

BY-LAW NUMBER 2008/47

BY-LAW NO. 2008/47 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 Neil and Joan Stone's Area Structure Plan (NE 2-46-28-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 NE 2-46-28-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 "*Neil and Joan Stone's Area Structure Plan in (NE 2-46-28-W4M)*".

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

READ: A First time this 10th day of July, A.D., 2008.

READ: A Second time this 10th day of July, A.D., 2008.

READ: A Third time and finally passed this 10th day of July, A.D., 2008.


REEVE


SECRETARY-TREASURER

AREA STRUCTURE PLAN

FOR

PROPOSED SUBDIVISION

IN

NE 2 – 46 – 28 – W 4

(NEIL AND JOAN STONE)

in the

COUNTY OF WETASKIWIN

Prepared by

Henning F. Rasmussen, P.Eng.

November 2007

Revised, June 2008

1. INTRODUCTION

The owners of NE 2 – 46 – 28 – W 4 and SE 11 – 46 – 28 – W 4 – hereinafter referred to as the Developer – are proposing to subdivide a portion of their land into 3 additional acreage lots to be designated Rural Conservation, as shown on the attached lot layout plan in the Appendix. It is noted that two acreage lots were subdivided off NE 2 some years ago. The two lots are located at the northeast corner of the quarter.

The proposed acreage lots will be approximately 10 – 12 acres in size. The existing 2 lots are 3 acres.

The NE 2 – outside of the two existing acreages – is currently zoned Agricultural.

An Area Structure Plan (ASP) is required by the County of Wetaskiwin before Council will approve a rezoning and subdivision. This ASP has been prepared based on information obtained by West Central Planning Agency (WCPA), Sabatini Earth Technologies Inc., the County of Wetaskiwin, local utility companies and the Developer.

A Preliminary Groundwater Availability Study (Aquifer Evaluation), prepared by Sabatini Earth Technologies Inc., will be submitted with this ASP as supporting documentation.

The Appendix to this ASP contains

- Location plan
- Aerial photo and lot layout plan of NE 2
- Water table test holes (aerial)
- Legal survey plans and R.O.W. pipeline and creek plans

2. EXISTING CONDITIONS

The land is located approximately 7 km southeast of the Village of Pigeon Lake. Access from the north to the proposed development is by a county road off Highway 13 located 1.6 km to the north. The county road has a gravel surface and carries mostly local traffic only.

2.1 Site Characteristics

Pigeon Creek, which carries flow from Pigeon Lake, runs through the centre of NE 2 in a north to south/southeasterly direction. The land proposed for subdivision is relatively flat with a gentle uniform slope towards Pigeon Creek.

Although Pigeon Creek has overflowed in the past the flooding has – as far as is known – never reached the location of the proposed development. It is noted that channel work – in order to improve the flow – was carried out along Pigeon Creek some years ago.

There is a 25 m maintenance easement on each side along the creek.

The entire area, where the acreage lots are to be located, is overgrown with mature trees, mostly spruce with some poplar. The growth of tall spruce is quite dense in places.

The soil appears to be a thin layer of organic topsoil over predominantly clay with relatively low silt content. The soils agricultural assessment falls below the 30 % value which defines "good farmland" in the County of Wetaskiwin Municipal Development Plan.

Three test holes were drilled on the site in late September of 2007 by the Developer. The holes were approximately 2.0 – 2.3 m deep. No water was encountered within this depth range. The dry holes were confirmed by a WCPA representative (Bob Riddett, memo of Oct. 1/07) during a site visit on September 28., 2007.

The remainder of the quarter – outside of the tree covered area – is pasture for cattle.

Immediately north of the north boundary of NE 2 (within SE 11) there is an old roadway running east-west and connecting to the existing county road. The original road plan (# 6557 B.M.) shows a 20.12 m (66') R.O.W. extending out from the north boundary of NE 2.

This old road crosses Pigeon Creek and was apparently used as access to a homestead to the west. The roadway is now closed and no longer in use and plan # 6557 B.M. has been cancelled. However, the embankment and ditches are still intact.

There are 3 gas pipelines in use across the proposed subdivision as shown on the attached plan. The lines are sweet gas (or low content sulphur). The Developer has confirmed with the gas line owners that no development set-back is required beyond the pipeline R.O.W. which in all cases is 15 m wide. In addition to the above pipelines there is a R.O.W. just south of the existing acreage lot. A pipeline was never installed within this R.O.W. and the registration could probably be cancelled.

2.2 Use of Surrounding Land

The land adjacent to NE 2 on all sides is zoned Agricultural. There are two existing acreage lots on NE 2.

There are no intensive livestock operations impacting the proposed subdivision.

There are no sour gas installations or other industrial activity in the vicinity of the proposed subdivision.

2.3 Former Land Use

Since being cleared of trees many years ago, the major portion of NE 2 and SE 11 has been in use as agricultural land. The site of the proposed subdivision has retained its original tree cover.

2.4 Present Land Use

The land to be subdivided is currently tree covered and is not in agricultural use other than providing shelter for livestock in the surrounding pasture.

2.5 Historic and Archaeological Features

It is considered unlikely that the subject land contains any features of historical or archaeological interest. However, as required by Provincial Regulations, a copy of this

ASP will be forwarded to the Historical Resources Division of Alberta Community Development for comments.

3. PROVINCIAL AND FEDERAL REGULATIONS EFFECTING DEVELOPMENT

There is no highway within 800 m of the site and therefore the Developer is not required to submit an ASP for review by Alberta Transportation under the Municipal Government Act. However, the County may forward a copy of the ASP to Alberta Transportation for comments.

There are no identified sites, past or present of oil and gas wells within the location of the proposed subdivision. The existing gas pipelines will not limit development outside of the 15 m R.O.W.

Due to the limited number of lots, the proposed development is not expected to impact Pigeon Creek in any way. The development will be set back by a minimum of 60 m from the bank of the creek.

4. PROPOSED DEVELOPMENT

The proposed layout of the acreage lots is shown on the attached plan in the Appendix.

Current Land Use Bylaws set a minimum size of 10 acres per lot for Rural Conservation use. The lots in the proposed subdivision range in size from approximately 10 – 12 acres. Making the lots large to cover the existing treed area will ensure protection of the trees.

The overall impact on the existing county road and the surrounding land is expected to be minimal, given the small number of lots.

4.1 Reserves

Generally the County requires a minimum of 10 % of the subdivided land area to be set aside for Municipal Reserve (MR). Any areas that are considered of environmental importance are usually required to be dedicated as Environmental Reserve (ER).

The Developer is proposing that the MR be deferred until further subdivision of the remainder of the quarter which may take place at some time in the distant future. With a total of approximately 34 acres to be subdivided under this application the minimum MR required would be 3.4 acres.

There is no area within the proposed subdivision land that may be considered of extraordinary value for conservation as ER. The tree cover is, of course, of environmental significance and the Developer is proposing to include a requirement against the title to allow for a maximum of 10 % of the lot to be cleared for residence, out buildings, driveways etc.

4.2 Road Access

The Developer is proposing to upgrade the cancelled road plan 6557 BM along the north boundary of NE 2 (in SE 11) to provide road access to lot 1 in the proposed subdivision. The upgrade will be to current County Standards with a 7.3 m wide gravel surface. There will be a turn-around at the end of the road with the required minimum 15 m surface radius. The upgraded road will have a 20 m R.O.W.

Alternatively, the Developer may consider – in consultation with the County – consolidating part of the cancelled road plan 6557 BM in SE 11 with the proposed lot 1, i.e. the old roadbed would become a private access to lot 1 from the County road.

For lots 2 and 3 there will be direct access to the existing county road. The county road carries local traffic only and the addition of 2 driveways is not expected to impact the traffic in any significant way. It is noted that the actual stopping sight distance, measured from the individual driveways, by far exceeds the minimum required.

It is understood that a 5 m R.O.W. widening will be required along the west side of the county road (along lots 2 and 3).

The County requires that a \$ 2,000.00 per lot road contribution levy be paid. The Developer proposes that this levy may be deferred until such time as title transfers out of his name.

4.3 Water Supply

Water supply to the proposed subdivision will be by individual wells, i.e. a well on each lot.

Sabatini Earth Technologies Inc. has prepared an aquifer evaluation report. The report indicates that there is sufficient water available for the proposed subdivision and the intake will not adversely affect existing users in the surrounding area.

The aquifer evaluation report is submitted as a supporting document to this ASP.

4.4 Storm Water Management

The post-development rate of storm flows from the proposed subdivision are not expected to increase significantly over pre-development, given the small number of lots and the fact that the main portion of the tree cover will be kept intact.

It is the intention of the Developer to encourage the new lot owners to follow Best Management Practices (BMP) for grading around houses and other buildings and driveways.

The ditches along the old road are currently draining towards Pigeon Creek and therefore there will be no change in rate of flows from the upgraded access road to 1.

4.5 Sewage Disposal

Technically, the soils encountered within the proposed subdivision – in combination with the fact that the water table is below 2.3 m – will allow for on-site disposal of sewage in

accordance with Provincial Regulations. Each acreage lot will have its own disposal system.

Alternatively, the lot owners may choose to install holding tanks and have the sewage trucked to a municipal treatment site.

It is considered highly unlikely that a municipal trunk line will be installed near the site – at least for the near future.

In the event that a sewage disposal system that requires the use of a municipal treatment facility is installed, such as a holding tank with disposal to a municipal lagoon site, the Developer acknowledges that the County will require payment of an offsite levy of \$ 2,034.00 per lot. The Developer is proposing that such a levy – if indeed due to site conditions, is required – may be deferred until such time as title transfers out of his name and/or a sewage disposal system is required.

4.6 Utilities

Natural gas will be supplied by the local provider and the service lines will be installed from the existing roadway or – in case of lot 1 – within the utility R.O.W. of the upgraded old roadway.


Telephone will be by underground cable. There is an existing line along the west side of the county road.

Power will be by overhead lines from the main grid along the east side of the county road.

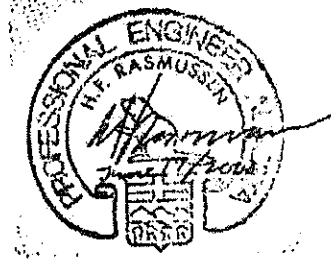
4.7 Solid Waste Disposal

The County of Wetaskiwin operates a solid waste transfer site at Lakedell, southwest of Pigeon Lake. Individual lot owners are expected to take the waste to this site.

Edmonton, June 17., 2008

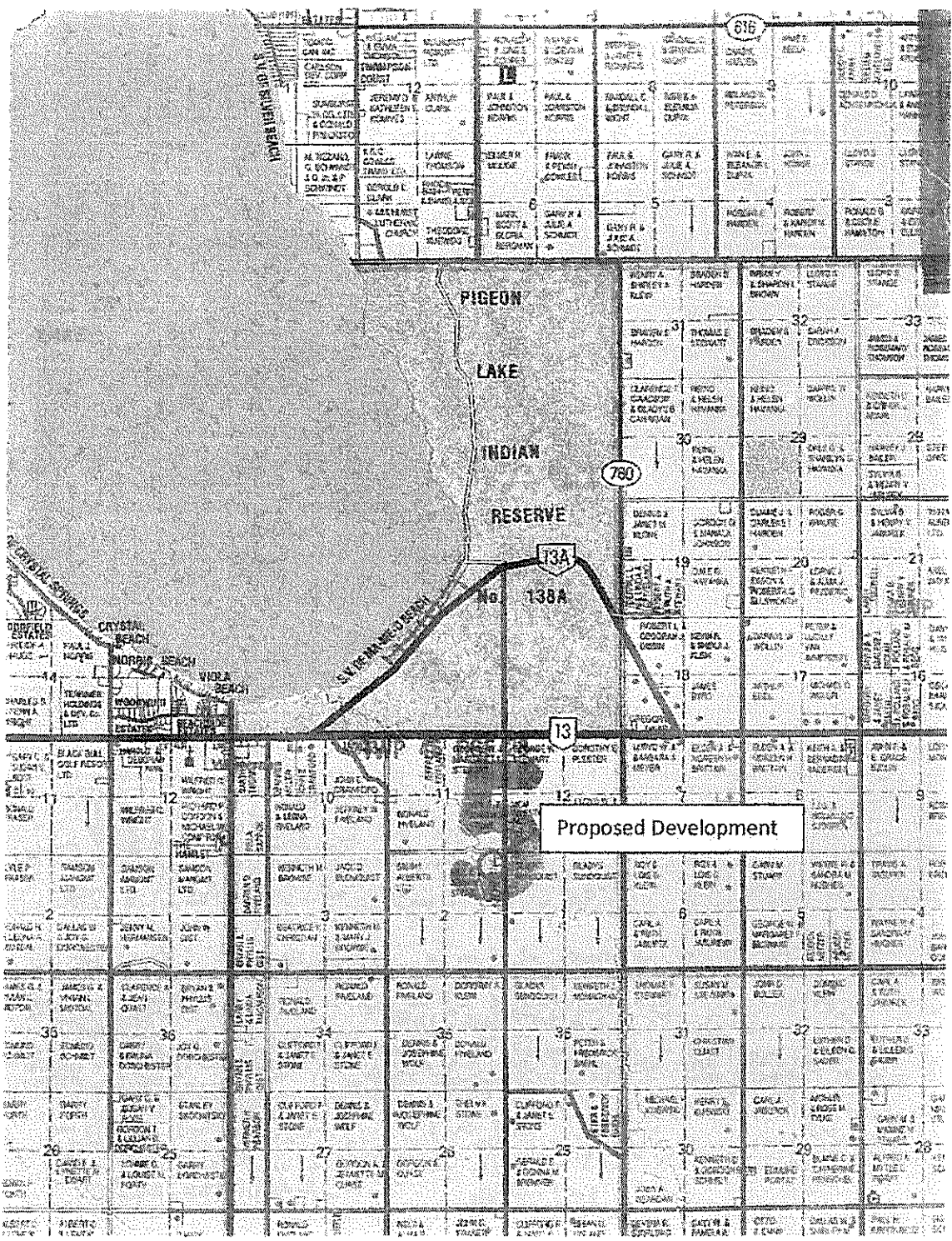


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APPENDIX

- Location plan
- Aerial photo and lot layout plan of NE 2
- Water table test holes (aerial)
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Location Plan



Aerial Plan and Lot Layout (Lot Size Approximate Only), NTS