

BY-LAW NUMBER 2005/38

BY-LAW NO. 2005/38 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 Hillside Road, west of Highway 2A between Wetaskiwin and Millet, on the north and south sides of Township Road 472 (NE 9 and SE 16-47-24-W4M) in accordance with Section 633 of the Municipal Government Act, Chapter M-26.1, Revised Statutes of Alberta 1994, and amendments thereto.

WHEREAS: at the requirements of County Council, as per the County of Wetaskiwin's Millet-Wetaskiwin Acreage Study adopted by By-law 2004/28, an Area Structure Plan has been prepared for NE 9 and SE 16-47-24-W4M, adjacent to Highway 2A.

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:

(a) The document attached to this By-law as "Appendix A", together with accompanying maps, is hereby adopted as the *"Hillside Road Area Structure Plan, NE 9 and SE 16-47-24-W4M"*.

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

READ: A First time this 10th day of June, A.D., 2005.

READ: A Second time this 10th day of June, A.D., 2005.

READ: A Third time and finally passed this 10th day of June, A.D., 2005.



REEVE



SECRETARY-TREASURER

Proposed

Hillside Road Area Structure Plan

NE 9 and SE 16-47-24-4

County of Wetaskiwin

Adjacent to Highway 2A

Location

The subject land lies west of Highway 2A between Wetaskiwin and Millet, on the north and south sides of Township Road 472, known locally as Hillside Road. The general location is shown on Map 1. The County of Wetaskiwin's Millet-Wetaskiwin Acreage study, adopted by Bylaw 2004/28, identifies it as "in principle, suitable for subdivision into residential acreage lots."

Requirement for area structure plan

Because the land is adjacent to Highway 2A, the approval of Alberta Transportation (AT) is needed before it can be subdivided or developed. AT has said that it is not prepared to give the necessary approval until an acceptable area structure plan (ASP) has been prepared. The county has a similar requirement.

Existing ownership and land use

Existing property boundaries and ownership are shown on Map 2.

SE 16 west of the highway is a single 22 hectare title in the name of Ertman. There is a long established yard site in the south-east corner and a new mobile home in the south west corner. The remainder of the land is in light tree cover.

NE 9 west of the highway has been subdivided into two parts. The Patterson property is a 16 hectare parcel containing a 1970s house and a horse barn. Most of the land is used to grow hay. The remaining 40 acres is the site of Arber Greenhouses, with the bulk of the land in native tree cover or used for hay.

When NE 9 was subdivided in 1973, a 100 foot (30.5m) service road was dedicated along the entire highway frontage, but this remains undeveloped, and the land is being farmed with the Patterson property.

Highway issues

Arber Greenhouses has a direct access to Highway 2A about 500 metres south of the Hillside Road intersection. The highway has only two lanes and narrow shoulders, with a speed limit of 100 km/h. AT recommends that the access be closed, and greenhouse traffic use Hillside Road.

Hillside Road joins the highway at an angle of about 67 degrees. It may be desirable to realign it closer to a right angle. A second issue here is that the highway is immediately adjacent to the CPR, and there is very limited stacking distance between the tracks and the stop line, so large trucks waiting to enter the highway often sit partially on the tracks.

No formal traffic engineering study has been undertaken, but one solution worth investigating is to move the highway westwards to increase the stacking distance, and give room to create something closer to a 90 degree intersection. As noted above, the necessary road widening has already been dedicated in NE 9, but not in SE 16.

The Ertman and Patterson properties have no direct highway access, but their driveways are only 80 and 100 metres west of the highway. If the highway is moved west, these driveways may also have to be moved.

Physical features

Map 3, a recent air photo, shows the present features of the land. This has been simplified to a line drawing in Map 4.

Both quarters contain several low areas, and there has been an attempt to drain them by a ditch which starts on the Ertman land and runs under the Hillside Road in a 900mm culvert, and thence south and east through the Patterson and Arber properties to Bigstone Creek. This drainage is not completely successful. All three properties still contain areas of high water table.

This is a mixed blessing for the greenhouse operation. On the plus side, it allows them to use a dugout for irrigation. However, it would make a direct access from the greenhouse to Hillside Road very expensive.

Other constraints on development

Development on this land is not restricted by nearby intensive animal operations, oil and gas activity, airports, sewage treatment lagoons, or landfills.

As noted above, there are low areas on all three existing parcels, but these are localized. A 1.98 metre test hole drilled on the proposed Patterson subdivision in July 2004 (a wet month) was dry despite its proximity to the ditch.

Contours prepared by Ernie Tessari, ALS, accompanying subdivision application RW/73/12, show that most of the Patterson property is higher than the tested location.

It is noted that the dugout on the Arber property, which intercepts the shallow groundwater table, is incised about 1.5 metres below grade, suggesting no problem from that point north.

Other sites will be tested at the time of subdivision application.

Historical and archaeological resources

In rural areas of Alberta, features of historical and archaeological interest are usually found adjacent to lakes and major rivers, on hilltops, and on land which was free of trees before the time of white settlement. The original township plan for 47-24-4, compiled in 1921 from surveys dated 1883 to 1919, describes the subject land as "rolling land covered with poplar and willow scrub", so it is extremely unlikely that it contains any features of historical or archaeological interest. The original Calgary and Edmonton Trail ran on higher land about half a mile east. 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 and recommendations.

Proposed development

The subdivision currently proposed or under consideration by the three present landowners is shown on Map 5. This can be summarized as:

SE 16, Ertman:	Subdivide about five acres to put the existing mobile home on a separate lot for transfer to a family member. Present status: has applied for zoning but not yet for subdivision.
NE 9, Patterson:	Subdivide the 40 acres using the present ditch as the boundary; both resulting parcels to be sold. Present status: has applied for zoning and subdivision, file RW/04/38. The owner has indicated willingness to dedicate internal road as shown on Map 6.
NE 9, Arber:	The greenhouse is currently being renovated. No immediate plans to subdivide, but in the long term, possibly subdivide off the land north of the trees.

Longer term possibilities are outlined on Map 6.

Design

Map 6 shows the present highway access into the greenhouse removed and replaced by an internal connection to Hillside Road. Lots may then be created on either side of this internal road. The road will continue north into SE 16 to accommodate lots on that quarter.

Internal roads will be dedicated at the time of subdivision, and constructed by whichever party first needs them. Roads will be to county standards, with rural cross sections (ditches, not curb and gutter) and a gravel surface.

In a letter to WCPA dated 8 February 2005, Alberta Transportation noted that "future Highway 2A improvements to a multi-lane facility would involve a proposed right-of-way of 61 metres [west] from the existing highway centre line... this department will protect the future requirement through development and subdivision conditions."

A future highway right-of-way 61 metres west of the present centre line means 35 metres of road widening on SE 16, and 6 metres on NE 9.

The future highway right-of-way will be used as the base line for calculating any required building setbacks.

The intersection of Hillside Road and Highway 2A may be upgraded at the same time the highway is widened, but (as per Alberta Transportation's letter to Arber dated 15 July 2004) this will be the department's responsibility.

Driveways close to the highway will be moved when the intersection is upgraded.

Municipal reserves

The subdivision approvals which created the present parcels (Ertman RW/72/24, Patterson RW/73/12) deferred reserves into the new parcels without caveats. This means that, if they are re-subdivided, reserves are due in the amounts of about 2.2 hectares for the Ertman property, 1.6 hectares for the Patterson property, and about 4.0 hectares for the Arber property.

There is no need for parks and schools in this area, so it is proposed that reserves in SE 16 be taken in the form of a strip of land 35 metres wide adjacent to the highway. When the land is required for road widening, the county can sell it to AT, with the proceeds taken into the county's reserve fund under section 675(3) of the MGA. A recent precedent for this sort of transaction is subdivision RW/04/25 (IV Ranches).

Reserves on the Patterson property should be treated the same way. The main beneficiary of road dedication through that parcel is AT, because it will allow them to close the present highway approach into the greenhouse. It is proposed that the any road taken from the Patterson property be credited against municipal reserves due from that parcel.

Water supply

The provincial Water Act requires that where there will be six or more residential lots on a quarter section, and those lots will use groundwater for domestic purposes, the developer must provide a report by a professional engineer, certifying that there is a supply of at least 1,250 m³ per year (about half a gallon per minute) for each lot, without depleting existing wells in the area.

At present there are three lots on NE 9 (Arber, Patterson, and a lot on the east side of the highway) and three on SE 16 (Ertman and two on the east side of the highway). The subdivisions now proposed will add only one lot to each quarter section, so there is no legal requirement for water tests. It is proposed that formal engineering tests be deferred until there is a proposal to create six or more lots on each quarter.

Sewage disposal

The lots now under consideration are large enough that they can have on-site sewage disposal under the Alberta Private Sewage Systems Standard of Practice.

Storm water management

The proposed lot sizes are such that there will be no appreciable increase in run-off, so it is not necessary to install detention ponds or other storm water management devices.

Fire suppression

Arber Greenhouses have a large dugout for irrigation, and this water is piped into the buildings. The Ertman and Patterson homes are within 1,000 metres of a large storm water pond recently built in Bluebird Estates in NW 10. It does not seem necessary to construct a fire pond in NE 9 or SE 16.

Staging of development

The only subdivision immediately planned is one lot on the Ertman property and one on the Patterson property, as shown on Map 5.

No internal road will be dedicated at this time on the Ertman property, but MR will be taken as discussed above.

Internal roads will be dedicated as part of the proposed Patterson subdivision, but construction will be deferred until the time of further subdivision.

Zoning

The owners request a change of zoning to Country Residential as shown on Map 7.

Public Participation

As noted earlier, the County of Wetaskiwin's Millet-Wetaskiwin Acreage study, adopted by Bylaw 2004/28, identifies the land as "in principle, suitable for subdivision into residential acreage lots."

Bylaw 2004/28 was the subject of extensive public hearings, so it seems enough to advertise this ASP and rezoning for a single public hearing in front of council.

By-Law 2005/38

Hillside Road
Area Structure Plan

Map 6B

Future Road System
Option B

Ditch included in 30m road
through Patterson property

Lane approaches marked "A"
to be relocated to "B" when
adjacent roads are built

Future
highway
widening

SE 16

B A A

Hillside Road

One
or two
lots

Remainder of
Patterson
property

Highway 2A

Area west of ditch on
separate title

Range Road 243A

3 ac
lot

Greenhouse

NE 9

Remove
access

Ditch