

BY-LAW NUMBER 2020/57

BY-LAW NO. 2020/57 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 (NE-12-47-25-W4M) in accordance with Section 633 of the Municipal Government Act, Chapter M-26.1, Revised Statutes of Alberta 2000, and amendments thereto.

WHEREAS: at the requirements of County Council, an Area Structure Plan has been prepared for (NE-12-47-25-W4M)

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, 2000, Chapter M-26.1, and amendments thereto.

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

The document attached to this By-law as "Appendix A", together with accompanying maps, is hereby adopted for MDW Farms Ltd. (NE-12-47-25-W4M).

1. This by-law comes into effect on the date of third reading.

READ: A First time this 8 day of October

READ: A Second time this 8 day of October A.D, 2020

READ: A Third time and finally passed this 8 day of October A.D, 2020



REEVE



**ASSISTANT CHIEF ADMINISTRATIVE
OFFICER**

**County of Wetaskiwin
Area Structure Plan
NE 12-47-25-4
MDW Farms
(Murray & Deborah Warnke)
Adopted 8 October 2020 by Bylaw 2020/57**

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1 Introduction

This area structure plan (ASP) deals with NE 12-47-25-4, a farm quarter on the Hillside road between Wetaskiwin and Millet.

The original yard site in the north-east corner of the quarter was subdivided in 1994. The agricultural remainder of the quarter was recently purchased by Murray and Deborah Warnke, and is now farmed as a unit with their existing land in SE and NW 12.

The new quarter contains a second yard site, developed between 2009 and 2011, surrounded by about 18 acres of natural bush. The Warnkes have no need for this developed yard site, and they do not wish to rent it out, so they propose to subdivide and sell it. They have an offer from a buyer who will operate it as a low-intensity hobby farm.

2 Senior government policies

Although land use is primarily a municipal responsibility, when it adopts an ASP the County must also consider senior government rules, and in particular the Municipal Government Act (MGA) and the Subdivision and Development Regulation, AR 43/2002.

MGA Section 633: The MGA sets out the required contents of an area structure plan (see appendix) and the process to be followed to prepare and adopt it. The present document complies.

Sour oil and gas A proposal to build or use overnight accommodation or any public facility within 1,500 metres of any sour gas well or pipeline must be referred to the Alberta Energy Regulator (AER) for comments.

AER on-line mapping shows no sour oil or gas installations within 1,500 metres of the proposed subdivision.

The County's GIS shows that the pipelines along the south and west sides of the quarter contain H₂S in a concentration of 7.5 mol/kmol, or 0.75%. This is less than the threshold concentration as defined in section 1(g) of the Subdivision and Transfer Regulation, so it does not limit residential development.

Active sweet wells: Development is restricted within 100 metres of a sweet oil or gas well, or within the right-of-way of a sweet oil or gas pipeline. (This does not apply to local gas distribution lines.)

Map 2 shows the locations of all oil or gas wells near the proposed subdivision. There is one shut-in well on the quarter. The well-head is about 600 metres from the existing house. Other wells in the area are even further away. None affect the proposed subdivision.

Abandoned wells: There is one abandoned well in the south-east corner of the quarter, one in the south-west corner, and several on adjacent quarters. The proposed subdivision meets the setback requirements for abandoned wells (5 metres from any building) as set out

in the AEB's Directive 079, Surface Development in Proximity to Abandoned Wells.

Sewer lagoons:

Overnight accommodation must be at least 300 metres away from sewer lagoons.

The closest sewer lagoon is in Millet, more than 5,000 metres away. Sewer lagoons are therefore no obstacle to the proposed subdivision.

Waste disposal sites:

Residences must be at least 300 metres away from an active or closed waste disposal site, and no water wells for human consumption may be drilled within 450 metres of such a site.

At one time construction waste appears to have been deposited in the north-east corner of SE 18-47-25-4. Details may be found in subdivision file RW/6/76. The site is 2,200 metres from the proposed subdivision.

The former landfill and active transfer station near Millet, and the one active and two former landfills in Wetaskiwin, are even further away and do not affect the proposed subdivision.

Waste handling sites are therefore no obstacle to the proposed subdivision.

Proximity to highways:

A municipality must not approve subdivision or development within 1,600 metres of a provincial highway without the prior approval of Alberta Transportation. There are no highways within that distance of the property. The closest is Highway 2A, which is 5,000 metres east by road (RR 250 and the Hillside Road), or 4,300 metres as the crow flies. The intersection of the highway with the Hillside Road is a flared Type 2 with acceleration and deceleration lanes.

Proximity to highways is therefore no obstacle to the proposed subdivision.

Airports:

Wetaskiwin Regional Airport is located about 10 km south-east of the proposed subdivision. There is also a private strip (Creekview) directly north at a distance of 3,800 metres.

Transport Canada designates the area as Class C airspace, with no commercial traffic below 4,600 feet above ground.

Pilots familiar with the area see no conflict between the proposed subdivision and flight operations.

Historical resources:

The Alberta Government's Historical Resources Management Branch (HRMB) has the right to require a historical or archaeological assessment of land which is to be developed.

The department has identified 70,697 places of proven or possible historic interest in Alberta. None of these are on or within a kilometre of the proposed subdivision.

Regional plans: A municipality is bound by a regional plan adopted under the Alberta Land Stewardship Act, but no such plan has been adopted for this part of the province.

In summary, there are no provincial or federal regulations standing in the way of the proposed subdivision.

3 Municipal land use policies

The MGA requires an ASP to take into account municipal policy documents.

Intermunicipal development plans:

The County has intermunicipal development plans with several other municipalities, but none of them affect the Warnke quarter.

Municipal development plan:

The municipal development plan (MDP) requires that all proposals within one mile of another municipality or a reserve be referred to their councils for comment. In this case the nearest municipality is the Town of Millet, approximately 3.8 km (2.4 miles) away, so it was not necessary to consult the Town.

The MDP aims to preserve good soils for agriculture (objective 1.2). Good soils are defined as those with a farmland assessment rating of 30% or more. Municipal assessment sheets show that the soil at the site proposed for subdivision is rated 9%, so there is no conflict with MDP policies.

Land use bylaw:

The County's land use bylaw sets the detailed rules for development. At present, the land in question is zoned Agricultural. It will be necessary to rezone it to accommodate the proposed development. This is addressed in section 5 below. It is also necessary to prove the availability of water: this is addressed in section 9 below.

Non-statutory County policies:

County Policy 61.1.6 sets out what must be covered in an area structure plan. Requirements under that policy have been met in this ASP.

Policy 61.1.7 deals with second subdivisions out of a farm quarter. This is addressed below in section 6.

Policies dealing with road access are addressed in section 7 below.

4 Neighbouring land uses

Most of the land on the adjacent quarters is farmed, with tree cover along watercourses and around yard sites.

The adjacent quarter sections contain eight residences. The closest are on subdivided lots in the north-east corner of NE 12, about 400 metres away, and on the south side of SW 18, about 700 metres away.

County policy 61.1.6 requires an ASP to identify any intensive livestock operation within two kilometres of the proposed development. The Natural Resources Conservation Board's on-line data base shows none within that distance. The closest are the White Gold dairy in SW 36-47-25-4 and the Blackie Corner dairy in SW 35-47-25-4, both on the north side of Highway 616 west of Millet, at a distance of about five kilometres. There are also two dairies (Krause and Van Os) along Highway 13 west of Wetaskiwin. The proposed subdivision is far beyond the MDS distances of all four operations.

Smaller livestock operations are regulated by the County. At one time there was a small hog operation on SE 24-47-25-4, 2.5 kilometres north of the existing house on the proposed subdivision; it is no longer in operation, and the barns are used for storage.

It does not appear that intensive livestock operations will conflict with the proposed subdivision.

5 Proposed development and zoning

As noted in the introduction, the Warnkes plan to subdivide and sell the second yard site which is situated in about 18 acres of bush. The buyer will run a market garden. Initially production will be outdoors, with possible expansion under glass. A small number of poultry may also be kept. Most of the existing trees will be retained.

Map 4 shows the boundaries of the new parcel. They are defined on the east by RR 250, on the north and west by the edge of the trees, and on the south by an oil company access road.

The remainder of the quarter (about 136 acres) will be consolidated in title with the unsubdivided quarter to the west to create a single farm parcel of about 296 acres. There will be no increase in the number of parcels, and there will be no increase in population or road traffic.

Prior to subdivision the land requires to be rezoned to Agricultural Hobby Farm (AHF). This is a relatively new district in the County of Wetaskiwin, and to date only five parcels of land have received that zoning:

Tylke	SE 20-45-27-7	15.38 acres	Soil rating 9%
Gibson	SE 18-47-25-4	20.00 acres	Soil rating 8.5%
Laczo	SE 12-46-5-5	10.85 acres	Soil rating 8.5%
Wolter	NW 32-45-27-4	19.88 acres	Soil rating 18%, 46%, and 51%
Foley	SE 13-46-23-4	4.05 acres	Soil rating 57%

The Tylke, Gibson, and Laczo sites met the requirements of the bylaw regarding soil rating and parcel size. The Wolter site did not meet the soil rating requirement, and the Foley site did not meet either the soil rating or the minimum size requirement. However, council found sufficient merits in both cases to allow rezoning.

The Warnke proposal meets the bylaw requirements for both size and soil rating,

6 Ten year rule

There is one possible conflict between the proposed subdivision and County policies. Normally the County only allows a single residential parcel to be subdivided out of a farm quarter. However, Policy 61.1.7 allows a second residence to be subdivided if it has existing for at least ten years and has been rezoned to Country Residential.

In this case the development of the yard site started in 2008, when a power line was installed. A well was drilled in 2009. The residence and sewer system were installed towards the end of 2011. This means it will be the end of 2021 before the fully developed site is ten years old.

However, it is submitted that Policy 61.1.7 does not apply in this case for two reasons.

- First, the proposed subdivision is for agricultural purposes, not Country Residential. Agricultural Hobby Farm zoning does not require the site to be pre-serviced.
- Second, no additional parcel is being created because the agricultural land in the quarter will be consolidated with the quarter to the west. Two parcels in, two parcels out.

7 Road access

The proposed lot is adjacent to RR 250, a gravel road on a 20 metre right-of-way.

The County normally requires a five metre road widening adjacent to any subdivided lot, but this may be waived when the road is little used. Road widening was not taken when the existing lot on the quarter was subdivided (RW/94/17). Because RR 250 carries very little traffic, there is probably no need for road widening in this case, but the owner is willing to enter into an agreement under which the municipality can purchase the land if it is ever needed.

There is no approach to the agricultural remainder of the quarter. None is needed since this land will be consolidated with the NW quarter, which has its own existing approach.

County Policy 61.1.15 requires the developer of second and subsequent subdivisions out of a quarter section to contribute \$2,000 per lot for the upgrading of municipal roads serving the subdivision. The owner accepts this, and will pay the contribution at the time of subdivision.

8 Reserves

When more than one parcel is subdivided from a quarter section, the Municipal Government Act gives the municipality the right to take up to ten per cent of the subdivided area as municipal reserve for parks, schools, and buffer strips separating different land uses (MGA section 666.1).

There is no need for parks, schools, or buffer strips here. The owners therefore offer to pay out reserves in cash under section 667 of the MGA, using the values set out in the current version of County Policy 61.1.2. Alternatively, if the County prefers, reserves of 1.8 acres could be deferred by caveat into the new parcel.

In either case, the agricultural remainder will be exempt from reserves (land, cash, or caveat) under section 663(b) of the Municipal Government Act.

9 Water supply

The County requires evidence of adequate groundwater if there will be three or more lots on a quarter (land use bylaw, sections 9.13.6 and 9.13.8). Evidence may be supplied by a hydro-geological engineer's report. Alternatively, the owner may submit the results of a two hour pump test on an existing well, undertaken by a licensed well driller, showing acceptable draw-down and recovery, with a sustainable flow of at least half a gallon a minute (equivalent to 1,200 m3 per year).

There is an existing well on the proposed parcel. A pump test was carried out when it was drilled in 2009. Alberta Environment records show that it was pumped at ten gallons per minute for two hours. Drawdown and recovery were acceptable.

A copy of the well log is appended.

10 Sewage treatment

The residence now uses a settling / holding tank with an open discharge into the trees to the north. The discharge point is 60 metres from the house, 60 metres from the well, and 100 metres from any existing or future property boundary, which complies with section 8.6.2.1 of the Alberta Private Sewage Systems Standard of Practice.

Any necessary upgrades can be done following inspection by an accredited plumbing inspector as a condition of subdivision approval.

11 Storm water

Development with a lot of hard surfaces may increase the amount and intensity of runoff from snow melt and heavy rainfall, and this can damage downstream watercourses. Alberta Environment therefore requires that the rate of runoff be no higher than it was before development. The County of Wetaskiwin's engineering design guidelines have a similar requirement. If required, the intensity of runoff can be reduced by running the flow through a retention pond.

In this case the hard surfaced area (buildings and driveways) is so small that the runoff is insignificant. There will be no change after subdivision because the tree cover will remain, and the yard site will not be enlarged. Consequently, no detention pond appears necessary.

12 Waste management

Solid waste from the new lot will continue to be hauled to the County's transfer station near Millet. The amount and type of waste will not change as a result of subdivision.

13 Fire protection

The nearest fire hall is in Millet, 10.5 km distant by road. This will provide fire protection equal to that generally available in the Hillside area

The County does not normally require a fire pond for a single lot subdivision. Consequently, no fire pond is proposed to be built.

14 Public consultation

The County requires a developer to show his plans to his neighbours and get their feedback before taking an ASP to council. The normal practice is to hold an open house.

In view of the small scale of the subdivision -- a single lot, containing an existing house -- County staff agreed that there was no point in holding an open house. Instead, a summary of the proposal was mailed to the owners of all land on the adjacent eight quarter sections. A total of twelve letters were mailed out. Neighbours were invited to give their comments in writing, by telephone, by email, or at a face-to-face meeting.

After two weeks, none of the neighbours had approached the owner or his planning consultant with any questions or objections.

15 Timing of development

The owner recognizes that, pursuant to County policy 61.1.6, should the proposed lot not be created within two years of the adoption of this ASP, the plan may be subject to any new policy or bylaw adopted by Council after the date of ASP approval and prior to subdivision approval.

This ASP will expire if the proposed lot has not been registered within three years of the date of approval.

Appendix 1: Compliance with section 633 of the MGA

In order to comply with section 633 of the MGA, it is necessary to confirm that this ASP

- *describes the **land uses** proposed for the area, either generally or with respect to specific parts of the area:*

This is done in section 5 of the ASP.

- *Describes the **sequence of development** proposed for the area.*

As a single lot subdivision, development will proceed in a single stage.

- *describes the **density of population** proposed for the area:*

The existing house will remain. There will be no increase in population.

- *describes the general location of major **transportation routes and public utilities**:*

Road access is described in section 7.

The only public utilities are power (from a line in RR 250) and natural gas (from and existing gas co-op line west of the buildings).

Water and sewer service is described in sections 9 and 10.

- *is consistent with any **intermunicipal development plan**:*

The proposal is consistent with the City / County IDP.

- *is consistent with any **municipal development plan**:*

This is addressed in section 2.

Appendix 2: Well log

Appendix 3: Rules for Agricultural Hobby Farm zoning



Water Well Drilling Report

[View in Metric](#) [Export to Excel](#)

GIC Well ID 2023262
GoA Well Tag No.
Drilling Company Well ID
Date Report Received 2009/12/17

GOWN ID

The driller supplies the data contained in this report. The Province disclaims responsibility for its accuracy. The information on this report will be retained in a public database.

Well Identification and Location										Measurement in Imperial	
Owner Name		Address		Town		Province		Country		Postal Code	
ORE, BRIAN		320 ASH CLOSE		LEDUC		ALBERTA		CANADA		T9E 0E2	
Location	1/4 or LSD	SEC	TWP	RGE	W of MER	Lot	Block	Plan	Additional Description		
	16	12	47	25	4						
Measured from Boundary of					GPS Coordinates in Decimal Degrees (NAD 83)						
1312.34 ft from North					Latitude 53.045061					Longitude -113.515546	
410.11 ft from East					How Location Obtained					How Elevation Obtained	
					Not Verified					Not Obtained	

Drilling Information	
Method of Drilling	Type of Work
Rotary - Air	New Well
Proposed Well Use	
Domestic & Stock	

Formation Log			Measurement in Imperial	
Depth from ground level (ft)	Water Bearing	Lithology Description		
13.00		Yellow Sandy Clay		
120.00		Gray Sandy Till		
125.00		Coal		
137.00		Gray Sandstone		
141.00		Gray Shale		
158.00		Gray Fine Grained Sandstone		
164.00		Gray Shale		
165.00		Coal		
174.00		Gray Shale		
175.00		Coal		
179.00		Gray Fine Grained Sandstone		
185.00		Brownish Gray Shale		
190.00		Green Shale		
195.00		Gray Fine Grained Sandstone		
207.00		Green Shale		
209.00		Gray Fine Grained Sandstone		
232.00		Greenish Gray Shale		
259.00		Gray Fine Grained Sandstone		
262.00		Gray Shale		
266.00		Gray Fine Grained Sandstone		
280.00		Gray Shale		

Yield Test Summary			Measurement in Imperial	
Recommended Pump Rate			5.00 igpm	
Test Date	Water Removal Rate (igpm)	Static Water Level (ft)		
2009/04/04	10.00	123.00		

Well Completion				Measurement in Imperial	
Total Depth Drilled	Finished Well Depth	Start Date	End Date		
280.00 ft	280.00 ft	2009/04/02	2009/04/04		
Borehole					
Diameter (in)	From (ft)	To (ft)			
7.88	0.00	143.00			
5.13	143.00	280.00			
Surface Casing (if applicable)			Well Casing/Liner		
Plastic			Plastic		
Size OD : 6.00 in			Size OD : 4.50 in		
Wall Thickness : 0.390 in			Wall Thickness : 0.214 in		
Bottom at : 143.00 ft			Top at : 140.00 ft		
			Bottom at : 280.00 ft		
Perforations					
From (ft)	To (ft)	Diameter or Slot Width (in)	Slot Length (in)	Hole or Slot Interval (in)	
240.00	260.00	0.030		3.00	
Perforated by Saw					
Annular Seal Bentonite Chips/Tables					
Placed from 0.00 ft to 143.00 ft					
Amount					
Other Seals					
Type				At (ft)	
Driven				143.00	
Shale Trap				143.00	
Screen Type					
Size OD : in					
From (ft)		To (ft)		Slot Size (in)	
Attachment					
Top Fittings			Bottom Fittings		
Pack					
Type					
Grain Size					
Amount					

Contractor Certification	
Name of Journeyman responsible for drilling/construction of well	Certification No
GORDON SCHNETTLER	1449A
Company Name	Copy of Well report provided to owner
AARTESIAN SERVICES INC.	Yes
	Date approval holder signed
	2009/04/04



Water Well Drilling Report

[View in Metric](#) [Export to Excel](#)

GIC Well ID 2023262
GoA Well Tag No.
Drilling Company Well ID
Date Report Received 2009/12/17

GOWN ID

The driller supplies the data contained in this report. The Province disclaims responsibility for its accuracy. The information on this report will be retained in a public database.

Well Identification and Location										Measurement in Imperial
Owner Name ORE, BRIAN		Address 320 ASH CLOSE		Town LEDUC		Province ALBERTA		Country CANADA	Postal Code T9E 0E2	
Location	1/4 or LSD 16	SEC 12	TWP 47	RGE 25	W of MER 4	Lot	Block	Plan	Additional Description	
Measured from Boundary of					GPS Coordinates in Decimal Degrees (NAD 83)					
1312.34 ft from North					Latitude 53.045061			Longitude -113.515546		
410.11 ft from East					How Location Obtained			How Elevation Obtained		
					Not Verified			Not Obtained		

Additional Information										Measurement in Imperial
Distance From Top of Casing to Ground Level 20.00 in										
Is Artesian Flow										
Rate igpm										
Is Flow Control Installed										
Describe										
Recommended Pump Rate 5.00 igpm										
Pump Installed										
Depth ft										
Recommended Pump Intake Depth (From TOC) 230.00 ft										
Type										
Make										
Model (Output Rating)										
Did you Encounter Saline Water (>4000 ppm TDS)										
Depth ft										
Well Disinfected Upon Completion										
Gas										
Depth ft										
Geophysical Log Taken										
Submitted to ESRD										
Sample Collected for Potability										
Submitted to ESRD										
Additional Comments on Well										

Yield Test				Taken From Top of Casing		Measurement in Imperial
				Depth to water level		
Test Date 2009/04/04	Start Time 3:00 PM	Static Water Level 123.00 ft		Pumping (ft)	Elapsed Time Minutes:Sec	Recovery (ft)
Method of Water Removal						
Type Air						
Removal Rate 10.00 igpm						
Depth Withdrawn From 275.00 ft						
If water removal period was < 2 hours, explain why						
				123.00	0:00	275.00
				275.00	1:00	230.00
				275.00	2:00	221.00
				275.00	3:00	212.00
				275.00	4:00	204.00
				275.00	5:00	197.00
				275.00	6:00	191.00
				275.00	7:00	185.00
				275.00	8:00	180.00
				275.00	9:00	176.00
				275.00	10:00	172.00
				275.00	12:00	164.00
				275.00	14:00	158.00
				275.00	16:00	152.00
				275.00	20:00	144.00
				275.00	25:00	134.00
				275.00	30:00	129.00
				275.00	35:00	124.00
				275.00	120:00	124.00

Water Diverted for Drilling		
Water Source NW-12-48-27-W4	Amount Taken 2000.00 ig	Diversion Date & Time 2009/04/01 8:00 AM

Contractor Certification		
Name of Journeyman responsible for drilling/construction of well GORDON SCHNETTLER	Certification No 1449A	
Company Name AARTESIAN SERVICES INC.	Copy of Well report provided to owner Yes	Date approval holder signed 2009/04/04