

BY-LAW NUMBER 2016/11

BY-LAW NO. 2016/11 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 the Evergreen Park Estates Area Structure Plan within S ½ SW 4-47-24-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 S ½ SW 4-47-24-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:

1. The document attached to this By-law as "Appendix A", together with accompanying maps, is hereby adopted as the "Evergreen Park Estates Area Structure Plan."

(a) S ½ SW 4-47-24-W4M, approximately 24 hectares (60 acres).

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

READ: A First time this 14 day of April A.D., 2016

READ: A Second time this 14 day of April A.D., 2016

READ: A Third time and finally passed this this 14 day of April A.D., 2016


REEVE


CHIEF ADMINISTRATIVE OFFICER

2016/11

SCHEDULE A

RR 244

99 acre agricultural parcel

RR 243A

5m road widening

Boundary of
60 acre subdivision

PUL 12

County of Wetaskiwin
Proposed Area Structure Plan
Part of SW 4-47-24-4
Map 6
Proposed Design

Amended 14 April 2016



100m

County of Wetaskiwin
Area Structure Plan for Evergreen Park Estates
SW 4-47-24-4

Owner: 1503071 Alberta Ltd (Terry Wright)

Adopted by Bylaw 2016/11 on 14 April 2016

Plan prepared by Robert Riddett, MCIP
rriddett@gmail.com

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1 Introduction

The south-west quarter of 4-47-24-4 lies seven km by paved road (Highway 2A and TR 470) north-west of Wetaskiwin. It has been subdivided into two parcels, each of 79.5 acres. The location is shown on Map 1.

The registered owner of both parcels is 1503071 Alberta Ltd, a company owned by Terry Wright of RR2 Ponoka. He has owned the land since 2009.

As shown on Map 2, part of the quarter, covering about 60 acres, is inside the area which County of Wetaskiwin Bylaw 2004/28 designates as "suitable, in principle, for subdivision into residential acreage lots". Mr Wright proposes to consolidate the present two titles into one, then subdivide the 60 acres into 11 residential acreages, leaving a 99 acre agricultural parcel which will include the present farm buildings.

Map 3 is a recent air photograph of the property.

This area structure plan (ASP) describes the location of the land, its physical characteristics, neighbouring land uses, proposed lot layout, and required infrastructure.

2 Municipal Policies

The land is in the County of Wetaskiwin, and development is controlled by the County's municipal development plan (MDP), land use bylaw, and planning policies.

Map 4 shows that parts of the property have farmland assessment ratings as high as 65%. Normally, land of this type would be reserved for agriculture under section 1.2 of the MDP. However, section 2.3.7 of the MDP over-rides this general policy and allows subdivision where council has adopted "comprehensive area-specific planning studies such as the Millet Wetaskiwin Acreage Study". That study, adopted by the County as Bylaw 2004/28, identifies land which is suitable for subdivision into residential lots. The acreage study was amended in 2009 to include the land covered by this ASP. The discussion in council (Resolution PD 2009 0409.1017) noted that most of the land to be included in the acreage area is assessed at 18% or less, and the good land is broken up into pockets that are too small to cultivate with modern equipment.

3 Provincial policies

Although land use is a municipal responsibility, the County must also consider provincial regulations set out in provincial legislation, and particularly in the Subdivision and Development Regulation, AR 43/2002.

Sewer lagoons: Residences must be at least 300 metres away from sewer lagoons.

The closest sewer lagoon is more than 6 km away, on the south side of Millet.

Waste disposal sites:	<p>Residences must be at least 300 metres away from a waste disposal site, and no wells for human consumption must be drilled within 450 metres of such a site.</p> <p>The present Wetaskiwin landfill site is just over 3 km south-east. The two closed Wetaskiwin sites are further away.</p>
Proximity to highways:	<p>A municipality must not approve a residential subdivision within 800 metres of a provincial highway without the prior approval of Alberta Transportation (AT).</p> <p>The closest highway is Highway 2A. The intersection with the correction line road is a Type 2 with acceleration / deceleration lanes. It is 2,400 metres away by road, and 1,760 metres overland, so subdivision is not limited by proximity to highways.</p>
Livestock operations:	<p>The Agricultural Operations Practices Act does not allow confined feeding operations close to residences. The minimum separation distance (MDS) depends on the type of operation and its size. The County of Wetaskiwin applies those setbacks reciprocally, and normally does not allow new residences close to confined feeding operations.</p> <p>There are no confined feeding operations close enough to affect the proposed lots.</p>
Airports:	<p>The Wright property is 5 km from Wetaskiwin Regional Airport. Local pilots confirm that it is not under the approach or take-off path.</p> <p>Under Transport Canada regulations, this is Class G (uncontrolled) air space up to 5,000 feet above sea level, which is about 2,500 feet above local ground level.</p>
Sour oil and gas installations:	<p>A proposal to build a residence within 1,500 metres of any sour gas well or pipeline must be referred to the ERCB for comments.</p> <p>There are no such installations on or within 1,500 metres of the Wright property.</p>
Other oil and gas installations:	<p>Residences are not allowed within 100 metres of a sweet oil or gas well, or within the right-of-way of a sweet oil or gas pipeline.</p>

There are no wells or pipelines on the property.
The closest is just over 400 metres west in SE 5.

Abandoned wells:

ABADATA maps show no abandoned oil or gas wells on the property.

Historical resources

The Alberta Historical Resources Management Branch (HRMB) has the right to require a historical or archaeological assessment of land which is to be developed.

In a letter dated 15 October 2015, their file 4835-15-0131-001, HRMB gave approval and stated that no site investigation is required.

In summary, there are no senior government policies preventing residential development on the Wright property.

4 Other affected municipalities

The closest urban municipality is the City of Wetaskiwin. The land proposed for development is well beyond the one mile referral area set out in the County's MDP, and is also outside the area covered by the City / County IDP.

5 Present and former use of the land

Map 4, the map of the farmland assessment, shows that the quarter section may be divided into five distinct areas.

- There are two yard sites. The southern site, covering about five acres, contains a new residence. The northern one, covering about nine acres, has two large metal clad straight wall buildings which have been used as a shop and to store farm equipment. Each yard site has its own access to Range Road 243A.
- About nine acres in the north-west corner of the quarter are taken up by a large slough surrounded by native grass.
- The southern end of the quarter contains a number of low areas which have never been cleared and which retain their original tree cover. They add up to about 38 acres.
- The remainder of the land, about 100 acres, is agricultural, but it is badly cut up. The area between the two yard sites is isolated from the other cleared land, and is so small as to be difficult to work with modern equipment. The rest of the cultivated land is contiguous, but the southern areas are interrupted by trees. In some places the cultivated land squeezes down to as little as 35 metres before opening up again.

To the best of the owner's knowledge, the land has never been used for any activity which might have contaminated the soil or groundwater. This has been confirmed by WCPA air photography going back to the 1960s. Consequently, there is no need to undertake an environmental assessment of the property before proceeding to subdivision.

6 Possible conflicting land uses

The owners of two acreages half a mile north of the proposed development were concerned about the effect of development on their properties, specifically on the views from their houses. This is addressed in the appendix.

Neighbouring farmers have not expressed any concerns.

7 Slope and drainage

Map 5 shows contours at one metre vertical interval.

The overall slope of the land is to the south, into a low area along the north side of TR 470. There are several areas of trapped drainage, with areas of willow and slough grass indicating a high water table.

The County assessment sheets show some intermittent watercourses which cut up the farm land and make it difficult to work in a wet spring. However, in the spring of 2015 they were seeded to barley, and when inspected in October 2015 they were dry.

8 Near Surface Water Table

Alberta Environment requires that a residential lot has a building site which is at least 1.8 metres (6 feet) above the standing water table during the frost-free part of the year, and 2.4 metres (8 feet) during the remainder of the year.

Six test holes were drilled to a minimum of two metres deep along the edges of the trees prior to freeze-up in the fall of 2008. Locations are shown on Map 5. All six holes were dry after being allowed to stabilize overnight. The proposed building sites therefore meet Alberta Environment guidelines.

9 Proposed design

The proposed subdivision design is shown on Map 6. Map 7 is a more detailed map of the development area, showing dimensions and areas, and Map 8 shows lot boundaries superimposed on an air photograph.

The area to be subdivided corresponds to the land added to the Millet-Wetaskiwin Acreage Study (Bylaw 2004/28) in 2009.

All subdivided lots will be residential. They will be served by internal roads, built to County standards, with no direct vehicle access on to the adjacent grid roads. Lots 1 to 7 will use a short cul-de-sac off TR 470, the correction line road. Lots 8 to 11 will use a second cul-de-sac built along the present lane off RR 243A. The existing paved access on to TR 470, at the boundary of Lots 2 and 3, will be abandoned.

The existing farm buildings will keep their access off RR 243A.

Proposed Lots 2, 3, 5, 7, and 8 are slightly larger than the five acre maximum listed in the County's land use bylaw for country residential use. This is because they contain sizeable areas of low land which are not suitable for building, but which add value to the lots. Building on Lots 2, 3, 7, and 8 is also limited by the 40 metre setback from the adjacent grid roads required by the County's land use bylaw. Map 7 shows, for those lots, the legal buildable areas in brackets below the total areas. None is larger than 3.5 acres. We therefore ask that the five acre maximum be waived for these over-size lots.

To put this into perspective, the average residential lot size proposed here is 4.87 acres. This compares with an average of 4.7 acres in the Ganske subdivision (NE 32-46-24-4), 5.7 acres in the Bredlow / DeSpieglaere subdivision (SE 4-47-24-4) and 2.7 acres in Ruby Hills (NW and SW 31-46-24-4).

10 Internal roads

Right of way: The internal roads will be built on 24 metre rights of way, with utility easements on each side.

Surface: County Policy 6615 requires internal subdivision roads to be paved only if the lots are one acre or less in size. The lots will be larger than this. The internal roads will therefore be built with a gravel surface.

11 Off-site roads

Right of way: The two range roads now have 20 metre rights-of-way. In accordance with standard municipal policy, five metres of road widening will be dedicated along the frontage of all new lots at no cost to the County.

Many correction line roads vary in width because this is where the original township survey discrepancies were laid to rest. TR 470 is no exception. It varies in width from 24 metres at the west end of the quarter to 22 metres at the east end. Nevertheless, the subdivision will include a five metre road widening across the south side of the quarter.

Surface: The two range roads will retain their gravel surfaces.

The correction line road was recently paved at the County's expense west to Highway 2. County Policy 6615 recaptures such costs from developers by requiring a payment of \$2,000 per lot at the time of subdivision. This amount may be adjusted from time to time. The developer will make the appropriate payment at the time of subdivision.

12 Municipal Reserves

When land is subdivided into multiple lots, the municipality has the right to take ownership of all undevelopable land as environmental reserve, and up to 10% of the developable land as municipal reserve (Municipal Government Act, sections 664 and 665).

Undevelopable land is defined in section 664 of the MGA as a swamp, gully, ravine, coulee, or natural drainage course, or which is subject to flooding, or unstable. Land with a high water table is not included in this definition. This means that none of the land is required to be dedicated as environmental reserve. Only municipal reserve needs to be considered.

No reserves are due on agricultural parcels of 40 acres or more, so the amount due is 10% of the area of the lots being created. This is 60 acres, so 6.0 acres of reserve are due.

There does not seem to be any need for parks or schools in this area, so it is proposed that the developer pay out reserves in cash at the rate set out in County policy 6602. Section 671(2) of the MGA requires that this money is used only for parks, schools, and buffer strips elsewhere in the municipality.

Alternatively, if the County prefers, reserves could be deferred into the remainder of the quarter. The decision can be made by council at the time of subdivision.

13 Controls on Building Quality and Land Use

Country Residential zoning allows a wide range of building styles and quality. This has given rise to conflicts in some other subdivisions. With the consent of the County, the developer will avoid this by registering restrictive covenants on the titles of all lots, setting out standards for building size, quality, and maintenance, limiting livestock, forbidding the use of the land or buildings for commercial uses, and requiring proper maintenance of buildings and land.

Because the County will not be a party to these covenants, it will not be expected or required to enforce them; that will be done by individual lot owners through civil action.

14 Water Supply

Each lot will have an individual well. As there will be more than six lots on the quarter section, the Water Act requires the developer to provide a report by a professional engineer, geologist, or geophysicist, certifying that a diversion of 1,250 cubic metres of water per year (754 gallons per day) for household purposes for each of the lots within the subdivision will not interfere with any existing household uses, licensees, or traditional agricultural users.

Envirowest Engineering was engaged to analyze the availability of groundwater. Envirowest's report was based on an analysis of 53 well logs in the surrounding area. They also had access to pump tests undertaken for the proposed Ruby Hills subdivision.

The report concludes that

The estimated water use for the proposed development is 20,000 m³/yr based on the predicted withdrawal rate of 1,250 cubic metres per household per year. This withdrawal rate represents 12.3 per cent of the predicted long term safe pump rate for wells located in close proximity and 13.8 per cent for wells included in the assessment area [the 30 quarter sections]. If the wells are assumed to be completed in confined aquifers as is likely, the percentage of the long term safe pump rate for this development would be 9.2 per cent. The long term pump rate is one which would unlikely impact water resources in the area and was based on a conservative estimate of 2/3 of the drawdown of the well being available for exploitation. An additional factor of 0.7 was applied to the safe withdrawal rate... The predicted water withdrawal rate is not expected to adversely affect water quantity in wells in close proximity to the site.
(Envirowest report, page 9)

It should be noted that Envirowest's analysis is based on every household drawing 1,250 cubic metres of water per year. EPCOR, the City of Edmonton's water supplier, says a typical metered household uses only 222 cubic metres of water per year, less than one-fifth of the amount quoted in the Water Act. This provides another large margin of safety.

Envirowest's work assumed 16 lots; this has now been reduced to eleven plus the agricultural remainder.

The engineer's report has been forwarded to the County under separate cover.

15 Sewage Treatment

The subdivision has been designed so that every lot has a building site where the water table is at least two metres below ground, so conventional septic tanks and tile disposal fields can be installed.

The smallest lot in the subdivision will be 3.7 acres or 15,000 square metres. This is more than eight times the minimum of 1,850 m² required for on-site sewage disposal under the Alberta Private Sewer Systems Standard of Practice.

All sewer systems will be constructed in compliance with the Provincial Safety Codes, and sites will be individually tested by a licensed plumbing installer prior to construction of the sewer system.

In the event that any lot uses a pump-and-haul system for sewage disposal, that lot will be required to pay any off-site levy in effect at that time.

16 Storm Water Management

Rainwater and snow melt from the lots will flow south and east along ditches in the two cul-de-sacs.

Development increases the amount and intensity of runoff from snow melt and heavy rainfall, and this can damage downstream watercourses. Alberta Environment therefore requires that the rate of runoff be restricted so that it is no higher than it was before development. Section 7.1 of the County of Wetaskiwin's engineering design guidelines has a similar requirement.

In this case, nature has already provided a detention pond in the form of low land with areas of trapped drainage all along the north side of TR 470. This should be sufficient to hold back the runoff from the site before releasing it slowly into the roadside ditches that feed Bigstone Creek.

17 Fire Protection

The County requires that rural subdivisions have a supply of water for fire protection. There are four ways of meeting this requirement.

- The most reliable source of water is a fire hydrant connected to a municipal system. In this case the closest hydrants are in Wetaskiwin (8 km by road) and Millet (11 km). The County has mutual aid agreements with both places.
- A second possibility is to use the fire pond planned for the Ruby Hills subdivision. This is 3 km distant by road.
- Water could also be taken from Bigstone Creek, less than half a mile away.
- If none of these are acceptable, the developer will construct a fire pond on a public utility lot in the location shown on Map 7, with access off the internal subdivision road, with a dry hydrant, loading area, turnaround, etc, built to County standards. Because this is adjacent to TR 470 and the internal subdivision road, safety requires that the developer construct a barrier along both roads so that if a vehicle accidentally leaves the road it does not enter the fire pond.

The choice between these alternatives will be made by the County's Director of Emergency Services.

If an on-site fire pond is not needed, the utility lot will be folded in to the adjacent residential lot.

18 Staging of development

The developer may create the subdivision in two stages, starting with the south cul-de-sac. In that case, off-site road fees and cash in lieu of reserves will be paid on each lot at the time of subdivision, but the five metre widening along all three roads will be dedicated immediately.

19 Subsequent changes to County policies

Should development not be started (defined as at least one lot registered) within three years of the adoption of this ASP, the plan may be subject to any new policy adopted by Council after the date of ASP approval, and per-lot fees and levies will be paid at the rates then in force.

20 Request for Approval

The landowner requests the County to adopt this area structure plan by bylaw. Once that is done, he will apply for Country Residential zoning on Lots 1 to 11, and then submit an application for subdivision approval.

Appendix: Issues raised at the open house on 9 December

The developer invited 41 adjacent landowners to an open house at which they could see the proposal, ask questions, and make comments. Invitations were mailed to the addresses shown in the County's assessment data base. The open house was held at the Best Western Wayside Inn in Wetaskiwin on 9 December. Three parcels of land were represented: two by the owners, and one by the agent acting for a group of investors in a nearby property. The following issues were raised by the owners of two subdivided lots about half a mile north on RR 243A.

Proposed commercial lot: The design sent to the neighbours envisaged the old yard site, with its valuable buildings, subdivided as a commercial lot. Neighbours felt that a commercial operation did not belong in a residential area. Traffic would be excessive, and heavy vehicles would damage the roads.

The design has since been changed. The old yard site will remain unsubdivided and part of the 99 acre agricultural remainder.

Traffic on RR 243A: The original design also showed a seven residential lots using RR 243A. It was felt that this would create too much traffic on that road.

Three of those proposed residential lots have now been eliminated. The area will remain as farm land.

Traffic on TR 470: The original design showed intersections on to the correction line road at RR 243A, the proposed cul-de-sac, the entrance to Lot 2, and RR 244. Four intersections in half a mile were dangerous.

The developer has changed the design so that there is only one approach on to TR 470 between the two range roads.

Water supply: There was a concern that the aquifer could not support another 14 families.

The developer said he had engaged an independent hydrogeologist to evaluate the aquifer. If there was insufficient water, the development would not proceed.

At the time of the open house, the report had not been received, but the developer undertook to forward it to the neighbours as soon as he had it. (This was done in January 2016.)

The developer reminded those present that until recently there had been a dairy on SE 32-46-24-4 (Ganske), and that would have drawn more groundwater than a 15 lot subdivision.

It should also be noted that the number of lots proposed has been reduced from 15 to eleven.

Sewage disposal:

The suitability of the soil for sewage disposal was questioned. No percolation tests had been done. A high water table could interfere with the proper working of disposal fields.

The developer pointed to section 8 of the ASP, which notes that test holes were drilled to two metres in six typical locations. All were dry.

In accordance with standard practice, installers will test all lots before any sewage system is put in. In the unlikely event that a site is not suitable for a standard disposal field, it can use an evaporation mound or a pump-and-haul system.

Residences on similar soils in the area are not known to have any problems.

Fire protection:

How would fire be fought on the properties?

The developer pointed to section 17 of the ASP, which suggests four alternative sources of water for fire fighting. One of these alternatives is an on-site fire pond. If the County wants this, the developer will construct it to County standards at his own expense.

Crime and vandalism:

The occupant of another acreage in the area was alleged to allow his guests to fire guns and to run their quads and motor bikes on other people's property. Acreage owners were notorious for inconsiderate behaviour.

The developer responded that he expected his buyers to behave responsibly, like those in the nearby Ganske and Bredlow subdivisions. The occasional bad apple could be dealt with by the County constabulary or, in extreme cases, by the RCMP.

Wildlife:

It was suggested that wildlife would be driven out by residential development.

The developer said that in his experience acreage owners were very protective of wildlife. They planted trees and bushes, and often fed birds and deer. There was no

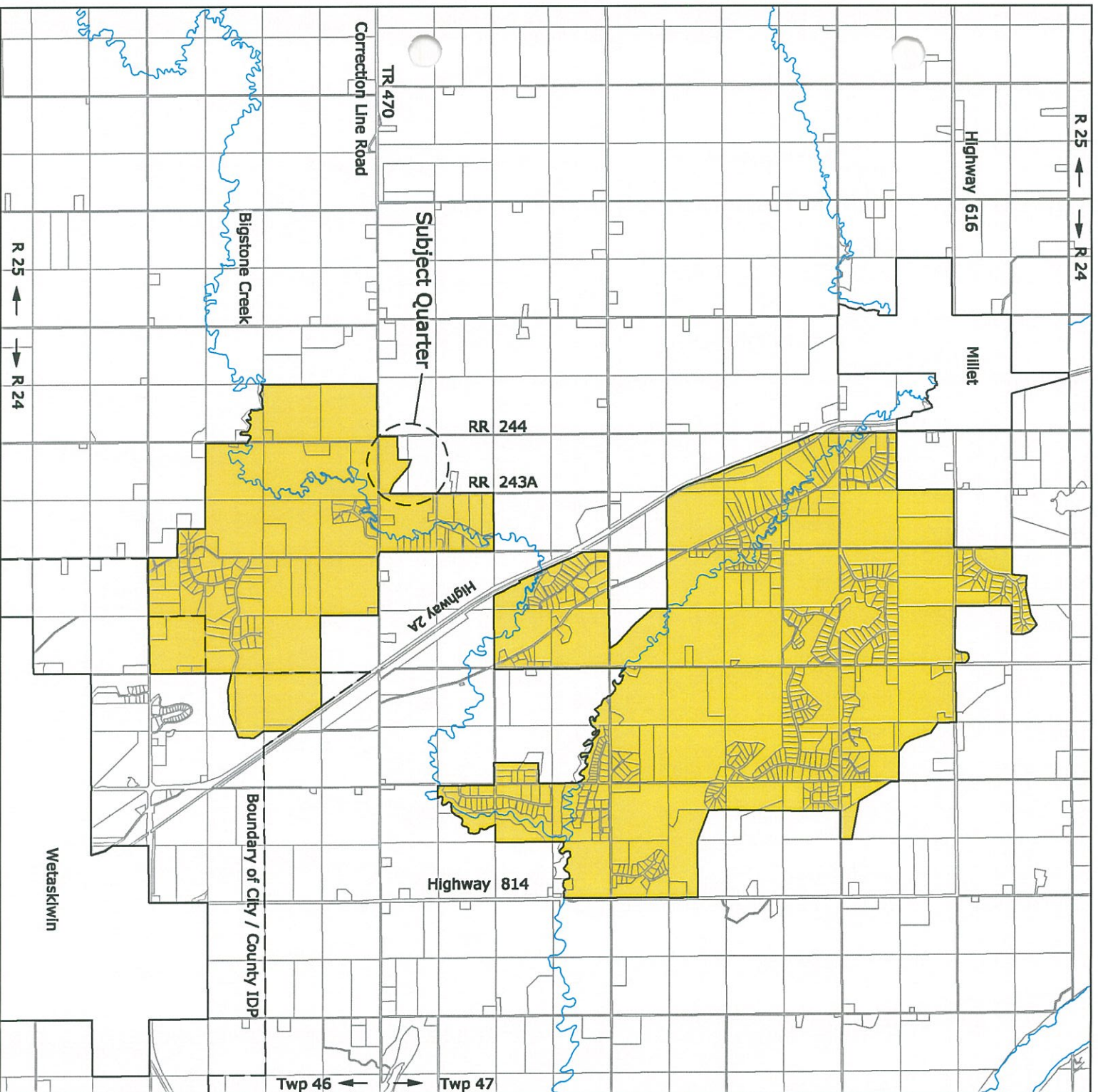
shortage of wildlife in other acreage clusters, such as those east of Millet.

Visual intrusion:

The two owners to the north did not want to have their views spoiled by additional houses.

It can be seen from Map 2 that all the proposed lots will at least half a mile from the existing houses to the north, and the air photos, Maps 3 and 8, show that all except Lot 1 will be hidden by mature trees.

For someone driving south on RR 243A, the only visible change will be two new houses on Lots 8 and 9, and it is likely that these will be in the trees.



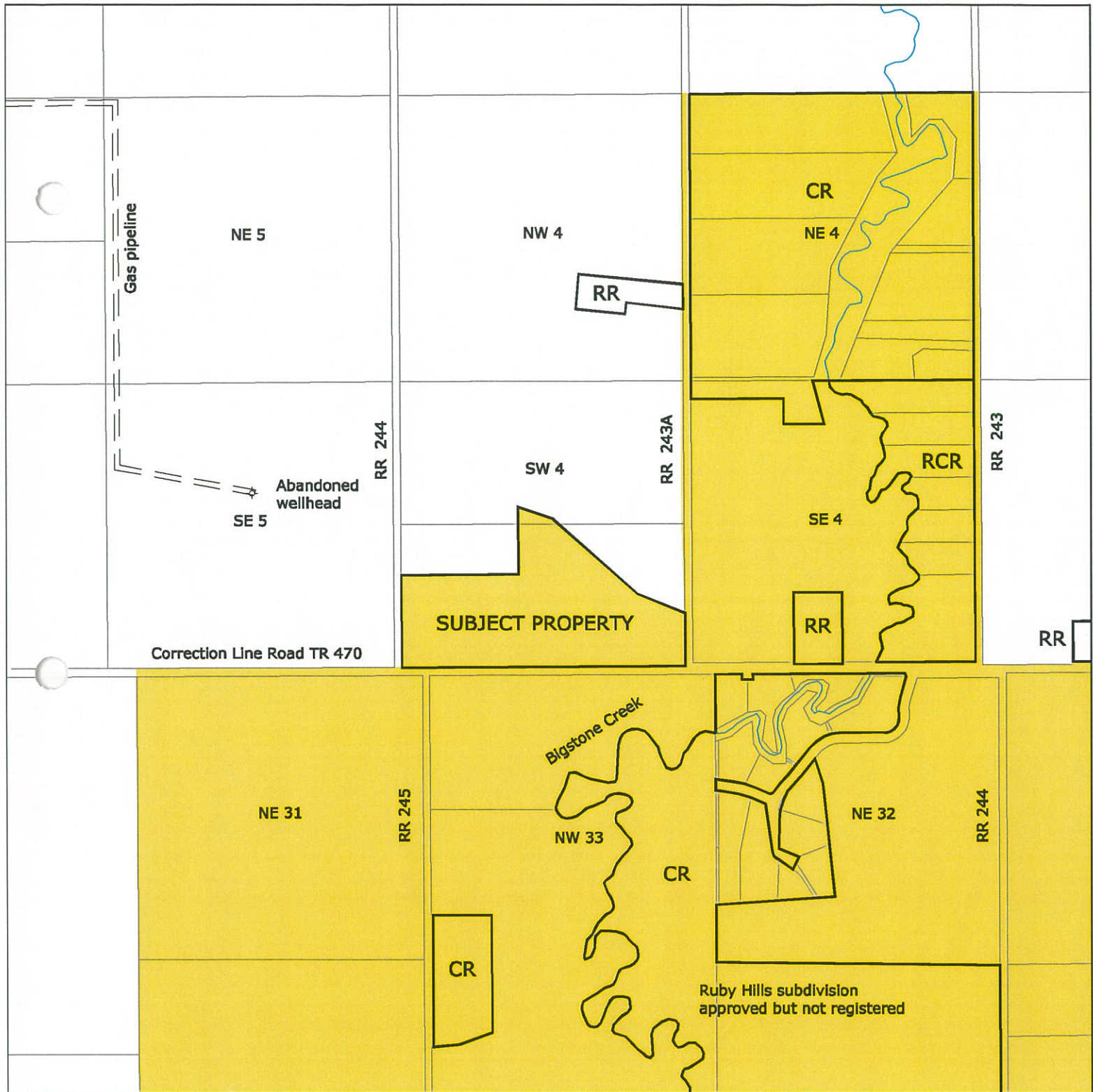
County of Wetaskiwin
Proposed Area Structure Plan
Part of SW 4-47-24-4
Map 1
Location

Hatching denotes the area defined in the Millet Acreage Study as
 "in principle suitable for subdivision into residential acreage lots"
 - County Bylaw 2004/28 as amended




1000m

Maps are based on AltaLIS rotated 1 degree clockwise round 0,0



**County of Wetaskiwin
Proposed Area Structure Plan
Part of SW 4-47-24-4
Map 2
Nearby Subdivisions, Zoning, and Pipelines**

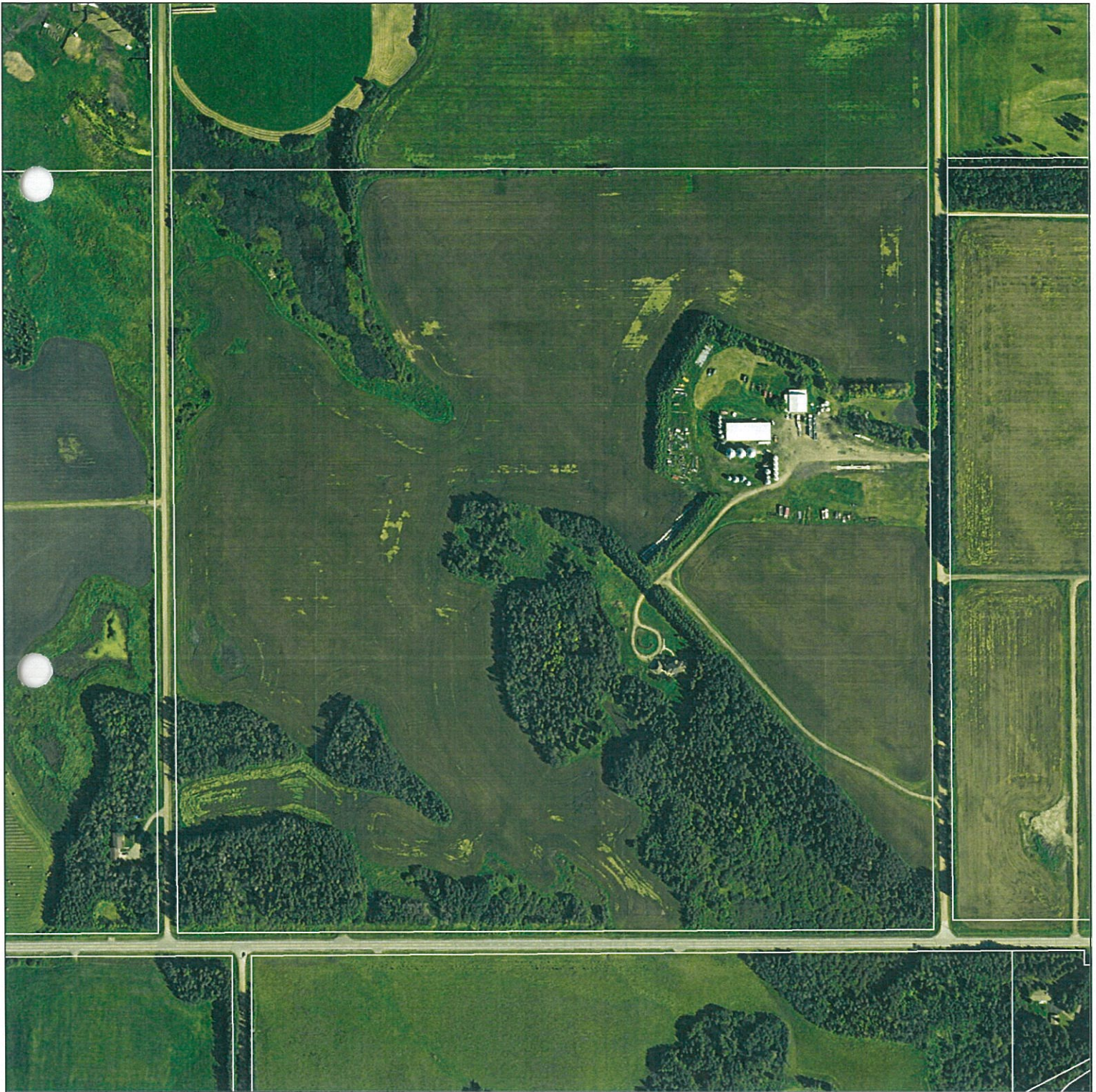
CR Country Residential
RCR Restricted Country Residential
RR Rural Residential
All other land zoned Agricultural

 Bylaw 2004/28 defines this land as suitable for subdivision into residential acreage lots

Low pressure local gas lines are not shown

200m

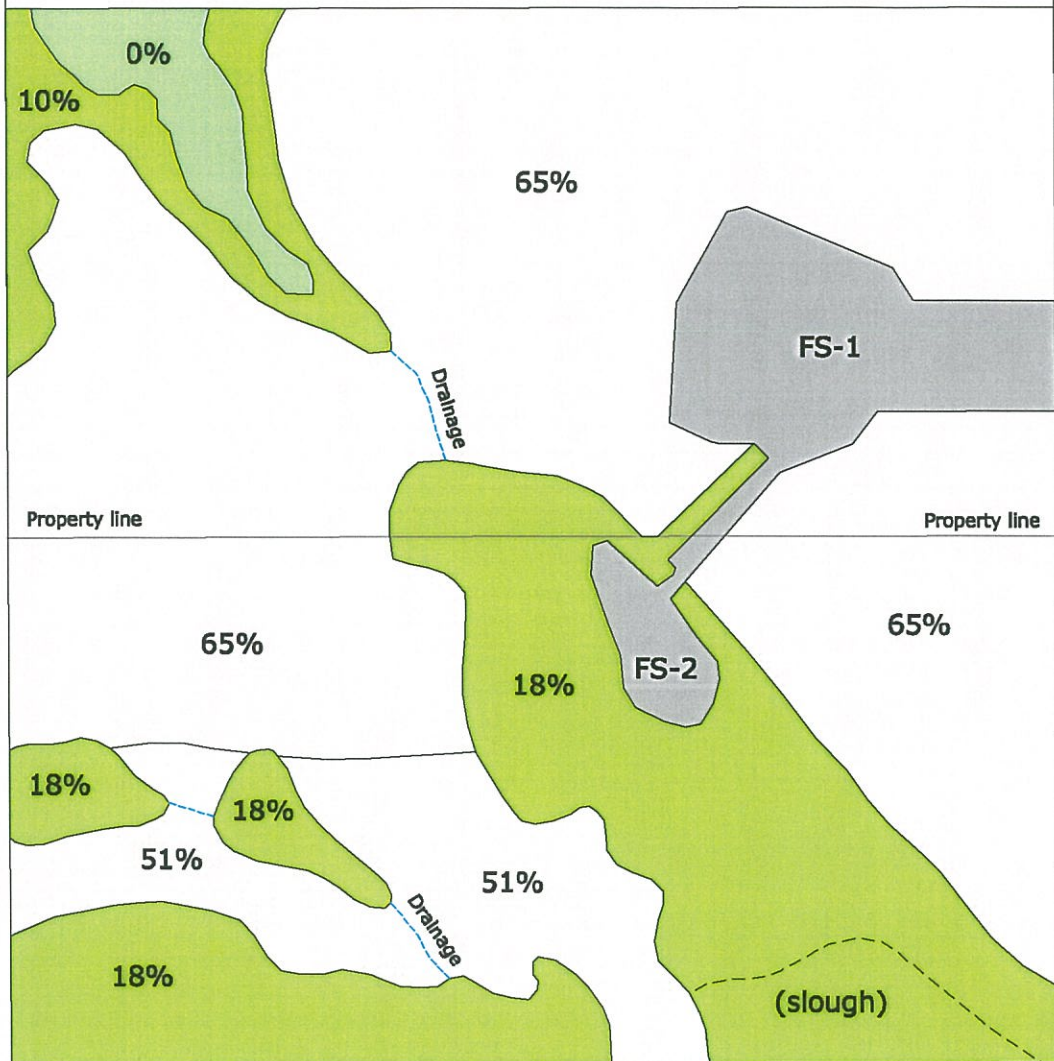




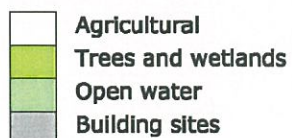
County of Wetaskiwin
Proposed Area Structure Plan
Part of SW 4-47-24-4
Map 3
Recent Air Photograph



100m



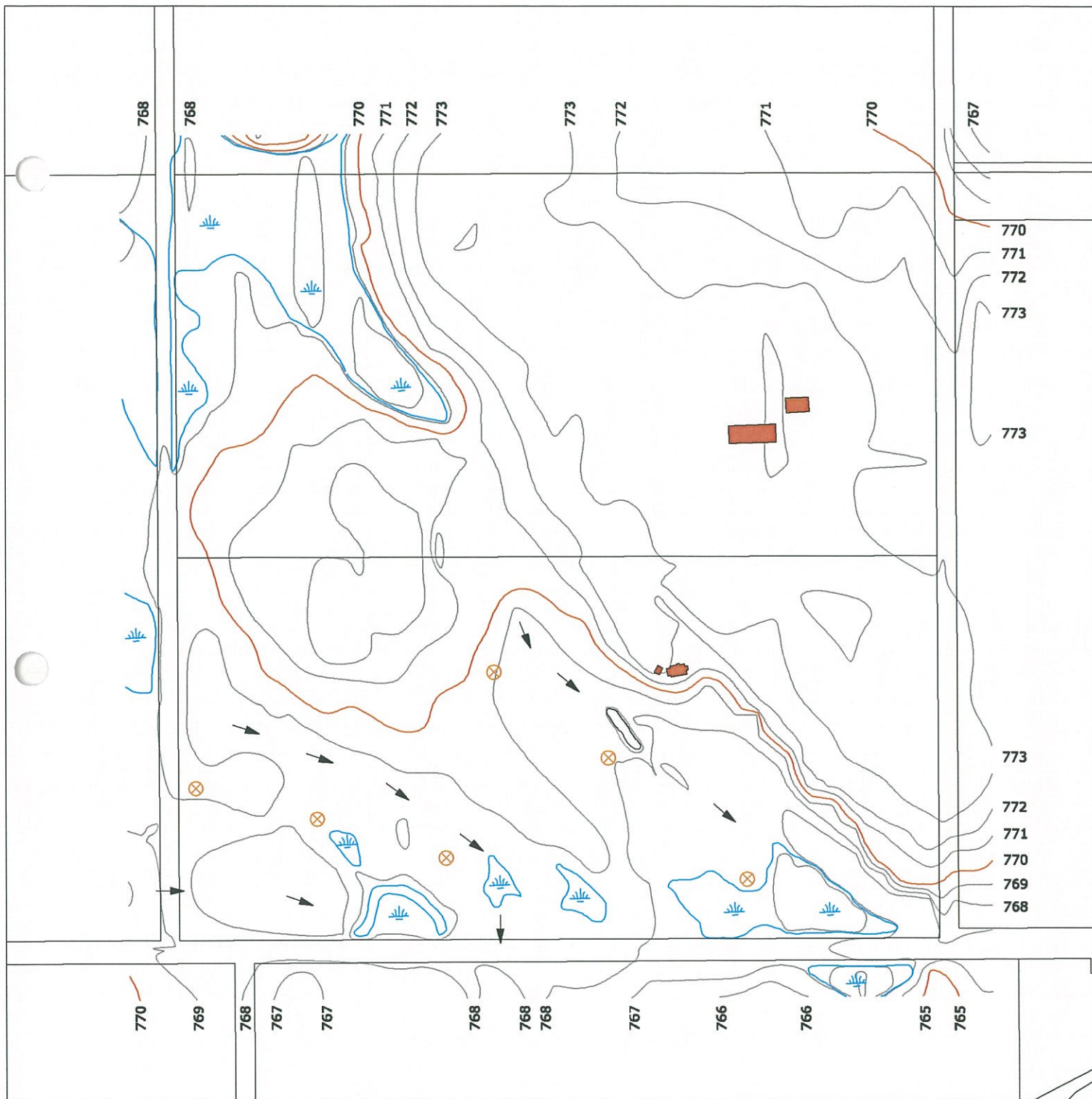
County of Wetaskiwin
 Proposed Area Structure Plan
 Part of SW 4-47-24-4
 Map 4
 Farmland Assessment Ratings



Based on County of Wetaskiwin assessment sheets
 updated as to tree lines and new building sites



100m



**County of Wetaskiwin
Proposed Area Structure Plan
Part of SW 4-47-24-4
Map 5
Contours and Drainage**

- Contours at 1m vertical interval from air photography
- ⊗ Test holes
 - Depressions
 - Overland drainage flows



100m



County of Wetaskiwin
Proposed Area Structure Plan
Part of SW 4-47-24-4
Map 6
Proposed Design

Amended 14 April 2016



100m

County of Wetaskiwin
Proposed Area Structure Plan
Part of SW 4-47-24-4
Map 7
Detailed Design

Dimensions are in metres and ignore corner cuts.
May be adjusted at the time of survey
to accommodate ground conditions

Subdivided lots will have no access on to grid roads.
All access will be off internal roads.



remainder

Farm
buildings

Scale

773

Boundary of
60 acre subdivision

RR 243A

Building
setback lines
shown dashed

RR 244



TR 470

Safety barrier between
road and fire pond

773

772

771

770

769

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Amended 14 April 2016

County of Wetaskiwin
Proposed Area Structure Plan
Part of SW 4-47-24-4
Map 8
Design on Air Photo

Dimensions are shown on Map 7



Amended 14 April 2016

Ag

RR 244

RR 243A

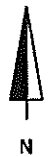
CR

TR 470

County of Wetaskiwin
Proposed Area Structure Plan
Part of SW 4-47-24-4
Map 9
Proposed Rezoning

Ag Agricultural (99 acres)
CR Country Residential (60 acres)

Areas include roads



100m