

BY-LAW NUMBER 2004/31

BY-LAW NO. 2004/31 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 Pressure Services Incorporated in NW 10-46-6-W5M in accordance with Section 633 of the Municipal Government Act, Chapter M-26.1, Revised Statutes of Alberta 1994, and amendments thereto.

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:

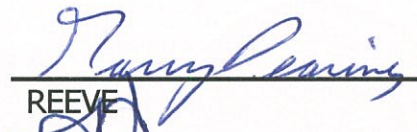
1. The document attached to this By-law as "Appendix A", together with accompanying maps, is hereby adopted as the *"Pressure Services Incorporated in NW 10-46-6-W5M"*, subject to the following amendments:
 - a. That the section discussing "Previous Land Uses" be amended by adding the following sentence: As there may be a possibility of contamination of the subject land from underground storage tanks, the applicant or developer shall undertake an Environmental Assessment for the lands prior to submission of a plan of subdivision.
 - b. That the section discussing "Present Land Uses" be amended to state that any lands to be designated as a residential land use be greater than 100 metres from the oil well located in the middle of the plan area (refer Section 11, Subdivision and Development Regulation).
 - c. That the section discussing "Conflicting Land Uses, Former Landfill" be amended to require that there be a notice on title advising that any well drilled for any of the proposed Urban Commercial or Industrial areas within 450 metres of the Former Landfill shall not be used for personal consumption.
 - d. That the section discussing "Fire Protection" have the following added: that a fire pond and an all weather access be constructed, and an access easement in favour of the County be registered on title all to the satisfaction of the County.
 - e. That the section discussing "Road Standards" have the figure of 20 metres deleted and replaced with a statement that all roads will be constructed on rights of way with a width approved by the County.
 - f. That the section discussing "Historical and Archaeological Resources" be amended and clarified with the department responsible for Historical and Archaeological Resources as the area is in excess of 25 acres with the residential area being 25 acres alone.
 - g. The developer is to build a sewage gathering system with one or two collection tanks which would be emptied by truck, with the effluent hauled away for treatment at Winfield, Alder Flats, or a new lagoon in the Buck Lake area.
 - h. That Council establish a setback of 20 metres (66 feet) from a drainage ditch for all development.
 - i. That the road in the Urban Commercial area be moved north so it enters Range Road 63 north of the residences on the west side of the road.

- j. That a Municipal Reserve strip be dedicated between the industrial lots and Range Road 63.
2. This by-law does not come into effect until such time as the County receives the updated report demonstrating that there is sufficient water for the lots.

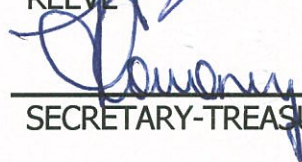
READ: A First time this 10th day of August, A.D., 2004.

READ: A Second time this 10th day of August, A.D., 2004.

READ: A Third time and finally passed this 10th day of August, A.D., 2004.



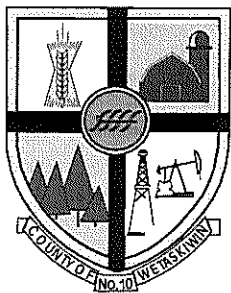
REEVE



SECRETARY-TREASURER

Introduction

The subject property lies at the west end of the hamlet of Buck Lake, on the north side of Lakeshore Drive. The eastern part of the quarter has been subdivided into residential lots, notably the Avalon Wynd resort cottage subdivision, and various commercial lots have been created along Lakeshore Drive, including the Wind in the Willows, the UFA bulk fuel dealership, and Pressure Services Inc (PSI), an oilfield service company. The unsubdivided remainder of the quarter, which is the subject of this area structure plan, amounts to about 124.3 acres. A copy of the current title is attached.



County of Wetaskiwin No. 10

Area Structure Plan

Pt. NW 10-46-6-W5M

Buck Lake, Alberta

Landowner: Pressure Services Inc
Owner's Agent: Moore's Agri-Trade Ltd

Bylaw 2004/31 (August 10, 2004)

West Central Planning Agency show that in 1972-73 there were three businesses selling or using fuel in large quantities along Lakeshore Drive: UFA, still operating on Lot 3 Block 2 Plan 982 2759; an Esso bulk station on Lot 8 Block 1 Plan 3622 HW; and Stewart Construction on Lot 5 Block 2 Plan 4558 MC. The County may have further information because a few years ago Alberta Municipal Affairs had a program to identify and remediate such sites, and the County may have participated.

As there may be the possibility of contamination of the subject land from these sources, the applicant or developer must undertake an environmental assessment of the land before submitting an application for subdivision.

The former landfill, 300 metres west, is far enough away that it has probably not contaminated the subject land, but lenders will probably want a low level site investigation.

Present Land Uses

Most of the subject land is now in a hay/crop rotation.

A former ball diamond in the south-west corner has been abandoned and the area is being used for storage of oilfield equipment, an overspill of the PSI site.

There is an oil well approximately in the middle of the quarter, with road access from the north and a pipeline running west to Range Road 63. The operator is Penn West. This is not a sour well so no extraordinary setbacks are required from the well or the pipeline. The standard 100 metre setback is adequate to meet AEUB requirements.

Any lands to be designated as a residential land use must be greater than 100 metres from the oil well located in the middle of the plan area as per Section 11, Subdivision & Development Regulation.

Conflicting Land Uses

The County of Wetaskiwin's standards for the preparation of area structure plans require the developer to identify any conflicting land uses.

Confined feeding operations: There are no CFOs within two kilometres of the subject land.

Airfields: There are no airports anywhere near the subject land; the closest is at Drayton Valley, 30 km to the north-west.

Sour gas facilities: The Avalon Wynd subdivision was referred to the Alberta Energy and Utilities Board in 2002, and at that time the Board said there were no sour gas facilities in the area. The ASP has been referred to the board again to confirm that this is still the case.

Former Landfill: The County of Wetaskiwin at one time operated a landfill on the next quarter west, NE 9. Provincial regulations place restrictions on the development of land near this site. The Subdivision and Development Regulation, AR 43/2002, section 13, forbids the creation of lots or development of land for residential use within 300 metres of the disposal area, and the Nuisance and General Sanitation Regulation, AR 242/85, section 18, forbids the location of a water well within 450 metres. Part of NW 10 lies within these setback distances. The County will file a notice on the title of any new lots within these distances to inform buyers that any well within these distances must not be used for human consumption.

Map 3 illustrates these setback distances.

Design Concept

The overall design concept for the subject land is shown in Map 4. There are three land uses.

Commercial / light industrial: The south-west corner of the land will be subdivided into commercial or light industrial lots with a looped road off Range Road 63. Most of the lots will be around one acre in size, or larger at the outside corners of the internal road.

The existing PSI lot will be enlarged to the north, giving it access to the new industrial road, which will reduce the traffic on Lakeshore Drive.

The lowest commercial /industrial lot will be about 6 metres above the drainage ditch, so it is unlikely that the groundwater table is close to the surface, but this will be tested at the time of subdivision.

Map 5 shows the commercial area in more detail.

Residential: The east side of the subject land will be subdivided into residential lots along a new road which will connect the first stage of Avalon Wynd with the Buck Lake townsite. Lots will be in the half acre to one acre size range.

A detailed design of the residential area will be submitted at the time of application for subdivision.

A par-3 golf course: This will occupy about 70 acres will separate the residential lots from the commercial area.

The developer is aware that, in order to comply with Policy 4.10 of the Buck Lake Management Plan, he will have to provide a nutrient budget for the golf course when he applies for a development permit. This is to ensure that excess nutrients do not run off into the lake and cause algal blooms.

Road Standards

All roads will be constructed to rural standards with gravel surfaces. Storm water will be removed by ditches. The width of the right of way will be as required by the County.

The road in the Urban Commercial area is to be moved north so it enters Range Road 63 north of the residences on the west side of the road.

Water Supply

The Water Act requires that, if a subdivision will result in there being more than six lots on a quarter section, and the resulting lots will depend on groundwater, the subdivision must not be approved until it is proved that there is sufficient groundwater to supply the new lots without depleting the supply to existing users in the area (Water Act, section 23, and Water Regulations, AR 205/98, section 9).

Such a report was prepared by AMEC Earth & Environmental Ltd in 2002 prior to the approval of the second stage of the Avalon Wynd subdivision (County of Wetaskiwin file RW/02/04, AMEC file EE 31114). The report is currently being updated to demonstrate that there is sufficient water for the lots proposed under this ASP.

This ASP will not come into effect until the groundwater report has been accepted by the County.

Irrigation for the Golf Course

The developer will explore two possibilities for golf course irrigation. He may divert groundwater if the engineering study referred to above shows sufficient flows. Alternatively, he may build one or two small dams to hold back the flow in the existing ditch. The latter is probably less expensive, and will add interesting water features to the golf course. Either alternative will require a water licence from Alberta Environment.

Map 4 shows two irrigation reservoirs covering about five acres, about the same size as the one at Wetaskiwin Golf Club. The actual size and location of these reservoirs will be determined when the golf course is designed.

The County will not allow any development within 20 metres of the watercourse or reservoirs or drainage ditch.

Fire protection

The developer appreciates the importance of fire protection and is willing to dedicate land for a fire pond if requested by the County's Fire Chief. This may not be necessary as the fire department can take water from Rat Creek where it is crossed by Lakeshore Drive. However, if a fire pond is needed, one might be built on the drainage ditch, as required by the Fire Chief. It will have all weather access, with an access easement in favour of the County.

Storm Water

The proposed development will pave or hard-surface only a small area, so the runoff coefficient should not be much greater than now. However, if engineering studies show that a detention pond is needed, it can be built into the drainage ditch or irrigation pond.

Sewer service

The 2002 Buck Lake Management Plan, section 3.4, says that the County of Wetaskiwin will "investigate the possibility of constructing a municipal piped sewer system serving the townsite and Buck Mountain School." This is probably some years in the future, but the design proposed in this ASP is compatible with future sewer service. All lines shown on Map 6 flow by gravity to a point on Township Road 462. From there a force main takes the effluent to a treatment lagoon further north or west.

The developer is to build a sewage gathering system with one or two collection tanks which would be emptied by truck, with the effluent hauled away for treatment at Winfield, Alder Flats or a new lagoon in the Buck Lake area.

Historical and Archaeological Resources

The ADM responsible for historical resources has told WCPA, by a letter dated 7 September 1995, that "we are not interested in ... country residential subdivision applications of less than 10 hectares [25 acres] in size". Although the residential component of the ASP does not exceed 25 acres, the total area is greater, so an archaeological review may be necessary. This will be clarified with the ADM before any subdivision application is made.

Municipal Reserves

The Avalon Wynd subdivision fully dedicated reserves, and the remainder of the quarter, the subject land, emerged from the subdivision with no deferred reserve caveat. The present 124.3 acre title therefore owes 12.43 acres of reserve.

A narrow strip of municipal reserve will be dedicated between the industrial lots and Range Road 63.

It is not likely that the County will want to own and maintain other municipal reserve back from the lakeshore. The County will therefore have the choice of taking cash or deferring reserves into the remainder (the golf course).

Zoning

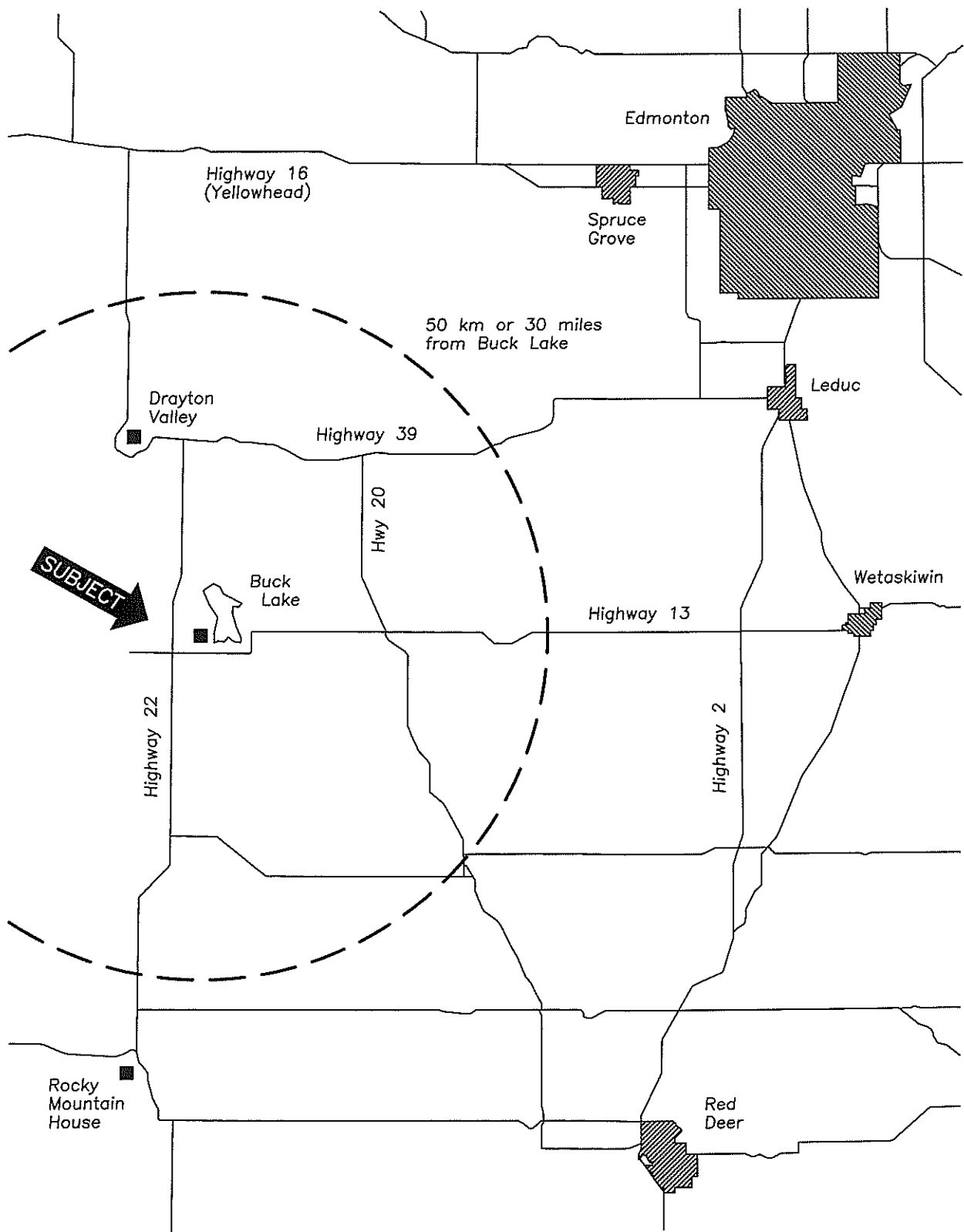
At present the entire property is zoned Agricultural under the County of Wetaskiwin's Bylaw 95/54.

The proposed residential development will require Country Residential zoning, and the golf course will require Recreational zoning, but application for rezoning will be deferred until the market is ready to support these land uses.

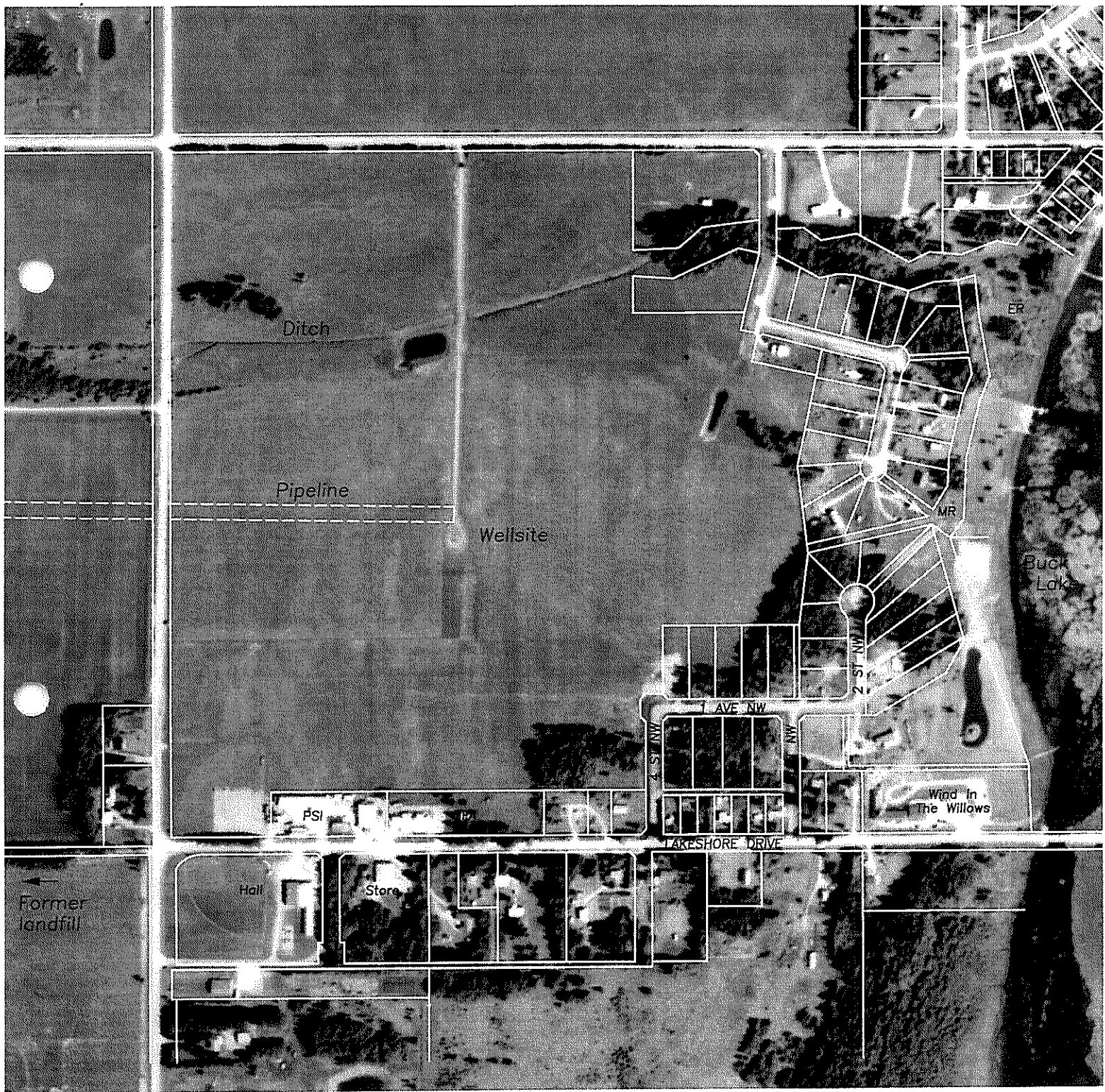
The owner is ready to proceed with the commercial and light industrial area immediately, and will apply for Urban Commercial zoning in the near future.

Subsequent events

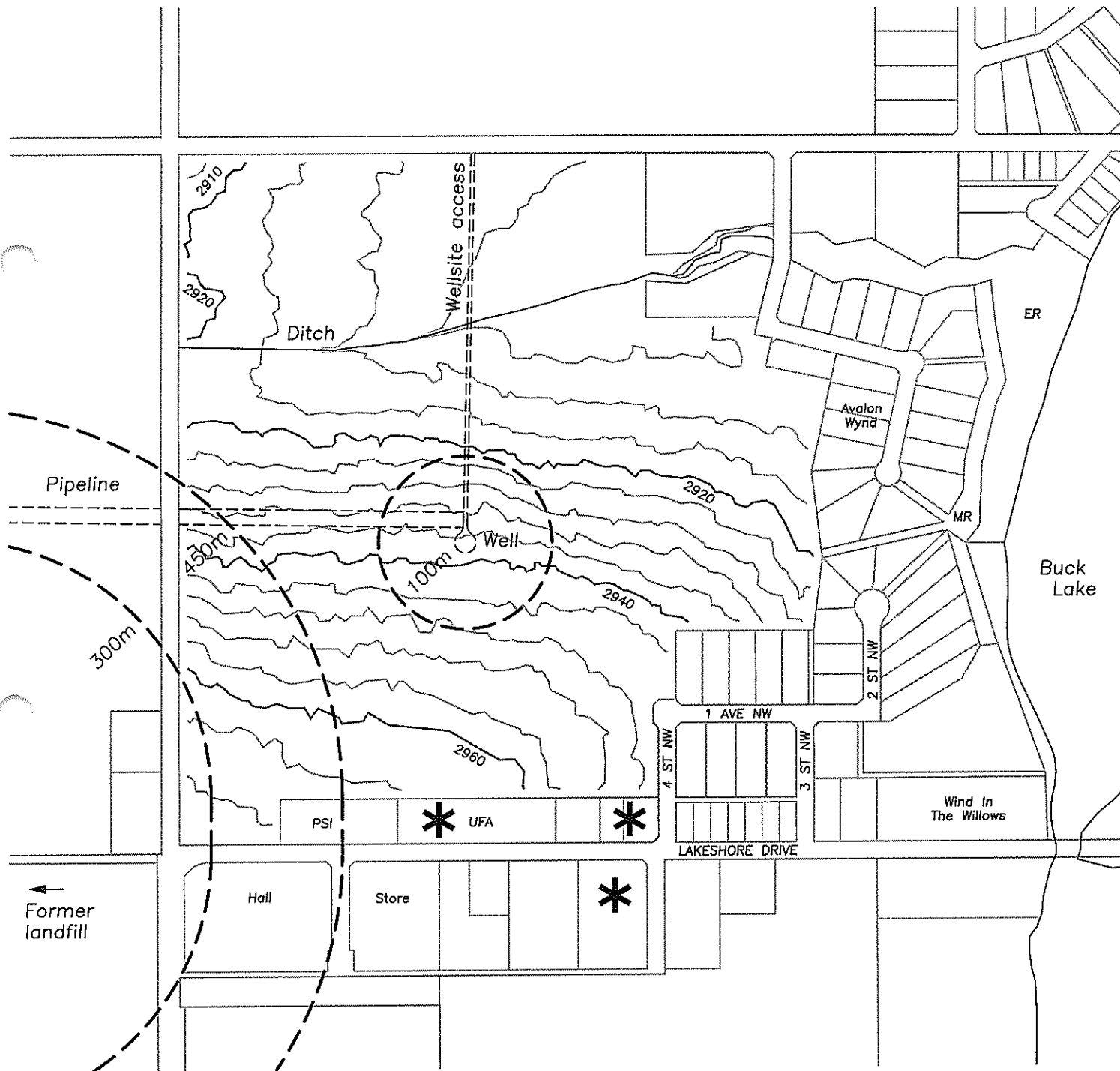
On 10 August 2004, following the adoption of this ASP, zoning was granted as shown on Map 7.



Area Structure Plan
NW 10-46-6-5
Map 1
Location



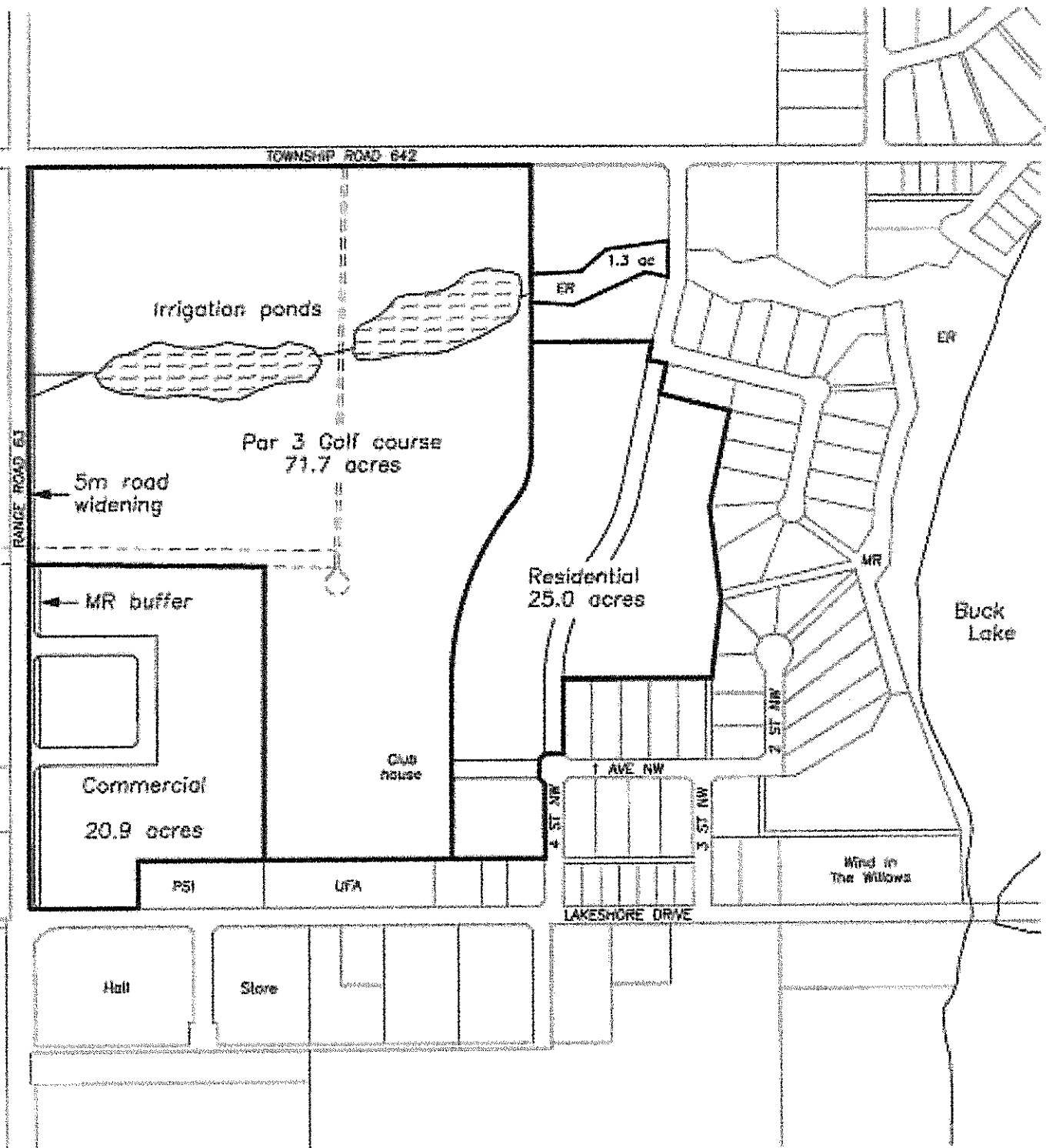
Area Structure Plan
NW 10-46-6-5
Map 2
Recent Air Photograph



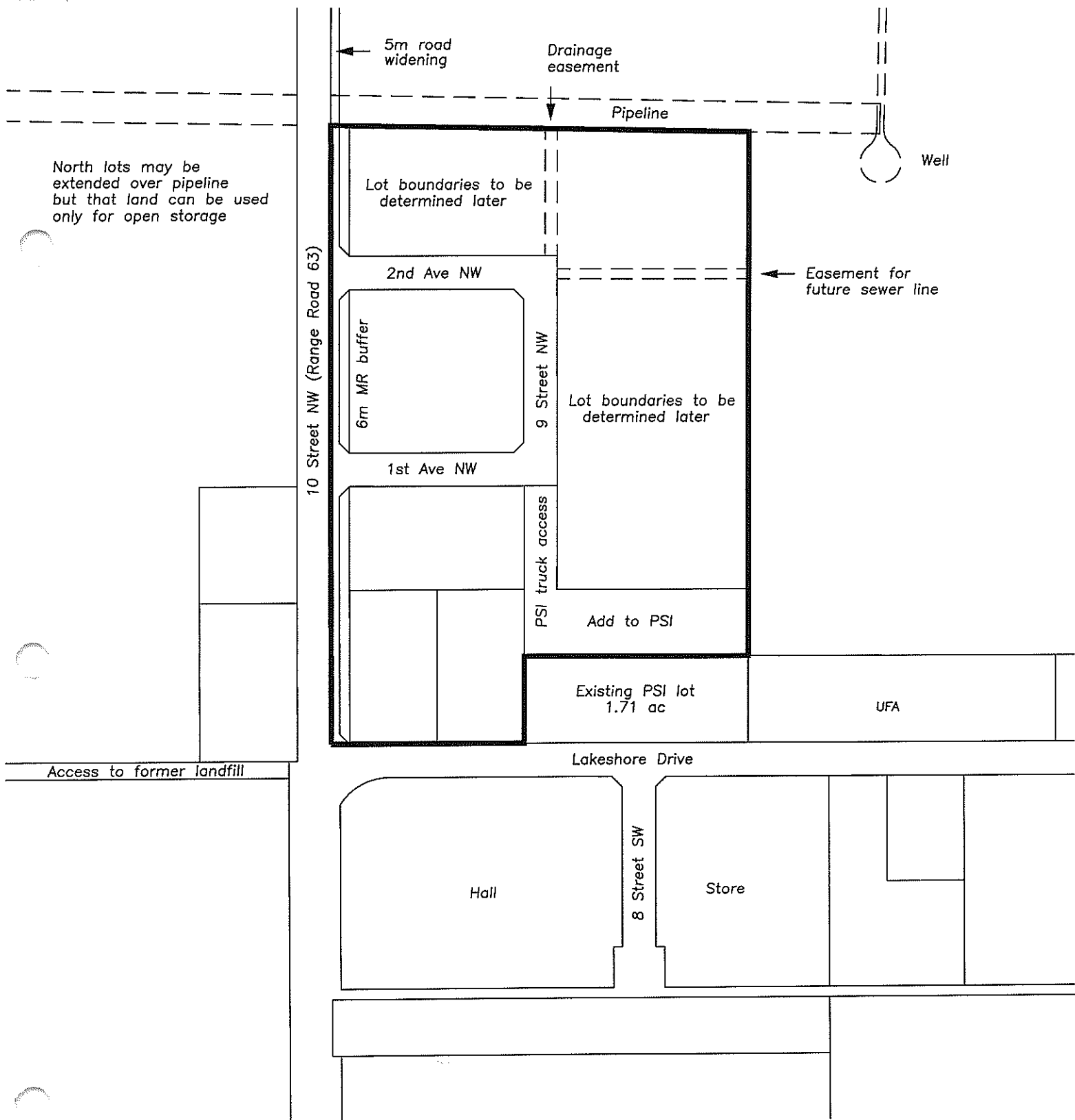
**Area Structure Plan
NW 10-46-6-5
Map 3
Constraints on Development**

Contours in feet, based on air photography
Not ground controlled
4 foot vertical interval

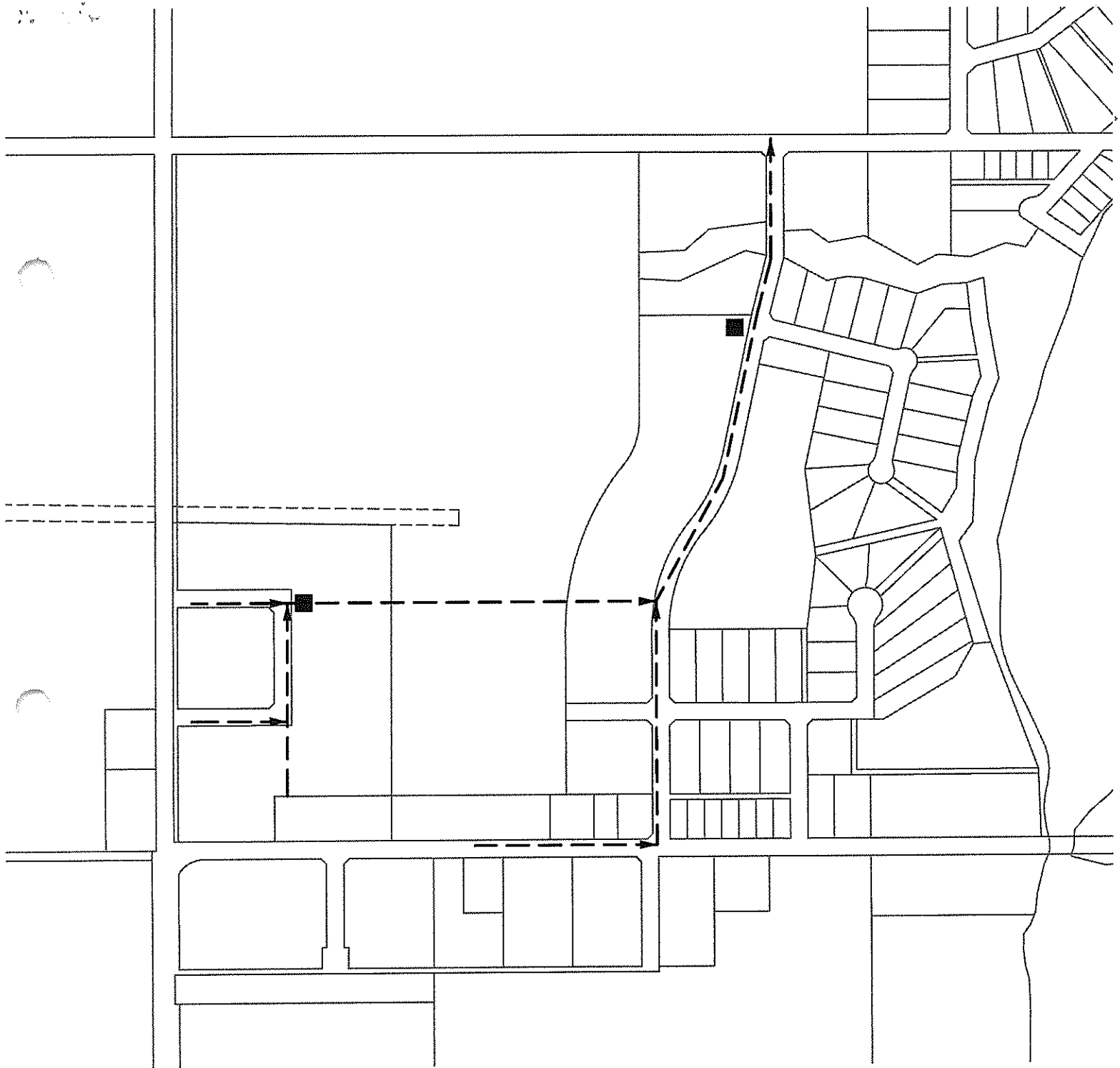
* Possible sources of hydrocarbon contamination



Area Structure Plan
 NW 10-46-6-5
 Map 4
 Proposed Development

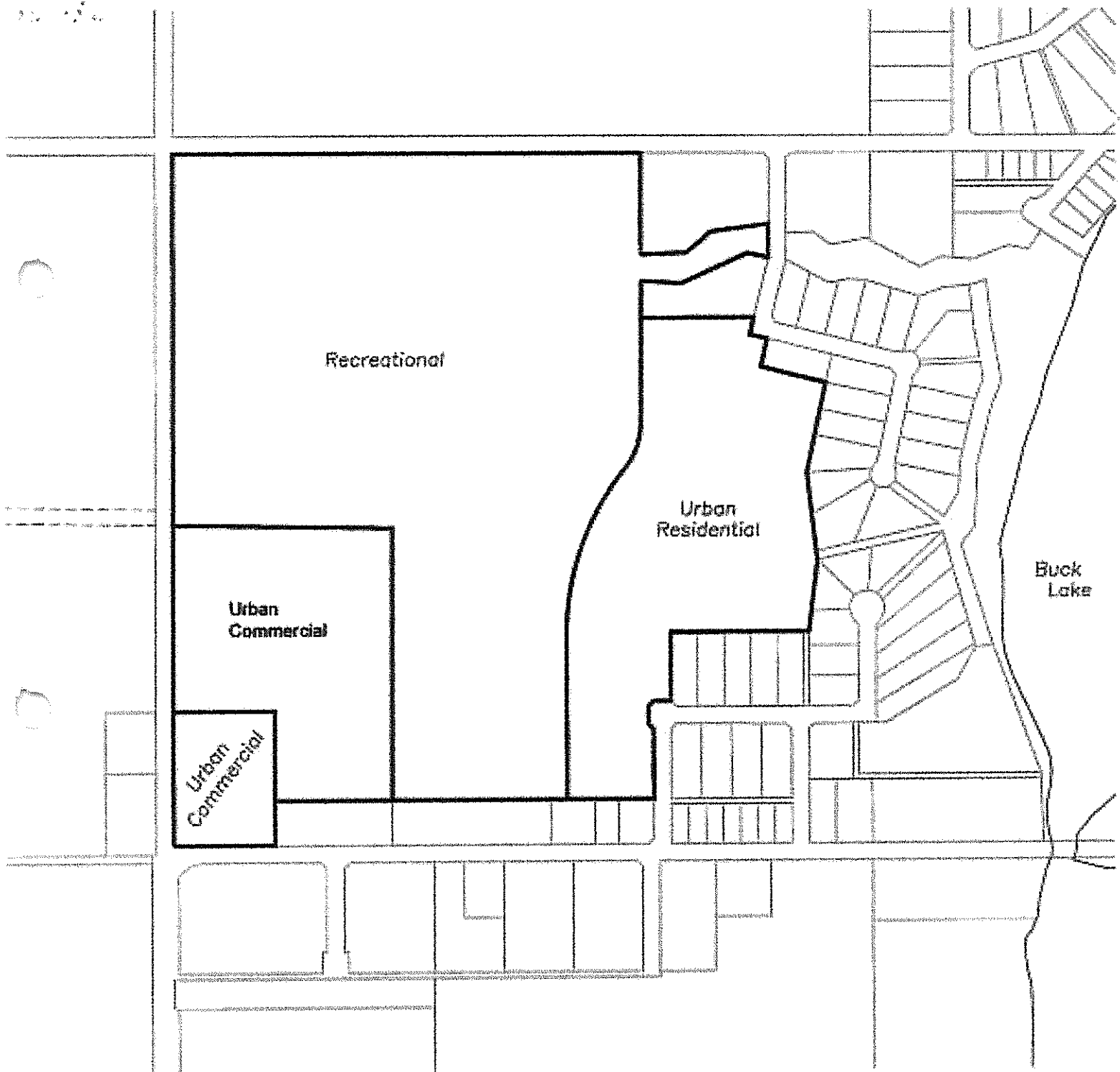


Area Structure Plan
NW 10-46-6-5
Map 5
Commercial / Industrial Lots



Area Structure Plan
NW 10-46-6-5
Map 6
Possible Routes for Future Sewer Lines

■ Possible location for interim sewage holding tank



Area Structure Plan
NW 10-46-6-5
Map 7
Land Use Classification (zoning)