

BY-LAW NUMBER 2005/59

BY-LAW 2005/59 is a By-law in the County of Wetaskiwin No. 10 in the Province of Alberta, to authorize the adoption of an Area Structure Plan for David & Sherry Blanchard Lot A, Mike & Luella Yakymyshyn Lot B, Marlin Dewar Lot C and Lori & Robert Swanson Lot D, for the purpose of re-subdividing to create 14 ten-acre lots within SE 01-48-28-W4M, in accordance with Section 633 of the Municipal Government Act, Chapter M-26.1, Revised Statutes of Alberta 2000, and amendments thereto. Subject to the following amendments being made to the Area Structure Plan:

1. The developer is to consent to the County registering a restrictive covenant on the titles of those lots with less than 60% tree cover, forbidding any further clearance, and requiring that tree cover be restored over time.
2. The developer is to commit to constructing a fire pond if one is deemed necessary by the Fire Chief.
3. Add a new section called "Transportation" after "Proposed Development" under which lots using RR 280 will be required to contribute to the cost of upgrading, with the amount negotiated in the development agreement.
4. Other minor amendments as shown in italics in the text of the Area Structure Plan presented to Council.
5. That the two lot D orientated towards south Wizard Lake Road be re-designed to be orientated towards the future internal subdivision road.

WHEREAS: at the requirements of County Council, an Area Structure Plan has been prepared for David & Sherry Blanchard Lot A, Mike & Luella Yakymyshyn Lot B, Marlin Dewar Lot C and Lori & Robert Swanson Lot D, for the purpose of re-subdividing to create 14 ten-acre lots within SE 01-48-28-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, 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 as the *David & Sherry Blanchard Lot A, Mike & Luella Yakymyshyn Lot B, Marlin Dewar Lot C and Lori & Robert Swanson Lot D*, within (SE 01-48-28-W4M)".

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

READ: A First time this 13 day of October, A.D., 2005.

READ: A Second time this 13 day of October, A.D., 2005.

READ: A Third time and finally passed this 13 day of October, A.D., 2005.


REEVE


SECRETARY-TREASURER

Bylaw 2005/59

Area Structure Plan

SE 1-48-28-4

Background

This is a mostly tree covered quarter section south-west of Wizard Lake. In 1973 it was subdivided into four residential lots and a 16 acre reserve parcel. Earlier this year the owner of Lot D requested rezoning of about five acres to Country Residential to allow creation of a lot to transfer to a family member. Council was not prepared to allow piecemeal development, but indicated that they would look favourably on re-subdivision provided that there was an overall plan for the quarter section.

Existing land uses in the area

This is an area of stony soil. As a result, most of the nearby land is either grazed, or still in native tree cover.

There are no confined feeding operations, airports, waste disposal grounds, sewage treatment lagoons, or sour gas installations within five kilometres.

Existing land uses on the quarter

Map 1 is an air photograph of the quarter taken in 2003. The reserve lot and three of the private lots are almost fully tree covered. Lot A is about half cleared.

There are houses on Lots A, C, and D. Approximate locations of the houses and approaches are shown on Map 2.

There are no active or abandoned oil wells or pipelines on the quarter.

Near Surface Water Table

Site investigation shows no obvious surface ponding, and no large areas of willows which indicate a high water table.

Historical and Archaeological Considerations

In rural areas of Alberta, features of historical and archaeological interest are usually found adjacent to lakes and rivers, on hilltops, and on land which was cleared before the time of white settlement. It is extremely unlikely that the subject land contains any features of historical or archaeological interest. However, as required by the provincial Subdivision and Development

Regulations, a copy of this document will be sent to the Historical Resources Division of Alberta Community Development with a request for comments.

Proposed Development

The owners propose to re-subdivide to create 14 ten-acre lots, as shown on Map 3. Ten-acre lots are consistent with the land use objectives of the Wizard Lake study, which encourages subdivision into lots which are large enough that tree cover will be retained.

Two of the proposed lots have less than the 60% tree cover required for Rural Conservation zoning. The developer will therefore consent to the County registering a restrictive covenant on the titles of those lots, forbidding any further clearance, and requiring that tree cover be restored over time.

Four of these lots will have direct access on to the South Wizard Lake Road (Township Road 480). That road now has a 112 foot (34 metre) right-of way. One lot will have access on to Range Road 280, which will be widened by five metres. The remaining nine lots will be served by two cul-de-sacs on 20 metre rights-of-way with 40 metre turning heads and five metre utility easements on each side.

Water Supply

Alberta Research Council maps indicate an expected sustainable groundwater flow of 5 to 25 gallons per minute, which is ample for the proposed development. A professional engineer has been retained to confirm that groundwater flows meet the requirements of section 23 of the Water Act. His report will be submitted to the County as soon as it is received by the owners.

Sewage Disposal

The lots are large enough that domestic sewage can be treated and disposed of on site in conformity with the current Alberta Private Sewage Systems Standard of Practice.

Storm Water Management

It is expected that no more than 5,000 square feet of each lot will be hard surfaced (buildings, driveways, etc). This is just less than 2% of the area of a typical lot, so the change in runoff will be negligible. The minor increase does not justify detention ponds as part of the storm water management system. Runoff will be directed into roadside ditches which flow towards Wizard Lake.

Fire Protection

Lots will continue to rely on the fire department at Mulhurst, five miles south. The lack of surface water may make a fire pond impractical. However, if one is required, it will be provided.

Staging of development

Probable staging of development is shown on Map 4.

The owners of Lot A (Blanchard) will create three 10-acre lots. Their plan of subdivision will also dedicate 5 metres of road widening along Range Road 280, and a 20 metre internal road. The internal road will not be built until Lot B is subdivided, and whoever owns Lot B at that time will be responsible for its construction.

The owners of Lot C (Yakymyshyn) will also create three lots.

The owners of Lots C and D do not intend to subdivide at this time. When they do, a road will be dedicated and built as shown on Map 3. The road may be entirely on Lot D, or may straddle Lots C and D; this will be determined by the two landowners at the time.

Request for rezoning

The landowners request that County Council rezone the entire quarter section to Rural Conservation. This will allow the first stage of subdivision, but it will not force any owners to subdivide until they wish to do so.

Because assessment is based on actual use, not zoning, the assessment of lots remaining unsubdivided will not change as a result of rezoning, neither will the taxes.

Public participation process

The owner will not hold an open house or send copies of this plan to neighbours, but will rely on the County's advertising and public hearing process to gather input from the public.

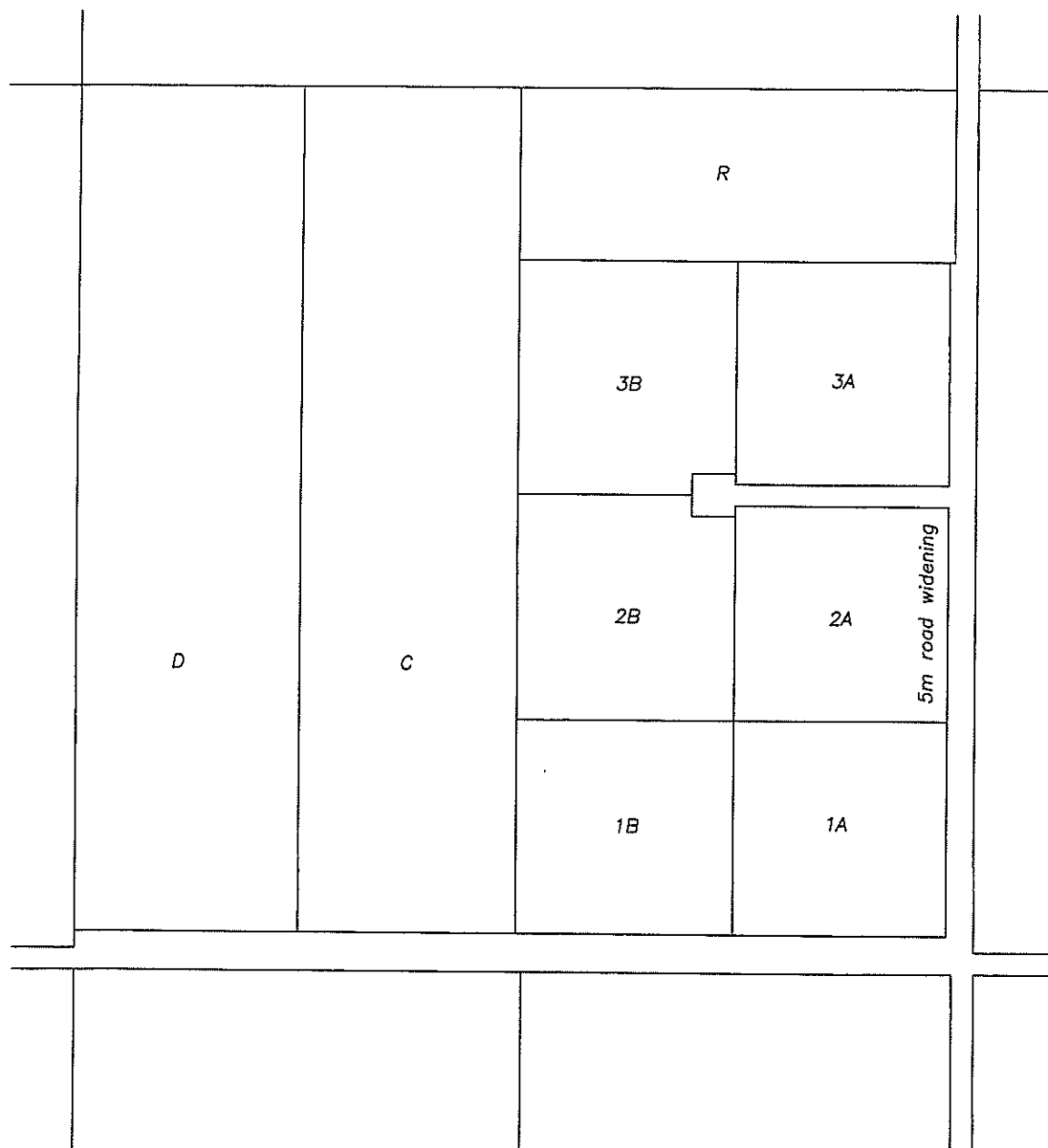
Contribution to off-site costs

Range Road 280 does not meet current County standards. It will require upgrading to carry additional traffic from SE 1, and from possible future subdivision to the north. The developers of lots using that road will be required to contribute to the cost of upgrading, with the amount negotiated in the development agreement.

Subsequent event

Following the adoption of this Area Structure Plan by bylaw, Council passed Bylaw 2005/60 which reclassified all four lots to Rural Conservation.

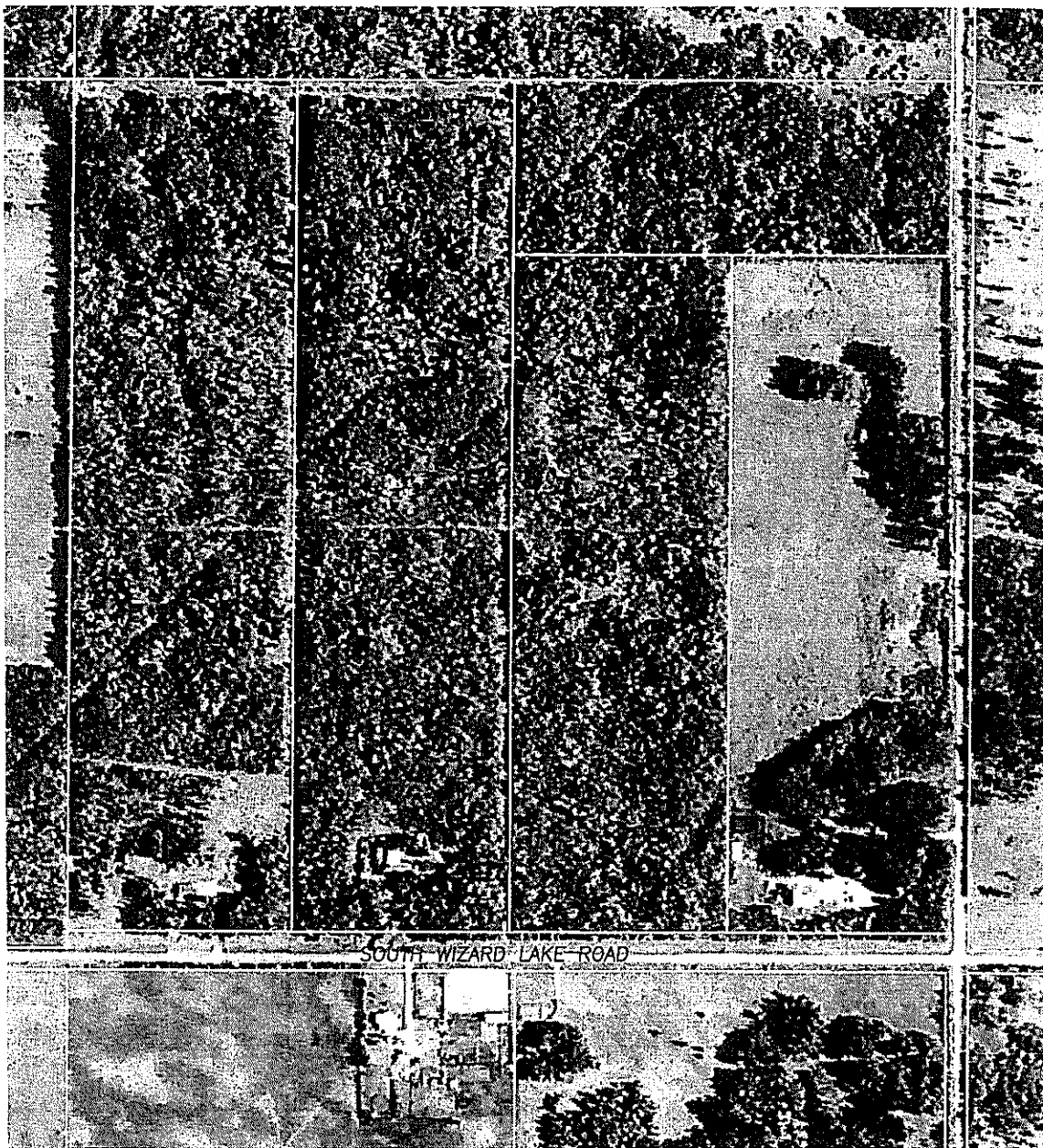
County of Wetaskiwin
Plan 3416 TR in SE 1-48-28-4
Area Structure Plan



Map 4: Stage One Subdivision

New lots are all 10 acres to conform to Rural Conservation zoning

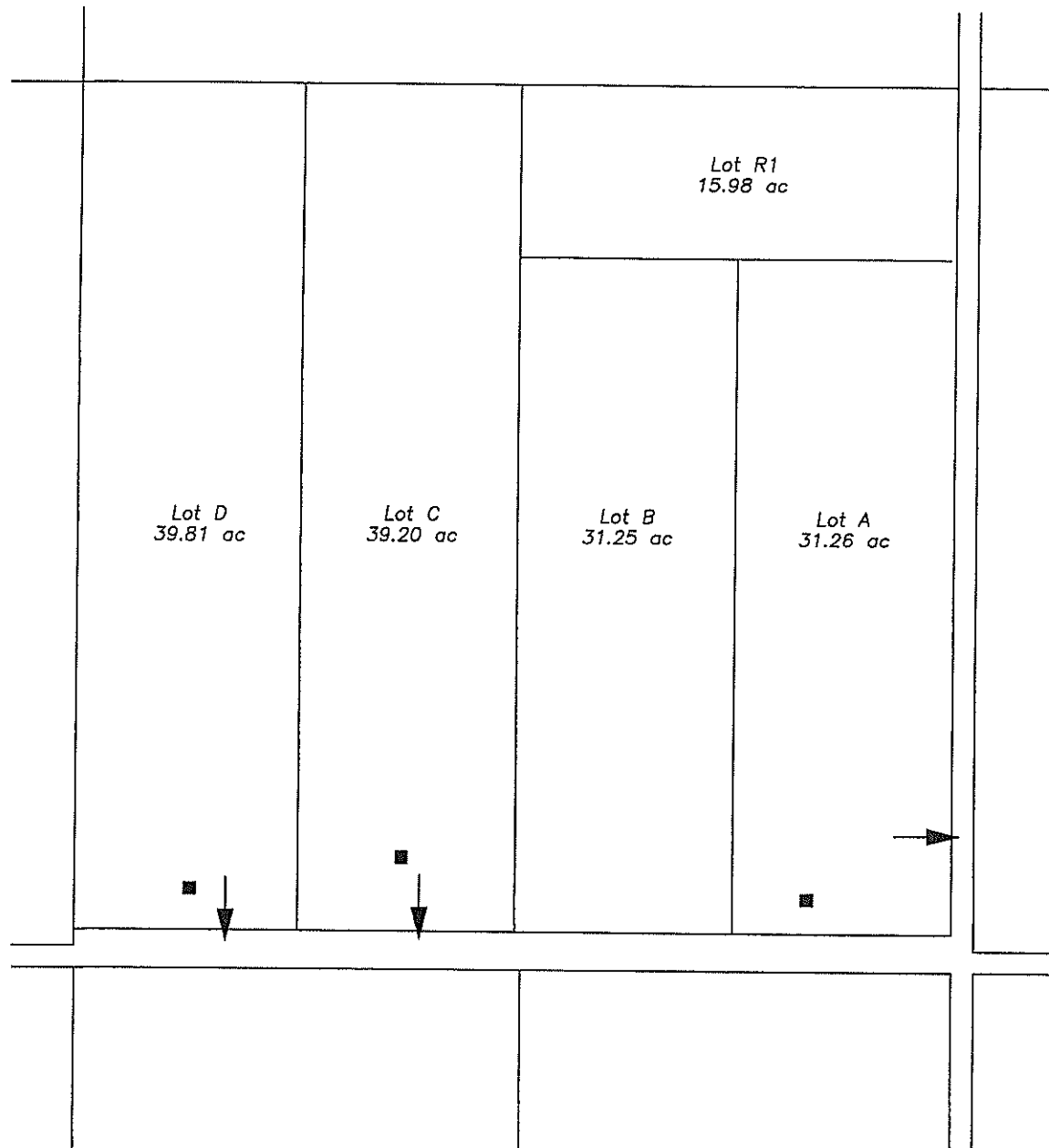
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Map 1: Recent Air Photo

AS 5262B Line 10 #228 2003-07-10

County of Wetaskiwin
Plan 3416 TR in SE 1-48-28-4
Area Structure Plan

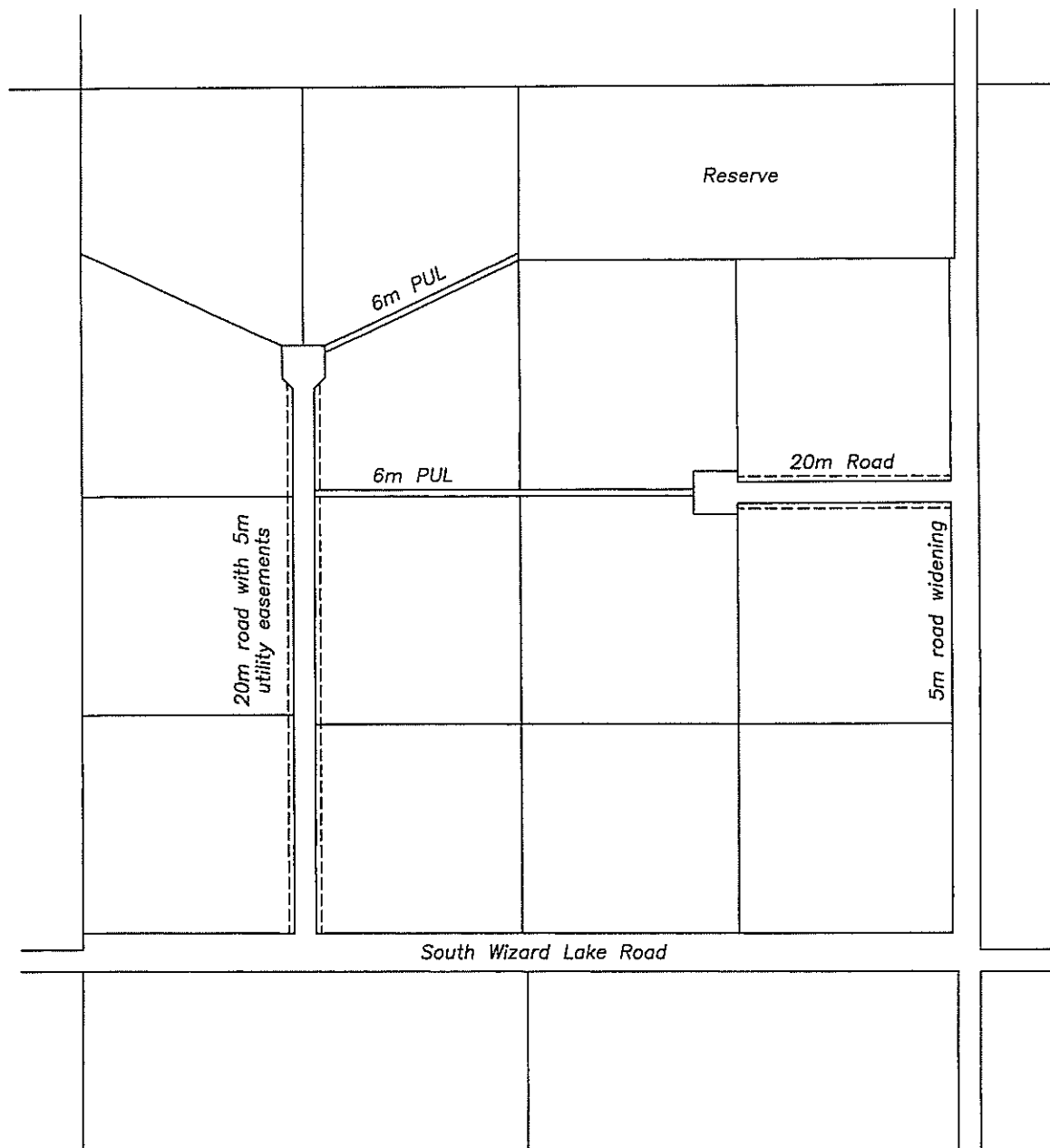


Map 2: Present Property Boundaries

■ Residence

→ Approach

County of Wetaskiwin
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Scale
1:6000

Map 3: Overall Design

All lots are 10 acres to conform to Rural Conservation zoning