



County of Wetaskiwin No. 10
BYLAW # 2024/58

A Bylaw of the County of Wetaskiwin No. 10 in the Province of Alberta, for the purpose of authorizing the adoption of an Area Structure Plan for the purpose of providing framework for the future subdivision and development of ten (10) additional lots within the land described as pt. N ½ SW 4-47-24-W4M Plan 1923592, Block 1, Lot 13.

WHEREAS per Requirements of Area Structure Plan Policy, an Area Structure Plan has been prepared for the pt. N ½ SW 4-47-24-W4M Plan 1923592, Block 1, Lot 13.

AND WHEREAS the proposed Area Structure Plan has been widely circulated and discussed in accordance with notification and procedural requirements outlined in Section 606 (1) and 633(1) of the *Municipal Government Act*.

NOW THEREFORE the Council of the County of Wetaskiwin No. 10, in the Province of Alberta, duly assembled, hereby enacts as follows:

PART 1 - TITLE


1. The document attached to this Bylaw as “Schedule A”, together with accompanying maps, is hereby adopted as the “Area Structure Plan- pt. N ½ SW 4-47-24-W4M Plan 1923592, Block 1, Lot 13”:
- a. To create ten (10) additional lots within the existing 99.26 acre parcel of land described as pt. N ½ SW 4-47-24-W4M Plan 1923592, Block 1, Lot 13.

PART 2 - EFFECTIVE DATE

2. This Bylaw shall come into force and take effect upon the date of Third and Final Reading.

READ for the FIRST TIME this	<u>17</u>	day of	<u>September</u>	, A.D.,	<u>2024</u>
READ for the SECOND TIME this	<u>8</u>	day of	<u>October</u>	, A.D.,	<u>2024</u>
READ for a THIRD and FINAL time this	<u>8</u>	day of	<u>October</u>	, A.D.,	<u>2024</u>

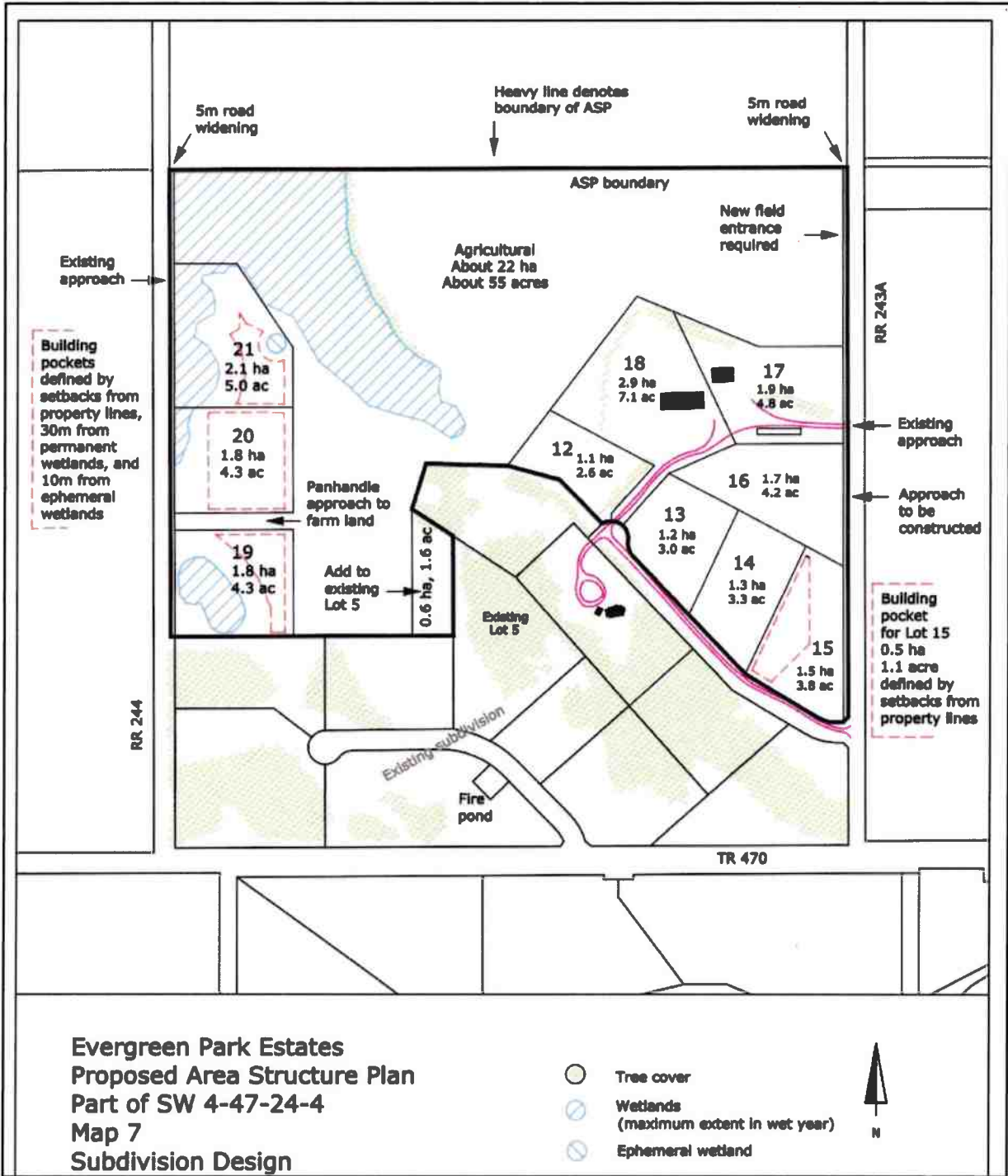

COUNTY REEVE Josh Bishop


CAO Scott MacDougall



County of Wetaskiwin No. 10
BYLAW # 2024/58

SCHEDULE "A"



**Evergreen Park Estates Phase Two
Area Structure Plan
Part of SW 4-47-24-4
County of Wetaskiwin
Owner: 1503071 Alberta Ltd
(Terry Wright)**

Plan prepared by Robert Riddett
riddett@gmail.com

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Crown under section 2 of the Public Lands Act. However, the Basin report says that "as no direct impacts to Wetland 01 are planned in support of the project, no submissions to [the Alberta government] are anticipated to be required" (Basin page 19).

Wetland 02 is adjacent to RR 244 in the south-west corner of the property. It covers 0.42 hectares. Historic air photography obtained by Basin shows it as only intermittently wet; in many years it is seeded to crop. As there is no open water the Crown has no claim.

Wetland 03, about 50 metres south-west of but separate from Wetland 01, is described by Basin as ephemeral. Again air photography shows it is frequently cultivated, and as there is no open water the Crown has no claim.

There are also wetlands (WL 03 and WL 04) west of RR 244 but they are under separate ownership and do not affect the proposed development.

The treatment of wetlands is discussed in section 20 (Reserves) below.

7 Soils

Map 6 is based on the County's assessment sheet. It shows the cleared land has a farmland assessment rating (FAR) of 65%. The existing yard site does not have a FAR rating.

In other parts of the County, soils with this quality are reserved for agricultural use, but this rule does not apply in the Millet Acreage Area (MDP section 15).

8 Natural areas

The 1907 township survey describes the land at that time as "covered with poplar and willow scrub". This original vegetation on the land proposed for subdivision was largely removed by the first settlers.

The large wetland previously noted above will retain its present vegetation and will not be affected by the proposed subdivision, and the cultivated areas proposed for subdivision bear so little resemblance to the original vegetation and its ability to support native species that a study identifying natural areas would serve no purpose. Basin nevertheless consulted provincial and federal databases of species at risk. The surrounding region supports some species of interest but it is unlikely that nesting will be disturbed by residential development (Basin, page 14).

9 Historical resources

Alberta Culture's latest on-line listing of historical resources, issued in the spring of 2024, does not show SW 4-47-24-4 as a location of possible historic or archaeological interest.

Consequently, no further investigation is warranted under section 5.5(j) (A) of the provincial Subdivision and Development Regulations. Basin concurs (page 15).

10 Oil and gas facilities

Sour oil and gas installations: A proposal to build a residence within 1500 metres of any sour gas well or pipeline must be referred to the Alberta Energy Regulator (AER) for comments.

There are no such installations on or within 1500 metres of the subject property.

Other oil and gas installations: 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.

There are no wells or pipelines on the property. The closest active well is 450 metres north in NW 4-47-24-47-4. It is not connected to a pipeline.

Abandoned wells: The AER's online mapping tool shows that the closest abandoned well is 400 metres west in SE 5-47-24-4. There is a pipeline running north-west from that well, in a direction away from Evergreen Park Estates. As the well has been abandoned, the pipeline is no longer in use.

Low pressure lines: There are low pressure local gas lines on the quarter section. Some are on the land proposed for subdivision, along the north side of Wright Way Lane. Because they are not surveyed they are not shown on Map 2. They will be located and flagged by Alberta First Call prior to subdivision or development.

11 Other features requiring setbacks

Although land use is a municipal responsibility, the County is bound by rules set out in provincial legislation, and particularly the Municipal Government Act (MGA) and the Subdivision and Development Regulation, AR 43/2002.

Sewer lagoons:	Residences must be at least 300 metres away from sewer lagoons.
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	<p>The closest sewer lagoon is more than 6 kilometres away, on the south side of Millet.</p>
Waste disposal sites:	<p>Residences must be at least 300 metres away from a waste disposal site, and wells for human consumption must be drilled at least 450 metres of such a site.</p> <p>The present Wetaskiwin landfill site is 3.2 km south of Evergreen Park Estates, on the east side of Peace Hills Heights in NW 27-46-24-4. Two closed Wetaskiwin sites and the closed Millet site are further away.</p>
Proximity to highways:	<p>A municipality must not approve a residential subdivision within 1600 metres of a provincial highway without the prior approval of Alberta Transportation (AT).</p> <p>Evergreen Park Estates is 2500 metres from Highway 2A along TR 470, and 1776 metres distant from the highway "as the crow flies", so the department's consent is not required.</p>
Livestock operations:	<p>County policy 61.1.6 requires an ASP to show any confined feeding operation (CFO) within 2000 metres of a proposed subdivision.</p> <p>The NRCB on-line data base shows no CFOs within that distance. The closest are two dairies over 5000 metres distant in SW 17 and SE 18-46-24-4 on the north side of Highway 13 west of Wetaskiwin.</p>
Airports:	<p>Evergreen Park Estates is about five km from Wetaskiwin Regional Airport, and about seven kilometres from the private Creekview airport on the west side of Millet. Local pilots and airport mapping confirm that SW 4-47-24-4 is not under any approach or take-off paths, and is outside any NEF contour.</p>
Wetlands	<p>The Alberta government has jurisdiction over permanent, naturally occurring watercourses and wetlands. Air photography and site inspection show a number of wet areas on the property. This is discussed in section 6 above and in section 20 below.</p>

12 Legislative framework: Municipal Government Act

Section 633 of the Municipal Government Act (MGA) sets out the requirements for an area structure plan:

:

- (2) *An area structure plan*
 - (a) *must describe*
 - (i) *the sequence of development proposed for the area,*
 - (ii) *the land uses proposed for the area, either generally or with respect to specific parts of the area,*
 - (iii) *the density of population proposed for the area, either generally or with respect to specific parts of the area, and*
 - (iv) *the general location of major transportation routes and public utilities,*
 - and*
 - (b) *may contain any other matters the council considers necessary.*

These "other matters" are listed in County Policy 61.1.6

13 Legislative framework: municipal development plan

The County's senior planning document is the municipal development plan (MDP), which contains a number of policies that apply to the proposed subdivision. MDP section numbers are as follows.

- 8.3.2 The MDP requires an environmental report on a number of issues. That is discussed in section 19 of this ASP.
- 8.3.3 It prohibits development on land at risk of environmental hazards such as steep slopes or flood risk. That is discussed in sections 4, 6, and 8 of this ASP.
- 8.4 It requires ground and surface water quality and quantity to be protected. Policy 10.3.5 supplements this. That is discussed in section 23 of this ASP. As noted in section 6 above, there are no watercourses on the property.

- 9.2.1 The MDP aims to provide a variety of recreational amenity areas utilizing municipal reserves. Under policies 9.2.2 and 9.2.10, the County may take money in place of reserves where land dedication is not suitable. Reserves are discussed in section 20 of this ASP.
- 9.4.1 It encourages the conservation of historical resources. That is discussed in section 9 of this ASP.
- 10.2.2 It aims to maintain the road system to meet the level of services required by County residents. That is discussed in section 21 of this ASP.
- 10.2.8 A development must have access to a developed County road. That is addressed in section 21 of this ASP.
- 10.2.9 A developer is responsible for constructing on site and off site roads to serve the development. That is discussed in sections 21 and 22 of this ASP.
- 10.2.10 Direct accesses to the County road network must be minimized by using internal roads unless this is inappropriate due to site conditions. That is discussed in section 21 of this ASP.
- 10.3.2 Except where municipal waste water servicing is available, developments must be serviced by on-site treatment in accordance with County and provincial standards. Sewage disposal is discussed in section 24 of this ASP.
- 10.3.6 Each lot must have its own on-site water supply. That is discussed in section 23 of this ASP.
- 10.4.1 A development proposal must include a stormwater management plan. That is discussed in section 25 of this ASP.
- 10.5.4 Developments must be set back from waste management sites by the distances set out in provincial regulations. That is discussed in section 11 of this ASP.

The policies listed above apply throughout the municipality. Additional policies apply because the subject property is in the Acreage Policy Area established by section 15 of the MDP. In that area the County will:

- 15.1 Encourage multi-lot country residential development within the Acreage Policy Area to provide opportunities for rural living while protecting agricultural lands. The Acreage Policy Area is shown on Map 1.

- 15.2.1 Require an area structure plan prior to any new development. This document meets that requirement.
- 15.2.8 Require residential developments to be set back appropriate distances from confined feeding operations, environmental sensitive areas, resource extraction activities, and waste management sites. Most of these fall under provincial jurisdiction and are discussed above in sections 10 and 11 of this ASP.

14 Legislative framework: intermunicipal development plans

The closest urban municipality is the City of Wetaskiwin. As shown on Map 1, the entire property is beyond the 1600 metre referral area set out in the County's MDP, and beyond the 3200 metre distance noted in County policy 61.1.6. It is also outside the area covered by the City / County IDP. Consequently there is no need to make a referral to the City.

The property is also outside the referral area under the County / Millet IDP.

15 Legislative framework: land use bylaw

The entire property is currently zoned Agricultural. This limits the number and use of subdivided lots, so rezoning will be necessary before the proposed subdivision can be approved: see section 18 below.

16 Non-statutory County policies

As noted in section 1 above, the content of ASPs and the process of writing and adopting them is set out in County policy 61,1,6. The present document follows those rules.

17 Public engagement

Following discussions with County staff, a summary of the proposed development was mailed to the owners of approximately 50 properties in the subject quarter section and the adjacent eight quarter sections. It invited the recipients to send any comments or concerns, and offered to email the entire ASP to anyone who wished see it.

The letter was mailed on 17 April 2024. In the following month one reply was received. It raised three points:

- Concern that additional residences would deplete the groundwater which supplied their cattle.
- Proposed Lots 19, 20, and 21 were good farm land.
- There could be a problem with so many sewage systems in the area.

This email has been forwarded to the County.

In reply, the developer's planner pointed out that all of SW 4 was included in the Acreage Policy Area defined in the municipal development plan. He also sent copies of the water and sewer reports noted in sections 20 and 21 below,

18 Development concept and zoning

It is proposed to create 10 new residential lots in addition to the 11 that were subdivided in 2019. There will then be 21 residential lots on the quarter.

The new lots will be zoned Country Residential. The remaining land will keep its Agricultural zoning. The areas are as follows:

New residential lots	18.1 ha	45 %
Road widening along range roads	0.2 ha	<0.1 %
Agricultural remainder	22.3 ha	55 %
Total	40.6 ha	100 %

The area described above as "new residential lots" includes about 0.6 ha (about 1.5 acres) to be added to the existing Lot 5 Block 1 Plan 192 3592.

Section 21 below discusses the road system and access to the new lots.

Following subdivision and build-out, and using Census of Canada figures for household size, the additional 10 lots will probably add about 25 people to the population living on the quarter section, bringing the total population of the quarter up to a little more than 50 people.

19 Environmental impact

The wetland in the north-west corner of the property will remain in its natural state, and the environmental impact on that part of the land will be insignificant.

There will be no change in the use of the agricultural remainder, so again the environmental impact on that land will be insignificant

The residential lots will be created on land which has been cleared. There will therefore be no loss of tree cover. Experience in other rural subdivisions is that owners commonly plant numerous trees and bushes for shelterbelts or for aesthetic appearance. This increases habitat for birds and animals, so the landscape frequently contains a greater number and variety of wildlife than it did before subdivision.

The environmental assessment by Basin did not find any species at risk or of special concern in the area proposed for development.

20 Reserves

When land is subdivided to create more than two lots on a quarter section, 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).

Environmental reserves: 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. The wetland in the north-west part of the property certainly falls under that definition. However, pursuant to section 663 of the MGA, reserves cannot be taken in this case because that land will be part of an agricultural parcel of more than 16 hectares. A provincial appeal in the Eggleston case (subdivision RW/81/021) confirmed that this applies to both municipal and environmental reserve.

Proposed Lots 19, 20, and 21 contain small areas of wetland adjacent to RR 244. Under a strict interpretation of the MGA they could be taken as environmental reserve. However, they are almost entirely within 40 metres of the road, so they will not be disturbed, because building is not allowed by section 9.10.1 of the land use bylaw. Consequently it is proposed that they be left as part of proposed lots. If desired by the County, environmental reserve easements could be registered on the titles of these lots.

Municipal Reserves: When the existing residential lots were subdivided by Plan 192 3592, municipal reserves were not dedicated, but were deferred into Lot 3, the agricultural remainder of the quarter section and the subject of this ASP. The caveat noted in section 3 above claims 6.44 hectares (15.2 acres), which is ten per cent of the area of the quarter section prior to the creation of the first phases of Evergreen Park Estates.

Section 671(2) of the MGA says that MR may only be used for a public park, a public recreation area, school board purposes, or a buffer strip separating different land

uses. There does not appear to be any need for parks, public recreation, or school sites on the quarter, or for a buffer strip separating the new lots from surround land uses. It is therefore proposed that the deferred reserve caveat be discharged from the titles of the new residential lots, and rolled over into the agricultural remainder.

21 Transportation

The proposed subdivision, when fully built out, will add traffic from 10 additional residences using RR 243, RR 243A, and TR 470.

Both range roads are gravel surfaced. They are 25 metres wide where they pass the existing lots in Evergreen Park Estates, but only 20 metres wide past the proposed new lots. The five metre road widenings will be extended north to the quarter line.

TR 470 (known locally as the Correction Line Road) is a paved County road on a right of way which varies from 21 to 46 metres between Evergreen Park Estates and Highway 2A. It joins Highway 2A at a Type 2 intersection.

As noted in section 11 above, Evergreen Park Estates is 2500 metres from Highway 2A along TR 470 and 1776 metres distant from the highway "as the crow flies" so the consent of Alberta Transportation is not required.

No new internal roads are proposed. The existing internal road south of proposed Lots 12 to 15 was previously dedicated as a municipal road by Plan 172 0864. It has since been incorporated into Plan 192 3592, the first phase of Evergreen Park Estates. The plan of subdivision describes it as Wright Way Lane but it is posted on site as RR 243A.

Lot 17 has an existing approach off RR 243 and this will remain.

Lot 16 will require a new approach off the range road. This will be at a high point with good visibility along the range road in both directions.

On the west side of the subdivision, Lots 19, 20, and 21 will each have approaches off RR 244. This is a low traffic road and is not built north of the quarter line, so no traffic problems are foreseen.

Approaches into Lots 19 and 20 will be new. The approach in to Lot 21 already exists. It crosses an area identified as wetland by Basin, but which is normally dry

The design shown on Map 7 shows a panhandle access from RR 244 in to the agricultural remainder of the quarter. It is unlikely to be used as the agricultural land has a more convenient access off RR 243A.

22 Road contribution

County Policy 61.1.15, *Per Lot Road Contribution*, requires developers to contribute \$2000 per lot for the improvement of County roads giving access to the property. The owner recognizes this and will make the required contribution at the time of subdivision.

23 Servicing: water supply

All lots will use private wells. 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 1250 m³ 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.

As part of the 2019 area structure plan, the landowner engaged Envirowest Engineering to evaluate the groundwater supply. Envirowest examined 54 well logs in the surrounding area, and also consulted work published by the Alberta Research Council. They concluded that there was sufficient water to serve the 16 lots then proposed. In the event only 11 were created. The present ASP proposes to create an extra ten lots, bringing the total of the quarter section to 21 plus an agricultural remainder. The developer therefore engaged Arletta Water Resources, an independent consultant, to review and update the groundwater assessment.

In their report dated April 2024, Arletta concluded (on page 1) that

Based on available pumping tests data, the diversion of 1250 m³/yr will not interfere with any household users, licensees, or traditional agriculture users who exist when the subdivision is approved.

The complete water report has been forwarded to the County.

24 Servicing: sewage disposal

All lots will be served by individual sewer systems consisting of a septic tank and a buried disposal field.

The existing shop on proposed Lot 17 uses an open discharge system. Because there are more than four parcels on the quarter section, this does not conform with the of the *Alberta Private Sewage Systems Standard of Practice*, so the open discharge will be removed and replaced with a compliant system at the time of subdivision.

To ensure that systems can be safely installed on the new lots in accordance with the *Standard of Practice*, the developer engaged Element, an independent firm of consulting engineers, to drill test holes.

Sixty inch (1.52m) test holes were drilled on proposed lots 13, 15, 19 and 21. These were selected as typical of the area. Soil types were determined as follows:

Lot 13	Fine sandy loam to 39" (1.0 metre); sandy clay to bottom of hole
Lot 15	Fine sandy loam to bottom of hole
Lot 19	Fine sandy loam to 17" (0.4 metres); sandy clay to bottom of hole
Lot 21	Loam to 20" (0.5 metres); silty clay to bottom of hole.

These findings were then evaluated by Remi Ridge Construction Ltd. Remi concluded that

Private sewage systems for the proposed development will meet all municipal guidelines and Alberta Private Sewage Systems Standard of Practice for septic tank and pressure treatment field systems of the end users choosing. Soil conditions at all four test pits were free of pooling water and suitable for sewage systems.

The test hole results and Remi's evaluation have been forwarded to the County.

25 Servicing: storm water management

In any subdivision, increasing the hard surfaced area may increase the amount and intensity of runoff from snow melt and heavy rainfall, and if not properly managed this can damage downstream watercourses. Alberta Environment therefore requires that the rate of runoff be managed so it is no higher than it was before development. The County's engineering design guidelines have a similar requirement.

Derek McCoy, P. Eng. of Basin Environmental examined the present drainage pattern and how it might be changed as a result of subdivision. In a letter dated 15 March 2024 he concluded that "major storm water system components are not anticipated as part of the proposed development. Minor storm water system components that will be incorporated into the future development include ditches (and possibly swales) and culverts, as well as the potential for minor site grading work". He listed a number of items that will be investigated in detail and if necessary upgraded at the time of development when earthmoving is being done. The engineer's letter has been forwarded to the County.

The developer accepts these recommendations and will do the necessary work at his own expense and to County standards as part of the development agreement.

26 Servicing: shallow utilities

The blanket easements in favour of Centra Gas and the Battle River REA will be carried forward on to all lots, and the developer will negotiate with the companies to provide service to the boundary of each lot. This is a normal condition of subdivision approval.

The developer will also make arrangements with the appropriate providers to install internet cable to all lots. In view of the ubiquity of cell phones now, telephone lines will not be installed.

27 Waste disposal

Lot owners will be responsible for the management of their solid waste. They may haul it to the municipal landfill in NW 27-24-46-4, or they may contract with a private company to pick up and haul.

28 Fire protection

The property is just over nine km by paved road from both the Wetaskiwin West Side and Millet fire halls, so response times should be acceptable. There is also a fire pond with all-weather access and a dry hydrant in the first phase of Evergreen Park Estates. There does not appear to be any reason to construct a second fire pond.

29 Subdivision and development criteria

The proposed subdivision has been designed to comply in every way with the County's rules. No relaxations will be required.

The land use bylaw allows a variety of building types and uses in the Country Residential district. In addition to conventional "stick built" houses it allows mobile homes, moved-in buildings, and a number of commercial activities. In some subdivisions this has led to conflicts between neighbours. To avoid this, the developer may register restrictive covenants on all lots to more closely define the acceptable uses, similar to those proposed in the first stage of Evergreen Park. Such covenants are common throughout the municipality.

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

30 Implementation

Immediately after this ASP is adopted, the owner will apply for the zoning discussed in section 18. All lots will be created by the same plan and will not be phased over time

Once the necessary zoning has been granted, he will apply for subdivision. The five metre road widening along the two range roads will be dedicated at that time.

31 Expiry

The developer acknowledges that, In accordance with County policy, this ASP will expire if no subdivision is registered within two years of the plan being adopted, unless an extension is granted by the municipality.