

BY-LAW NUMBER 2011/07

BY-LAW NO. 2011/07 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 Lots 2 & 3, Block 1, Plan 022 4376, (SE 34-47-27-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 Lots 2 & 3, Block 1, Plan 022 4376, (SE 34-47-27-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, 1994, 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 Lots 2 & 3, Block 1, Plan 022 4376, (SE 34-47-27-W4M).

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

READ: A First time this 14 day of April, A.D., 2011.

READ: A Second time this 14 day of April, A.D., 2011.

READ: A Third time and finally passed this 14 day of April, A.D., 2011.


REEVE


SECRETARY-TREASURER

APPLICATION TO SUBDIVIDE

Applicants:
Rod Thornborough and Marilyn Hawkins
Box 17, Site 3, R R 2
Thorsby, AB T0C 2P0

Ph: (780) 299-2336
(780) 800-4024
Email: mhawkins60@gmail.com

Legal Description: SE 34 47 27 W4M
Lots 2 & 3, Block 1, Plan 0224376

"APPENDIX A"
Thornborough/Hawkins Area Structure Plan

Registered Owners: Certificates of Title are attached for Lot 2 & Lot 3 (Appendix A)

Scope of Plan:

As permitted under Land Use By-Law 95.54, 20.4b (tree-covered land, Wizard Lake Watershed), we wish to:
subdivide existing Lot 3 (36 acres +/-) into two parcels Lot B and Lot C.
subdivide existing Lot 2 (25 acres +/-) into two parcels Lot A and county reserve land.

Summary of consultation with neighbours: Conversations with adjoining neighbours on lots 1, 4 and 5 have indicated no concerns or opposition to the proposed subdivision application. Applicants are registered owners of both Lot 2 and Lot 3

Land Use:

Location and type of proposed uses: As the registered owners of Lot 3, we would like to sell the existing house with the accompanying 17.4 +/- acres and keep 20.4 +/- acres as separate title for our use.

Summary and Compatibility of adjacent uses: The applicants wish to keep the undeveloped Lot C, 20.4 acres to enjoy under its Watershed zoning. We have developed walking trails in the forest throughout the two lots. By subdividing the 36 acres, we will continue to have access to most of our walking trails and can continue our stewardship of the forest and our paths. We feel that this proposed subdivision will not interfere with, or affect the use, enjoyment or value of neighboring parcels of land.

Number of lots: This proposed subdivision will make 6 lots and 6.1 acres of County Reserve land on the ¼ section. The applicants have no interest in future subdivision plans beyond this request.

Existing Land Uses: As shown on the map, no conflicts should arise from the proposed development. The site is bordered by residential acreage lots to the north and west and farm/pasture to the south and east. The proposed lot conforms to the use prescribed for this land under the land use by-law and is consistent with the land use policies. Appendix B

Reserves

The ASP and subsequent subdivision will allow for reserve land to be taken immediately. Adoption of the ASP will enable the deferred parcels (2.5 + 3.6 acres) to be amalgamated into one 6.1 acre parcel of land with road frontage on Range Road 272. The municipality will remove the caveat concerning the deferred reserve on Lot 3.

Transportation and Access

Description of all roads and highways in vicinity: Lot 2 is currently a rectangle with two road frontages (Range Road 272 and Township Road 475. Lot 3 is currently also rectangular in shape with road access from Township Road 475.

Policy #6615: We acknowledge that, a per road contribution fee of \$2000.00 can be required for one lot in a multi-parcel subdivision application. This application is not for the subdivision of multi-parcels; only one lot will be subdivided upon adoption of the area structure plan.

Proposed accesses: Lot A will continue to have access off of Twp Rd 475. Both Lot C and the county reserve land will have access from Rge Rd 272. The proposed road approach has good visibility and will be approximately 393m north of the SE property marker. This subdivision will not interfere with any future road accesses, if so desired, by adjoining property owners. Appendix C

At the time of subdivision, an agreement will be entered into regarding the 26 metre wide panhandle and registered by way of caveat.

Utilities and Servicing

Existing Utilities and servicing: There is power, telephone and natural gas to the existing homes. There are no other services on the property.

Environment

General description of property: The property is heavily treed and gently rolling. There is high ground for building sites and the property slopes towards Rge Rd 272. There are no streams or creeks on the land. Slope stability is n/a. (Machibroda Engineering report, 2.2) Appendix D

Physical constraints to development: We know of no constraints to development or building sites other than the watershed land use by-law. The Groundwater Table Evaluation shows that there is not a high water table that would constrict development (Machibroda Engineering Report, 5.1) Appendix D

Water and sanitary sewage: All proposed lots will be large enough to sustain an on-site sewage disposal system. Because the proposed lots are suitable for onsite sewage disposal, the Mulhurst sewage lagoon expansion offsite levy will not apply. The Groundwater Table Evaluation has indicated that the "subsurface soils vary across the site" with suitable sites for septic treatment fields. (Machibroda Engineering Report 4.3, 5.2) Appendix D

Stormwater drainage and management: There is an existing large 82cm diameter culvert that runs under Rge Rd 272 (227m north of Twp Rd 475) to drain water away to the east. The ¼ section has a natural slope draining water into the culvert and away from the property. There has never been any concern with stormwater management and the exiting culvert has always performed effectively and efficiently.

Water Supply: There is adequate water supply. Based on the investigation, "the groundwater underlying the proposed subdivision can supply water for household purposes to each proposed residential lot" (Machibroda Engineering Report, 4.4.2, 5.3) Included in the report is a preliminary Groundwater Assessment (review of existing well data in the area by Alberta Environment) and a detailed Groundwater Assessment (verifying that the current Alberta Environment standard of 1,250 cubic metres of water per year is available to each individual lot). Appendix D

Attachments:

Appendix A: Land Title Certificate

Appendix B: Subdivision Plan

Appendix C: Sketch of Development showing dimensions

Appendix D: P. Machibroda Engineering Ltd. report and letter

APPENDIX A
CERTIFICATE OF TITLE



LAND TITLE CERTIFICATE

S
LINC
0029 399 938 SHORT LEGAL
0224376;1;3

TITLE NUMBER
022 353 993

LEGAL DESCRIPTION
PLAN 0224376
BLOCK 1
LOT 3
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 14.7 HECTARES (36.32 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE
ATS REFERENCE: 4;27;47;34;SE

MUNICIPALITY: COUNTY OF WETASKIWIN NO. 10

REFERENCE NUMBER: 022 286 228 +1

REGISTERED OWNER(S)				
REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
022 353 993	19/09/2002	TRANSFER OF LAND	\$50,000	NOMINAL

OWNERS

RODNEY JAMES THORNBOROUGH

AND

MARILYN JANE HAWKINS

BOTH OF:

BOX 17, SITE 3, R R 2

THORSBY

ALBERTA T0C 2P0

AS JOINT TENANTS

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER

DATE (D/M/Y)

PARTICULARS

PAGE 2

022 353 993

022 258 285 16/07/2002 CAVEAT
RE : DEFERRED RESERVE
CAVEATOR - THE COUNTY OF WETASKIWIN NO. 10.
WEST CENTRAL PLANNING AGENCY
#105, 5111-50 AVENUE
WETASKIWIN
ALBERTA
AGENT - ROBERT H. RIDDETT

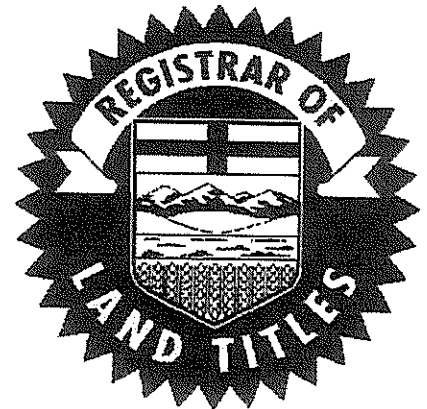
022 333 039 06/09/2002 UTILITY RIGHT OF WAY
GRANTEE - BUCK MOUNTAIN GAS CO-OP LTD.

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE
REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED
HEREIN THIS 1 DAY OF JUNE, 2010 AT 04:23 P.M.

ORDER NUMBER:16664711

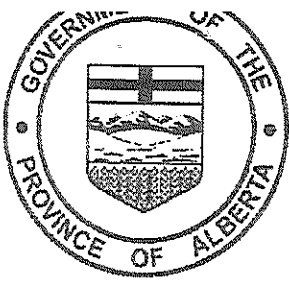
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END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE
SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS
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THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
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OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL
PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR
THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC
0029 399 920
SHORT LEGAL
0224376;1;2

TITLE NUMBER
022 353 932

LEGAL DESCRIPTION
PLAN 0224376
BLOCK 1
LOT 2
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 10.19 HECTARES (25.18 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE
ATS REFERENCE: 4;27;47;34;SE

MUNICIPALITY: COUNTY OF WETASKIWIN NO. 10

REFERENCE NUMBER: 022 286 228

REGISTERED OWNER(S)				
REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
022 353 932	19/09/2002	TRANSFER OF LAND	\$40,000	NOMINAL

OWNERS

RODNEY JAMES THORNBOROUGH

AND
MARILYN JANE HAWKINS
BOTH OF:
BOX 17, SITE 3, R.R. #2
THORSBY
ALBERTA T0C 2P0
AS JOINT TENANTS

[CONTINUED]

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

PAGE 2
022 353 932

NUMBER DATE (D/M/Y) PARTICULARS

022 258 284 16/07/2002 CAVEAT
RE : DEFERRED RESERVE
CAVEATOR - THE COUNTY OF WETASKIWIN NO. 10.
WEST CENTRAL PLANNING AGENCY
#105, 5111-50 AVENUE
WETASKIWIN
ALBERTA
AGENT - ROBERT H. RIDDETT

022 333 038 06/09/2002 UTILITY RIGHT OF WAY
GRANTEE - BUCK MOUNTAIN GAS CO-OP LTD.

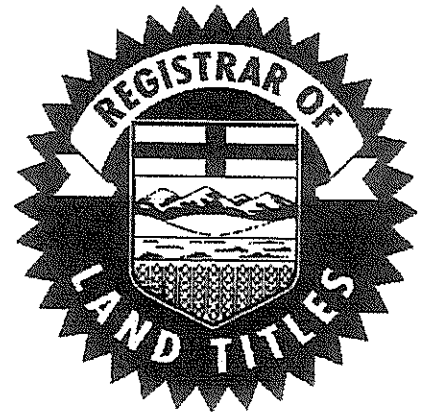
092 284 146 14/08/2009 MORTGAGE
MORTGAGEE - ALBERTA TREASURY BRANCHES.
4821-50 AVE
LEDUC
ALBERTA T9E6X6
ORIGINAL PRINCIPAL AMOUNT: \$150,000

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE
REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED
HEREIN THIS 2 DAY OF JUNE, 2010 AT 09:06 A.M.

ORDER NUMBER:16666749

CUSTOMER FILE NUMBER: cc897kd

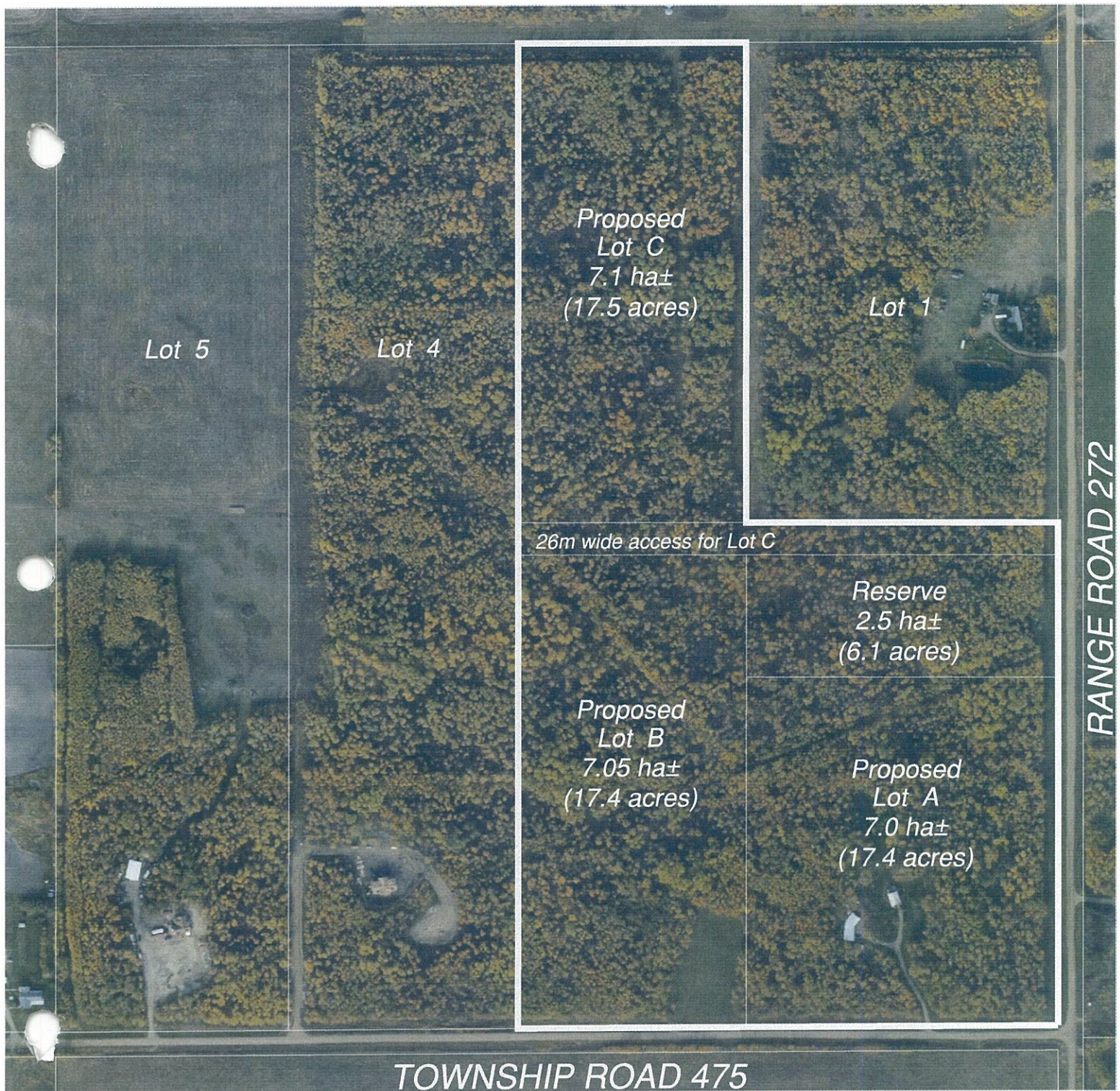


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THE BENEFIT OF CLIENT(S).

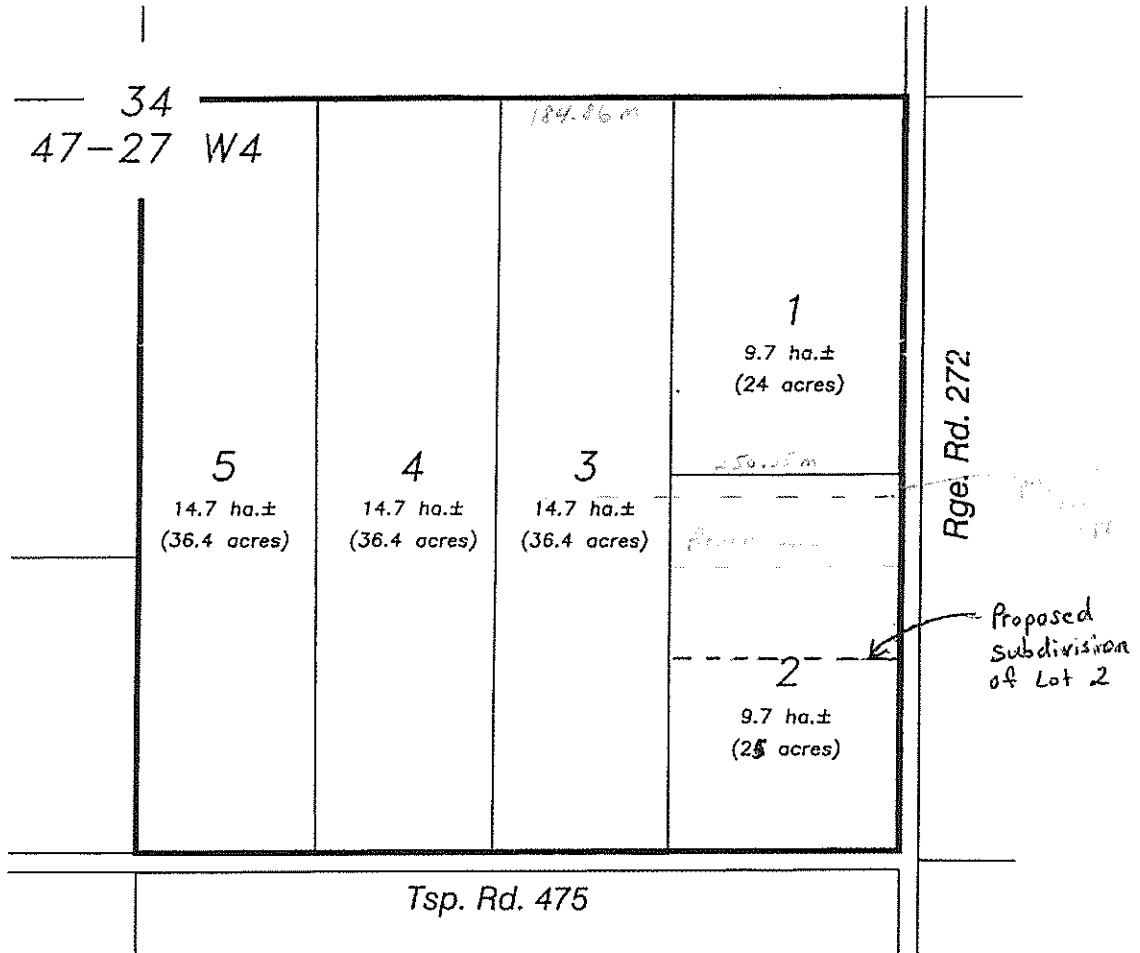
APPENDIX B
SUBDIVISION PLAN



SE34-47-27 W4
Lots 2 & 3 Block 1 Plan 022 4376

APPENDIX C
SKETCH OF DEVELOPMENT

Sketch showing Proposed Subdivision in the County of Wetaskiwin



Scale
1:8000

Dimensions are in metres and are approximate

APPENDIX D
MACHIBRODA ENGINEERING LTD. REPORT