

## **BY-LAW NUMBER 2009/17**

BY-LAW NO. 2009/17 is a by-law of the County of Wetaskiwin No. 10 in the Province of Alberta, to authorize the amendment to an Area Structure Plan for the purpose of providing a framework for subsequent subdivision and development of the area known as Ruby Hills NW 32-46-24-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 32-46-24-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 amendment to the "*Bob and Margaret Robinson Area Structure Plan within SW 28-47-24-W4M*"
2. This by-law comes into effect on the date of third reading.

READ: A First time this 9<sup>th</sup> day of April A.D., 2009

READ: A Second time this 9<sup>th</sup> day of April A.D., 2009

READ: A Third time and finally passed this 9<sup>th</sup> day of April A.D., 2009

  
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REEVE  
  
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SECRETARY-TREASURER

**AMENDMENT TO AREA STRUCTURE PLAN**

**SW1/4 SECTION 28-TWPN47-RGE24-W4M  
COUNTY OF WETASKIWIN  
LANDOWNER: MARGARET ROBINSON**

**INTRODUCTION**

We are submitting this amendment because we would like to subdivide Lots 3 and 4 in Phase 2 of the subdivision into 4 smaller lots. The North half of Lot 3 will become Lot 23 and the North half of 4 will become Lot 22 as shown in appendix A. Mrs. Robinson owns the entire subject quarter section except for the roadway passing through the quarter. The quarter contains 152.4 acres. The owner proposes to subdivide the 115.5-acre portion of the quarter located on the East Side of the roadway, into 23 acreage lots varying in size from 3 to 7 acres. The County has recommended that these lots be as close to 5 acres as possible we agree to comply with this except where it would jeopardize a building site. As this County requires an Area Structure Plan for any subdivision that will create three or more parcels, we have prepared this Area Structure Plan which is submitted for the County's approval.

**MUNICIPAL JURISDICTION**

This land is in the County of Wetaskiwin, which requires a Revised Area Structure Plan. We are now submitting this Revised Area Structure Plan for your approval.

**OTHER JURISDICITON'S**

This land is more than ¼ mile from Highway 2A so it is not necessary to provide a proposal to Alberta Transportation or to obtain their consent under section 14 of the Provincial Subdivision and Development Regulation AR 43/2002. This land is about ¼ mile from the County's Waste Transfer Station located on the North side of NE 28. The subdivision is approximately one half mile Southeast of the Town of Millet. The area surrounding our proposed subdivision is mainly acreages of the same size or small Farms. There are no intensive livestock operations in this area.

### **PUBLIC CONSULTATION WITH THE NEIGHBORS**

I have personally talked to the following neighbors about our plans to add two more lots to our Subdivision and all of the following agreed with our proposal: The Skyrpnek's, The Jones', The Hydes', The Johnson's, The Kerr's, The Beck's, The Brown's, the Peter's, The Crawford's, The Bailher's and they had no concerns about the proposed subdivision. There are four families who have purchased lots in our Subdivision. Ken McEachren has purchased lot 2 and I have attached his letter of approval. The other three letters will follow in due course.

### **SITE CONDITIONS**

The attached map labeled appendix B is a recent air photograph showing the areas of tree cover and the proposed road. The road has been built, J-V Drive, to give the first eight lots on the East side of the development access to the paved road on the south side of the quarter. Lot 21 has its approach on the South West Side of the C & E paved trail. The former plan of the nine lots will remain the same. The two new lots 22 and 23 are the result of splitting the original lots 3 and 4 into approximately one half of their former size.

### **PRESENT USE**

Most of this property was used for pasture from June until the end of October. This pastureland contains some areas of willow growth along with a stand of poplars trees in the northwest portion of the property. There is a 20-acre (+/-) hay field located just opposite of the paved road as identified in the attached map. It is the darker area that borders the South West corner of the property as shown on appendix B.

## **PROPOSED DESIGN**

In our amendment to the Area Structure Plan we are proposing at this time to split Lots 3 and 4 into approximately half their original size resulting in the addition of lots 22 and 23. The proposed design is to subdivide the 111.1 acres lying north east of the road. We are currently developing Phase two which includes Lot number 3, 4, 5, 6, 7, 8, 9, 10 & 21 as outlined on the attached map. Phase three will include Lot numbers 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24 and 25. These lots are not shown in appendix A as phase 3 is for future development. The County's land use by-law has been amended and it allows more than 24 country residential Lots on a Quarter Section. There are at present two lots in phase one of 2.2 acres and one large lot where we reside of approximately twenty acres on the West Side of a paved road that cuts through the SW corner of the quarter as shown on appendix A.

## **WATER SUPPLY**

We have commissioned HCL Groundwater Consulting and Environmental Sciences Hydrogeological Consultants Ltd. to evaluate the ground water supply on the subject land. This evaluation included drilling a new water well, which HCL pumped for 48 hours. The well driller's report you have in your files, it was labeled appendix E. The HCL's Hydrological Report is included and is labeled appendix F. This report specifies sufficient water supply for 24 lots in total. The Hydrological report prepared by HCL showed a Fluoride reading of 2.3. The MAC should be 1.5. I called Gordon Watt at the Wetaskiwin Health department and told him, he felt the water would be perfectly safe for household use with the exception of drinking water. He noted a good filter would take out the Fluoride. Mr. Watt has prepared a letter dated March 26 outlining the health department's recommendations. This letter is also in your files. H.C.L. Has prepared an update report in regards to the additional lots that are added to phase two and any additional lots that may be added in phase 3. It is attached as Appendix C

Our well water exceeds the recommended fluoride limit as well but we have been using it for 40 years with no ill effects to our children or us.

## **SEWER**

The proposed lots are 3.3 to 4.0 acres and are large enough to allow on site treatment disposal of sewage in accordance with the Alberta Private Sewer Systems Standard of Practice. It is expected that the acreages will have individual sewer systems consisting of a septic tank and a field or a treatment mound.

## **FIRE PROTECTION**

The subject lands are located one mile South of Millet therefore fire response times are short. There is also a spring fed dug out in Lot 8 that has been enlarged into a fire pond according to County specifications. We have agreed to put in a dry hydrant close to one of the approaches that is closest to the fire pond. See Appendix A. A pipeline will be laid from the fire pond to the dry hydrant. This project will be completed by the end of May 2009. The spring in this dug out was the result of digging this dug out; it was not an artesian spring.

## **STORM WATER MANAGEMENT**

The proposed lots 22 and 23 will not hinder or be hindered by the storm water flows as shown in Appendix A. At present storm water flows across the subject land by way of a series of shallow draws. Surface water does not pond on site except in the dugout on Lot 8. Storm water will be drained in the road ditches to the draw passing through lots 3 and 4. As the lots are large, the post development runoff will be virtually the same as the pre-development runoff. The soil on the site is very sandy which will tend to absorb the storm water. Mrs. Robinson has lived on this property for over 40 years. There never has been a time where she noticed any excessive flooding. The sloughs fill with water but have never caused a flooding hazard. In summary no specific storm water management is proposed.

There is a drainage course across lots 4 and the south side of lot 21 it runs under the C & E Trail through a culvert at the end of phase 1 and drains into Pipestone Creek. There will be a culvert under the road between lots 3 and 4 and the easement will be 5 meters wide running along the treed area in lots 4 and 21.

### **ROAD ACCESS**

The two new lots 22 and 23 will have access to J-V drive as indicated in Appendix A. All the lots will have access to the internal road that will be named J-V Drive, except lot 21, which will have access from the C& E trail. Appendix A shows the location of this road. The road for Phase 2 will end at the base of Lot 9 and 10. The County administration has reviewed and concluded that paving the internal subdivision road, J-V Drive, would be too costly given the low density of the county residential subdivision. This we understand would be in line with the Council's position on lower density County Residential subdivisions not requiring pavement in most circumstances but rather a gravel standard road. This is a 20-meter road with a 5-meter right of way on each side to allow for utilities. The temporary turn around in phase 2 will be taken by easement rather than by road plan this way the road plan does not have to be cancelled when phase 3 is developed and the turn around is no longer needed.

The \$2000.00 per lot contribution towards public roads adjacent to and providing access to the subdivision will be provided to the County for future maintenance of this road, J-V Drive.

The County suggests in planning subdivision layout, links to the adjacent properties need to be taken into account. The County recommends a future 20-meter road with a 5-meter right of way on each side to allow for utilities. This connection is indicated on the South side of lot 7. As shown on Appendix A. This road is only dedicated but not constructed at this time.

### **ROAD WIDENING**

The County has requested a 10-meter road widening dedication on the East Side of the C & E trail and the north side of the township road on the south side of lots 3 and 4. I pointed out to David Blades that the County has already taken 5 meters for road widening from lots 1 and 2 in phase 1. We

agreed to take 5 meters on the west side of the C & E trail and 5 meters on the east side of the C & E Trail which will be indicated on Appendix A. We will further take 5 meters along the township road on the south side of lot 3 and 4.

### **PLAN SECTION AND APPENDIXES**

Lots 10, 12 and 14 did not indicate building sites because these lots were initially planned for municipal reserve. I have talked with Floyd Crough and he said he would dig the test holes to determine the subterranean contours of the lots, and report to the County as soon as the information is available. Floyd Crough has written a letter to the County indicating the test results from the 3 ground water pits that were excavated on the property. This letter is in your files.

The County has requested that the County Residential parcels be no larger than 5 acres unless the site circumstances dictate a larger size. We have agreed that we will try to conform to this as well as we are able to. Any minor adjustments will be made at the time of final survey, however; there will be no changes in the lot numbers.

## UTILITIES

In regard to the future utilities and connections to abutting lands, we will indicate them in a revised appendix. We also agree that the recommended 5 meter utility easement on each side of lots 15 and 17 will be shown for the connection to the quarter north of the subdivision.

There will be a 5-meter utility easement on each side of J-V Drive this will be indicated on appendix A.

Alta Gas has put in a new gas line servicing all nine lots as well as the two lots in phase 1. Attached is a detailed plan that shows the new line running right by lots 22 and 23. There will be no problem servicing the new lots. See Appendix D. The old gas line mentioned in the previous Area Structure Plan has been shut down and remains under ground in the same location.

Battle Rive REA has had the Power installed by an Independent Contractor. Glen Weibelzahl the Construction Supervisor for Battle River REA has assured us that there is enough power poles and transformers to take care of the new lots. See Appendix D a letter from Glen Weibelzahl



## **RESERVES**

The Municipal Government Act, Section 666, Subsection (2) is the legislation that limits the amount of reserve land to 10% of the parcel of land that is being subdivided. The total amount of land in the J-V Estates subdivision is 115.3 Acres, 10% of 115.3 is 11.53 acres, which is allowed to be taken for reserves. The parcel of land that the County wished to take as reserve is the portion of SE Quarter Sec. 29, Twp. 47 Rge 24, W4M, laying between Rge. Road 244 and the C.P.R. railway tracks. Jim Lysons has surveyed it and his calculations show there is 14.4 acres in this parcel of land this is 2.87 acres over the amount of land that the County is entitled to. The County has stated they will give us back the 5.1 acres located on the south side of the Pipestone creek to the south fence of quarter 29. This is fine. The County will keep the 9.3 acres North of the Pipestone Creek to the north fence of quarter 29, which may be allocated, for a travel trailer park. We would like to give The County the 2.87 acres in our hay field along the C & E trail up to the south fence of our subdivision see Appendix A. The County has removed the requirement to take reserves on the land south of the Pipestone Creek SE 29 in lieu of a deferred reserve placed on the remainder of SW 28. This will satisfy the reserve dedication. We are proposing that the County take the land out of the North West corner of our hay field.

## **FUTURE ENCUMBRANCES ON TITLE**

The County recommends that a restrictive covenant be placed on title requiring any holding tank installations to be accompanied with a valve and be located between the dwelling and the 5 meter utility right of way abutting the internal subdivision road so that a connection to a future sewer line is possible should one be brought in. We agree to this recommendation.

We will also put a notice on the title that the land immediately north of the property is zoned Industrial under County of Wetaskiwin Land Use Bylaw No. 95/54 and as such future land uses on that land will be of that nature.

The County has already taken a 6 meter strip across the top of NW 28 as part of the municipal reserve. If and when the industrial quarter is developed we would like assurances from the County that the developer will provide a berm 5 feet wide and 5 feet high with trees growing along the top of the berm.

### **LONG RANGE USAGE FOR REMAINING LAND**

The homesite west of the C & E Trail including lands abutting the creek and the pasture area will remain in the homesite also the property east of the C & E Trail will remain in the homesite. This includes the hayfield and the lowland. This property will remain a working ranch.

The County has passed a land use by-law that there will be more than 24 lots allowed on a quarter section of land. Therefore, we may consider future development of the hay field.

### **ZONING**

This property is zoned Country Residential as stated in the County's Letter dated March 21, 2002 and signed by Russell J. Crook, the County Development Officer. A copy of this letter is attached and labeled Appendix G.

### **MUNICIPAL CONTRIBUTION**

No contribution is requested from the County of Wetaskiwin. The landowner will bear all costs and allow the County the municipal reserve as allowed in the Municipal Government Act Section 666, Subsection (2).