



BYLAW 2021/47

BYLAW 2021/47 is a Bylaw of the County of Wetaskiwin No. 10 in the Province of Alberta, for the purpose of authorizing the adoptions of an Area Structure Plan for the purpose of providing a framework for subsequent subdivision and development of , located within SW-16-46-5-W5M, in accordance with Section 633 of the Municipal Government Act, Chapter M-16-.1, Revised Statutes of Alberta 2000, and amendments there to.

WHEREAS as per the requirements of County Council, and Area Structure Plan has been prepared for CAMERON, JOHN MURRAY, located within SW-16-46-5-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, 200, Chapter M-26.1, and amendments thereto.

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

1. This document attached to this Bylaw as "Appendix A" together with accompanying maps, is here by adopted for John Cameron, located within SW-16-46-5-W5.
2. This Bylaw shall come into full force and effect upon passing of the third reading.

READ: Frist time this 10 day of June, 2021

READ: A Second time this 10 day of June, 2021

READ: A Third time and finally passed this 10 day of June, 2021

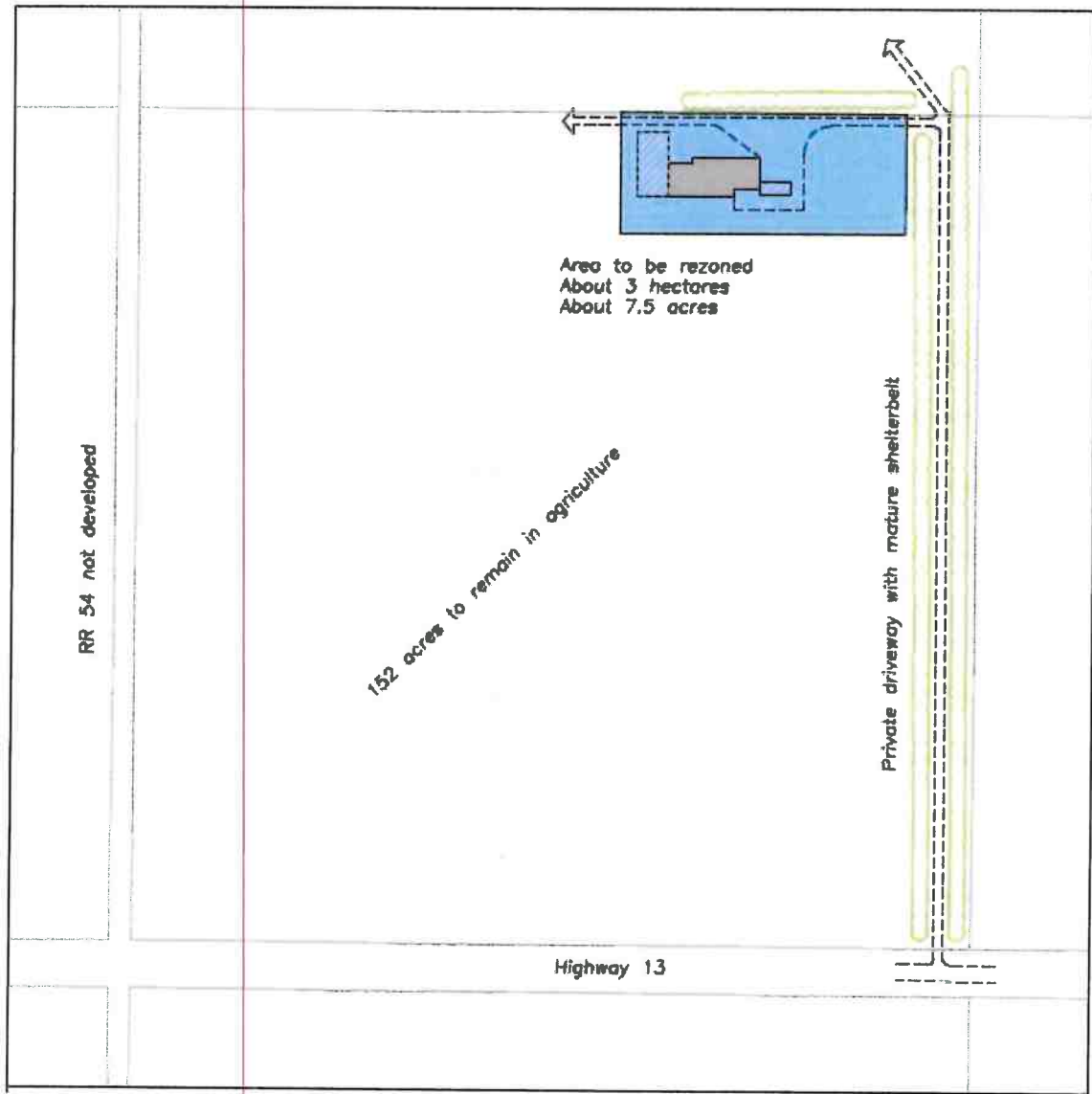

REEVE


ASSISTANT CHIEF
ADMINISTRATIVE OFFICER



Bylaw 2021/47

SCHEDULE "A"





Schedule "A"

Cameron ASP
10 June 2021

**Area Structure Plan for
SW 16-46-5-W5
53042 Highway 13
County of Wetaskiwin
Owner: John Cameron**

Plan prepared by Robert Riddett
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Adopted by Bylaw 2021/47 on 10 June 2021

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1 Introduction

John Cameron owns SW 16-46-5-W5 and several adjacent quarter sections on the north side of Highway 13 between Winfield and Buck Lake, half a mile west of the Pendryl store. The location is shown on Map 1.

Mr Cameron plans to use an existing building in the north-east corner of the quarter to produce construction panels which combine water resistance, structural strength and excellent insulation, and can be used for floor, wall, and roof construction.

This area structure plan (ASP) describes the proposal and puts it into a regional and local context.

2 Present land title

The present land title, attached as Appendix 1, shows that Mr Cameron purchased the quarter in 2001. It is unsubdivided except for a 1.02 hectare (2.53 acre) road widening for Highway 13, leaving 63.28 hectares (156.47 acres) in the present title. The only encumbrances on title are a gas line right-of-way in favour of the Buck Mountain Gas Co-op, a Farm Credit mortgage, and a right of first refusal to purchase. None of these encumbrances affect the proposed development.

3 Municipal Policies

As a founding member of JEDI, the Joint Economic Development Initiative, the County welcomes industrial development provided it does not conflict with agriculture. This includes directing non-agricultural uses on to poorer soils.

The County's municipal development plan, policy 1.2.1, normally reserves for agriculture any land with a final assessment rating of 30% or more. The County assessment map for this quarter shows final ratings of 35% and 33%, so a minor relaxation of MDP policies is required. This relaxation can be supported by two factors:

- First, the County has approved industrial uses on far better soils. These include Kicking Horse, FAR up to 81%; Viewland, FAR up to 77%, Goodon Industries, FAR 33% to 39%, and the Co-op cardlock near Falun, FAR 73%.
- Second, the land proposed for industrial use in SW 16-46-5-W5, about 7.5 acres, has not been used for agriculture for many years. Air photography on the County web site shows that as far back as 2007 it contained several large buildings and extensive areas of gravelled roadways, parking areas, and outside storage.

The loss of productive potential is so small as to justify a relaxation of MDP policy 1.2.1 for the building site, and the remainder of the quarter will remain in production as grazing land.

4 Intermunicipal considerations

The County's MDP, in section 7.1, requires that any ASP for land within one mile (1.6 km) of another municipality be referred to that municipality for comments before being adopted.



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All land within 1.6 km of the property is in the County of Wetaskiwin. The closest other jurisdictions are the Buck Lake Indian Reserve 133C, six km south, and Brazeau County, ten km north, and there is no requirement to consult them.

5 Senior government policies

Although land use is a municipal responsibility, the County must also consider regulations established by the provincial and federal governments.

Sour oil and gas	<p>Section 10 of the provincial Subdivision and Development Regulation, AR 43/2002, requires a municipality to notify the Alberta Energy Regulator (AER) of any development within 1500 metres of a sour gas well or pipeline.</p> <p>There are no sour gas wells or pipelines within 1,500 metres of SW 16-46-5-W5, so there is no requirement to notify the AER or seek its approval for this ASP.</p>
Other oil and gas wells	<p>The same regulation, at section 11, restricts development within 100 metres of an operating or suspended sweet oil or gas well, or within the right-of-way of a sweet oil or gas pipeline.</p> <p>Map 2 shows that there are no producing or suspended wells or pipelines on or within 100 metres of SW 16. The closest suspended well and pipeline are 2.6 km to the south-east, in SE 9-46-5-W5.</p> <p>Oil and gas operations therefore do not limit the proposed development.</p>
Abandoned wells	<p>The same regulation, at section 11(1), limits development close to abandoned oil and gas wells</p> <p>The AER's abandoned well locator maps show no abandoned oil or gas wells on the property. The closest is 540 metres away in NE 16-46-5-W5.</p>
Sewer lagoons	<p>The same regulation, at section 12, requires a 300 metres separation between a sewer lagoon and any food establishment, which include lunchrooms.</p> <p>The closest sewer lagoon is at Winfield, 15 km to the east.</p>
Waste disposal sites	<p>The same regulation, at section 13, says that food establishments must be at least 300 metres away from an active or closed waste disposal site, and no water wells for human consumption may be drilled within 450 metres of such a site.</p>



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	<p>The closest waste disposal sites are the transfer sites on Highway 22, 14 km to the west, and at Winfield, 17 km to the east.</p>
Proximity to highways	<p>The same regulation, at section 14, states that a municipality must not approve subdivision or development within 1,600 metres of a provincial highway without the approval of Alberta Transportation (AT).</p> <p>The proposal was referred to Alberta Transportation's Red Deer regional office. On 21 December, AT's Cindy Skjaveland said that in view of the low traffic volumes, a traffic impact assessment is not required at this time. The email was copied to the County.</p> <p>Highway access is discussed further in section 12 below.</p>
Airports	<p>Transport Canada designates the area as Class E airspace, with no commercial traffic lower than 2,200 feet above ground level.</p> <p>The closest airports are at Drayton Valley and Rimbey. The closest private strip is Zajes on the north side of Warburg. They are all far enough away that they will not be affected by the proposed development.</p>
Historical resources:	<p>The land in question is not on the current Historic Resources Listing published by Alberta Culture. Consequently, no further investigation is required under provincial legislation.</p>
Natural environment:	<p>A review of Alberta government policies did not reveal any conflict with environmental regulations.</p>
Regional plans:	<p>A municipality is bound by a regional plan adopted under the Alberta Land Stewardship Act, but no such plan has been adopted for this part of the province.</p>

In summary, Alberta Transportation is the only senior government body whose approval is required before this ASP can be adopted by the County.

6 Present and former use of the land

Until recently up to 40 people were employed the site in a welding/fab shop to manufacture tank parts, mats, and other items used in the oilfield. No permits were requested or obtained for this use, which ceased with the downturn in oil and gas activity. The buildings are now vacant and the site is unused.

Most of the quarter section is seeded to grass. This is a hold-over from when it and several adjacent quarters were used as an elk ranch. The elk fences remain in place and the land is used as pasture.



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The road allowance on the west side of the quarter is not developed, and has been closed and leased. Access to SW 16 is along a driveway that starts at Highway 13 and runs north along the east quarter line. This driveway also gives access to NW 16, also owned by Mr Cameron.

There is no evidence of any previous use which may have contaminated the land or made it unfit for the proposed use.

7 Neighbouring land uses

Most of the land within a mile of SW 16 is cleared and seeded to grass for hay or pasture, with about 20% remaining in natural tree cover.

The other land use in the area is oil and gas activity. The resource has been depleted over the years, and all the wells shown on Map 2 have been suspended. Many have been abandoned. None of the pipelines shown on the map are now in use.

At one time there were several deer and elk ranches in the western end of the County of Wetaskiwin, but the industry has contracted, and there are now no ranches in the area shown on Map 2.

The NRCB data base shows no confined feeding operations in the area covered by Map 2.

Map 2 shows that there are 24 residences within that area. Excluding the four residences on land owned by Mr Cameron, the closest is about 950 metres away in SE 16, and the second closest is about 1,300 metres away in NW 9. These distances are measured from the proposed development site, not the property boundaries.

8 Slope and natural drainage

Map 3 shows contour lines superimposed on a recent air photograph. The existing buildings, the site of the proposed development, are at the highest point on the quarter. From there the land slopes away to the south-west. The natural drainage is an overland flow into the ditch on the north side of Highway 13.

The map allows us to calculate the gradient along the driveway. The maximum is 4.1%, well under the 7% maximum which the County uses for municipal roads.

9 Proposed development

Mr Cameron has registered a company legally known 2219820 Alberta Ltd and trading under the name NEWVI Building Solutions Inc. This company plans to manufacture structural insulating panels which combine water resistance, structural strength and excellent insulation, and can be used for floor, wall, and roof construction. The product was developed by NEXII Building Solutions Inc, a Vancouver based company, which has licensed the technology to NEWVI.



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Manufacturing will take place in the north-east corner of the quarter, using an existing 25,000 square foot building and a 30,000 square foot addition. Any expansion beyond this will be the subject of a further ASP with further opportunity for public and regulatory input.

The location and approximate size of the plant site are shown on Map 4, and a plan and perspective view are shown in Appendix 3.

The plant site will remain as part of the quarter and will not be subdivided.

10 **Employment**

The proposed plant will run with a single 7:00 am to 7:00 pm shift with up to twenty employees. This is about half the number in the former oilfield service operation. It is also less than the number originally discussed with the County because the scale of the operation will be modified for the first year. After production models are confirmed, employment may be doubled. This will require a new development permit. Because industrial use is discretionary under the land use bylaw, any expansion will require advertising, giving neighbours the opportunity to comments, and the County the ability to regulate such things as hours of operation.

Wherever possible, employees will be recruited locally from the west end of the County of Wetaskiwin, Breton, and Drayton Valley (just over half an hour's drive).

Design, engineering, financial controls, and other office functions will be located at the company's Calgary office.

11 **Access to the site**

Range Road 54 has been closed and leased, so SW 16 is not served by a developed municipal road. The only access is a private driveway off Highway 13. This is a Type One access with no turning or acceleration / deceleration lanes. The average daily traffic at this location is 980 vehicles a day year-round, rising to 1,170 vehicles a day in the summer.

The proposed development will generate up to 40 vehicle movements per day (20 in and 20 out) by employees, and four or five movements per week by trucks delivering materials and taking out the finished product.

Alberta Transportation has indicated that because of the low traffic volumes, the private access may remain as built to serve the development proposed by this ASP. However, if the plant expands, or more employees are added on site, the department may require a traffic impact assessment and upgrading of the access. The developer accepts this.

AT recommends that the existing highway access be widened to the standard set out in the Highway Geometric Design Guide, Figure D-3.3b. The developer agrees. He will do the work at his own expense after obtaining a roadside development permit.

If the quarter was served by a developed County road, and was to be subdivided, Policy 61.1.15 would require the developer to contribute \$2,000 towards the upgrading of municipal roads serving the site. However, as the land is not being subdivided, and is not served by a municipal road, no such contribution is due.



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As noted above, because RR 54 has not been constructed along the west side of the section, NW 16 has no direct access to a built road. Its only built access is across SW 16. This could be a problem in the future if the NW and SW quarters come under separate ownership. The owner is therefore willing to enter into an agreement with the County saying that if either quarter is sold so that the two quarters then have different owners, he will dedicate a 20 metre road under the existing lane, and will upgrade it to County road standards. This agreement will be caveated on the title to the south quarter.

There are six quarters along RR 54 with no built access, so it is possible that at some future time the County may construct the road. In that case the caveat should automatically expire.

12 Internal road

Access from the highway to the building site is now, and will continue to be, along a private driveway. As such, County road standards will not apply. Nevertheless, the developer will upgrade the driveway to the extent necessary to allow year-round access by emergency vehicles. This can form part of a development agreement.

13 Environmental impact

As noted in section 5 above, Alberta government environmental data bases do not show the quarter as containing significant wetlands or having any special value as wildlife habitat.

The manufacturing plant itself will be confined to an area which has already been withdrawn from agriculture. The remainder of the quarter section will continue to be farmed. The industrial site will be fenced on all sides.

There will be no gaseous or particulate emissions, so there will be no significant effect on surrounding lands, residences, and farming operations.

A small amount of water will be added to convert dry powder into a workable plastic state. None of this water will flow off the site.

The materials used in production are not "red listed" on any environmental data bases. The details are proprietary information and the developer is reluctant to disclose them in a public document such as an area structure plan, but they will be supplied on request to regulators.

Noise will be minimal. All manufacturing will take place inside the building. The closest residences not owned by Mr Cameron are more than half a mile away.

The only real environmental impact will be the traffic generated by workers coming to and from the site. However, lacking employment opportunities in the area, many of those people would drive possibly greater distances to workplaces elsewhere.

Although Mr Cameron has no intention of selling, it is possible that at some future date NW and SW 16 could be owned by different people. As the house on NW 16 is only 150 metres from the industrial building, it will be within sight and earshot of industrial operations. The interests of both parties can be protected by registering restrictive covenants on both titles, protecting the



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right of the industrial process to continue, but limiting its hours and type of operation. Registering such a covenant could be a requirement of the development agreement.

14 Water supply

Water will be provided from the existing on-site well. Another well just across the north quarter line, also on land owned by Mr Cameron, will provide back-up supply if necessary.

The manufacturing process will require approximately two m³ per day on initial start-up, increasing to eight m³ per day. Eight m³ per day is 2,950 m³ per year, or about the same as two households (Water Act, section 23(3)).

A small amount of water will also be used in the washroom and lunchroom.

When a development is to use groundwater, the County's land use bylaw requires proof that the aquifer can provide sustainable flow sufficient to serve the development without depleting the supply to other users (land use bylaw, section 9.13).

A four inch (10 cm) well was drilled on the property in 1994. The well log is attached as Appendix 2 to this document. A pump and recovery test showed a sustained yield of 10 igpm (45.4 litres per minute, or 23,862 m³ per year). This would be enough to supply nineteen residential households each drawing 1,250 m³ per year. The landowner has commissioned a new test to confirm that there is still sufficient flow.

In an e-mail dated 12 April 2021, copied to the County, Laura Partridge of Alberta Environment stated that "a Water Act licence is required for this commercial development. The licence application can be made after the County approval has been obtained. Provide a copy of the County's approval with your application."

A provincial water licence will meet the County's bylaw requirement for proof of water.

15 Sewage disposal

No sewage will be generated from the industrial process. The only sewage generated on site will be the flow from the washroom and the lunchroom sink.

The Alberta Private Sewer System Standard of Practice allows bathroom and kitchen waste coming from an industrial plant to be treated as domestic waste.

Table 2.2.2.2.B of that Standard of Practice shows that kitchen and bathroom sewage flow from industrial plants are a maximum of 45 litres per day per employee. Table 2.2.2.2.A shows that the expected flow from a single detached residence is five times that, or 228 litres per person per day. The expected 20 (rising to 40) employees will therefore generate a sewage flow equal to no more than four (rising to eight) full-time residents.

The site is currently served by a small lagoon which drains into an above-ground discharge south of the buildings. If required by provincial regulations, the above-ground discharge will be retired and replaced with a standard septic tank and disposal field.



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It is assumed that the County will refer the development permit to Superior Safety Codes for their ruling on the type of disposal system required.

16 Surface water management

By increasing the hard-surfaced area, development 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 that it is no higher than it was before development. The County's engineering design guidelines have a similar requirement. In this case the development will be almost entirely on land which has already been hard surfaced, so there will be very little change in the area that sheds runoff rapidly.

County staff have expressed concern that surface runoff might be contaminated by chemical leaks from the plant. This risk will be avoided by constructing a berm along the south and west (downhill) sides of the site. Runoff will be directed into a containment pond so that if there is a chemical leak, the water in the pond can be tested before it is released, or hauled off site for remediation. Specifications for the berm and pond, and a protocol for testing, should be incorporated in the development permit.

17 Fire Protection

The proposed development is 18 km from the Winfield fire hall and 13 km from the Buck Lake / Alder Flats fire hall. Access in both cases is via paved highway, but the response time will be less than desirable. The developer will convert an existing dugout into a fire pond which can be used by employees until County emergency services arrive. The fire pond will have all-weather access and dry hydrant, and will be deep enough to have water under the ice in winter. Specifications will be discussed with the County's director of emergency services.

18 Waste management

The only waste from the manufacturing process will be a small volume of cut-offs from the panel cladding. This will be returned to the supplier and re-used. No waste material will be stored or incinerated on site.

A small amount of kitchen waste from the lunchroom will be collected and taken to the nearest County transfer station.

19 Zoning

The entire quarter is now zoned Agricultural. Industrial zoning is more appropriate for the proposed operation.

It should be noted that even with Industrial zoning, industrial uses are discretionary uses (land use bylaw, section 10.18.3), and must be advertised before any development permit is issued (section 3.10.3). This provides additional protection for the neighbours.



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Rezoning will be limited to the industrial site; the remainder of the quarter will continue to be zoned Agricultural. This is shown on Map 4.

Once the zoning is in place, the owner will apply for the appropriate permits from the County and Alberta Transportation, a water licence from Alberta Environment, and any necessary clearances and permits regarding industrial processes.

20 *Municipal reserves*

Because the land will not be subdivided, no municipal reserves will be due.

21 *Public consultation*

Normally a developer will host an open house at which he shows the neighbours his proposal and asks for their comments and questions before it goes to council for adoption. This is not possible while the COVID pandemic continues. The developer therefore sent a copy of these proposals to the owners of all land within one mile (a total of 23 parcels, excluding those owned by Mr Cameron)) and asked for their input by mail, email, or telephone. The covering letter offered to send a copy of the ASP to anyone who requested it.

The letter was sent in the fourth week of January. No replies or enquiries were received by the end of the second week of February. In view of this lack of response, it seems reasonable to assume that none of the people contacted had any objections to the proposal.

22 *Conclusion*

Once this ASP is adopted by bylaw, the landowner will immediately apply for rezoning of about seven and a half acres shown on Map 4. He will apply for a development permit as soon as his financing is in place and he has received any required approvals from other authorities.

It is the County's practice to have an ASP expire if development does not start within three years. However, in the present uncertain state of the Alberta economy, it may take more than three years for the market to develop, and to secure funding. The developer therefore requests that the life of the ASP be set at five years.