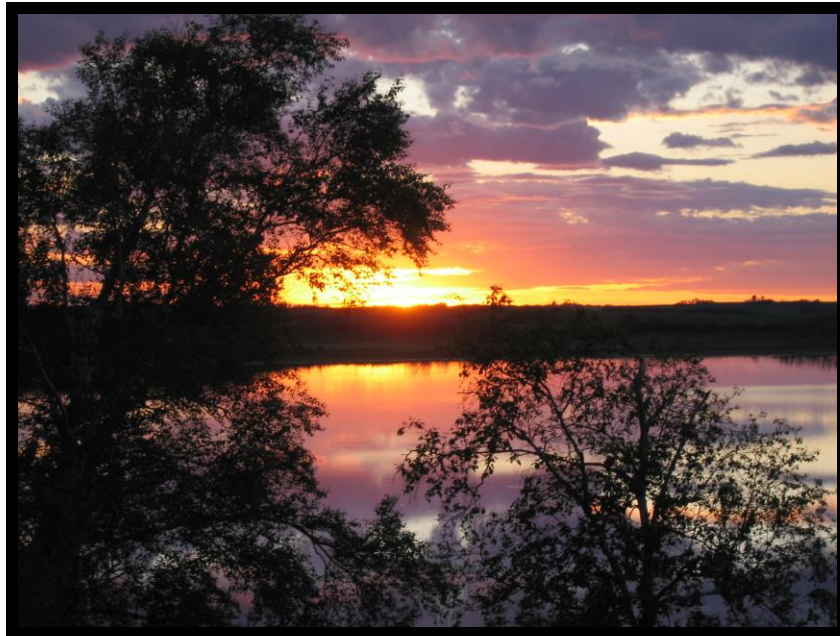


Area Structure Plan



County of Minburn No. 27

Bylaw No. 1149-2000, and amendments

ACKNOWLEDGEMENTS

Listed below are the people involved in preparing, reviewing and adopting Bylaw No. 1149-2000, the Wapasu Recreation Conservancy Area Structure Plan. Their contributions and efforts are gratefully acknowledged.

- Sidney Hinton Reeve
- Ed Hlus Councillor
- Albert Melnyk Councillor
- Wilma Cherniawsky Councillor
- George Jamieson Councillor
- Orest Berezan Councillor
- Ron Petruk Councillor

- Dave Marynowich County Manager
- Ed Wieclaw Director of Development Services
- Greg Hofmann Consulting Planner, G.T. Hofmann & Associates

- Ray Makowecki Enviro Mak Inc.
- Daryl Cole Alberta Environmental Protection
- Brian Ilnicki Ducks Unlimited Canada

Special thanks to:

- The Millennium Bureau of Canada for funding under the Canada Millennium Partnership
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BYLAW NO. 1149-2000

BEING A BYLAW OF THE COUNTY OF MINBURN NO. 27 IN THE PROVINCE OF ALBERTA PURSUANT TO PART 17, DIVISION 5 OF THE MUNICIPAL GOVERNMENT ACT, BEING CHAPTER M-26.1 OF THE REVISED STATUTES OF ALBERTA R.S.A. 1994 AND AMENDMENTS THERETO, TO ADOPT THE WAPASU RECREATION CONSERVANCY AREA STRUCTURE PLAN.

WHEREAS The Council of the County of Minburn No. 27 considers it necessary to adopt, in accordance with Sections 633 and 636 of the Municipal Government Act, the Wapasu Recreation Conservancy Area Structure Plan, being Bylaw No. 1149-2000 and amendments thereto, to provide for environmentally sensitive recreational uses, maximizing public access/utilization, on lands immediately adjacent or in close proximity to Wapasu Lake.

WHEREAS The Council of the County of Minburn No. 27 deems it advisable to adopt the Wapasu Recreation Conservancy Area Structure Plan, being Bylaw No. 1149-2000 and amendments thereto, so that it clearly and effectively serves as a basis for required amendments to the County of Minburn No. 27 Land Use Bylaw, being Bylaw No. 1124-97, and amendments thereto, including the replacement of an existing land use district affecting Wapasu and the insertion of a new land use district tied directly to the provisions of the Wapasu Recreation Conservancy Area Structure Plan;

NOW THEREFORE Under the authority of the Municipal Government Act, the Council of the County of Minburn No. 27, in the Province of Alberta, duly assembled enacts as follows:

- (1) That Attachment "A" affixed to and forming part of this bylaw be adopted as the Wapasu Recreation Conservancy Area Structure Plan, being Bylaw No. 1149-2000 and any amendments thereto.
- (2) That this Bylaw shall come into full force and effect upon the final passing thereof.

READ A FIRST TIME this 19th day of June, 2000.

PUBLIC HEARING HELD the 17th day of July, 2000.

READ A SECOND TIME this 17th day of July, 2000.

READ A THIRD TIME AND PASSED this 17th day of July, 2000.

REEVE

MUNICIPAL SECRETARY

1.0 INTRODUCTION AND BACKGROUND

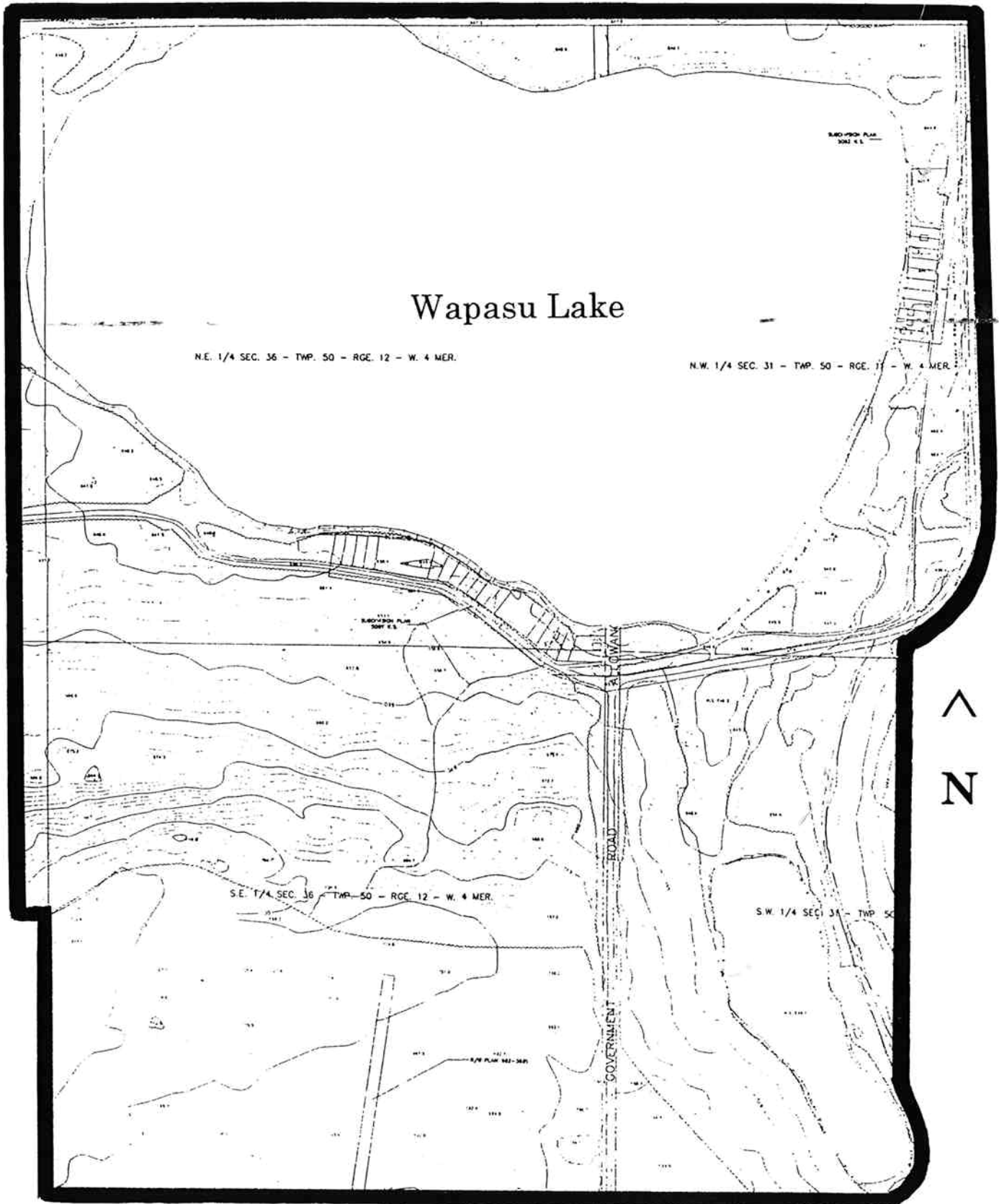
1.1 Purpose and Scope of the Plan

Further to the policies, regulations and land use designations/districting contained in the County of Minburn No. 27 Municipal Development Plan and Land Use Bylaw, the Wapasu Recreation Conservancy Area Structure Plan (hereinafter referred to as the Plan) is for the purposes of providing for environmentally sensitive recreational uses, maximizing public access/utilization, on lands immediately adjacent or in close proximity to Wapasu Lake. Map 1, entitled “Base Map and Conservancy” following this page, shows the Plan boundary.

The fundamental premise of this Plan is to conserve what has already been a special resource for decades and what many want to keep as a special resource for generations to come. On this basis, the Plan includes a framework for future, passive recreational land uses and development including the subdivision of a small number of limited services recreational properties in keeping with the intent of this Plan.

Where it is deemed appropriate to provide for further subdivision and development, this Plan takes on a level of design detail such that subsequent implementation can simply be undertaken as resources permit. It also addresses issues related to existing development raised throughout the public review process or that have been noted over recent years. The policies and concepts of this Plan refine and specify further the general policy direction and land use designations provided for Wapasu within the County’s Municipal Development Plan, serve as the basis for a new land use district for inclusion in the County’s Land Use Bylaw and establish a sound framework for future decisions concerning land use, subdivision and development planning for the lands within the Wapasu Recreation Conservancy.

Wapasu Recreation Conservancy



Map 1 Base Map and Conservancy Boundary

1.2 Location/Setting and History

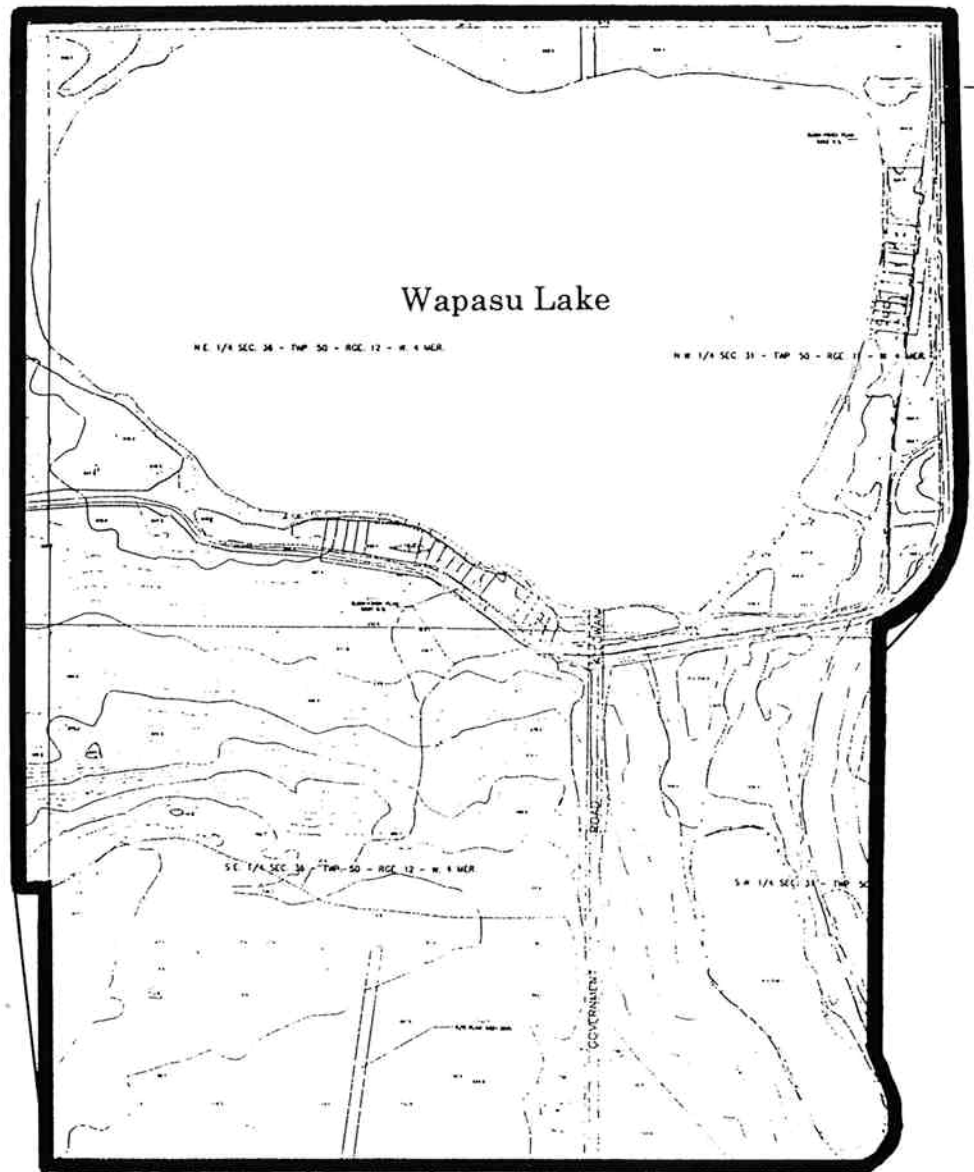
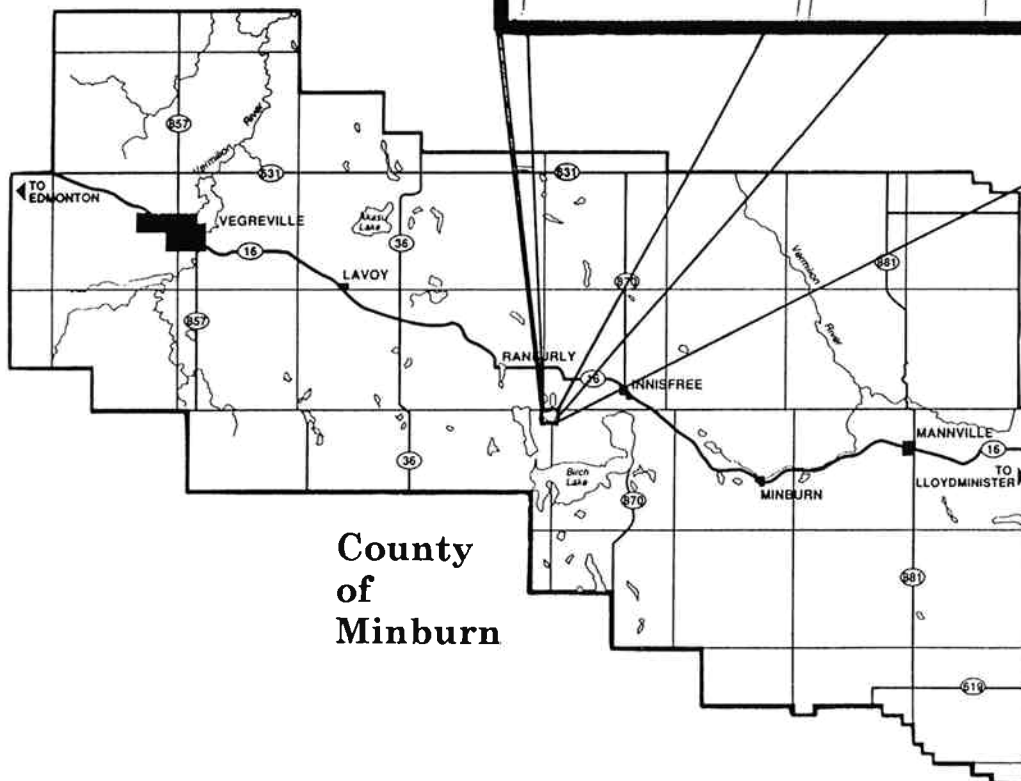
Approximately 35.0 kilometres (~22 miles) east southeast of Vegreville, the Wapasu Recreation Conservancy area, with Wapasu Lake as the central focus, is located just a few kilometres south and east of Minburn County's geographic centre. The area is easily accessible via high-standard gravel road from the Yellowhead Highway (No. 16), which is located approximately 4.0 kilometres (~2.5 miles) north of the Plan area. The Plan area, however, is far enough away from Highway No. 16 so its tranquility is not affected by the noise of highway traffic. Moving from west to east, the Plan area encompasses the entire east half of Section 36-50-12-W4M, a small strip along the east side of the west half of Section 36-50-12-W4M as well as the west half of the west half of Section 31-50-11-W4M. The Plan area consists of approximately 200 hectares (~500 acres), 80 hectares (~200 acres) of which comprising Wapasu Lake. (See Map 2, entitled "Location Map" following this page).

The shoreline of Wapasu Lake was first traversed (surveyed) in 1894 and the Wapasu area has been used recreationally for many years. On behalf of Wapasu Park and Recreation Limited, two subdivisions occurred in the late 1950s creating the existing lots on the east and south shores of the Lake. Most of the properties were created for recreational use and are still used recreationally while a few along the east shore are used as permanent residences.

Wapasu Park and Recreation Limited was very actively involved in the early development of Wapasu Lake building recreational facilities such as a ball diamond, primitive campground, small store and hall. More recently, the County of Minburn has taken over the ownership and operation of area's public recreational facilities. Access to the eastern day-use area has been improved, the eastern beach has been improved, a cookhouse and upgraded toilets have been added and parking has been expanded.

Wapasu Recreation Conservancy

Map 2 Location Map



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1.3 Plan Preparation

Formal adoption of this Plan by the County is via Section 692 of the Municipal Government Act (hereinafter referred to as the Act) using the formal public review process outlined therein. These provisions of the Act constitute the formal adoption process. It is important to note, however, that the process used to prepare this Plan relied on more than the formal adoption process required by the Act.

This is a complex, multi-disciplinary, inter-jurisdictional and inter-governmental effort requiring the participation and cooperation of many interested parties. The following is not an exhaustive list by any means, but it provides an indication of those who play a role (in no particular order):

- Existing landowners within the Conservancy area
- Akasu Regional Economic Development Authority Foundation
- Alberta Environmental Protection (re: water resources, water quality, lake management)
- Alberta Agriculture, Food and Rural Development, Public Lands Division (re: Public Lands Act)
- Alberta Labour (re: on-site sewage disposal)
- Alberta Health, Lakeland Regional Health Unit (re: drilling wells for potable water)
- Alberta Community Development (re: historical resources)
- Federal Department of Fisheries and Oceans (re: Wapasu Lake as a navigable waterway)
- Various non-profit ornithological and cultural societies such as Ducks Unlimited, Alberta Fish and Game Association and the Ukrainian Benevolent Society.

Once Council granted first reading to the Draft Plan on June 19th, 2000 it was circulated to various stakeholders for their review and comments. A public hearing was held on July 17th, 2000 in the County of Minburn No. 27 Council Chambers. The County also granted third reading to the Plan's adopting bylaw on July 17th, 2000.

2.0 PLANNING VARIABLES/ANALYSIS

2.1 Land Base and Ownership

As mentioned above, the Plan area encompasses approximately 200 hectares (~500 acres). Wapasu Lake covers approximately 80 hectares (~200 acres), the bed and shore of which being owned by the Province of Alberta by virtue of the Public Lands Act. As the Lake is considered a navigable waterway, the water is under the ownership and control of the federal government via the Department of Fisheries and Oceans. The lands immediately surrounding the Lake are a mixture of County-owned property (primarily the public recreation lands on the east shore) and privately held properties (including the 16 lots created in the late 1950's pursuant to Registered Plan 5091 K.S. and the 11 lots created by way of Plan 5092 K.S.).

The upland quarter section immediately to the south of the Lake (ie: SE of 36-50-12-W4M) is privately owned. For a prairie landscape, the northern half of this quarter rises dramatically from the Lake to a relatively flat plateau beyond the crest of the ridge. The hill is densely tree-covered and the plateau at the top is in agricultural production. The panoramic views from the crest of the hill are breathtaking. The southeast portion of the uplands area (ie: W1/2 of SW 31-50-11-W4M) consists of two ponds surrounded by fairly steep, treed covered slopes. These wetlands have been identified by Ducks Unlimited Canada (DUC) as significant for waterfowl. As such, DUC has actively supported County ownership of this property for purposes of conservation.

2.2 Biophysical Considerations

While a detailed biophysical examination and profile of the Lake and surrounding area is outside the scope of this planning exercise, it is known well enough by way of examining environmental management and water quality reports that have been conducted over recent years (most notably by Enviro Mak Inc. and Geographic Dynamics Corp.) that the “carrying capacity” of Wapasu Lake is quite low (compared to other recreational lakes) and its shorelands and uplands are both environmentally sensitive (ie: easily damaged by inappropriate/excessive use) and significant for a wide variety of bird species in particular. What this means, in short, is that Wapasu Lake and the surrounding lands cannot support nor sustain either the nature or scale of subdivision and development one is accustomed to seeing around many of Alberta’s recreational lakes.

The Lake itself is shallow, has quite low levels of dissolved oxygen and is surrounded for the most part by very sensitive shorelands. These features of the Plan area would be adversely affected by development not respecting these limitations. At the same time, these factors serve to limit the development potential of this Lake as compared to other recreational lakes. This is not to say that the area cannot sustain any kind of development, not by any means. The environment’s ability to support and sustain, however, must not be exceeded by the development that is allowed to occur. If this were to happen, all development, both existing and future would possibly be threatened as would the relatively delicate environment on which it depends.

To most effectively care for this valuable resource, to ensure that it remains a special place for future generations as well, it must be used in a responsible and balanced manner. The fundamental principle of conservation through (passive) recreation is at

the heart of the Wapasu Recreation Conservancy and underlies this Plan and the future concepts found in Section 3.0 below.

2.3 Servicing Considerations

Given these biophysical limitations, and the merit of avoiding major expenditures on municipal (ie: piped) water and sanitary sewer services, the Plan area is and will continue to be limited in terms of servicing capacity. Potable water supply and sewage disposal for all development, both existing and future, will continue to be addressed on-site and, therefore, subject to limitations such as sub-surface soil conditions and other physical variables. With on-site servicing, the ultimate level of development within the Plan area, both public or private, must respect the capacity of the area to carry it safely.

For these reasons, the Plan stresses development, both public and private, of a “passive” or “recreational” nature, at a scale such that any associated impacts on the ecosystems involved will be minimized to the fullest extent possible. If the Plan area is only capable of supporting passive, recreational uses and development, providing only for that scale of use/development in terms of servicing is the only way to ensure that the Plan area remains sustainable for years to come. Exceeding carrying capacity in terms of servicing will also “diminish returns” for all those concerned/affected.

The Plan area has relied on individual septic systems for sewage disposal for many years and it appears that this can continue provided the individual systems have been properly installed and are properly maintained. Although incidences of septic system failure may arise, which the individual lot owner would be obligated to remedy, the County and the other authorities who actually have the jurisdiction can assist in avoiding such situations in the future. An education program could be developed in conjunction with the provincial authorities having jurisdiction dealing with the proper

installation, use and maintenance of the various disposal systems already in place or now available. The County can consider, where appropriate, a “septic system audit” as part of any application to develop, redevelop or intensify.

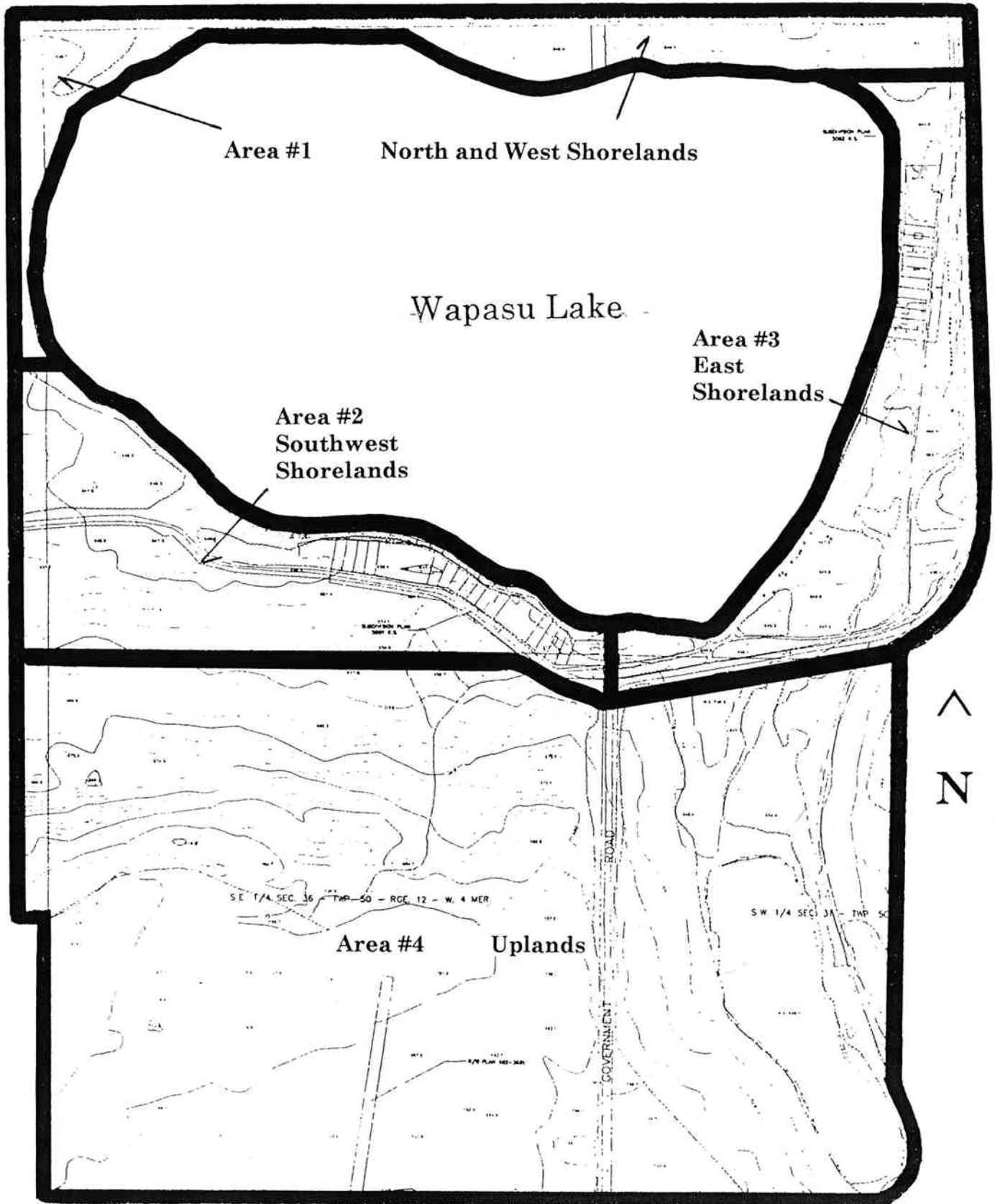
2.4 Planning Areas

For the purposes of information analysis and future planning, the Plan area seems to fall into four planning areas. (See Map 3, entitled Planning Areas following this page.) Although all four areas are interrelated and interdependent, each area can also serve different functions within the whole Plan and, therefore, be dealt with somewhat distinctly.

The shorelands of the Lake make up three of the four planning areas. The first area, an elongated strip of land hugging the north and northwest shore of the Lake, consists of quite sensitive shoreland. Area #2, consists of the southwest shorelands and includes the 16, small recreational lots subdivided in the late 1950’s under Plan 5091 K.S. The east shorelands, or Area #3, is the main focus of the existing passive recreational activities and facilities, including the only area of improved beach. The 11 lots created in the late 1950’s under Plan 5092 K.S. are also located in this area. Although not all 11 lots are developed, several of the families in this subdivision reside year-round.

The remaining planning area, the uplands portion at the south end of the Lake (Area #4), contains a fairly significant escarpment and two ponds, both identified as significant waterfowl habitat. To the south of the crest of the escarpment lies approximately 35 hectares (~85 acres) of cultivated farmland. As will be seen in the next Section of the Plan, a detailed future concept has been prepared for each of these four interconnected yet distinct planning areas based on the guiding principles of this Plan: responsible/balanced growth and conservation through (passive) recreation.

Wapasu Recreation Conservancy



Map 3 Planning Areas

3.0 FUTURE LAND USE CONCEPTS AND POLICIES

Four future concepts are presented in Sections 3.1 to 3.4 below, one for each of the four planning areas outlined under Section 2.4 above. These concepts, and there associated policies, provide the essential elements necessary to provide a comprehensive municipal-level policy and regulatory framework for the use and development of the Plan area. The future concepts recognize and reflect all relevant background information, provide a basis for at least one new land use district for inclusion in the County's Land Use Bylaw and establish a sound framework for future decisions on subsequent subdivision and development permit applications for the lands situated within Plan area.

The concepts also serve the following fundamental objectives:

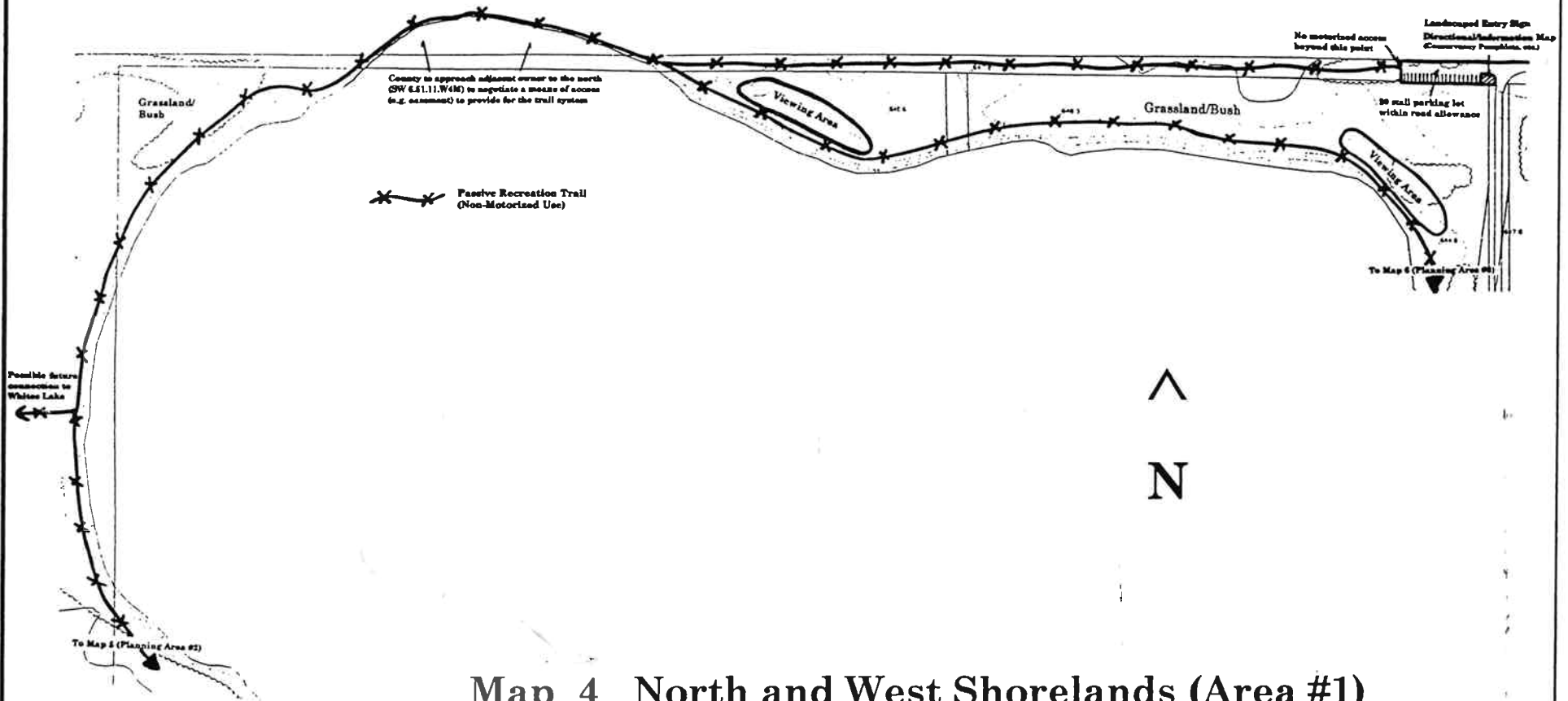
1. To allow for very limited growth with the Plan area with a minimum of disturbance to the existing development and lifestyle of the residents and with a minimum cost to the County. Public access to all areas is to be maximized.
2. For the benefit of all concerned, to carefully plan the use, subdivision and development of a relatively limited developable land base within the Plan area.
3. To protect Wapasu's significant environmental features in their natural state for the benefit of existing and future residents.
4. To provide for a wide variety of passive, non-motorized recreational activities.

Finally, these concepts can also guide the formulation of the provincial (re: the bed and shore of the Wapasu Lake) and federal (re: the water itself) mechanisms necessary to bring the Wapasu Recreation Conservancy ideal to full fruition.

3.1 North and West Shorelands (Area #1)

The future concept for the north and west shorelands (Area #1) is depicted in Map 4, entitled "North and West Shorelands (Area #1) Future Concept" following this page.

Wapasu Recreation Conservancy



**Map 4 North and West Shorelands (Area #1)
Future Concept**

Essentially, this area provides for passive (non-motorized) trails surrounding the Lake and several excellent viewing opportunities. The County is fortunate to have an undeveloped road allowance which runs along the north boundary of this planning area in which a small parking lot and staging area can be accommodated.

Policy 3.1A All future use, subdivision and development of lands within the area shown in Map 4, entitled “North and West Shorelands (Area #1) Future Concept” shall comply with Map 4, this Plan and its policies.

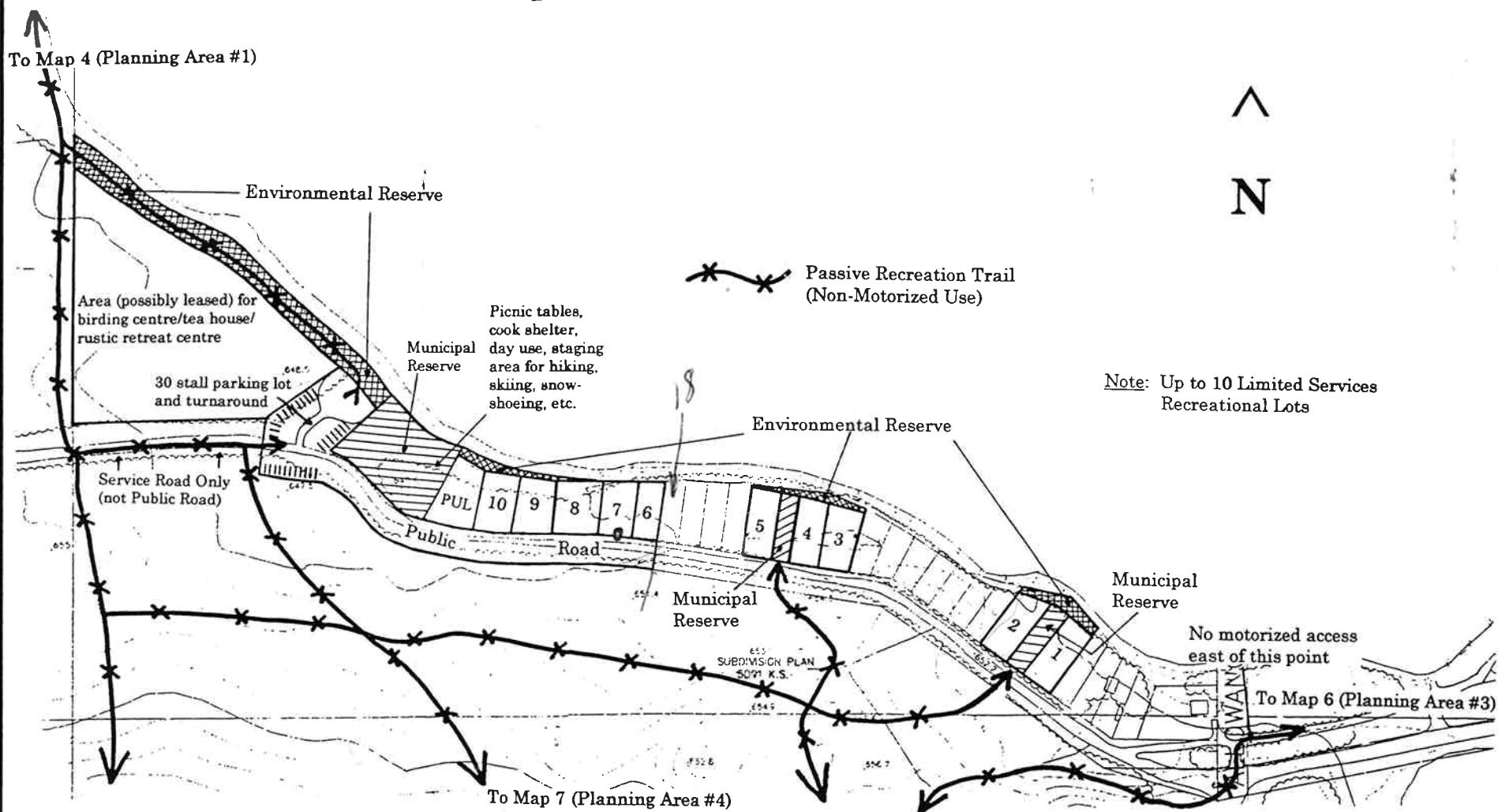
Policy 3.1B The County will endeavour to negotiate with the owner of the SW of 6-51-11-W4M to secure a means of access (e.g. easement) to provide for an uninterrupted trail system along the north shore of Wapasu Lake.

3.2 Southwest Shorelands (Area #2)

The future concept for the southwest shorelands (Area #2) is depicted in Map 5, entitled “Southwest Shorelands (Area #2) Future Concept” following this page. This area provides for passive (non-motorized) trails adjacent to a portion of the Lake and throughout the base of the escarpment south of the Lake. The extreme western portion of this area offers a very tranquil yet accessible setting for a birding centre/tea house/rustic retreat centre (likely on a leasehold basis). A parking, staging and large municipal reserve area is provided for immediately adjacent to this possible birding centre location at the end of an extension to Wapasu Drive, which is currently developed to public standard only as far as the most westerly of the 16 lots within Plan 5091 K.S.

This westerly extension of Wapasu Drive would also provide public road access for up to five additional limited services recreational lots immediately west of Plan 5091 K.S. A narrow environmental reserve strip would be taken between these lots and the Lake. There are two existing reserve parcels within Plan 5091 K.S., a smaller Lot P1 toward

Wapasu Recreation Conservancy



**Map 5 Southwest Shorelands (Area #2)
Future Concept**

the east side of the subdivision and a slightly larger Lot P2 toward the west end. While maintaining a strip of municipal reserve and creating a strip of environmental reserve (adjacent to the Lake) to ensure continued public access to the Lake at these locations, the Future Concept Plan for Area #2 provides for the creation of two additional limited services recreational lots within existing Lot P1 and three additional limited services recreational lots within existing Lot P2. Therefore, up to 10 additional limited services recreational lots are provided for along Wapasu Drive and a westerly extension thereof. It should be noted as well that a wider strip of environmental reserve would be taken between the Lake and the possible birding centre area. [Note: a proposed subdivision illustrating the foregoing is depicted in Map 9, under Section 4.4 of this Plan.]

- Policy 3.2A All future use, subdivision and development of lands within the area shown in Map 5, entitled "Southwest Shorelands (Area #2) Future Concept" shall comply with Map 5, this Plan and its policies.
- Policy 3.2B As resources permit, the County will endeavour to acquire the undeveloped land within Area #2 or work very closely with the owner(s) of the undeveloped land within Area #2, as the case may be, so as to realize the Future Concept depicted in Map 5 and the proposed subdivision pursuant thereto depicted in Map 9, entitled "Proposed Subdivision Pursuant to Southwest Shorelands Future Concept (Map 5)".
- Policy 3.2C To ensure specified minimum and maximum lot/development standards, building and landscape controls will be registered against any additional limited services recreational lots within Area #2 as shown on Maps 5 and 9 by way of restrictive covenant with the preparation and content of these controls being guided by those contained in Section 4.5 of this Plan.
- Policy 3.2D The County may consult with the owners of the existing properties within Plan 5091 K.S. to determine the level of desire for building and landscape standards and controls similar to those referred in Policy 3.2C vis a vis the existing lots/developments in Plan 5091 K.S.

- Policy 3.2E The County will continue to encourage good maintenance and improvements to existing on-site sewage disposal systems. It will also consider working in conjunction with the provincial authorities having jurisdiction to develop and institute an ongoing public awareness program with respect to the proper installation, use and maintenance of the various disposal systems already in place or available alternatives.
- Policy 3.2F The County may require that a development permit application to develop or redevelop an existing or future limited services recreational lot be accompanied by supporting documentation prepared by a qualified person attesting to the integrity and capacity of the existing or proposed on-site sewage disposal system to accommodate the existing or proposed demand on the system.
- Policy 3.2G If it is shown that the existing or proposed on-site sewage disposal system cannot accommodate the existing or proposed demand on the system, the Development Authority may not approve the development permit application.

3.3 East Shorelands (Area #3)

The future concept for the east shorelands (Area #3) is depicted in Map 6, entitled “East Shorelands (Area #3) Future Concept” following this page. This Concept provides for passive (non-motorized) trail linkages throughout the area, almost unlimited public access to the water including future beach improvement, a wide variety of passive (ie: non-motorized) recreational uses/pursuits, several staging and parking areas, a central boat launch/dock as well as considerable open space.

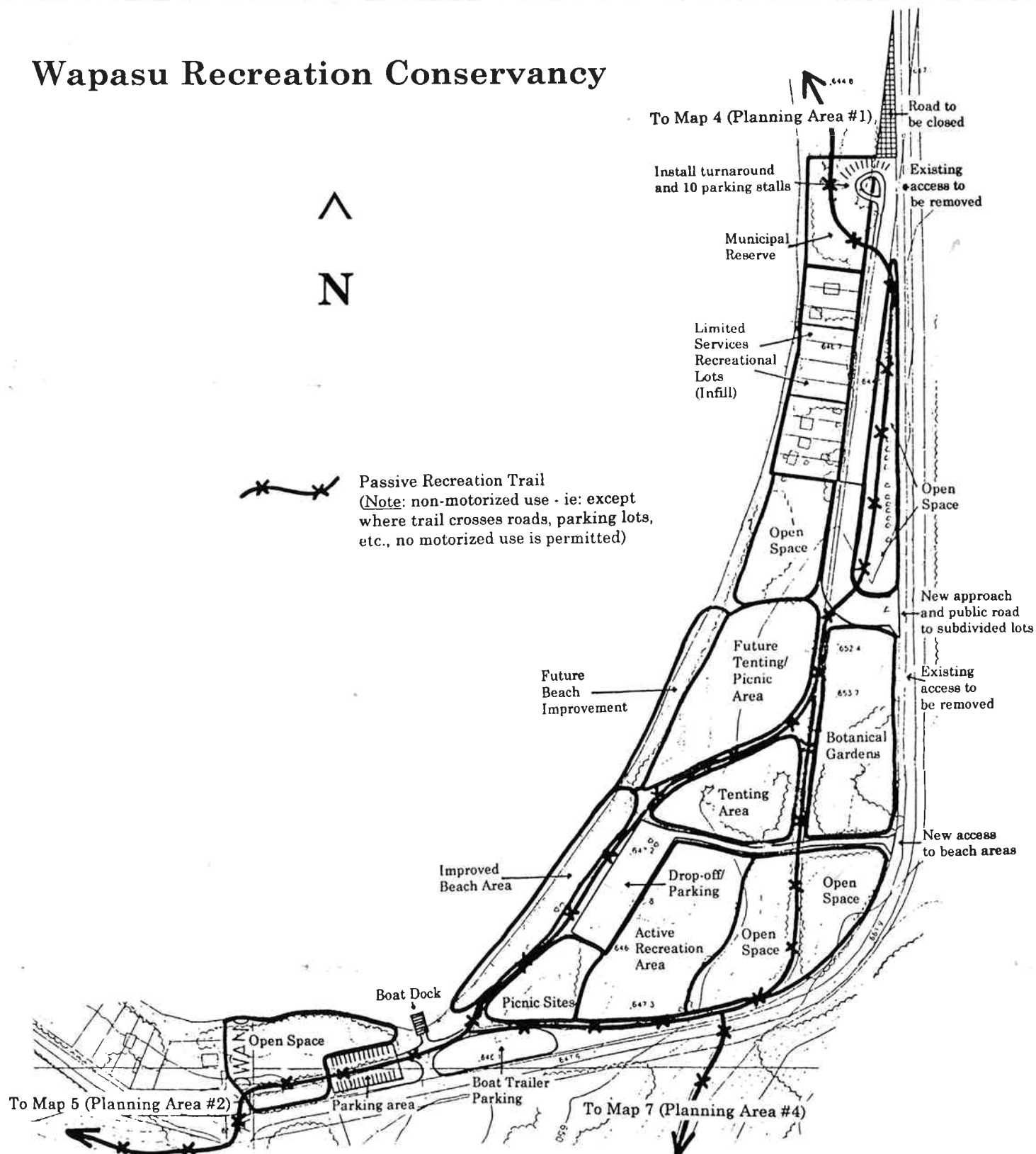
The Concept also provides for the reorganization/improvement of public road access to both the recreational areas and the 11 existing lots under Plan 5092 K.S. including the provision of additional public road, two new intersections with the main north-south road into the Plan area, the decommissioning of two existing intersections and the closure of a small portion of existing road plan. There may also some opportunity for limited services recreational infill within existing Plan 5092 K.S.

Wapasu Recreation Conservancy

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Passive Recreation Trail
(Note: non-motorized use - ie: except where trail crosses roads, parking lots, etc., no motorized use is permitted)



**Map 6 East Shorelands (Area #3)
Future Concept**

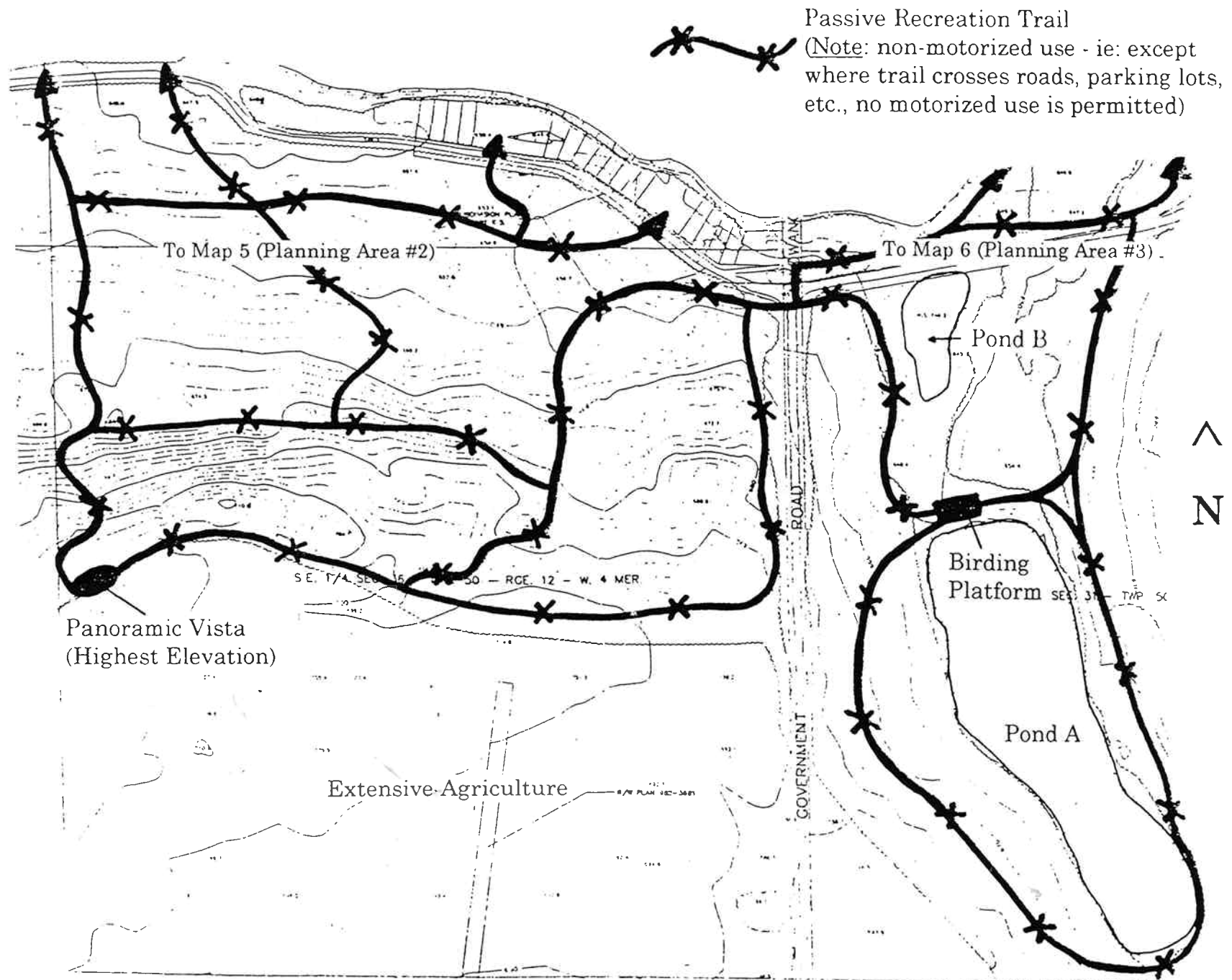
- Policy 3.3A All future use, subdivision and development of lands within the area shown in Map 6, entitled “East Shorelands (Area #3) Future Concept” shall comply with Map 6, this Plan and its policies.
- Policy 3.3B The County may consult with the owners of the existing properties within Plan 5092 K.S. to determine the level of desire for building and landscape standards and controls similar to those referred in Policy 3.2C vis a vis the existing lots/developments in Plan 5092 K.S.
- Policy 3.3C The County will continue to encourage good maintenance and improvements to existing on-site sewage disposal systems. It will also consider working in conjunction with the provincial authorities having jurisdiction to develop and institute an ongoing public awareness program with respect to the proper installation, use and maintenance of the various disposal systems already in place or available alternatives.
- Policy 3.3D The County may require that a development permit application to develop or redevelop an existing or future limited services recreational lot be accompanied by supporting documentation prepared by a qualified person attesting to the integrity and capacity of the existing or proposed on-site sewage disposal system to accommodate the existing or proposed demand on the system.
- Policy 3.3E If it is shown that the existing or proposed on-site sewage disposal system cannot accommodate the existing or proposed demand on the system, the Development Authority may not approve the development permit application.

3.4 Uplands (Area #4)

The future concept for the uplands (Area #4) is depicted in Map 7, entitled “Uplands (Area #4) Future Concept” following this page. This Concept provides for an elaborate network of passive (non-motorized) trails through tree-covered slopes connecting planning Areas #2 and #3 with several prominent features in the Lake’s upland area including a promontory atop the western crest of the escarpment and two ponds identified by DUC as providing significant waterfowl habitat. There may be an opportunity to locate a birding platform between these two ponds.

Map 7 Uplands (Area #4) Future Concept

Wapasu Recreation Conservancy



- Policy 3.4A All future use, subdivision and development of lands within the area shown in Map 7, entitled “Uplands (Area #4) Future Concept” shall comply with Map 7, this Plan and its policies.
- Policy 3.4B The County will continue to support and work closely with Ducks Unlimited Canada, the Fish and Game Association and Alberta Environmental Protection in their efforts to assemble the lands in this planning area for conservation and passive (non-motorized) recreational purposes.

4.0 IMPLEMENTATION

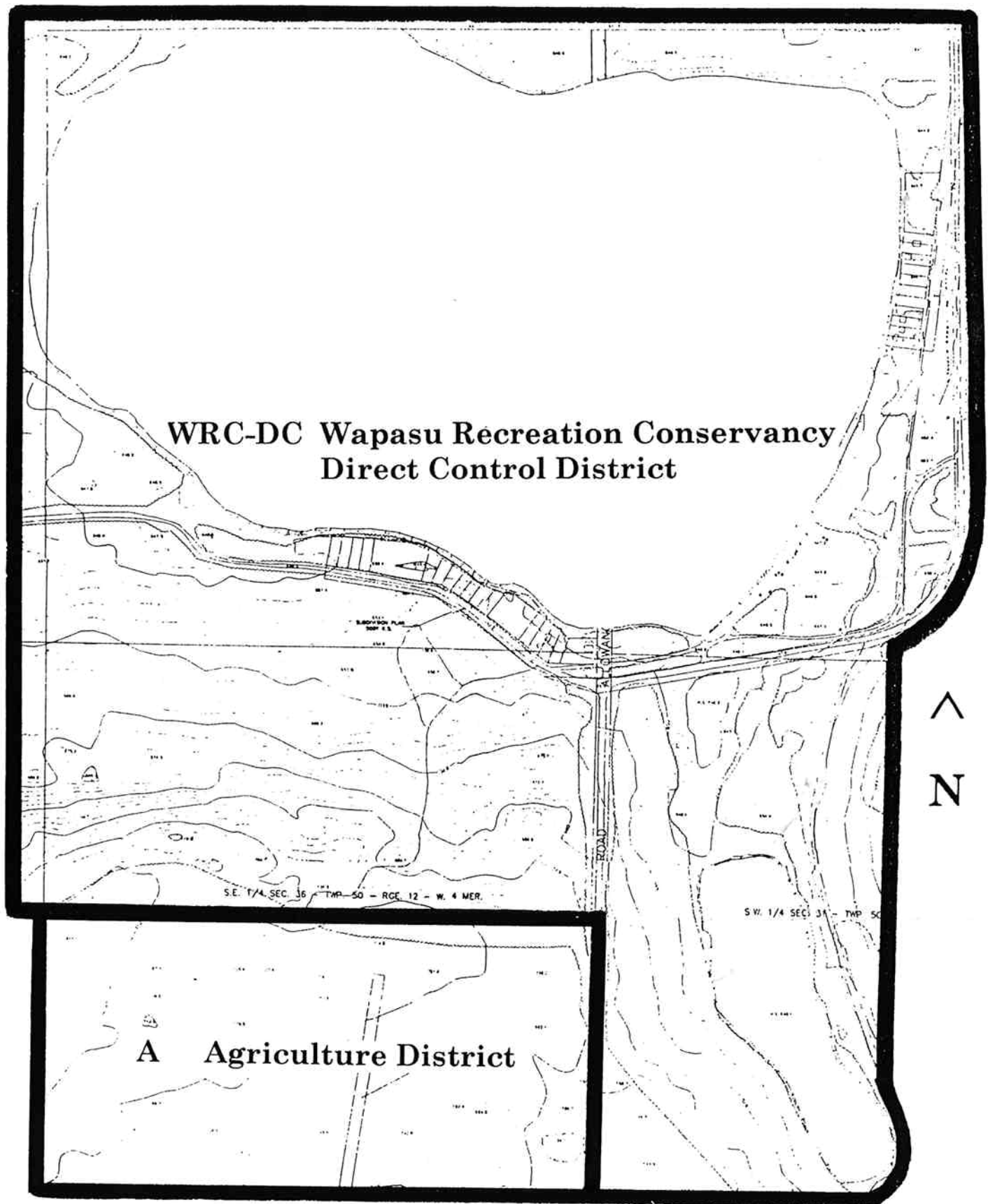
4.1 General

- Policy 4.1 Although the County will not bind or obligate itself in this Plan, it will, notwithstanding, endeavour to undertake the acquisitions, improvements and developments indicated herein as resources permit. Where deemed appropriate by Council, the County will actively pursue partnerships with senior government, non-profit organizations, conservation societies, community groups and the like in undertaking an acquisition, improvement or development identified in/by this Plan.

4.2 Municipal Development Plan and Land Use Bylaw

- Policy 4.2A It is intended that this Plan, its concepts and policies are used in concert with and serve to refine the relevant provisions of the Municipal Development Plan. This Plan should guide any required amendments to the Municipal Development Plan as well.
- Policy 4.2B It is also intended that this Plan, its concepts and policies are used in tandem with the relevant provisions of the Land Use Bylaw, particularly in guiding the exercise of discretion in rendering decisions on subdivision and development permit applications. In addition to what is outlined in Policy 4.2C below, this Plan will be used to guide any required amendments to the provisions Land Use Bylaw.
- Policy 4.2C The provisions of this Plan will serve as a basis for at least one new land use district to be included in the Land Use Bylaw. Map 8 entitled “Recommended Zoning”, following this page, shows that with the

Wapasu Recreation Conservancy



Map 8 Recommended Zoning

exception of the cultivated portion of the SE of 36-50-12-W4M, the entire Plan area is proposed to be placed within the “WRC-DC – Wapasu Recreation Conservancy Direct Control District”.

4.3 Applications and Referrals

Policy 4.3 In implementing this Plan, the County will remain mindful of the many interests and stakeholders involved in the Plan area and the benefit of a multi-disciplinary, inter-jurisdictional and inter-agency approach in caring for this resource. The County will continue to work closely and cooperatively with all of the departments, agencies and interests within and affected by this Plan. To this end, the County will maintain a system of referrals with these stakeholders in terms of development permits, subdivision applications and the like.

4.4 Proposed Subdivision Within Southwest Shorelands (Area #2)

Policy 4.4 The County shall pursue the proposed subdivision depicted in Map 9, entitled “Proposed Subdivision Pursuant to Southwest Shorelands Future Concept (Map 5)”, following this page, in accordance with Maps 5 and 9, this Plan and its policies as well as the WRC-DC – Wapasu Recreation Conservancy Direct Control District and any other relevant provisions of the Land Use Bylaw.

4.5 Building and Landscape Controls

Following Map 9 is a template or sample restrictive covenant for the purposes of implementing Policies 3.2C, 3.2D and 3.3B.

Wapasu Recreation Conservancy

Subdivision Summary

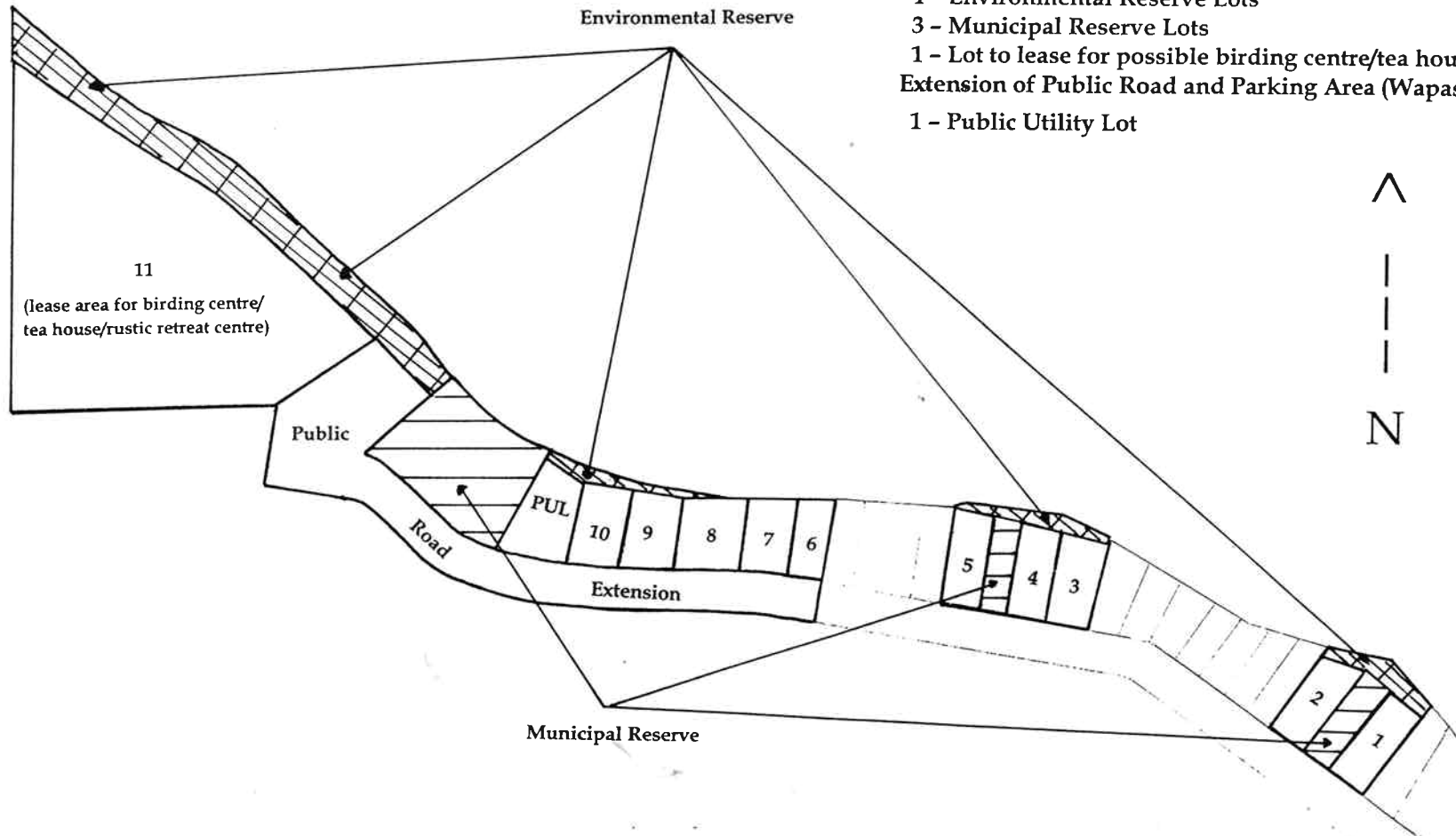
10 - Limited Services Recreational Lots

4 - Environmental Reserve Lots

3 - Municipal Reserve Lots

1 - Lot to lease for possible birding centre/tea house/rustic retreat centre
Extension of Public Road and Parking Area (Wapasu Drive)

1 - Public Utility Lot



Map 9 Proposed Subdivision Pursuant to Southwest Shorelands Future Concept (Map 5)

RESTRICTIVE COVENANT

THIS AGREEMENT DATED THE DAY OF A.D., 200

BETWEEN:

GRANTOR

a Body Corporate, in the Province of Alberta
[hereinafter called the "Grantor"]

OF THE FIRST PART

AND

GRANTEE

a Body Corporate, in the Province of Alberta
[hereinafter called the "Grantee"]

OF THE SECOND PART

WHEREAS the Grantor is the owner of those parcels of land located in the County of Minburn No. 27 described in Schedule "A" attached hereto (hereinafter collectively referred to as "the Servient Lands");

AND WHEREAS the Grantee is the owner of those parcels of land located in the County of Minburn No. 27 described in Schedule "B" attached hereto (hereinafter collectively referred to as "the Dominant Lands");

AND WHEREAS Section 71(1) of the Land Titles Act, as amended,
reads as follows:

"71(1) An owner may grant to himself an easement or restrictive covenant for the benefit of land which he owns and against land which he owns and the easement or restrictive covenant may be registered under this Act.";

AND WHEREAS the Dominant Lands touch and concern the Servient Lands;

AND WHEREAS it is beneficial to the Dominant Lands that the Servient Lands and each and every part of the Servient Lands be continuously limited in terms of the nature, scale and intensity of the development thereupon to ensure the ongoing ability of the lands to sustain said development;

AND WHEREAS the Grantor, in order to ensure that the Servient Lands and each and every part of the Servient Lands are continuously limited in terms of the nature, scale and intensity of the development thereupon, has agreed to execute and deliver restrictive covenants in the form and content of these presents;

AND WHEREAS it is desirable that the benefit of the said restrictive covenants herein set forth be annexed to and run with the Dominant Lands and each and every part of the Dominant Lands and that the burden of the said restrictive covenants be annexed to and bind the Servient Lands and each and every part of the Servient Lands.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and in consideration of the sum of ONE (\$1.00) DOLLAR and other good and valuable consideration passing from the Grantee to the Grantor (sufficiency and receipt of which is acknowledged by the Grantor), the Grantor, on its own behalf as owner of the Servient Lands and on behalf of each of its successors in title to the Servient Lands and each and every part of the Servient Lands, covenants with the Grantee, as owner of the Dominant Lands and each and every part of the Dominant Lands and with each of the Grantee's successors in title to the Dominant Lands and each and every part of the Dominant Lands, that the benefit of the restrictive covenants hereinafter set forth shall be annexed to and run with the Dominant Lands and each and every part of the Dominant Lands and the burden of the restrictive covenants set forth herein shall be annexed to and be binding on the Servient Lands and each and every part of the Servient Lands, as follows:

A. **DEFINITIONS**

For the purposes of this restrictive covenant, unless otherwise provided, the following definitions shall apply:

- (1) **ACCESSORY BUILDING** - means a building separate and subordinate to the principal building, the use of which is incidental to that of the principal building and is located on the same parcel of land;
- (2) **ACCESSORY USE** - means a use customarily incidental and subordinate to the principal use or building, and which is located on the same parcel of land with such principal use or building;
- (3) **ACT**- means the Municipal Government Act, being Chapter M-26.1 R.S.A., 1994 and amendments thereto, and the regulations passed pursuant thereto;
- (4) **AVERAGE FINISHED GRADE** - for the purposes of measuring building height, average finished grade means the arithmetic mean of the elevations of the finished grade at two outermost corners of a wall on the respective side of a building;
- (5) **BUILDING** - includes anything constructed or placed on, in, over or under land;
- (6) **BUILDING HEIGHT** - means the vertical distance between the average finished grade and the highest point of a building excluding an elevator housing; mechanical housing; roof stairway entrance; ventilation fans; a skylight; a steeple; a smokestack; a parapet wall; or a flag pole or similar device not structurally essential to the building.
- (7) **BYLAW** - means the County of Minburn No. 27 Land Use Bylaw No. 1124-97, and any amendments thereto;

- (8) **CARPORT** - means a roofed structure used for storing or parking of not more than two private vehicles which has not less than 40% of its total perimeter open and unobstructed;
- (9) **COUNTY**- means the County of Minburn No. 27;
- (10) **DECK** - means the paved, wooden or hard-surfaced area adjoining a house, more than 0.6 m (2.0 ft) above grade, used for outdoor living;
- (11) **DEVELOPMENT** - means
 - (a) an excavation or stockpile and the creation of either of them, or
 - (b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them, or
 - (c) a change 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 use of the land or building, or
 - (d) a change 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;
- (12) **FLOOR AREA** -means the greatest horizontal area of a building above averaged finished grade within the outside surface of exterior walls or within the glassline of exterior walls and the centreline of fire walls but not including the floor areas of attached garages, sheds, open porches or breezeways;
- (13) **FOUNDATION** - means the lower portion of a building, usually concrete or masonry, and includes the footings which transfer the weight of and loads on a building to the ground;
- (14) **GARAGE** - means an accessory building or part of the principal building, designed and used primarily for the storage of motor vehicles;
- (15) **HOUSEHOLD** - means those who dwell under the same roof and comprise a family. Household also means a social unit comprised of those living together under the same roof;
- (16) **MANUFACTURED HOME, DOUBLE-WIDE** - means a residential building that is manufactured in two parts with each of the two parts being moved from one point to another individually and put together on parcel to form a single unit and which provides completely self-contained, year-round residential accommodation. A double-wide manufactured home, which may or may not be equipped with wheels for transport, may be located on a site by placing it on its wheels, if so equipped, or on blocks, jacks, or some other temporary or permanent foundation permissible under the Canadian Standards Association publication "Z240.10.1-94 Site Preparation, Foundation and

Anchorage of Mobile Homes”. The steel underframe or chassis, which is fastened perpendicularly to the floor joists of the double-wide manufactured home, is required for structural support and is therefore an integral and permanent part of the double-wide manufactured home. As such, once the siting of the double-wide manufactured home is completed, the steel underframe or chassis, that may have been in place and used for transport to the site, cannot be removed. A double-wide manufactured home herein defined does not include, as defined elsewhere in this Covenant, a single detached dwelling, modular home, modular home on a perimeter foundation, single-wide manufactured home, a holiday trailer or recreational vehicle;

- (17) **MANUFACTURED HOME, SINGLE-WIDE** - means a residential building that is manufactured to be moved from one point to another as a single unit and which provides completely self-contained, year-round residential accommodation. A single-wide manufactured home, which may or may not be equipped with wheels for transport, may be located on a site by placing it on its wheels, if so equipped, or on blocks, jacks, or some other temporary or permanent foundation permissible under the Canadian Standards Association publication “Z240.10.1-94 Site Preparation, Foundation and Anchorage of Mobile Homes”. The steel underframe or chassis, which is fastened perpendicularly to the floor joists of the single-wide manufactured home, is required for structural support and is therefore an integral and permanent part of the single-wide manufactured home. As such, once the siting of the single-wide manufactured home is completed, the steel underframe or chassis, that may have been in place and used for transport to the site, cannot be removed. A single-wide manufactured home herein defined does not include, as elsewhere defined in this Covenant, a single detached dwelling, modular home, modular home on a perimeter foundation, double-wide manufactured home, a holiday trailer or recreational vehicle;
- (18) **MODULAR HOME** - means a residential building which is prefabricated or factory built with load bearing walls and floors designed for and capable of bearing the full weight of the dwelling when placed on a perimeter foundation, which is assembled on the parcel in sections, which may be stacked side-by-side or vertically. The modular home, which may or may not be equipped with running gear and wheels and/or a steel underframe or chassis for transporting the modular home sections to the site, may be located on a site by placing it on its wheels, if so equipped, or on blocks, jacks, or some other temporary or permanent foundation permissible under the Canadian Standards Association publication “Z240.10.1-94 Site Preparation, Foundation and Anchorage of Mobile Homes”. A modular home herein defined does not include, as defined elsewhere in this Covenant, a single detached dwelling, modular home on a perimeter foundation, single-wide manufactured home, double-wide manufactured home, a holiday trailer or recreational vehicle;
- (19) **MODULAR HOME ON A PERIMETER FOUNDATION** - means a dwelling which is prefabricated or factory built, with eaves a minimum of 30.4 cm (12.0 in) deep and load bearing walls and floors designed for and capable of bearing the full weight of the dwelling when placed on a perimeter foundation, which is assembled on the parcel in sections, which may be stacked side-by-side or vertically. The modular home must be placed on a perimeter foundation and the running gear and wheels and/or a steel underframe or chassis that may have been in place and used to transport the modular

home sections to the site must be removed. The resulting modular home must have a ratio of width vs. depth (or depth vs. width) of less than 3:1. A modular home on a perimeter foundation herein defined does not include, as defined elsewhere in this Covenant, a single detached dwelling, modular home, single-wide manufactured home, double-wide manufactured home, a holiday trailer or recreational vehicle;

- (20) **NON-BUILDING AREA** - means the portion of the Servient Lands as indicated on a survey plan appended to and forming part of this restrictive covenant within which no single or double-wide manufactured home, single detached dwelling, modular home, modular home on a perimeter foundation or any other principal building is to located;
- (21) **OWNER** - means:
- (a) In the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land, or
 - (b) In the case of any other land,
 - i) the purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the Certificate of Title in the land any assignee of the purchaser's interest that is the subject of a caveat registered against the Certificate of Title, or
 - ii) in the absence of a person described in Section A(15)(b)i) above, the person or legal entity registered under the Land Titles Act as the owner of the fee simple estate in the land;
- (22) **PARCEL** - means the aggregate of the one or more areas of land described in a Certificate of Title or described in a Certificate of Title by reference to a plan filed or registered in an Alberta Land Titles Office;
- (23) **PATIO** - means the paved, wooden or hardsurfaced area adjoining a single detached dwelling or a modular home on a perimeter foundation, as the case may be, that is no more than 0.61 m (2.0 ft) above grade, used for outdoor living;
- (24) **PLAN** - means the Wapasu Recreation Conservancy Area Structure Plan, being Bylaw No. _____, and any amendments thereto;
- (25) **PRINCIPAL BUILDING** - means a building which:
- (a) occupies the major or central portion of a parcel,
 - (b) is the chief or main building among one or more buildings on a parcel, or
 - (c) constitutes by reason of its use the primary purpose for which a parcel is used.
- (26) **PUBLIC ROAD** - means a government road allowance or road plan under the jurisdiction and control of the County of Minburn No. 27 providing public road

access/egress to/from parcels of lands. The terms road-right-of-way and road may have the same meaning;

- (27) **PUBLIC UTILITY** - means a public utility as defined in the Act;
- (28) **PUBLIC UTILITY BUILDING** - means a building, not including an office, or structure required as part of a public utility;
- (29) **PARCEL COVERAGE** - means the combined area of all buildings or structures upon the parcel, measured at the approved grades, including all porches and verandas, enclosed terraces and decks at grade, steps, cornices, eaves, and similar projections; such area shall include air wells, and all other space within an enclosed building;
- (30) **SINGLE DETACHED DWELLING** - means a dwelling intended for occupancy by one household which is constructed upon on a permanent foundation but not a basement. A single detached dwelling does not include, as elsewhere defined in this Covenant, a modular home, modular home on a perimeter foundation or a single or double-wide manufactured home of any kind whether standing on wheels or supported by blocks, jacks or any other temporary or permanent foundation;
- (31) **STRUCTURE** - means anything constructed or erected on the ground, or attached to something on the ground, and includes all buildings;
- (32) **TEMPORARY BUILDING** - means a structure which is permitted to exist for a maximum of one (1) year;
- (33) **UNDERSTORY TREE** - means an immature tree growing under the canopy of a taller tree;

B GENERAL COVENANTS AND COMPLIANCE

- (1) The provisions of this restrictive covenant as they apply to the Servient Lands:
 - (a) do not absolve any owner of the Servient Lands from complying with any easement or other instrument affecting the Servient Lands;
 - (b) do not absolve any owner of the Servient Lands from complying with any federal or provincial legislation or regulation, and any amendments thereto;
 - (c) do not absolve any owner of the Servient Lands from complying with the Land Use Bylaw or any other bylaw of the County of Minburn No. 27; and
 - (d) are not intended to conflict with but, rather, be further to those so prescribed for the Servient Lands under the Land Use Bylaw, the Plan and any statutory plan of the County of Minburn No. 27, and any amendments thereto, affecting the Servient Lands.

- (2) Further to Section B(1) above, no development shall be commenced or undertaken on the Servient Lands or any part thereof except as herein provided.

C PRINCIPAL BUILDINGS

- (1) A single detached dwelling, modular home, modular home on a perimeter foundation, single or double-wide manufactured home, as the case may be, which must be sited outside the “non-building area” on any parcel within the Servient Lands if indicated on a survey plan appended to and forming part of this restrictive covenant, shall:
- (a) have a maximum floor area of no more than 95 m^2 (~1,035.0 ft²), not including an attached garage;
 - (b) not be placed on a permanent foundation or basement that extends below average finished grade;
 - (c) be built/constructed such that the roof is pitched/peaked to a noticeable extent as viewed or would be viewed from the fronting public road or adjacent parcels (ie: a flat roof is prohibited);
 - (d) not exceed 11 m (~36 ft) in width;
 - (e) not, in the case of a single-wide manufactured home, exceed 18 m (~60.0 ft.) in length nor shall a single-wide manufactured home be sited widthwise on a parcel (ie: front door facing the fronting public road is prohibited); and,
 - (f) be properly maintained on a on-going basis and kept in a state of good repair.

D ACCESSORY BUILDINGS/STRUCTURES

All accessory buildings and structures, including but not limited to garages (either attached or detached) carports, patios, decks, porches, additions, gazebos, storage facilities and fences, associated with a single detached dwelling, modular home, modular home on a perimeter foundation, single or double-wide manufactured home, as the case may be, on a parcel within the Servient Lands shall be built/constructed and consist of material (including the exterior finish) such that their appearance, design and construction will be consistent with the associated single detached dwelling, modular home, modular home on a perimeter foundation, single or double-wide manufactured home, as the case may be, on the parcel itself as well as development on adjacent parcels.

E PARCEL COVERAGE AND BUILDING HEIGHT

- (1) The maximum parcel coverage for all buildings shall be 30% of the area of the parcel and all accessory buildings, as referred to in Section D above, combined, shall not be larger than the principal building.

- (2) No principal or accessory building/structure, as referred to in Sections A through D above, shall exceed 5 m (~16.5 ft) above grade.

F LANDSCAPING AND GENERAL APPEARANCE

- (1) All vegetation existing on any parcel within the Servient Lands at the time this restrictive covenant came into affect shall remain with the following exceptions:
 - (a) vegetation may be removed or destroyed to reasonably allow the parcel to be developed in accordance with the Land Use Bylaw, the Plan and this restrictive covenant; and,
 - (b) minor clearing of the understory trees and underbrush to increase the utilization of those portions of the parcel not covered by buildings is permitted as is the removal and/or destruction of dead-fallen trees.
- (2) The following are prohibited in or on any part of a parcel within the Servient Lands:
 - (a) any wrecked or dismantled vehicle;
 - (b) a commercial or recreational vehicle loaded or unloaded of a maximum weight in excess of 5500 kg (6.0 tons);
 - (c) any excavation, storage or piling up of materials required during the construction/installation stage unless all necessary safety measures are undertaken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work; and,
 - (d) any object or chattel which is unsightly or tends to adversely affect the amenities of the Servient or Dominant Lands.

G. GENERAL PROVISIONS

- (1) No owner, lessee or occupant will permit any activity or development on any parcel within the Servient Lands that would unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties.
- (2) The Grantor agrees to grant, without consideration therefor, such easements and rights-of-way within any parcel covered hereby as may from time to time be required for the purpose of providing local improvements and public utilities.
- (3) The restrictive covenants herein set forth are severable and the invalidation of one or more than one of them shall not invalidate any other restrictive covenant herein set forth and such restrictive covenants shall be independent to the extent that the lack of enforcement of one or more of them shall in no way be construed as a waiver of any of the other restrictive covenants set forth herein.

These presents shall be binding upon and endure to the benefit of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties have executed these presents on the day and year first above written.

IN the COUNTY OF MINBURN NO. 27,
PROVINCE of ALBERTA

(SEAL)

(GRANTEE)

(SEAL)

(GRANTOR)

Schedule "A"

- 1) Lot 1, Block 1, Plan _____
- 2) Lot 2, Block 1, Plan _____
- 3) Lot 3, Block 1, Plan _____
- 4) Lot 4, Block 1, Plan _____
- 5) Lot 5, Block 1, Plan _____
- 6) Lot 6, Block 1, Plan _____
- 7) Lot 7, Block 1, Plan _____
- 8) Lot 8, Block 1, Plan _____
- 9) Lot 9, Block 1, Plan _____
- 10) Lot 10, Block 1, Plan _____
- 12) Lot 11, Block 1, Plan _____

"the Servient Lands"

Schedule "B"

- 1) Lot 1, Block 1, Plan _____
- 2) Lot 2, Block 1, Plan _____
- 3) Lot 3, Block 1, Plan _____
- 4) Lot 4, Block 1, Plan _____
- 5) Lot 5, Block 1, Plan _____
- 6) Lot 6, Block 1, Plan _____
- 7) Lot 7, Block 1, Plan _____
- 8) Lot 8, Block 1, Plan _____
- 9) Lot 9, Block 1, Plan _____
- 10) Lot 10, Block 1, Plan _____
- 11) Lot 1-PUL, Block 1, Plan _____
- 12) Lot 11, Block 1, Plan _____
- 13) Lot 1-MR, Block 1, Plan _____
- 14) Lot 2-MR, Block 1, Plan _____
- 15) Lot 3-MR, Block 1, Plan _____
- 17) Lot 1-ER, Block 1, Plan _____
- 18) Lot 2-ER, Block 1, Plan _____
- 19) Lot 3-ER, Block 1, Plan _____
- 20) Lot 4-ER, Block 1, Plan _____
- 21) Public Road within Plan _____

"the Dominant Lands"

