

## **BY-LAW NUMBER 2008/37**

BY-LAW NO. 2008/37 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 the area known as Doug and Bev Schneider's Area Structure Plan (NW 19-46-27-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, as per Policy 6606, an Area Structure Plan has been prepared for NW 19-46-27-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, 2000, Chapter M-26.1, and amendments thereto.


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

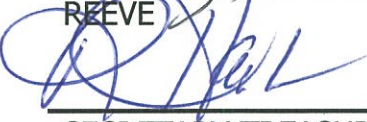
- (a) The document attached to this By-law as "Appendix A", together with accompanying maps, is hereby adopted as the *"Doug and Bev Schneider's Area Structure Plan in NW 19-46-27-W4M"*.
2. This by-law comes into effect on the date of third reading.

READ: A First time this 12<sup>th</sup> day of June, A.D., 2008.

READ: A Second time this 12<sup>th</sup> day of June, A.D., 2008.

READ: A Third time and finally passed this 12<sup>th</sup> day of June, A.D., 2008.

  
\_\_\_\_\_  
REEVE

  
\_\_\_\_\_  
SECRETARY-TREASURER

**Proposed**

**AREA STRUCTURE  
PLAN**

**NW 19-46-27-4**

**Submitted by:**

**Doug and Bev Schneider, Landowners**

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1

## **Area Structure Plan**

**NW 19-46-27-4**

**Submitted by Doug & Bev Schneider, landowners**

### **Introduction**

The subject property is located east of secondary road 780 and adjoins the Wicked Witch Golf Course on the South East corner. The quarter section has a treed ravine that causes a natural division that requires two approaches for access. The building site on the south portion of the quarter section amounting to 3.58 acres was previously subdivided.

The north portion of the quarter section, which is the subject of this area structure plan, amounts to 27.23 ha. (67.29 acres). The subdivision was approved with conditions carried out to the satisfaction of the County of Wetaskiwin. The one parcel subdivision was registered with Land Titles February 9<sup>th</sup>, 2007 with the legal description being Plan 0721067, Block 2, Lot 1.

Rezoning from "Agriculture" to "Country Residential" was approved September 21, 2005.

Map 1 is a Location Map showing subject lands.

### **Municipal Jurisdiction**

The subject land is under the jurisdiction of the County of Wetaskiwin. The land directly west of secondary road 780 is part of the Four Nations Reserve.

### **Physical Features**

The subject land is relatively flat and includes 20 acres that is an abandoned gravel pit. The Assessment rating for the entire quarter section provided by the County of Wetaskiwin is as follows:

68.00 acres – 49.4%  
42.00 acres – 44.4%  
20.00 acres - 9.0% (abandoned gravel pit) – subject land  
22.42 acres – 5.5% (bush)

The ravine is deep and wide and is wet during rainy times and crosses the land diagonally creating a natural subdivision. There is no access across this ravine and two approaches off of secondary road 780 are currently necessary for access to the north and south parcels.

### **Present Land Uses**

The land is currently leased on a yearly basis for grazing, however, the poor soil quality on the subject land (rated 37) does not supply sufficient pasture to sustain cattle for a season. The entire

quarter section, except for the 3.58-acre original building site, is owned by the above landowners. Their decision is to concentrate development on the north side of the ravine and to retain the remaining 85 acres as a single parcel.

### **Constraints and Opportunities to Subdivision**

The County of Wetaskiwin's standards for the preparation of area structure plans require the developer to identify any conflicting land uses.

*Confined feeding operations:* There are no CFOs within two kilometers of the subject land.

*Airfields:* There are no airports anywhere near the subject land; the closest airport is Wetaskiwin, 35 km east.

*Sour gas facilities:* Alberta Energy and Utilities Board has confirmed there are no sour gas wells in the requested area: NW 19-46-27-W4.

There are two abandoned oil/gas wells that are shown on the proposed subdivision plan. Lots have been configured for placement of these abandoned wells close to property lines to ensure maximum setbacks are maintained for development.

There are two existing gas pipelines that will require compliance as to set backs when several of the lots are developed.

There is an existing efficient road system in place.

The proposed subdivision represents one of a few parcels that enjoy good highway access as well as proximity to the recreational amenities, such as the Pigeon Lake shore, two miles to the west of this property and local golf courses.

There is a natural area and ravine that will be proposed as a dedicated environmental reserve easement against individual titles.

The proposed subdivision will not have a negative environmental impact on Pigeon Lake. Alberta Environment's Atlas of Alberta lakes shows the land to be located outside the Pigeon Lake watershed. In the event of a sewage problem, Pigeon Lake would not be affected.

Increased values will substantially increase tax revenues.

### **Boundaries of Adjacent Municipalities and Referral**

The subject land is not adjacent to any other municipality and would not be included in the Intermunicipal Development Plan between the County of Wetaskiwin and the Summer Villages of Crystal Springs, Norris Beach, Poplar Bay and Grandview.

The subject land is adjacent to the Four Nations Reserve and secondary highway 780.

As per the **Tentative Plan for Proposed Subdivision**, there would not be direct highway access from the subdivision. Access would be via a keyhole turnaround onto an undeveloped

government road allowance. The current direct access to SR 780 will be eliminated under the proposed plan.

Alberta Transportation has no objections to the proposed subdivision plan and does not require a traffic study.

## **Road Standards**

Roads will be built to rural standards with gravel surfaces. Approaches and culverts will also conform to rural standards and ditches will remove storm water. Post development flow is not anticipated to exceed pre-development flows.

- Township Road 464 to be built to County Standards by the developer.
- Internal road to be 20 metres wide with 5 metre utility right of way on each side.
- The internal road alignment is adjacent to and alongside the unregistered right of way. This alignment does not require any right of way crossings other than private driveways that will be the responsibility of the lot owner.
- Development setback from internal road is 8 metres.
- Alberta Transportation setback from SR 780 is 70 metres from the centerline.

It is requested that the \$2,000.00 per lot road contribution fee be waived as construction of the TWP Road 464 from subdivision access to Highway 780 will be constructed by the Developer to County and Alberta Infrastructure and Transportation Standards.

## **Water Supply**

The developer will satisfy Section 23 of the water act, providing a well pump test verifying the adequacy of water supply for the proposed lots. The pump test and results of same will be provided with the application for subdivision.

## **Fire Protection**

A fire pond will be constructed at the north west corner of the proposed subdivision in order to capitalize on the natural surface drain route allowed for in the proposed development design. The location will be located a minimum 30 metres from both the Township road and future internal road rights of way. The fire pond will have a capacity of 540 cubic metres (118,000 gals) for fire fighting purposes. Fire service if ever required would come from the Emergency Services Building located on Highway 13, west of the Village. Because the subject lands are cleared, any risk of fire damage to buildings is minimal. In order to reduce the risk of fire, a Restrictive Covenant will be registered against individual titles to ensure lot maintenance and building standards are maintained.

A 6 metre wide Public Utility Lot (PUL) will be created to provide a secondary exit route from the dead end cul-de-sac to TWP Road 464 to further insure public safety.

## **Drainage**

The Proposed Subdivision Plan shows the south boundary of Lot 18 follows a surface drainage route. A 3 metre drainage easement can be applied to the south limit of lot 18 and the north limit

of Lot 17. Contour plans are being prepared from aerial photography that will assist in identifying existing drainage patterns.

Country subdivisions with large lot areas such as these do not usually present surface runoff problems unless they are located on terrain with severe slopes. This terrain is nearly flat at all the building sites consequently we anticipate no flooding problems.

### **Sewer Service**

Lots proposed will be larger than .4 ha or 1 acre, to comply with the Alberta Private Sewage Systems Standard of Practice for on-site sewage disposal and requirements of the County of Wetaskiwin. The proposed subdivision will drain into Pigeon Creek that in turn flows away from Pigeon Lake thus eliminating the concern of environmental contamination of the lake.

To further ensure no contamination results from the proposed development the developer will ensure that an agreement and caveat is placed on properties requiring a Utility Right of way for a future regional line. Any future development must include a provincially approved wastewater disposal system.

When a regional system is approved and installed around the lake, mandatory hook up is then required.

### **Municipal Reserves**

The developer agrees that the ravine to the upper bank on the proposed lots be designated Environmental Reserve as provided for under the Municipal Government Act, Section 664(1). Total area of the Environmental Reserve amounts to 12.2 ha (30 acres) or 44% of the total 67.29 acres of the proposed development.

The developer proposes that municipal reserves be satisfied by the large designation of Environmental Reserve.

### **Tentative Plan of Subdivision – Maps 2 and 3**

Tentative Plan prepared by Jim E. Lysons, P.Eng., ALS, CLS, Ponoka, AB is included. The tentative plan provides for 18 parcels with a key hole access road.

- The lot design will incorporate the two abandoned wells along the sides of rather than the center of a lot. A Certificate of Reclamation was issued to Dorchester exploration, Inc. in 1977 for the one wellsite. The second well was abandoned in 1954 and as there was no requirement for a reclamation certificates until June 1, 1964, no certificate was ever issued for this site. Verification reports attached.
- The lot design creates 17 lots all of which are .4 (1 acre) or more, satisfying minimum onsite sewage disposal requirements.
- A 6 metre wide Public Utility Lot (PUL) is created between Lots 5 and 7 from the end of the cul-de-sac to TWP Road 464 as a potential exit route from a dead end cul-de-sac.
- There will be a 5 metre setback of the property line from the upper bank of the ravine pending site verification. The stability of the soil structure allowing construction to this limit is verified by a letter from an Engineer. Location of the upper bank of the ravine

will be verified with a contour plan. Geotechnical assessment from an Engineer will be provided prior to subdivision approval.

- In conjunction with subdivision approval, a restrictive covenant shall be placed on lots abutting the bank restricting any unnatural subsurface drainage in the area between the structure and the high bank. This includes the use of stormwater downspouts and underground watering systems to prevent bank failure.
- The lands 5 metres back of the top of bank down to the south property line which encompasses the ravine, recharge meadow, creek and pond be designated as Environmental Reserve.
- A drainage easement will be incorporated into the lot design of the subdivision.
- A fire pond will be constructed next to the interior road entrance and within required setbacks to utilize the natural surface drainage.
- Lot development and use to follow the Regulations of the County of Wetaskiwin Land Use Bylaw.

### **Zoning**

The 85 acres south of the ravine are zoned Agricultural under the County of Wetaskiwin Bylaw 95/54. The subdivided parcel being Plan 0721067, Lot 1, Block 2 is zoned Country Residential.

### **Public Input Plan**

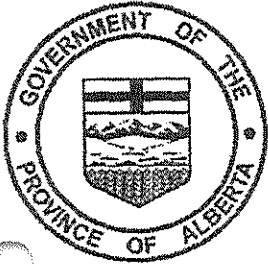
Public hearing process as defined under the Municipal Government Act to be carried out by the County of Wetaskiwin.

Conversation with the owner of the acreage directly to the south of the ravine indicated no objections to the proposed development.









3.a.

(1)

# LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL                      TITLE NUMBER  
0032 243 248            4;27;46;19;NW            072 080 155 +1

## LEGAL DESCRIPTION

MERIDIAN 4 RANGE 27 TOWNSHIP 46  
SECTION 19  
QUARTER NORTH WEST  
CONTAINING 64.7 HECTARES (160 ACRES) MORE OR LESS,  
EXCEPTING THEREOUT:

		HECTARES	(ACRES)	MORE OR LESS
A) PLAN 7520834	ROAD	1.62	4.0	
B) PLAN 0123502	DESCRIPTIVE	1.45	3.58	
C) PLAN 0721067	SUBDIVISION	27.23	67.29	

EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: FEE SIMPLE

MUNICIPALITY: COUNTY OF WETASKIWIN NO. 10

REFERENCE NUMBER: 032 151 739

REGISTRATION	DATE(DMY)	DOCUMENT TYPE	REGISTERED OWNER(S)	VALUE	CONSIDERATION
072 080 155	09/02/2007	SUBDIVISION PLAN			

OWNERS

DOUGLAS ROBERT SCHNEIDER

AND  
BEVERLY ANN SCHNEIDER  
BOTH OF:  
256 GRANDVIEW, R.R. 1  
WESTEROSE  
ALBERTA T0C 2V0  
AS JOINT TENANTS

( CONTINUED )

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ENCUMBRANCES, LIENS & INTERESTS

PAGE 2  
# 072 080 155 +1

REGISTRATION

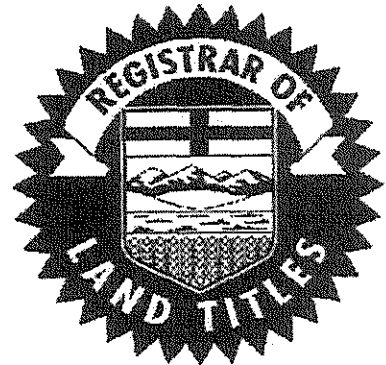
NUMBER	DATE (D/M/Y)	PARTICULARS
7188VC	09/01/1975	CAVEAT CAVEATOR - THE COUNTY OF WETASKIWIN NO. 10.
752 032 658	02/04/1975	UTILITY RIGHT OF WAY GRANTEE - ATCO GAS AND PIPELINES LTD.. 10035-105 ST EDMONTON ALBERTA T5J2V6 (DATA UPDATED BY: TRANSFER OF UTILITY RIGHT OF WAY 012025495)
772 243 570	05/12/1977	CAVEAT CAVEATOR - PLAINS-WESTERN GAS & ELEC CO LTD.
022 038 917	31/01/2002	CAVEAT RE : RIGHT OF WAY AGREEMENT CAVEATOR - BLUE PARROT RESOURCES INC.. 2050 736 6 AVENUE SW CALGARY ALBERTA T2P3T7 AGENT - JOHN W BENSON
032 151 740	02/05/2003	MORTGAGE MORTGAGEE - FARM CREDIT CANADA. 1200, 10250-101 STREET EDMONTON ALBERTA T5J3P4 ORIGINAL PRINCIPAL AMOUNT: \$112,500

TOTAL INSTRUMENTS: 005

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE  
REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED  
HEREIN THIS 3 DAY OF APRIL, 2007 AT 08:08 A.M.

ORDER NUMBER:7878924

CUSTOMER FILE NUMBER:



\*END OF CERTIFICATE\*

( CONTINUED )



3. b. (2)

LAND TITLE CERTIFICATE

S  
LINC                      SHORT LEGAL                      TITLE NUMBER  
0032 243 256              0721067;2;1              072 080 177

LEGAL DESCRIPTION  
PLAN 0721067  
BLOCK 2  
LOT 1  
EXCEPTING THEREOUT ALL MINES AND MINERALS  
AREA: 27.23 HECTARES (67.29 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE  
ATS REFERENCE: 4;27;46;19;NW

MUNICIPALITY: COUNTY OF WETASKIWIN NO. 10

REFERENCE NUMBER: 072 080 155

REGISTERED OWNER(S)				
REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
072 080 177	09/02/2007	TRANSFER OF LAND	\$67,000	\$67,000

OWNERS

269822 ALBERTA LTD..  
OF 256 GRANDVIEW, R.R. #1  
WESTEROSE  
ALBERTA TOC 2V0

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION		
NUMBER	DATE (D/M/Y)	PARTICULARS
7188VC	09/01/1975	CAVEAT CAVEATOR - THE COUNTY OF WETASKIWIN NO. 10.
752 032 658	02/04/1975	UTILITY RIGHT OF WAY

( CONTINUED )

-----  
ENCUMBRANCES, LIENS & INTERESTS

PAGE 2  
# 072 080 177

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

-----  
GRANTEE - ATCO GAS AND PIPELINES LTD..  
10035-105 ST  
EDMONTON  
ALBERTA T5J2V6  
(DATA UPDATED BY: TRANSFER OF UTILITY RIGHT  
OF WAY 012025495)  
  
772 243 570 05/12/1977 CAVEAT  
CAVEATOR - PLAINS-WESTERN GAS & ELEC CO LTD..  
  
022 038 917 31/01/2002 CAVEAT  
RE : RIGHT OF WAY AGREEMENT  
CAVEATOR - BLUE PARROT RESOURCES INC..  
2050 736 6 AVENUE SW  
CALGARY  
ALBERTA T2P3T7  
AGENT - JOHN W BENSON  
  
032 151 740 02/05/2003 MORTGAGE  
MORTGAGEE - FARM CREDIT CANADA.  
1200, 10250-101 STREET  
EDMONTON  
ALBERTA T5J3P4  
ORIGINAL PRINCIPAL AMOUNT: \$112,500  
  
072 080 172 09/02/2007 CAVEAT  
RE : DEVELOPMENT AGREEMENT PURSUANT TO MUNICIPAL  
GOVERNMENT ACT  
CAVEATOR - THE COUNTY OF WETASKIWIN NO. 10.  
BOX 6960, WETASKIWIN  
ALBERTA T9A2G5

TOTAL INSTRUMENTS: 006

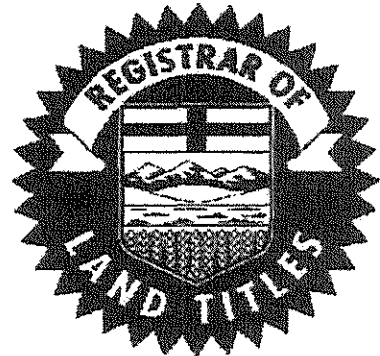
THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE  
REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED  
HEREIN THIS 28 DAY OF FEBRUARY, 2007 AT 11:20 A.M.

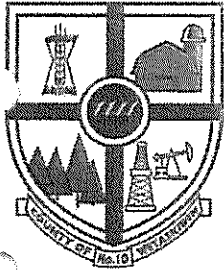
ORDER NUMBER: 7577221

CUSTOMER FILE NUMBER: F1181

\*END OF CERTIFICATE\*

( CONTINUED )





## County of Wetaskiwin No. 10

Strong Proactive Leadership • Safe Progressive Communities

4  
P. O. Box 6960, Wetaskiwin, AB T9A 2G5  
Phone: (780) 352-3321  
Fax: (780) 352-3486  
www.county.wetaskiwin.ab.ca

January 23, 2007

File: 2370.00 S

SENT VIA FAX, ORIGINAL TO REMAIN ON FILE

West Central Planning Agency  
Suite 105, 5111 - 50th Avenue  
Wetaskiwin, Alberta T9A 0S5

**ATTENTION: R.H. RIDDETT**

Dear Mr. Riddett:

RE: PROPOSED SUBDIVISION RW/06/13  
NW 19-46-27-W4M - Douglas & Bev Schneider

COPY

We advise that the following conditions of subdivision approval have been carried out to the satisfaction of the County of Wetaskiwin No. 10:

1. Condition #3.1 - Development Agreement has been entered into.
2. Condition #4 - Taxes have been paid.

Please ensure all other remaining conditions of subdivision approval are met to your satisfaction.

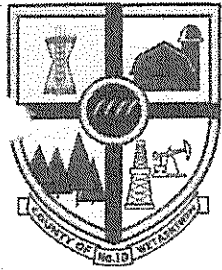
Should you require further clarification or information in this regard, please contact the undersigned.

Yours truly,

DAVID BLADES, A. Sc.T., LGA  
Director of Planning & Economic Development

:mlc

cc Douglas & Beverly Schneider - 256 Grandview, R.R.#1, Westeros, AB T0C 2V0  
Pat Dumont, Supervisor of Assessment



## County of Wetaskiwin No. 10

P. O. Box 6960, Wetaskiwin, AB T9A 2G5  
Phone: (780) 352-3321  
Fax: (780) 352-3486  
www.county.wetaskiwin.ab.ca

Strong Proactive Leadership • Safe Progressive Communities

September 21, 2005

File: 2370.00 S

Doug & Bev Schneider  
256 Grandview  
RR 1  
Westerose, AB T0C 2V0

Dear Mr. & Mrs. Schneider:

**RE: REZONING APPLICATION – NW 19-46-27-W4M**

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Please be advised that the proposed rezoning for NW -19-46-27-W4M from Agricultural to Country Residential was presented to Council for consideration at their regular meeting held September 13, 2005.

At that time, the rezoning of approximately 40 acres (16.1 hectares) was approved.

Should you have any questions or concerns, please contact the undersigned.

Yours truly,

DAVID BLADES, A. Sc.T., LGA  
Director of Planning & Economic Development

:dkr

cc Correspondents / Delegates in Attendance at Hearing



6

**Bev Schneider**

---

**From:** "Susan Scullion" <susan.scullion@gov.ab.ca>  
**To:** <beverlys@telusplanet.net>  
**Sent:** Wednesday, September 01, 2004 3:26 PM  
**Subject:** Request for Sour Gas Wells

Hi Bev, There are no sour gas wells in the requested area: NW 19-46-27-W4

Thanks,

Sua

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail.

9/2/2004

7.a

**ENVIRONMENTAL LAW CENTRE**

Suite 800, 10025 - 106 Street, Edmonton, AB T5J 1G4

Phone: (780) 424-5099 Fax: (780) 424-5133

E-Mail: [elc@elc.ab.ca](mailto:elc@elc.ab.ca) Home Page: <http://www.elc.ab.ca>

May 1, 2008

Our File: 018642

Ms Bev Schneider  
269822 Alberta Ltd.  
256 Grandview RR1  
Westrose, AB T0C 2V0

Dear Ms Schneider:

**RE: Search Requested - 13-19-46-27 w4m**

In response to your request of April 30, 2008, we have searched the Wellsite Reclamation Historical Search Service database for the following quarter section of land:

**W4-27-046-19 NW1/4**

and can advise that as of today's date, the reclamation actions listed in the attached report have been issued under the "Alberta Environmental Protection and Enhancement Act" and its predecessor legislation, the "Land Surface Conservation and Reclamation Act", and the "Surface Reclamation Act" since 1963. This search is limited to the following reclamation actions: Reclamation Certificates (applied for, issued and cancelled); Reclamation Orders and Conservation and Reclamation Notices.

Information offered by the Wellsite Reclamation Historical Search Service is limited to wellsites, oil production sites, pipelines, compressor sites and some sand and gravel operations on Alberta private land, Special Areas Board land constituted under the "Special Areas Act" and Metis Settlements established under the "Metis Settlements Act". Not included are coal or oil sands mines or exploration sites.

These search results are based on information provided by Alberta Environment ("AENV"). AENV advises that they try to provide the best information possible. However, AENV advises that it cannot guarantee that the information provided is complete or accurate and that any person relying on these search results does so at their own risk.

Information about Environmental Protection Orders, Emergency Environment Protection Orders and Enforcement Orders issued under the "Alberta Environmental Protection and Enhancement Act" can be obtained by searching the Environmental Enforcement Historical Search Service database through the Environmental Law Centre.

Yours sincerely,



for Cindy Dewing  
Wellsite Reclamation Search Service Coordinator  
/id  
Encl.

**ENVIRONMENTAL LAW CENTRE**

Suite 800, 10025 - 106 Street, Edmonton, AB T5J 1G4

Phone: (780) 424-5099 Fax: (780) 424-5133

Home Page: <http://www.elc.ab.ca> E-Mail: [elc@elc.ab.ca](mailto:elc@elc.ab.ca)**WELLSITE HISTORICAL SEARCH SERVICE**

Legal Description	Reclamation Certificate Action	Description	Company / Operator	Date Received	Status	Status Date
W4-27-046-19-NW-13	Certificate: 54-17006	DORCHESTER BONNIE GLEN 13-19-46-27	Dorchester Exploration, Inc.	28-Jul-1977	Issued	28-Oct-1977

<b>Report Run:</b> May 1, 2008 1:24 PM  Page 1 of 1	<b>Report Issued:</b> Land Summary Report	<b>Reclamation Certificate Codes:</b>  Certificate: Reclamation Certificate Appeal: Appeal before the Environmental Board C/R Notice: Conservation and Reclamation Notice Order: Reclamation Order  Enforcement: Environmental Protection Order or Emergency Environmental Protection Order or Enforcement Order
---	--	---

Crystal Springs

7.6

**From:** "Wendy Jones" <Wendy.Jones@gov.ab.ca>  
**To:** <bevschneider@xplornet.com>  
**Sent:** May 6, 2008 1:34 PM  
**Subject:** FW: 13-19-46-27-4

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**From:** Wendy Jones  
**Sent:** Friday, May 02, 2008 1:51 PM  
**To: Subject:** 13-19-46-27-4

Hi Bev just to confirm our conversation there are 2 wellsites located in Lsd 13 one you have the information on the certificate that was issued to Dorchester Exploration, Inc. in 1977. The second well is an Imperial Oil wellsite and that well was abandoned in 1954. There was no requirement for a reclamation certificate until June 1, 1963 so no certificate was ever issued for this site

Hope this is sufficient.

*Wendy Jones*

Regulatory Approvals Centre  
9th Floor, Oxbridge Place  
9820 - 106 ST  
EDMONTON AB T5K 2J6  
Phone: (780) 427-7271  
Fax: (780) 422-0154

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06/05/2008

JIM E. LYSONS, P.ENG. ALS, CLS RR3, PONOKA, AB. T4J1R3  
403.783.6756 FAX403.783.4793 lysonsj@telusplanet.net

8

269822 ALBERTA LIMITED  
#256 GRANDVIEW  
RR 1  
WESTEROSE, AB.  
TOC 2V0

APRIL 02, 2007  
FILE 1222  
Your file

ATTEN: DOUG/BEV SCHNEIDER

RE: BUILDING SETBACK FROM BANK TOP

It is my opinion that no slope failure will jeopardize the stability of a structure located beyond a ten metre setback from the top of the high bank along the west side of the small valley bordering the southeast limit of your subdivision, known as subdivision plan 072 1067, PROVIDED no unnatural subsurface drainage is directed in the area between any structure and the high bank.

Sincerely,

*J. E. Lysons*  
J. E. Lysons,  
P.Eng.

RESTRICTIVE COVENANT

The intent of this Restrictive Covenant is to make best efforts to maintain a standard of quality in the community, and mutually respect the interests of neighboring lots.

Whereas 269822 Alberta Ltd. is the registered Owner of all Lots described as:

(Name of Subdivision) consisting of Lots 1 through and including Lot 18 in the Proposed New Subdivision within the W4M-27-46-19NW, Plan #072 1067

And Whereas Section 48 of the Land Titles Act, R.S.A. 2000, c. L-4 provides that an Owner may grant to himself a Restrictive Covenant for the benefit of land he owns against other lands which he owns and the Restrictive Covenant may be registered under the said Act;

And Whereas it is to the benefit and common advantage of 269822 Alberta Ltd. and all persons who later acquire title to the Lots, to cause this Restrictive Covenant to be made registered to establish certain minimum development standards;

Now Therefore this restrictive Covenant Witnesses that:

1. The registered owner hereby creates and will register a Restrictive Covenant as per the Schedule attached hereto, on all lands hereby described.
2. This Restrictive Covenant and these conditions shall run with and be legally annexed to the said lands and shall extend to, and be binding upon, and inure to the benefit of the undersigned, being the registered owner in fee simple of the said lands; and every purchaser or transferee from the undersigned, their respective heirs, administrators, executors, successors and assigns, respectively.; and every person deriving title from them; until such time as this Restrictive Covenant shall be withdrawn, altered or modified by all the owners of the said lands or by order of the court.

IN WITNESS WHEREOF 269822 ALBERTA LTD. has hereunto caused to be affixed its corporate seal and signed by its proper officer in that behalf this       day of       , 2008.

) 269822 ALBERTA LTD.  
) Per:  
) \_\_\_\_\_  
) Doug Schneider

## **SCHEDULE OF RESTRICTIONS**

### **DEFINITIONS**

#### **BUILDING**

means any structure used or intended to be used for shelter, storage or occupancy of any kind whatsoever and shall without limiting the generality of the foregoing include any structure, including parking enclosure, erected or placed on a Lot.

#### **LOT**

Means a parcel of land with a distinct legal description, zoned for residential development.

#### **DEVELOPMENT**

Means any construction, building or excavation whatsoever or other operations in, on, over or under a Lot, including any alterations or additions which alter the capacity of the Building or the Lot or which provide for an alteration in the intensity of use of the Building or Lot.

#### **DEVELOPER**

Means 269822 Alberta Ltd., its successors, assigns and duly authorized representatives or architectural control consultants, as 269822 Alberta Ltd. shall from time to time appoint, for the purposed of approving plans and specifications and enforcing these guidelines.

#### **REGISTERED BUILDING CONTROLS**

Means all design, site planning and other development guidelines and restrictions as described herein.

#### **OWNER**

Means a purchaser of a Lot pursuant to an offer to purchase duly accepted by the Developer, a subsequent registered Owner of a Lot or a builder who has been authorized by such person to develop a Lot or construct a building.

### **DEVELOPMENT APPROVAL PROCESS**

1. An application for a development permit shall be made to the Development Authority of the County of Wetaskiwin No.10. The application shall follow the guidelines and requirements of the County of Wetaskiwin Land Use Bylaw.
2. The Owner remains responsible to ensure that any development on the Lot conforms with applicable Municipal, Provincial and Federal laws, regulations, by-laws and other enactments and any encumbrances affecting the title of the property, including without limitation, easements, restrictive covenants, utility right of way and the most recent editions of Alberta building code.

## **CONDITIONS AND RESTRICTIONS**

### **NOTE:**

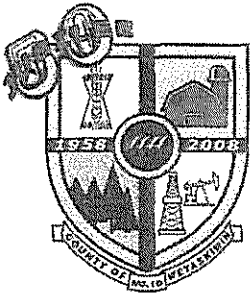
**These conditions and restrictions are in addition to any municipal building and development rules.**

1. No more than one residential dwelling shall be constructed on any lot.
2. No residential dwelling shall be constructed or placed on any of the Lots unless that Building has a floor area not less than the following;
  - a. Minimum of 1200 square feet on the main floor of a single floor or bi-level floor home excluding the basement and garage.
  - b. Minimum of 1000 square feet on the main floor of a two-storey home and a minimum total of 1600 square feet for a two-storey home or split level excluding the basement and garage.
3. Exterior finishes of main buildings and related outbuildings shall consist of the same: stucco, masonry, log, cedar, aluminum or vinyl siding. Storage sheds and accessory buildings that do not match the style and finish of the main building are not allowed.
4. No building materials, waste, garbage or other material shall be dumped or stored on any lot, except for building materials used to erect a building on that lot.
5. Recreational vehicles, that include motor homes, trailers, fifth wheels or other temporary living vehicles, may be stored on his or her lot, provided it is on a storage pad or driveway and provided it is not being occupied for any consecutive period of more than seven (7) days while being so stored. R.V. storage shall be as unobtrusive as possible.
6. Each Owner is responsible to control weed growth on the lot, avoiding contamination of adjacent lots.
7. Landscaping of the Lot must be completed within two years of the start of development. Without restricting the generality of the foregoing, "landscaping" shall include the improvement of the ground, lawns and shrubbery surrounding the buildings in such a manner as to be in keeping with the general appearance of the surrounding lands. The grounds, lawns, trees and shrubbery on the Lot are to be maintained on a regular basis to remain neat and trim.
8. All existing drainage paths must not be altered or diverted; they must be kept clear of any and all debris, and maintained in good condition.
9. No wrecked or partially dismantled cars, salvage materials, or any unsightly items or debris shall be stored on the lot.
10. Activities, facilities and equipment that may cause an environmental hazard or contamination of any lot, is not permitted on any lot.
11. Activities, facilities, equipment and landscaping that is deemed to be a fire hazard is not permitted on any lot.
12. The restrictions and benefits imposed and conferred upon the Lots are hereby declared to be for the mutual benefit and advantage of all Lots and the Owners thereof from time to time, and any Owner or the Developer may commence, take or prosecute an action, suit or proceeding in any court of competent jurisdiction



for the enforcement by way of injunction, or otherwise, of any restriction or benefit imposed or conferred upon the Lots.

13. No action or failure to take action hereunder shall be or be deemed to be construed as an admission of responsibility or liability whatsoever on the part of the Developer to or for the benefit of any third party whether an Owner or an owner of a lot or lots in the area or otherwise, to enforce, oversee, peruse, maintain or otherwise control the activities of an Owner with respect to the use of the Lots, and the enforcing of any conditions herein to be performed by the Owners shall be at the sole discretion of the Developer as it shall see fit from time to time.
14. Nothing contained in the Restrictive Covenant shall be construed or implied as imposing on the Developer any liability in the event of non-compliance with or non-fulfillment of any of the covenants, conditions or stipulations contained herein.



## County of Wetaskiwin No. 10

P. O. Box 6960, Wetaskiwin, AB T9A 2G5  
Phone: (780) 352-3321  
Fax: (780) 352-3486  
www.county.wetaskiwin.ab.ca

Strong Proactive Leadership • Safe Progressive Communities

April 24, 2008

Bev and Doug Schneider  
256 Grandview, RR1  
Westerose, AB  
T0C 2V0

Dear Bev and Doug:

### COMMENTS ON MARCH 5, 2008 – AREA STRUCTURE PLAN NW19-46-27-W4M

The following are the comments on the Area Structure Plan reviewed by Administration.

1. Fire Pond:  
Thank you for adding the Fire Pond. As discussed earlier, the location will need to be adjusted to be a minimum 30 metres from both the Township road and future internal road rights of way. This should be mentioned in the text of the Area Structure Plan. Details for this design and access will be done at the subdivision stage.
2. Water Supply - Page 3:  
We recommend that another sentence be added to this section stating that a pump test and results of same will be provided with the application for subdivision.
3. Thank you for adding the Environmental Reserve and defining the upper bank break and 5 metre setback for property line back from the upper bank.
  - a) It is recommended that a restrictive covenant for the lots abutting the bank be discussed in the Plan restricting any "unnatural subsurface drainage is directed in the area between the structure and the high bank" (Lysons – April 2, 2007). This must include the use of stormwater downspouts and underground watering systems to prevent bank failure.
  - b) It is recommended that any references to 5 metre setback for property line back from the upper bank be changed to 10 metres as described in Jim Lysons letter, dated April 2, 2007.
4. This new Plan now shows the lot dimensions.
  - a) The depth of Lot 6 is only 60 metres resulting in a limited area for a building pocket. Although unlikely, there may also be the potential of a 5 metre Road

development of the lands to the north). In this regard, the viability of Lot 6 is questionable. We recommend that this lot be consolidated into the adjacent lots.

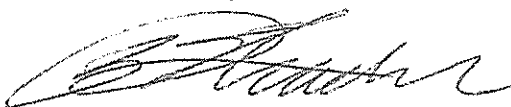
- b) Fires do occur in the area originating from the lands west of the highway. The road system design is a dead end cul-de-sac. It is recommended that the recommended consolidation of Lot 6, described above, include the creation of a secondary exit route taking the form of a 6 metre wide Public Utility Lot (PUL) from the end of the cul-de-sac to TWP Road 464. We recognize that this portion of TWP Road 464 is undeveloped, however, believe that this recommendation is a prudent design feature for public safety.
5. On Page 3 regarding Road Standards, a sentence should be added stating that "It is requested that the \$2,000.00 per lot road contribution fee be waived as construction of the TWP Road 464 from subdivision access to Highway 780 will be constructed by the Developer to County and Alberta Infrastructure and Transportation Standards."
6. On Page 4, under the heading "Tentative Plan of Subdivision", it is mentioned that the lot design will incorporate the two abandoned wells. Can you indicate in the Plan whether Certificates of Reclamation have been issued for these two wells?

One question that may come up during the Public Hearing and review by Council will be whether any public consultation was done with adjacent landowners. Although, this was not identified as a deficiency during the last Area Structure Plan when it was presented on June 14, 2007, it would be beneficial to discuss the Plan with your immediate neighbours and record any comments or reaction that they give you and add this input into the Plan on Page 5.

Once the Plan contains the above information, the Plan will be advertised and brought forward for a Public Hearing and Council's consideration.

If any clarification of the above is needed, I can be reached at 361-6235.

Yours truly,



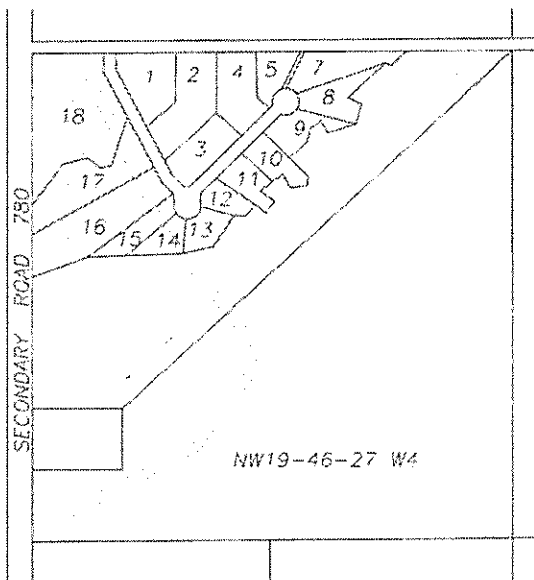
David Blades  
Director of Planning and Economic Development

File #2370.00 S

## ***NOTICE OF PUBLIC HEARING***

TAKE NOTICE that the Council of the County of Wetaskiwin No. 10 has been asked to adopt an Area Structure Plan on the following land:

### **NW 19-46-27-W4M**



Before proceeding further with a By-law, Council will hold a public hearing at which any person claiming to be affected by the proposed Area Structure Plan may ask questions or make their views known.

The hearing will be held in the Council Chambers, County Office, 1.6 kilometres west of Wetaskiwin on Highway 13, at 10:30 a.m., Thursday, June 12, 2008.

Written submissions will be accepted up to the time of the hearing and should be addressed to the undersigned at the County Office.

A copy of the proposed Plan may be picked up at the County of Wetaskiwin Administration Building or by contacting the Planning and Economic

Development Department at 352-3321.

DAVID BLADES, A. Sc. T., LGA  
Director of Planning & Economic Development  
County of Wetaskiwin No. 10

DATES TO BE ADVERTISED:  
CONTACT PERSON:  
COSTING PROJECT #:  
G/L CODE (Only if no Project #):

May 29 & June 5, 2008  
David/ Cam  
ACTIVITY: ADV  
1-2-203-61

# County of Wetaskiwin

NE 2-46-28-4



Test holes drilled by owner at locations indicated  
Depths 2.0 to 2.3 metres  
Examined by WCPA staff on 28 September 2007  
All holes were dry

Scale  
1:6000

RHR/RW/StoneNE2

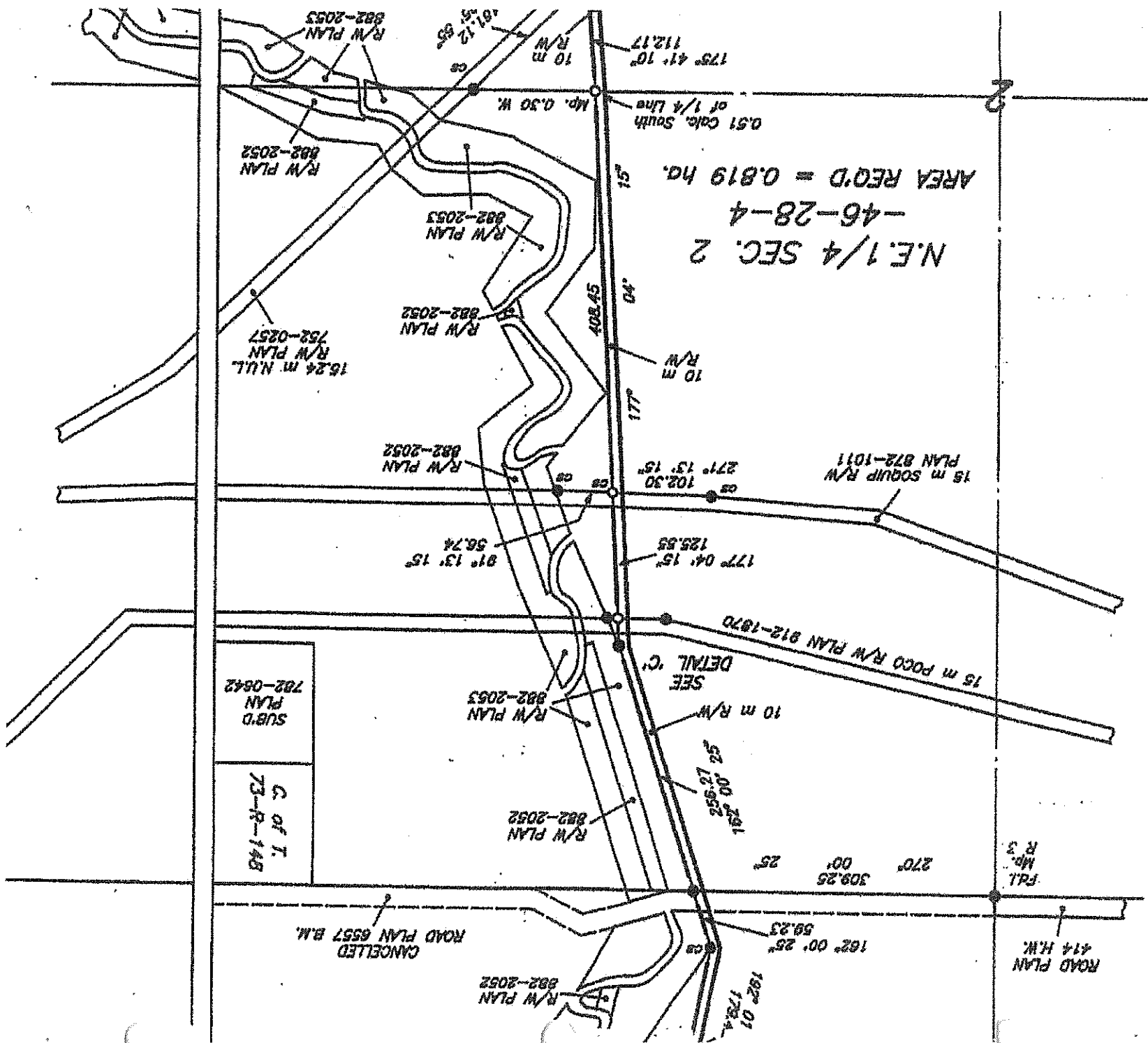
## WEST CENTRAL PLANNING AGENCY

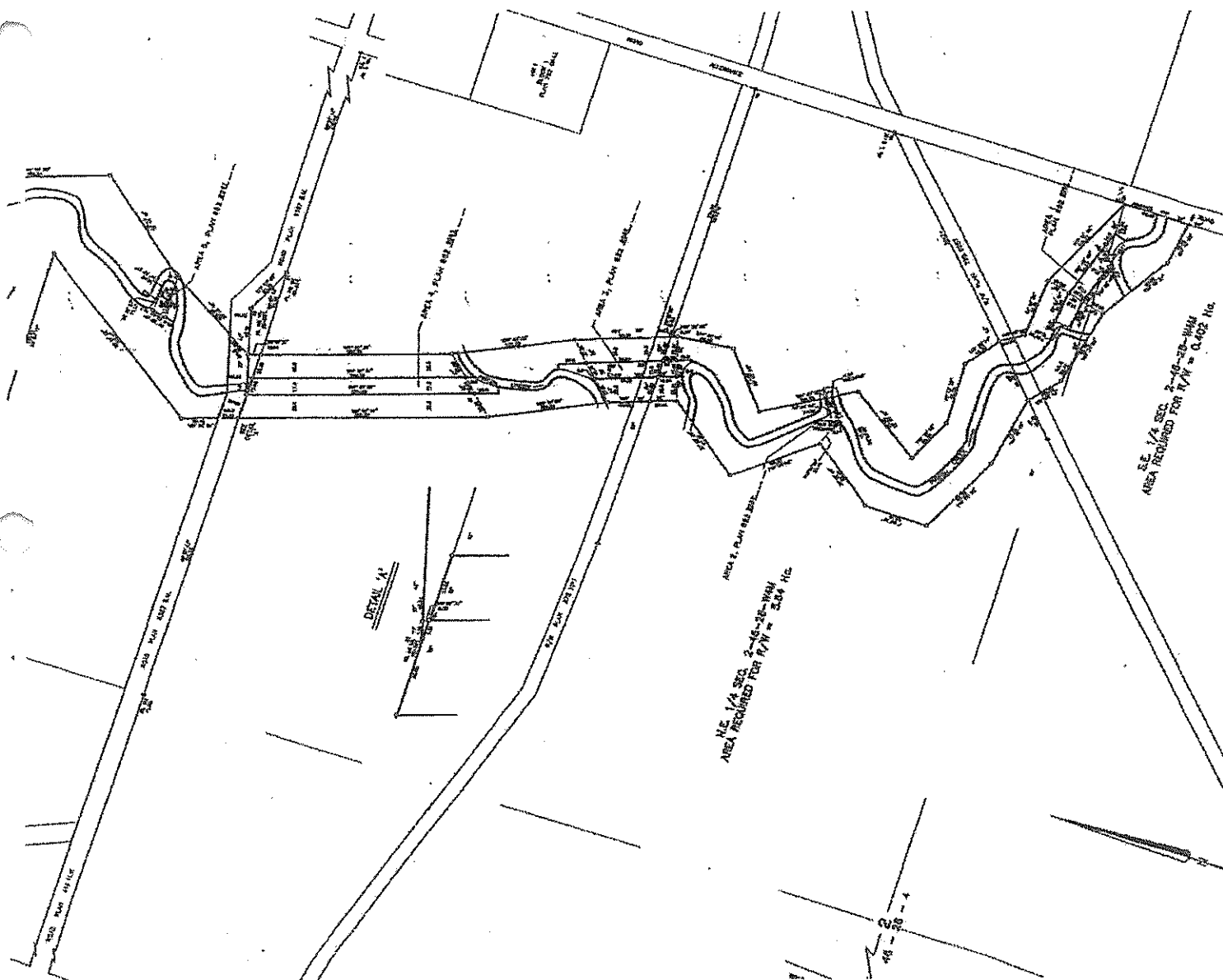
Suite 105, 5111 - 50th Avenue Wetaskiwin, AB T9A 0S5  
Phone 780-352-2215 Fax 780-352-2211 Email [wcpa@telusplanet.net](mailto:wcpa@telusplanet.net)

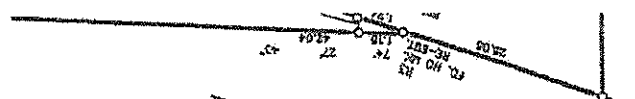
N.E. 1/4 SEC. 2

-46-28-4

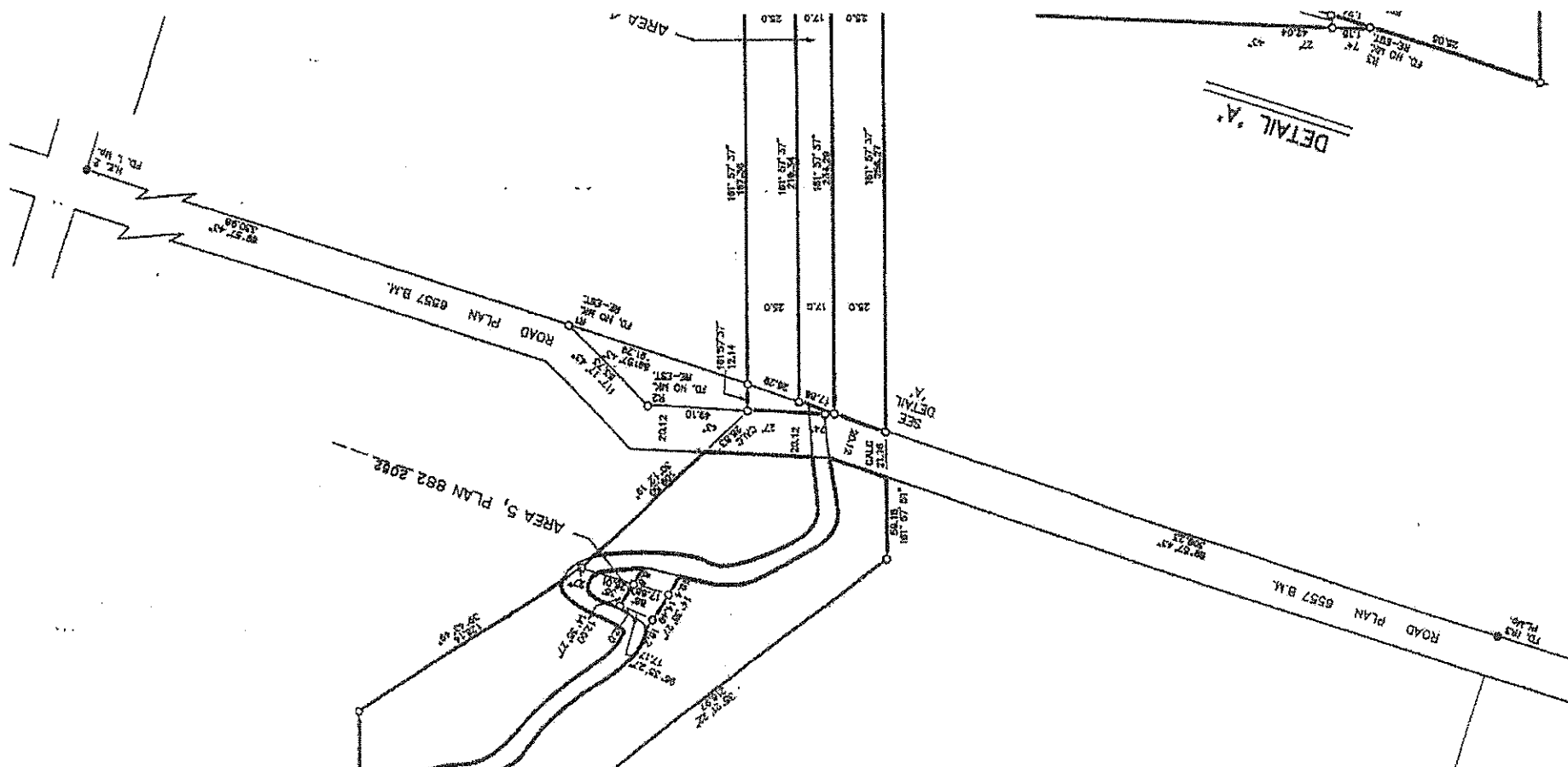
AREA RECD = 0.819 ha.







DETAIL 'A'



AREA 5, PLAN 6857 B.M. 2002

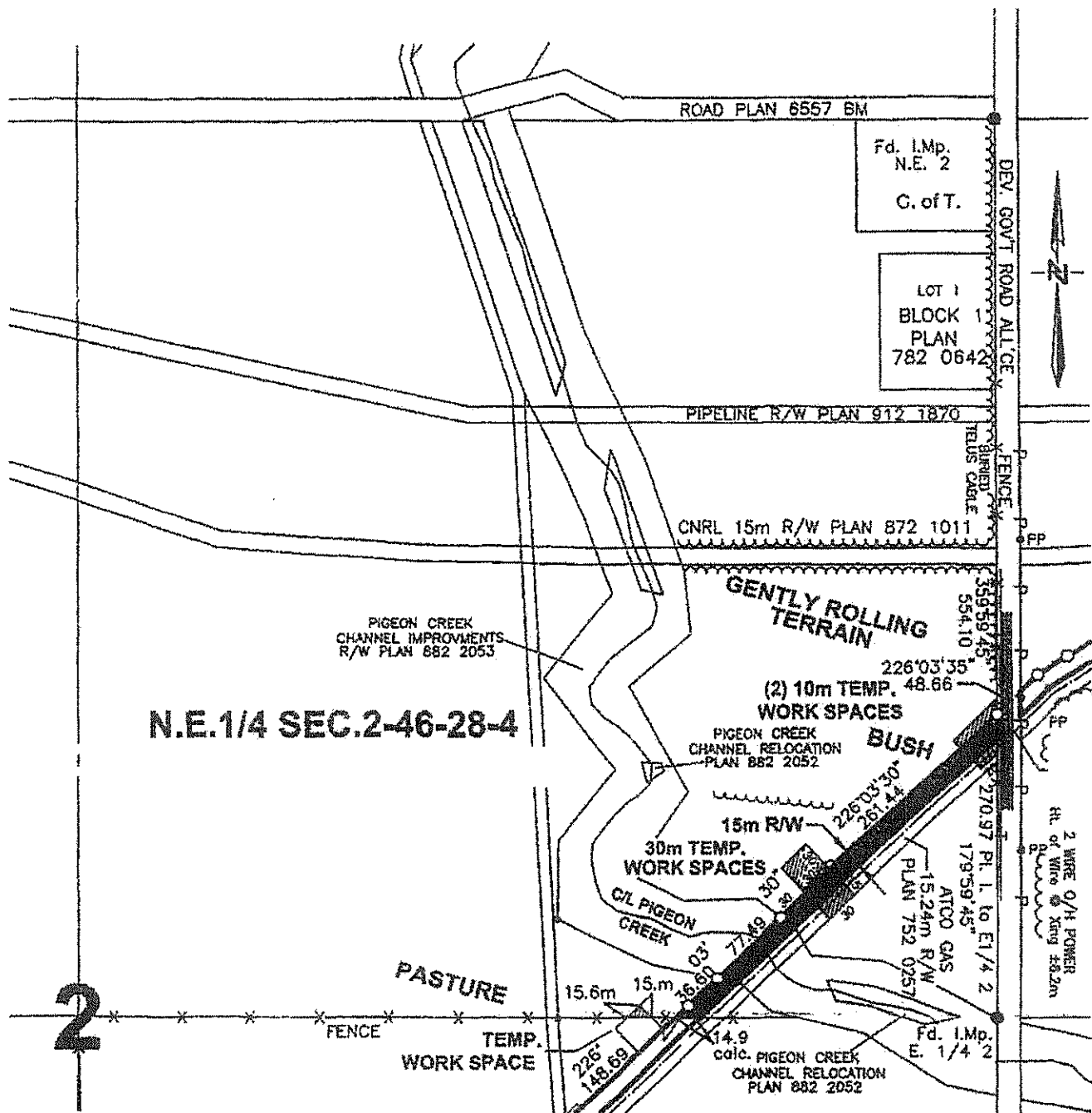
SEE  
DETAIL 'A'

ROAD PLAN 6857 B.M.

ROAD PLAN 6857 B.M.



**INDIVIDUAL OWNERSHIP PLAN**  
**SHOWING A 15m PIPELINE RIGHT - O F - WAY**  
**WITHIN N.E. 1/4 SEC. 2, TWP. 46, RGE. 28, W. 4M.**



Survey monuments placed shown thus:

ROAD  
PLAN  
414 H.W.

ROAD PLAN 6557 S.M.

P.I. R3

269° 57' 25"

P.I. M.P.  
N.E.E

C. OF T.  
73-R - 148

396.00'

00"  
ALLOWANCE

P.I. M.P.

269° 57' 25"

P.I. M.P.

330.00'

179° 58' 00"

396.00'

BLOCK 1  
LOT 1  
3.00 Acs.

396.00'

00"  
ROAD

GOVERNMENT

P.I. M.P.

269° 57' 25"

P.I. M.P.

330.00'

179°

N.W. 1/4 SEC. 1-46-28-4