

BY-LAW NUMBER 2016/59

BY-LAW NO. 2016/59 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 an Area Structure Plan for Philip and Jacqueline Miquelon within SE 28-46-24-W4M Plan 7821447, Block 1 Lot 1, 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, as per Policy 6606, an Area Structure Plan has been prepared for SE 28-46-24-W4M Plan 7821447, Block 1 Lot 1.

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:

- (a) The document attached to this By-law as "Appendix A", together with accompanying maps, is hereby adopted as the Miquelon Area Structure Plan within SE 28-46-24-W4M Plan 7821447, Block 1 Lot 1.
2. This by-law comes into effect on the date of third reading.

READ: A First time this 13 day of October, A.D., 2016.

READ: A Second time this 13 day of October, A.D., 2016.

READ: A Third time and finally passed this 13 day of October, A.D., 2016.



REEVE



SECRETARY-TREASURER

Area Structure Plan for
SE 28-46-24-W4
County of Wetaskiwin

Owners: Kelly and Jacqueline Miquelon
Box 6271 Wetaskiwin, Alberta T9A 2E9

Introduction

Kelly and Jacqueline Miquelon own 20 acres in SE 28-46-24-W4, about a mile north-west of the City of Wetaskiwin, legally described as Lot 1 Block 1 Plan 782 1447. The location is shown on Map 1. They wish to divide 1 lot out of the 20 acres. This area structure plan (ASP) describes the location of the land, neighbouring land uses and proposed layout.

Location:

The property is located half a mile west of Peace Hills Park, in the same section as the Peace Hills Heights subdivision. It is a mile and a quarter west of Highway 2A and two miles north of Highway 13. Access is via Township Road 464, which is paved.

Statutory Documents affecting the land:

The property falls into the area covered by the Intermunicipal Development Plan (IDP) adopted by the City of Wetaskiwin as Bylaw 1420-98 and by the County of Wetaskiwin as Bylaw 98/66. Map 3 of the Intermunicipal Development Plan indicates that the Long Term Land Use as Unserved Residential (UR).

The acreage study and IDP boundaries are shown on Map 1. Land Use Bylaw 95/54 designates the land as Agricultural/Intermunicipal Development Plan (A/ID) district. Map 2 shows the current zoning on land in the vicinity. Currently, the lot is districted Rural Residential, therefore, any resulting lots will first require districting to Country Residential (CR).

The proposed lot will be subject to the County's Pavement and Per Lot Road Contribution Fee. (\$2000.00).

Use of nearby lands:

Residential acreages are the main land use in the area. Named subdivisions include Peace Hills (SW 27-46-24-4), Peace hills Heights (NE, NW and SE 28), and Country Club Estates (NW22). There are also many single-lot residential subdivisions. Municipal reserve parcels are scattered among the acreages.

South of the subject half section, the land is farmed. This mostly crop with some cattle on grass, but no intensive livestock operations.

At one time, sand was extracted from the north-west corner of SE 28. The land has since been levelled and seeded to grass and the only evidence is the discrepancy between 1976 contours and the present land surface.

Central Oilfield Services operates from a lot on SW 28.

Regulations by Senior Governments:

Senior governments have the power to restrict development where this is necessary to protect public health, safety or investment. Restrictions relevant to this property are shown on Map 3.

Waste disposal sites:

The provincial Subdivision and Development Regulations say that no residence may be built within 300 metres of an active or former waste disposal site and the Public Health Regulations say that water for human consumption cannot be taken from a well within 450 metres of the site.

The City of Wetaskiwin operates a waste disposal site on the south 80 acres of NW 27-46-24-4. Map 3 shows that the north-east corner of SE 28 is affected by these setbacks but the Miquelon property lies beyond them.

There are two existing houses on SE 28 inside the setback distances but these were built before the current regulations came into effect and are grandfathered.

The County of Wetaskiwin operates a waste transfer site on SW29 but it is a mile and a half west of the Miquelon property so it does not restrict development anywhere on SE or SW 28.

The City of Wetaskiwin at one time operated waste disposal sites in NW 15 and SE 21-46-24-4, but again these are far enough away that they do not restrict development on SE or SW 28.

Sewer Lagoons:

The City of Wetaskiwin's sewer lagoons are three miles east of the subject property, outside the 300m setback mandated in the Subdivision and Development Regulations.

Radio Tower:

There is a radio tower on Lot 1 Plan 912 0794 in NE 21-46-24-4, the quarter to the south of the subject property. This has not impeded development across the road to the east (NW 20, Country Club Estates) and it should have no effect on SE or SW 28.

Airports:

Wetaskiwin Regional Airport lies about a mile and a half south of the subject property. The runway is oriented 12/30. The normal circuits are shown on Map 3. They do not pass over the Miquelon property. The radio tower further restricts low altitude flying.

The Edmonton International Airport is about 35 km (22 miles) north. At this distance, aircraft will be flying several thousand feet above ground, too high to affect development in this area.

Stock Car Club:

As an existing stock car club is slightly over one mile west of the proposed lot, the land owners should satisfy themselves with this fact.

Oil and Gas Activity:

ALTALIS mapping shows no oil and gas pipelines within a mile of the subject property. Site investigation in November 2009 showed no active wells in the area.

ERCB records held by West Central Planning Agency show no abandoned oil or gas wells on the property. The closest abandoned well is 642 metres from the north-west corner of SE 28 on the north side of Peace Hills Heights.

Highways:

The property lies a mile west of Highway 2A and two miles north of Highway 13, so the Development Regulations give Alberta Transportation no authority over the property.

Livestock operations:

The Miquelon's own 15 chickens for personal use only and there are no other livestock operations on the said acreage. It does not appear that there are any Intensive Livestock Operations (ILOs) and Confined Feeding Operations (CFOs) within 800 metres of the proposed lot.

Present use of the land:

The subject lands were cleared for pasture many years ago. Pasture does not appear to be in good condition.

To the best of the owner's knowledge, the land has never been used for any activity which might have contaminated the soil or groundwater or caused any hazardous condition.

Soil Quality:

The Canada Land Inventory rates the soil on the subject property as 90% 3M and 10% 6M. The suffix M means that the soil has low moisture-holding capacity. Class 3 soils can grow a reasonable crop, but the quarter is cut up by numerous shallow drainage swales (the Class 6 soils) which make it impossible to cultivate and difficult to hay.

Historical and archaeological resources

In rural areas of Alberta, features of historical and archaeological interest are usually found adjacent to lakes and rivers, on hilltops and on land which was cleared before the time of white settlement. It is extremely unlikely that the subject land contains any features of historical or archaeological interest. However, as required by the provincial Subdivision and Development Regulations, a copy of this document has been sent to the Historical Resources Division of Alberta Community Development with a request for comments.

Drainage:

The City of Wetaskiwin provided contour maps of the area at a scale of 1:2400 with a two foot vertical interval. They were produced in July 1982 and are based on 1976 air photography. Map 5 simplifies these original maps by using a four foot vertical interval.

Shallow Water Table:

The owners engaged Sabatini Earth Technologies to investigate the shallow water table to see if the Miquelon land is suitable for house construction.

Sabatini drilled nine test holes on July 14, 2009. The holes were left for the water level to stabilize and the depth was read on July 29 and August 10.

Alberta Environment requires that a residential lot has a building site which is at least 1.6 metres (6 feet) above the standing water table during the frost free part of the year (to the end of August) and 2.4 metres (8 feet) during the remainder of the year. Sabatini found two holes where the water table was too close to the surface to be suitable for development. They used the nine holes to produce a map showing developable and undevelopable areas. Map 6 is based on those findings.

Sabatini found that seven of the nine test sites were suitable for standard septic tanks and fields. In more general terms, the Sabatini report shows that land under 2504 feet is undevelopable but will require testing and land above 2508 feet should present no problems.

Sabatini also tested for soil permeability. They found that all nine test sites met Albert Environment's guidelines.

Water supply:

The designated lot will have an individual well. A report on the aquifer has been prepared by Sabatini Earth Technologies dated July, 2009. A copy of the consultant's report has been forwarded to the County under separate cover.

Sabatini notes there is enough water for an additional lot on the quarter without depleting the supply to the existing users in the area.

Sewage Treatment:

As noted above, the Sabatini report shows that the soils are suitable for septic tanks and buried field systems. Provincial regulations allow this on lots of 1,850 square metres (about half an acre) or more and the proposed lot is more than three times that.

It should be noted that the results obtained from Sabatini Earth Technologies dated August, 2009, regarding septic treatment are only preliminary. Plumbing Inspection Services require a total of 3 percolation tests be performed on any lot chosen for sewage field system prior to the installation of a sewage field.

The current proposed lot is 1.78 acres. If additional lot area is required as a result of a high water table for field systems, the lot will be increased to accommodate this.

Storm Water Management:

Storm water will follow the same course as at present, flowing north in drainage ditches to the dug out shown on Map 5.

Map 7 shows the existing house site and the proposed 6600m² site on the south west corner of SE 28-46-24-4.