severed by natural features such as creeks and ravines (Bylaw 95/64, Schedule B, section 21). Normally, zoning and subdivision are only granted if the creek flows year round, or the ravine is deep or steep enough to be a real barrier to farming. In the Pigeon Lake area, the County will accept seasonal streams and shallower ravines, but these streams and ravines must be dedicated as environmental reserve and fenced so that the natural vegetation will grow back.



- 6.1 *Lots shall have an area of no less than 8 hectares (20 acres).*
- 6.2 *Despite the preceding section,*
- (a) *the area of a lot may be reduced if that is necessary to follow natural boundaries, and*
  - (b) *a smaller size may be allowed for a lot containing an existing farm yard site, using the standards of the Rural Residential district, and*
  - (c) *the size of lots for utilities, reserves and other public uses shall be as required by the Subdivision Authority.*

## 7 Building locations

*Buildings must be set back the following distances from property lines and other features:*

- 7.1 *From a road* *by the distances set out in section 9 of Schedule A, and illustrated by Figure 1*
- 7.2 *From a side property line* *by 5 metres*
- 7.3 *From a rear property line* *by 10 metres*
- 7.4 *From a creek, stream, or ravine* *by 30 metres*

## 8 Maintenance of Natural Vegetation

*When a lot is created by subdivision after being rezoned to Watershed Remediation ,*

- 8.1 *no more than 20% of its natural vegetation shall be cleared or removed, and*
- 8.2 *the Subdivision Authority may require, as a condition of subdivision approval, that a restrictive covenant, conservation easement, or other agreement be registered on the title to enforce restrictions on the clearance of natural vegetation.*