

BY-LAW NUMBER 2006/03

BY-LAW NO. 2006/03 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 Battle Lake Resources Ltd. (Bill Blackmore) NW & SW 22-46-2-W5M in accordance with Section 633 of the Municipal Government Act, Chapter M-26.1, Revised Statutes of Alberta 1994, and amendments thereto. Subject to the following amendments being made to the Area Structure Plan:

1. Page 2 under *Road Access* the paragraph that states the following be removed from the Area Structure Plan:

"The owner requests that land given up for road widening along the Battle Lake Trail be credited against the amount of reserve due, as was done for RE/02/38 (Schmale)."

WHEREAS: at the requirements of County Council, an Area Structure Plan has been prepared for (NW & SW 22-46-2-W5M).

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 NW & SW 22-46-2-W5M Battle Lake Resources "*Bill Blackmore*".


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


READ: A First time this 9th day of February, A.D., 2006.

READ: A Second time this 9th day of February, A.D., 2006.

READ: A Third time and finally passed this 9th day of February, A.D., 2006.


REEVE


SECRETARY-TREASURER



Proposed

AREA STRUCTURE PLAN

That part of
NW and SW 22-46-2-5
lying between Battle Lake and the Battle Lake Trail

in the County of Wetaskiwin

Landowner:
Battle Lake Resources Ltd
(Bill Blackmore)

Introduction

Battle Lake Resources Ltd owns two adjacent properties at Battle Lake:

- o that part of NW 22-46-2-45 lying south of the Battle Lake Trail and north of Battle Lake, containing 65.88 acres, plus
- o that part of SW 22 lying north of Battle Lake, containing 24.90 acres,

for a total of 90.78 acres. A recent air photo is shown on Map 1.

The owner wishes to adjust the boundary between the two quarters so as to create a 22 acre lot at the west end of NW 22, and consolidate the remainders of the two quarters into a single lot.

Because there are already three lots subdivided out of NW 22, County of Wetaskiwin policy calls for the preparation of an Area Structure Plan (ASP) before any further subdivision is allowed.

Zoning

The shoreline of Battle Lake remains largely in natural tree cover, and Wetaskiwin County Council would prefer that it stay that way. Council has therefore zoned the land Rural Conservation. This allows tree covered land to be subdivided into parcels no smaller than ten acres. Once these parcels are created, no more than 40% of the land can be cleared of the natural vegetation. No change is proposed to this zoning.

Conflicting Land Uses

There are no landfills, sewage treatment lagoons, confined animal feeding operations, or airports close enough to the land to affect the pattern of development.

Oil and gas activity in the area affects the pattern of development. AEUB rules require that houses be set back at least 100 metres from an active well site, although this may be relaxed by the Board. Active wells are shown on Map 2, together with the required setbacks. Both active wells on the property are operated by Dominion Energy of Calgary.

There is an abandoned well in LSD 12. This requires only a 5 metre setback.

Site Conditions

SW 22 is reasonably high and dry, but much of NW 22 is low and wet, and site investigation has shown that only the very west end contains suitable building sites without expensive and intrusive filling.

Proposed subdivision design

The owner proposes to adjust the boundary between NW and SW 22 so that the buildable part on NW 22 becomes one lot, and the low, wet area on that quarter is consolidated with SW 22. The resulting parcels will be about 22 acres and 68 acres. As the land north of the Battle Lake Trail has already been subdivided into Lots 1, 2, and 3, the 22 acre parcel will be designated Lot 4, and the larger remainder will be designated Lot 5.

Because this is simply a lot line adjustment, it is proposed that municipal reserves not be taken at this time, but be deferred proportionately into each parcel.

If at some future time the owner of Lot 4 wishes to re-subdivide, there is enough land to create two ten-acre lots in conformity with Rural Conservation zoning, plus 10% reserves along the lake shore in a strip about 40 metres wide.

In order to protect this possible future reserve strip on Lot 4, the developer will register an environmental reserve easement against the first 40 metres back from the lake. Under the terms of this easement, the land will be privately owned, but must remain in its natural state with no buildings.

Road access

The Battle Lake Trail does not meet current municipal standards, and the actual road may be constructed off the road plan in some areas.

As the Battle Lake area develops, it is likely that the road will have to be rebuilt. Map 2 therefore shows a five metre road widening across the entire frontage of Lots 4 and 5, plus additional road widening in those places where the road is currently built outside of Road Plan 7532 AG. This will give a minimum road right of way of 25 metres. Road widening will be dedicated across Lot 4 at no cost to the County. Road widening across Lot 5 will be offered to the County at market price.

The owner requests that land given up for road widening along the Battle Lake Trail be credited against the amount of reserve due, as was done for RW/02/38 (Schmale).

Public access to the lake

Range Road 23 runs south from the Battle Lake Trail to the lake. Fishermen use it for access to the lake. It is not passable in wet conditions, and is not maintained by the County. Whether this road will be upgraded in future, and to what standard, is up to the County.

Dealing with abandoned wells

There is an abandoned oil well on Lot 4.

An abandoned oil well is not a hazard. There is little or no remaining pressure, and the well is cut off at least a metre below ground and sealed with concrete to prevent any movement of fluids. Nevertheless, the EUB recommends that a clear space be left five metres around the well in case it is ever necessary to return and do any further work.

The well location will be identified at the time of subdivision, and a ten metre square utility easement will be surveyed, posted, and registered on title so that future owners are made aware of it. The easement will be in favour of the County of Wetaskiwin, but no liability will devolve on to the municipality, nor will the easement oblige the municipality to do anything.

This method of recording abandoned well locations is now used in Ponoka County.

Archaeological and historical assessment

A simple lot line adjustment does not need to be referred to the Historical Resources Division of Alberta Community Development before subdivision is approved.

Re-subdivision of Lot 4 may trigger a requirement for an archaeological review, but this is likely to be waived by the authorities because the site has been disturbed by oilfield activity, and it is unlikely that any archaeological value remains. That decision will be made by the Historical Resources Division at the time of any re-subdivision.

Water supply

The subdivision proposed here will result in there being less than six lots on each quarter section, so there is no need to prove groundwater to satisfy Section 23 of the Water Act.

Sewage treatment

The *Alberta Private Sewer Systems Standard of Practice* allows self-contained systems (septic tank and underground field) on lots of 1,850 m² (about half an acre) or more. Lot 4 is forty times that size.

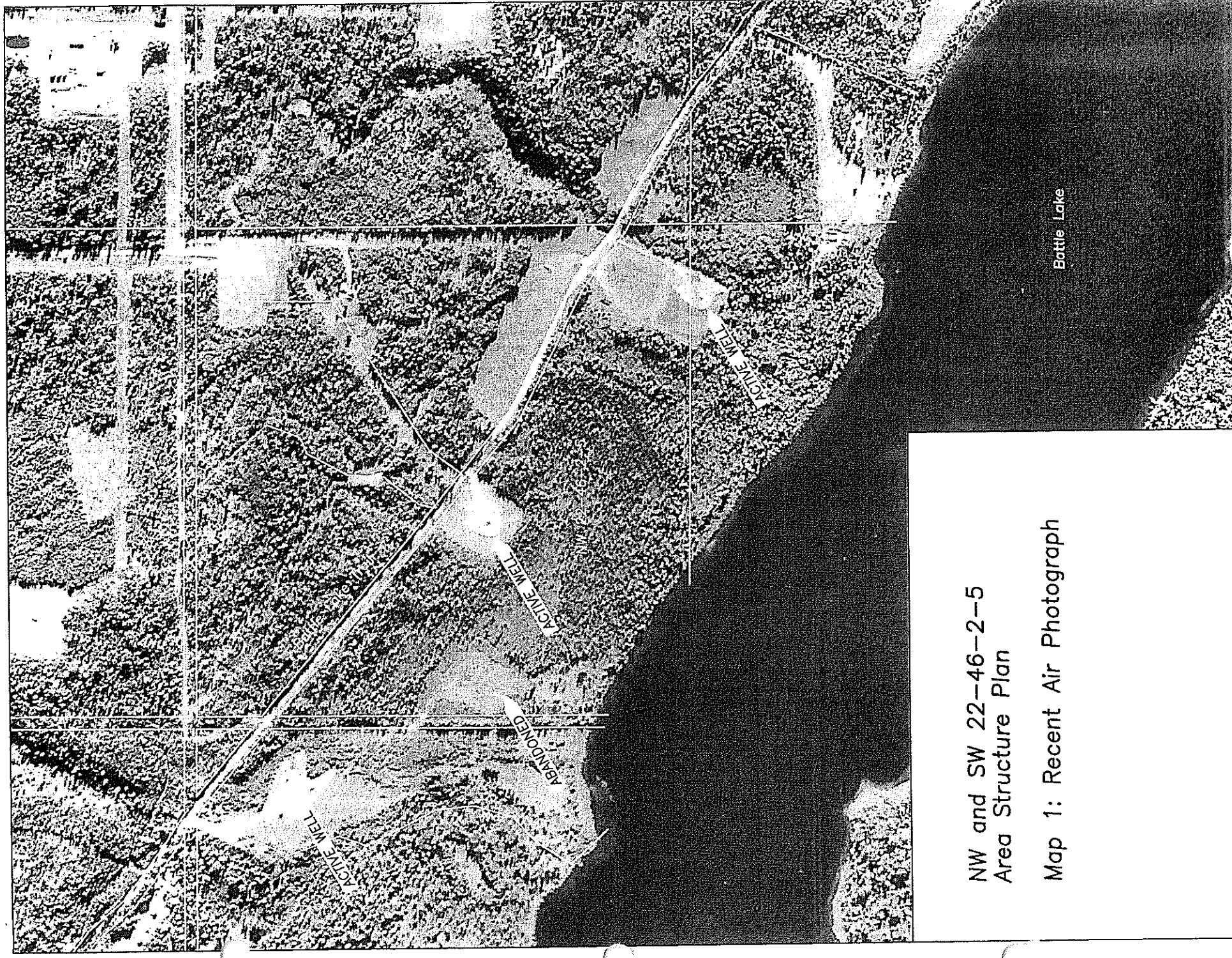
There is always a slight risk of sewer systems failing, and releasing harmful material into the soil and thence to the lake. For that reason, the *Standard of Practice* requires fields to be at least 15 metres from any watercourse, and not be located between the residence and the

lake. Combined with the 40 metre ER easement noted above, this means that any sewer field will be at least 60 metres from the lake, or four times the 15 metre minimum.

The County also has the option of requiring sewage to be collected in pump-out tanks and hauled to a lagoon for treatment.

Conclusion

The proposed lot line adjustment and the possible future subdivision are consistent with the original Battle Lake Study and with the bylaws which have been in place since 1974, and will ensure that maximum tree cover is retained along the north shore of Battle Lake.



Battle Lake

NW and SW 22-46-2-5
Area Structure Plan

Map 1: Recent Air Photograph

