

BY-LAW NUMBER 2020/05

BY-LAW NO. 2020/05 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 for Kevin and Cindy Leonhardt, located within (SW-12-47-2-W5M) 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, an Area Structure Plan has been prepared for Kevin and Cindy Leonhardt, (SW-12-47-2-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, 2000, 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 for Kevin and Cindy Leonhardt, (SW-12-47-2-W5M).

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

READ: A First time this 6 day of February A.D, 2020

READ: A Second time this 8 day of December A.D, 2020

READ: A Third time and finally passed this 8 day of December A.D, 2020

REEVE

ASSISTANT CHIEF ADMINISTRATIVE
OFFICER

"Appendix A"

By-Law 2020/05

Area Structure Plan

Prepared March 2019



Kevin & Cindy Leonhardt
PT SW12-47-2-W5
Area Structure Plan

Background:

- 1950's - a farm/residence site was created in the very SW corner of SW12 and then the rest of the 1/4 section was farmed.
- 1960's (early) - my father purchased the SW12 quarter and farmed it to provide for his family.
- 1976 - my parents replaced the 1950's farm house with a doublewide trailer and cinder block garage/rec room.
- 1999 - my wife and I (2nd generation) purchased the remaining original unsubdivided 79.14 acres of SW12 and continue to farm here to this day. We reside on the original farm residence site which is approximately 250' x 1000' located in the *very SW corner* of the quarter with the length running east/west.
- 2001- we built a new residence on the east portion of the farm residence site as there is a steep ravine & pond that separates the new site(east) from the original old site(west).
- 2005 - the doublewide was moved off leaving the cinderblock garage/rec room. All utilities were left intact on that site.
- 2005 - we moved in a newly framed house and attached garage. Permit #07/237. The house was only to the framing stage (no windows, doors, shingles, or siding) and it was placed on the west residence site and used for storage. The attached garage portion was moved next to the our house on the east residence site to be used as a garage and small area of it for our business.
- 2013 Mar - I took early retirement for health reasons and counted on the income for retirement.

Both east and west farm residence sites have:

- power
- water
- sewer
- gas
- shelter belts

This yard site does meet all the requirements for a second yard site. We are only asking for approval for the new lot to be created on the farm residence site.

The proposed subdivision of 1.67 acres (130' x 500' approx.) would contain the cinderblock building and moved in house shell (storage building). Our plan is to finish the inside of the shell building for a dwelling and upgrade the garage. The remainder of the farm resident site with quonset(built in 1960's), driveway and corrals would remain with our newer dwelling on the remaining 75.47 acres. In this way the farmland will not be fragmented any further and no other improvements need to be built.

We feel this proposal would produce the most efficient use of farmland and residence site with the least amount of negative impact on the land and area.

Area Structure Plan Requirements

Outline of Planning Area

The proposal would see approximately 1.67 acres subdivided from the original 1950's farm residence site. The proposed area would be 130' wide for the first 150' then widen out to 200'. The overall length would be approximately 500'. The boundaries on the west 130' would be to Hwy #771, the south 500' boundary is right beside the Provincial Park, the east boundary is up to the pond/ravine with the north boundary up to the existing gravel driveway. The 1/4 section straight west and across Hwy.#771 is treed. The other north half of SW12 has 1- 6 lot subdivision (Beaver haven) and 1 - 63 lot subdivision (Sunset Harbour) and 2 other parcels; all of which were done prior to us owning the above said property.

Overall Vision for Development

We are the second generation owners of south 1/2 of SW12 and would like to separate 1.67 acres from our 3 acre farm residential site. The 3 acre farm residential site is approximately 250' wide x 1000' more or less (approx. 5 acres total). There is a pond and steep ravine taking up 1.7 acres that physically divides the farm residential sites in half. It is our vision to have our daughter & son-in-law become the 3rd generations to live on this land. This subdivision will not change the use of or have any effect on the agricultural portion of this property; it still leaves 75 acres for grazing purposes. We will remain on the property to farm and retire. The property has been used for the last 35 years or more in this way. The population (2-6 people) of this farm site has not fluctuated much over the last 60 years and will not be increasing more than that in the near future.

Public Input

I grew up on SW12, then moved with my wife to PTNE 2-47-2-W5 in 1980 (kiddy corner to SW12), then back to SW 12 as a family in 1999. We have consulted long-term adjacent land owners - all with favourable approval.

As no physical change is anticipated (*other than cleaning it up even more*) with the proposed new lot, we are only asking for and needing a legal separate land title.

Geotechnical and Ground Water

In spring of 2015 a 16' deep test hole was dug on proposed lot. A near surface water table was not encountered. In 2007 an 8' deep excavation through hard pan clay was also dry. The proposed 1.67 lot with existing improvements will not require any further excavation below 5'. A percolation test has not been performed to date but will be to satisfy the requirements of a primary effluent treatment field. If the percolation test is adequate, a 2-3' excavation would be required. If test is poor, then a treatment mound would probably be installed.

The soil class is grey wooded for the proposed lot having a CLI soil rating of 4/5 or poorer. As this is the original residence site, much of the land is covered with buildings, driveway and utilities.

Sewage Treatment

There is an existing 1500 gal septic tank used as a pump out holding tank on the 1.67 acre proposed lot. The lot is large enough for a septic field system and providing the soil percolation test is acceptable. I would propose a primary effluent treatment field or mound, if a piped municipal system is not being installed in the near future.

We understand that we are in an area where an off-site levy is in place and must pay prior to development. It is our intent to install an approved treatment field and submit a satisfactory sewage inspection report, signed off by Superior Safety Codes Inc.

Storm Water Management

As the proposed 1.67 acre lot is situated directly east and next of Hwy #771 & there is a ravine running SW to NE which is south of said lot, there is next to nil for storm water entering the site. Just south of proposed site @ the property line is a natural swale that drains to ravine/pond. The overall slope of SW12 is NE towards Pigeon Lake. The 1.67 acre site has a natural slope NE towards northerly pasture and pond. As existing improvements accesses have been in place since 1976 without incident and the fact that no further development would disturb the land, we believe there is not a need to "manage" storm water.

Refer to photo/drawing #7

Water Supply

There is an existing in use water well on proposed 1.67 acre site (which is the original west portion of the farm residence site), which presently serves both yard sites.

As per LUB 2017/48 9.13.5 "For the purposed subdivision of a lot for an existing farm site and related improvements, an existing water well(s) may be accepted as proof of an adequate water supply."

In addition a 1998/99 approved ASP for 63 lots(Sunset Harbour) on SW12-47-2-W5 and 2009 approved ASP 46 lot (NE12-47-2-W5) kiddy corner from us, which is totally undeveloped, did satisfied the water supply standard as per ALBERTA WATER ACT (2000).

- 1976 - a new well was drilled - 70' deep - 4.5 galvanized casing/open hole
- static water level 25' from top of casing (TOC)
- 2007 - a 2 hr pump test done at 6 gal/min(720 gal) with draw down to 36' from TOC
- recovery to static level 12 minutes
- more than adequate for 2 households as per Alberta Water Act(2000)
- Proposing the well remain as intended.

Traffic

The existing farm residence site is served by an approach off of east side of Hwy. #771. The proposed subdivision would not alter the current traffic volume at all. The population of the existing farm residence site since 1950's, ranges from 2 - 6 people and has been mostly consistent @ 4 people since 1999. The volume of traffic on average is 2 vehicles leaving the site in the morning and the same amount returning in the evening on weekdays and less on weekends.

Road

As mentioned above, there is an approved eastbound approach off of Hwy. #771. The approach is approximately 20' wide at the property line and the eastbound driveway maintains that width or wider for next 300 ft. Within the first 170' of this eastbound driveway, is an existing 20' wide southbound approach with 8" culvert, serving as an access to the proposed lot (original west yard site).

* Note: there is no intention to install another approach onto Hwy. #771. I would propose the first 170' of driveway east of hwy. #771 be shared between the property owner's. This proposed shared driveway should be wide enough to accommodate the small population and low traffic volume. With this low usage, I propose the land owners be responsible for maintenance and snow clearing of this short driveway, as they have been in the past. I do not feel we need to in anyway add to the burden of the county with the responsibility of maintaining this small piece of driveway.

Environmental Assessment

In our situation, where there has been no improvement since 2007 or any physical change to the land since 1950's, an environmental assessment would be of no benefit.

Archaeological and Historical Assessment:

Not applicable

Fire Protection

There is a pond adjacent to the proposed lot with approximately 600,000 gallons of water and a driveway next to the pond for access.

Existing Land Use

Directly south of proposed lot is 1/4 section Provincial Park. 1/2 mile east approximately is also the Provincial Park boundary. 1200' north across pasture is Beaver Haven & Sunset Harbour. West across the highway is 1/4 section treed agricultural.

Municipal, Environmental and Conservation Reserves

As the development area is very small, we would propose to pay cash in lieu of municipal reserve dedication or an increase the size of environmental reserve next to the ravine/pond.

Summary

In a nutshell, all we want is a place for our daughter & son-in-law to live and call their own. They both have good steady careers and already contribute to the growth of the county by supporting business in our area.

*In consideration of our proposal, we would really appreciate if council would reflect on **LUB 2017/48 7.4.3** in rendering their decision.*

7.4.3 The Subdivision Authority may approve an application for subdivision notwithstanding the fact that the proposed subdivision does not comply with this Bylaw if, in the Subdivision Authority's opinion,

a) the proposed subdivision would not:

- i. unduly interfere with the amenities of the neighbourhood; or*
- ii. materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and*

b) the proposed subdivision conforms with the use prescribed for that land in the Bylaw.

We feel this is also in the best interest of the county as we would be supporting and encouraging economic growth in and for the County and supporting a high quality of life in the County.

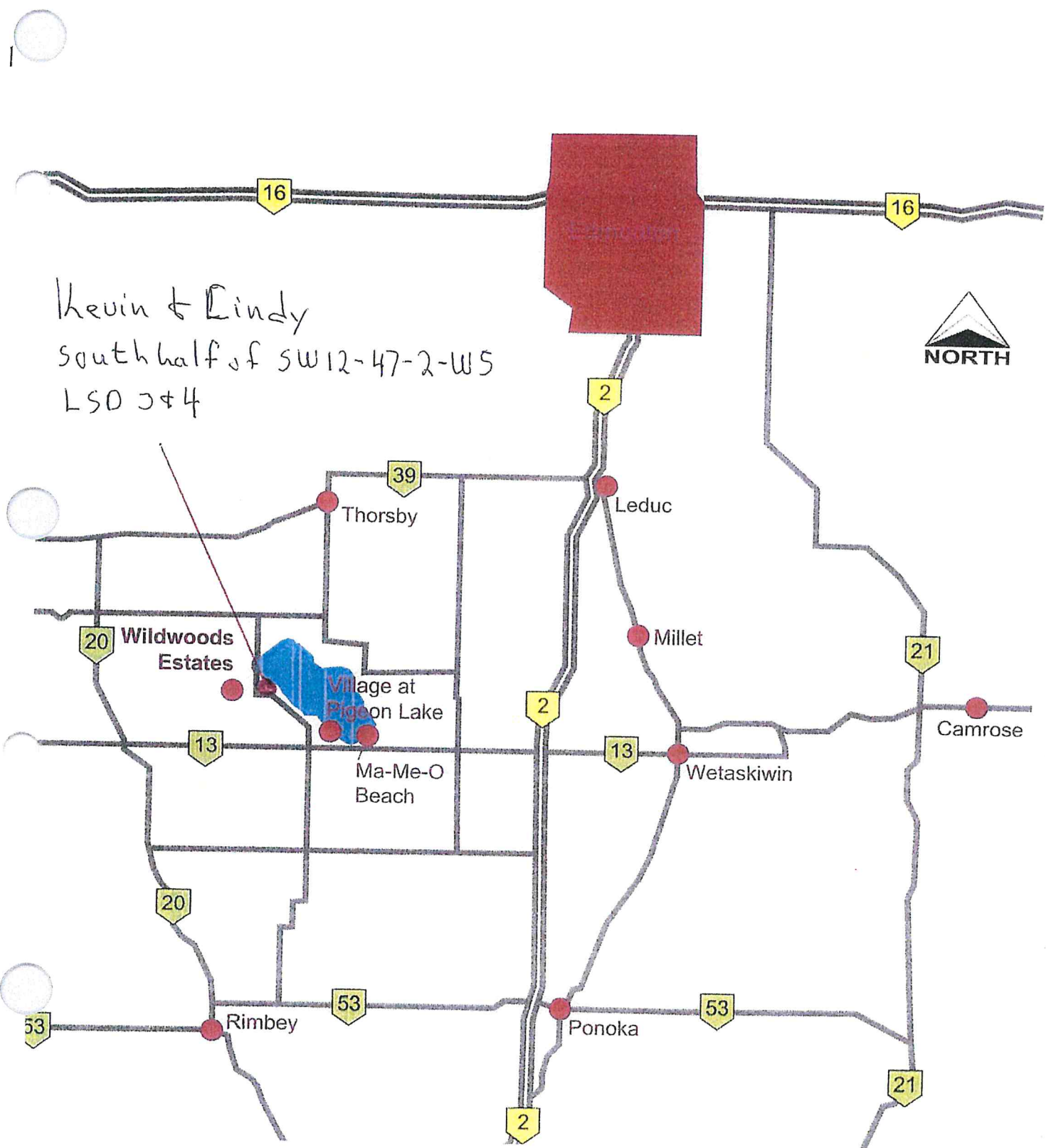
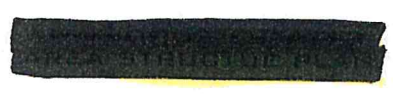


FIGURE 1
Regional Location Plan



FOCUS

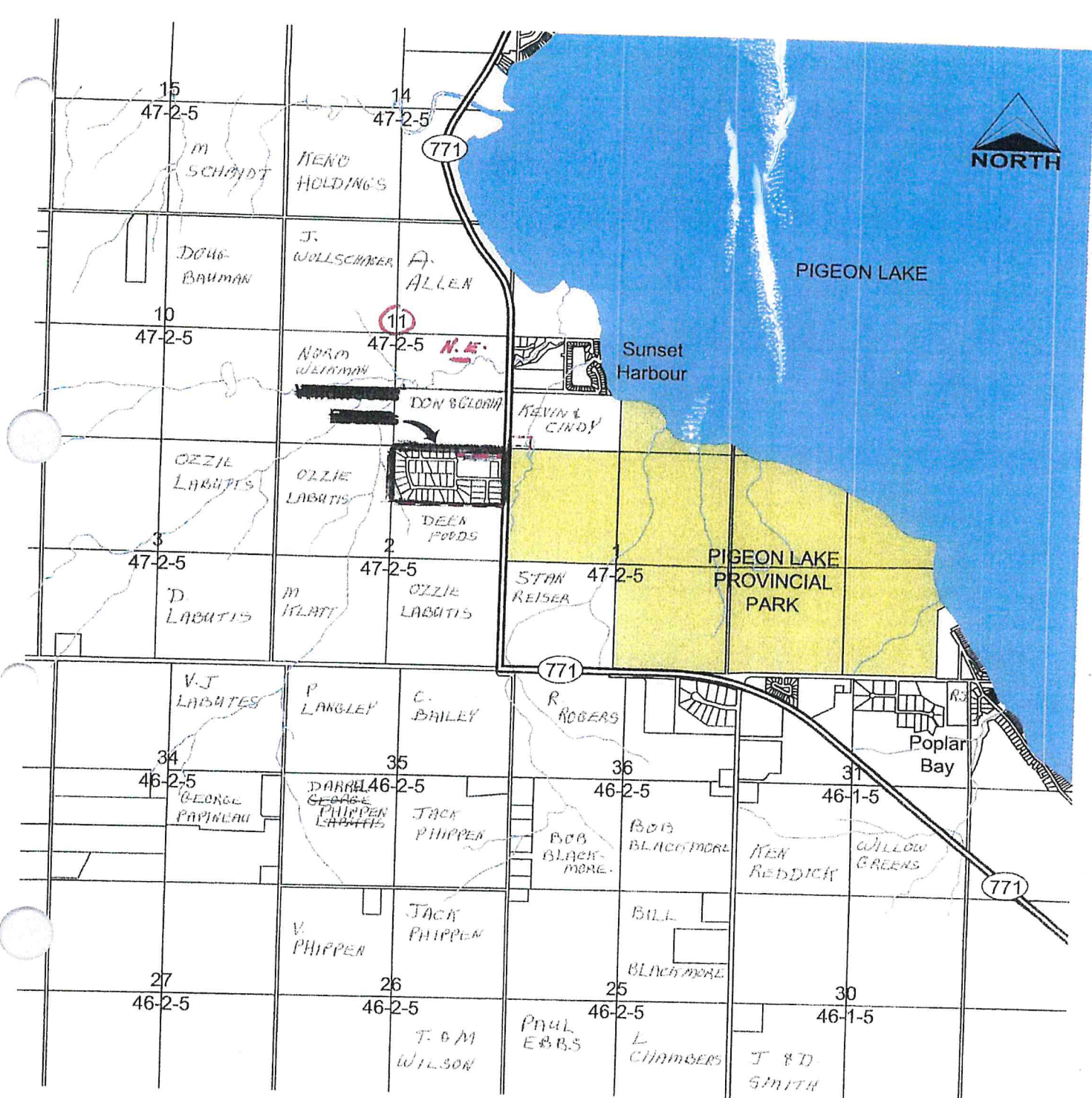
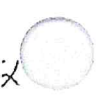


FIGURE 2
Location Plan

ASP Boundary

AREA STRUCTUE PLAN

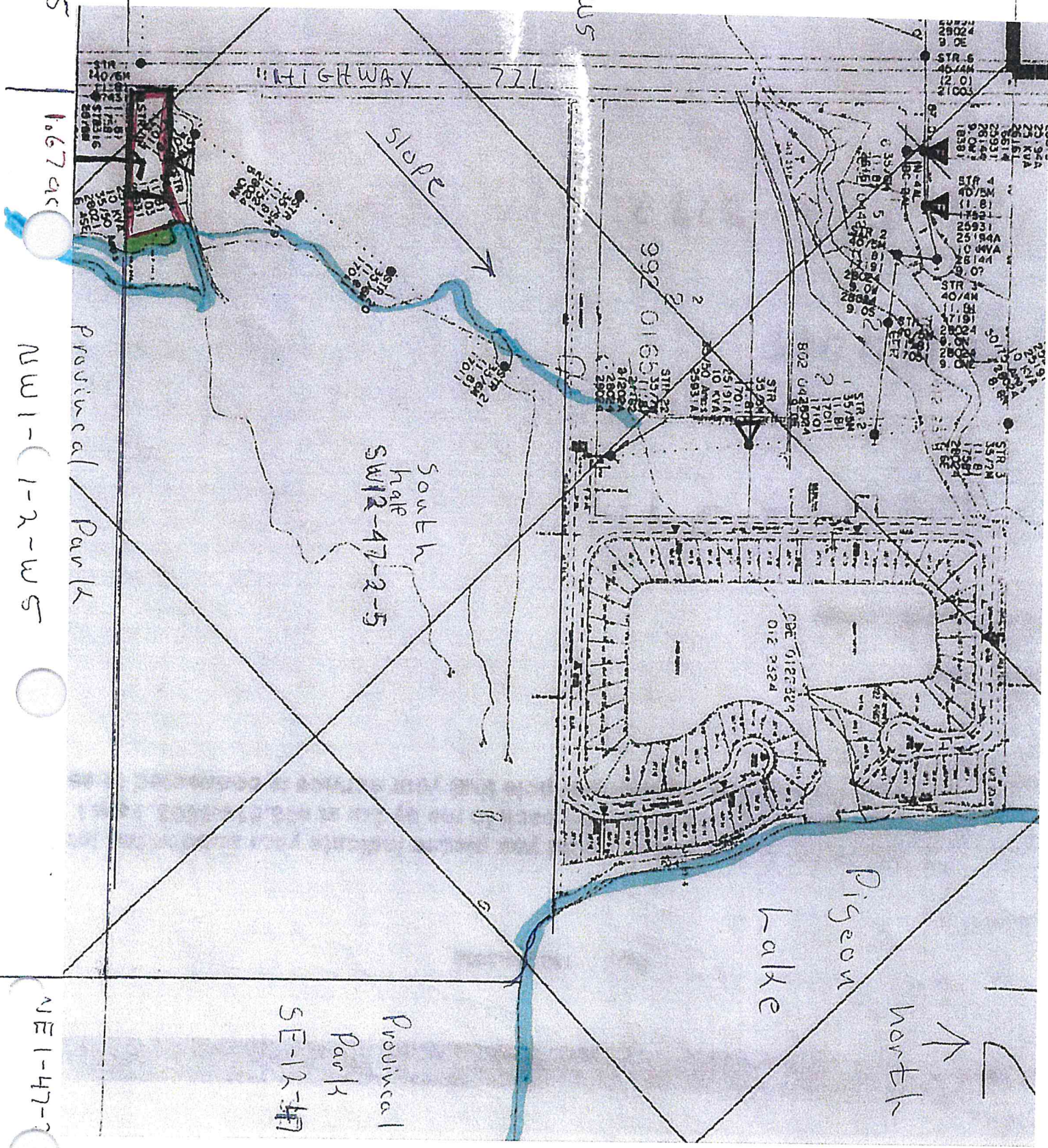
FOCUS

SE-11-47-2-W5

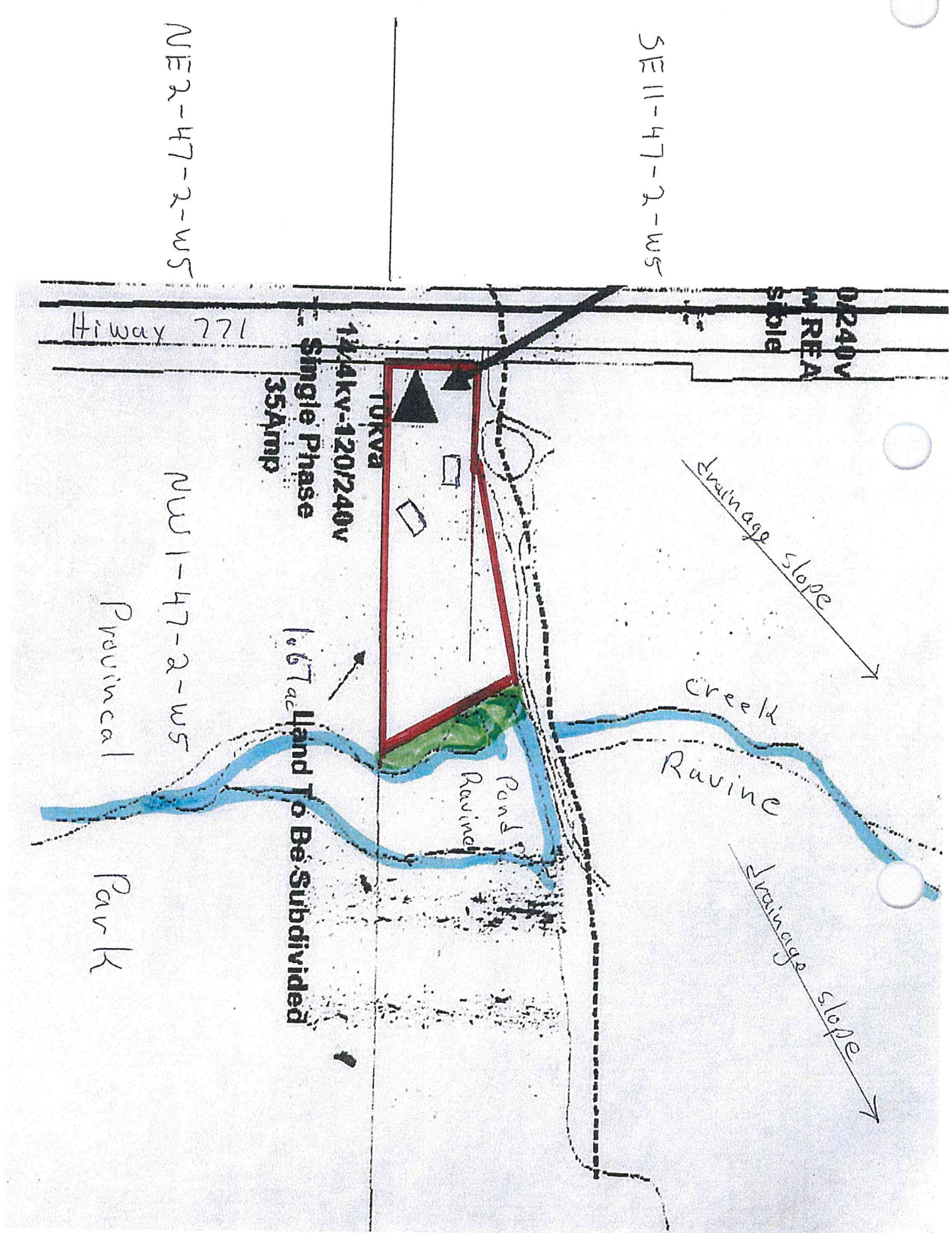
SE-2-47-2-W5

SW-1-47-2-W5

NE-1-47-2



North
↑



4

SW12-47-2-W5 LSP4



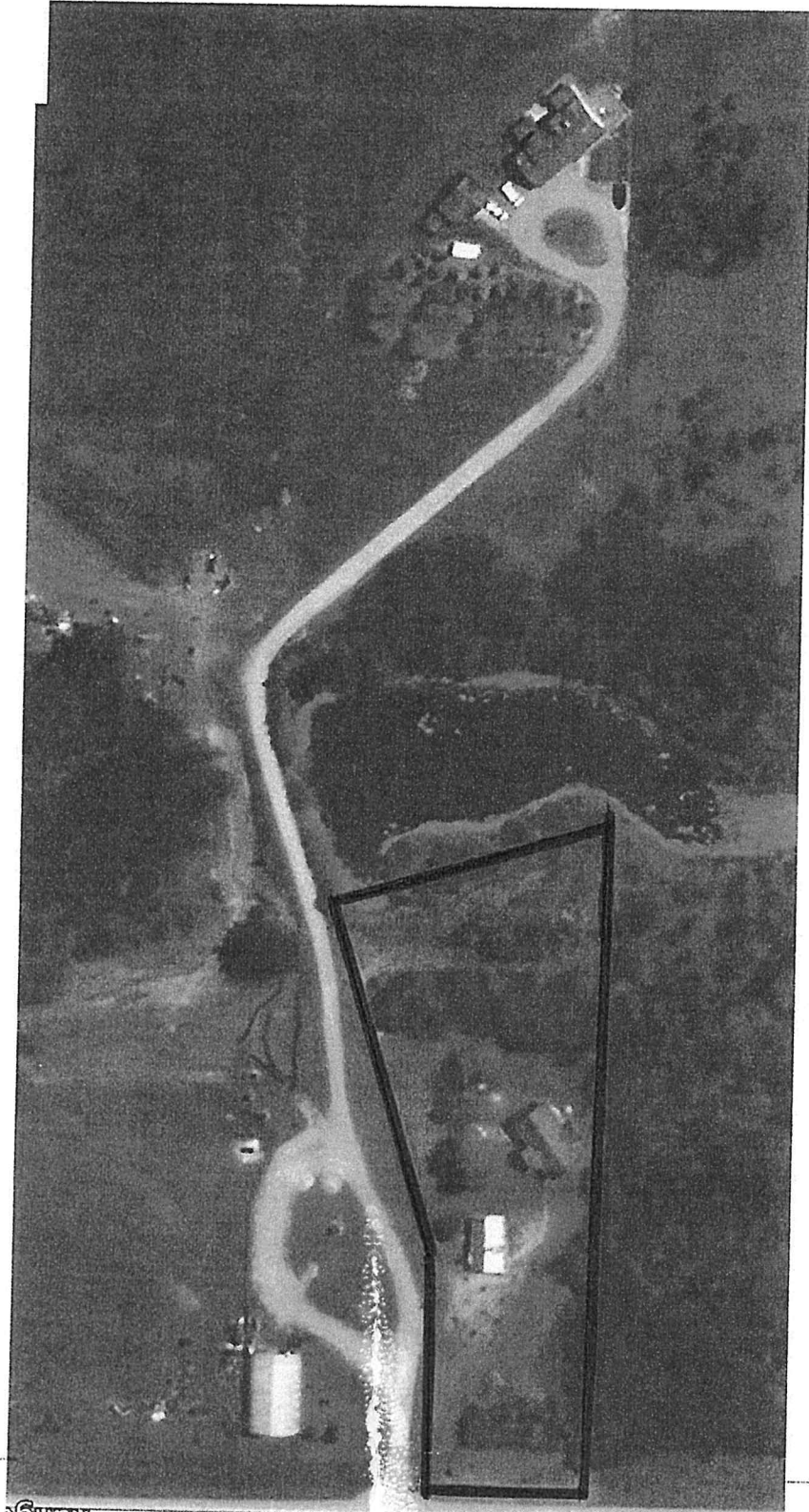
West 1/2 original
Farm/res site

Highway 271

road 21

Scale 1" = 133.33
1/4" = 33.33

SW 12-47-2-W5 L504



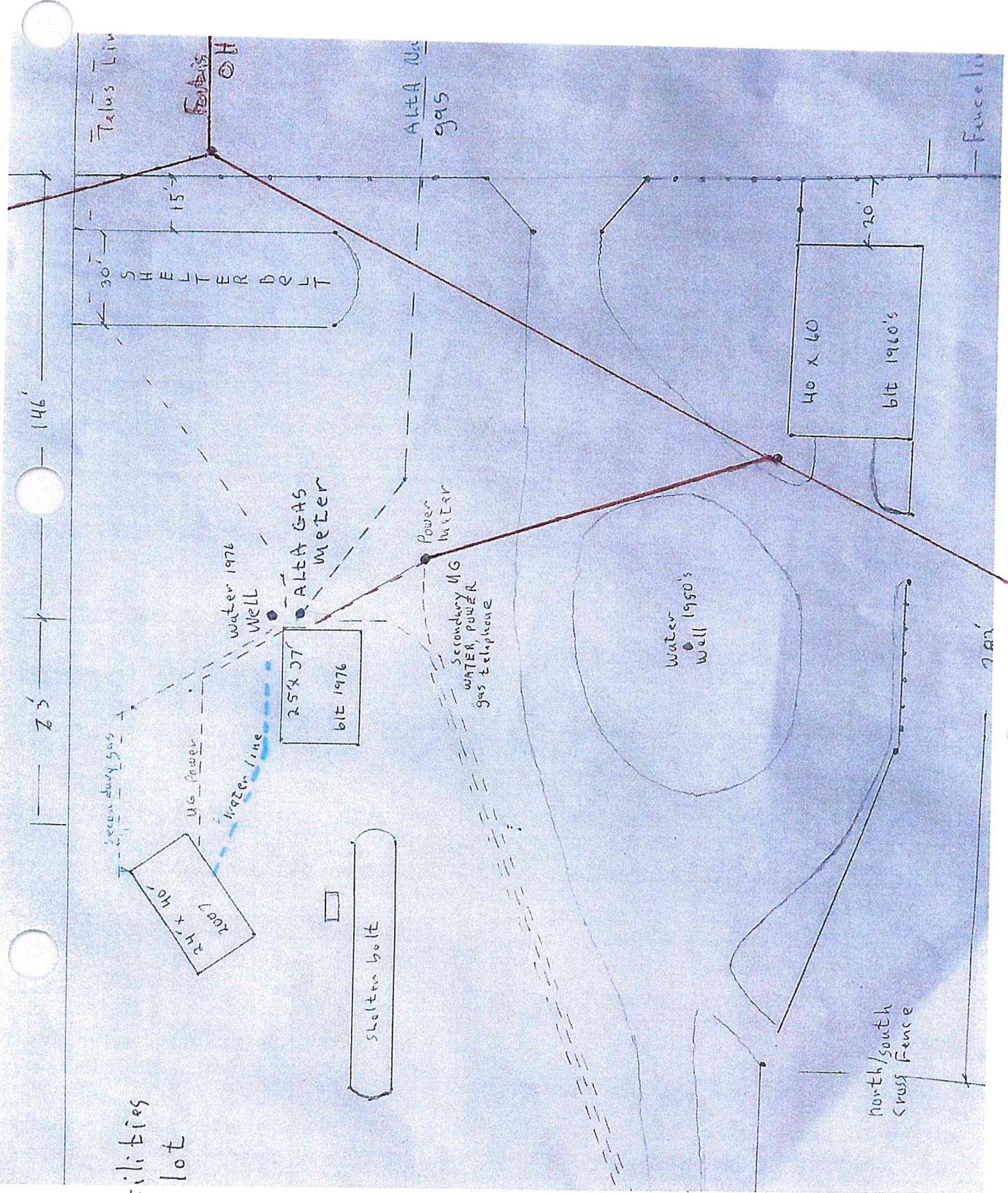
Range

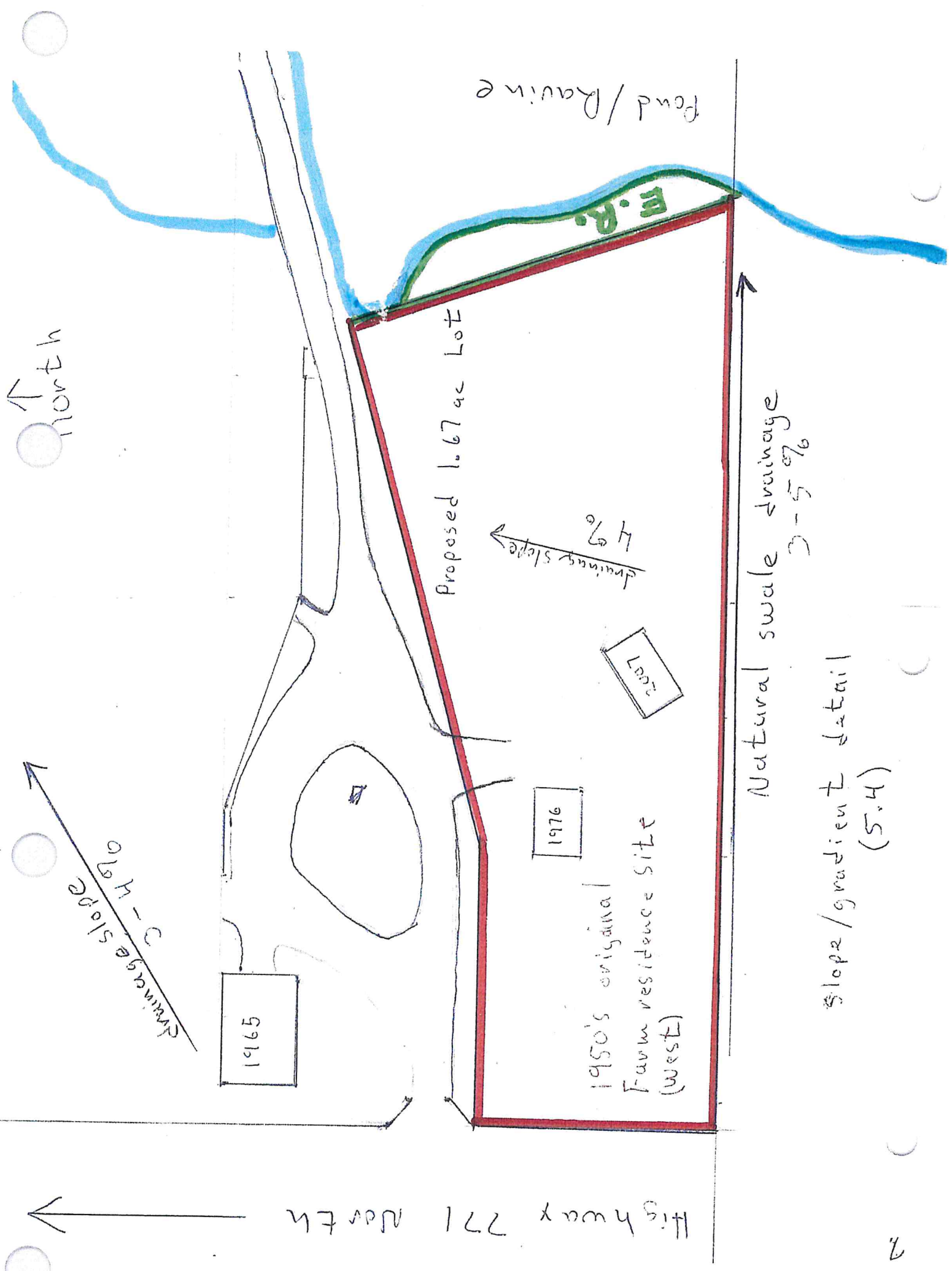
oad 21

Highway 771

Existing Utilities
on Proposed lot
(6.4)

North
↓





Kevin & Cindy Leonhardt
RR 1, Westeros, AB T0C 2V0

December 2, 2019
County of Wetaskiwin No.10
Box 6960,
Wetaskiwin, AB T9A 2G5
ATT: David Blades
Director of Planning & Economic Development

Re: File #330600 - Proposed Application Revisions for ASP File ASP19/002

Mr. Blades,

Sorry for the delay in getting back to you on the above mentioned File number. Even though completing this is of the essence somehow life gets in the way.

In response to the letter of May 31 and November 4, 2019:

- The proposed lot would be zoned Country Residential upon approval of ASP. We would apply for redistricting at this time.
- The Utilities would most likely have easements on the property for Right of Way; this would include Alta Gas, Fortis Alberta and Telus.
- Historical Resources has been contacted; please see their reply as per attached.
- The existing well will be tested by a licensed water well driller in accordance with 9.13.8 requirements and a report will be submitted to the county prior to subdivision completion.
- The easterly boundary of the proposed new parcel as shown in the ASP will move to provide a 6 meter minimum from the west portion of the pond.
- The proposed north boundary as shown in ASP will be moved north (20'approx.) to the center of existing approach to provide joint access for both of the parcels - this is to accommodate Alberta transportations comment.
- Regarding the section pertaining to reserves; unfortunately, we cannot add referene that ER may be required abutting the lake. We have been advised not to include this in our proposal. There are many reasons that this does not need to be included.

We would appreciate moving forward with the approval process and look forward to hearing back from you.

Thanks again,

Kevin & Cindy Leonhardt
RR 1,
Westerose, AB. T0C 2V0
cindyleon19@gmail.com
780-586-3627

cc Erin Ballhorn

Martina Purdon <Martina.Purdon@gov.ab.ca>

Wed, Aug 7, 11:09 AM

to me

Hello Cindy,

Historical Resources Act approval is not required for the subdivision proposed below in the location illustrated in the map you provided.

Thank you,

Martina

Martina Purdon
Manager, Regulatory Approvals & Information Management
Archaeological Survey
Historic Resources Management Branch
Alberta Culture, Multiculturalism, and Status of Women
Old St Stephen's College, 8820 112 Street NW
Edmonton, Alberta T6G 2P8
Tel 780-431-2331 Fax 780-427-3956
Email martina.purdon@gov.ab.ca
Website www.culture.alberta.ca/heritage/resourcemanagement