

BY-LAW NUMBER 2013/12

BY-LAW NO. 2013/12 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 Goodon Industries (Del Neufeld) in NW 10-46-01-W5M, Plan 9423649, Block 1, Lot 1, 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 NW 10-46-01-W5M, Plan 9423649, Block 1, Lot 1.

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 "Goodon Industries (Del Neufeld) Area Structure Plan".

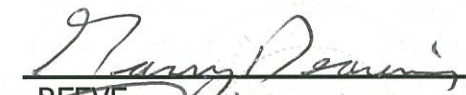
- (a) NW 10-46-01-W5M, 9423649, Block 1, Lot 1, approximately 32.38 hectares (80.01 acre).

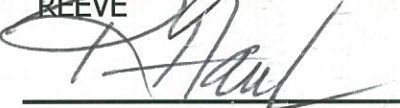
2. This By-law comes into effect on the date of third reading.

READ: A First time this 14 day of March A.D., 2013

READ: A Second time this 14 day of March A.D., 2013

READ: A Third time and finally passed this 14 day of March A.D., 2013


REEVE


CHIEF ADMINISTRATIVE OFFICER

County of Wetaskiwin
Proposed Area Structure Plan
Lot 2 Block 1 Plan 122 4895
NW 10-46-1-5
Irvin Goodon Industries Ltd
(Agent: Del Neufeld)

1 Introduction

Goodon Industries owns 80 acres of NW 10-46-1-5 at the intersection of Highways 13 and 771. It currently contains a plant for the construction of post frame buildings which are sold throughout Alberta and British Columbia. Goodon plans to develop a light industrial subdivision on the remainder of the 80 acres. The target market is companies serving the local area in such fields as trucking and agricultural and oilfield services.

2 Municipal Jurisdiction

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

The County's farmland assessment rating for the cleared part of the Goodon property ranges 33% to 39%. The tree covered land is assessed at 11%. The County normally reserves land rated at 30% or higher for agriculture. However, the MDP provides for non-agricultural uses on better soils "as allowed elsewhere in the Municipal Development Plan" (section 1.2.2).

In section 5.1.2 of the MDP the County has adopted a policy of allowing industrial development where paved roads intersection Highway 2. That seems to set a precedent for industrial development at other highway intersections.

3 Zoning

The land use bylaw classifies the developed part of the Goodon land as Rural Commercial, and the remainder of the quarter as Agricultural.

The bylaw says that the purpose of the Rural Commercial district is "to serve the commercial needs of the general and travelling public". The list of approved uses suggests that this is intended as a district for highway commercial uses. Industrial zoning is more appropriate for most of the uses proposed, but some uses may require Rural Commercial zoning. The exact areas to be zoned for each use will be discussed with the County once the ASP has been approved, and will be subject of a separate approval process.

4 Provincial Jurisdiction

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

Sour oil and gas installations: A proposal to subdivide land within 1,500 metres of any sour gas well or pipeline must be referred to the ERCB for comments.

There are no such installations on or within 1,500 metres of the subject property.

Other Oil and gas installations: Overnight accommodation (residences, hotels, etc) is 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.

Enerplus operates a well and pipeline on the subject property. Conoco also has a pipeline. No overnight accommodation is proposed near them.

No setback is required from the local gas co-op's lines.

Sewer lagoons: Certain types of development are not allowed within 300 metres of a sewer lagoon.

The closest sewer lagoons are in Falun, 16 km (10 miles) east, Winfield, 24 km (15 miles) west, and Mulhurst, on the other side of Pigeon Lake.

Waste disposal sites: Certain types of development are not allowed within 300 metres of a waste disposal site, and wells for human consumption must be at least 450 metres of such sites.

The closest waste disposal site is the Lakedell transfer station and former disposal grounds in NE

15-46-1-5, over 1,600 metres from the proposed development. The location is shown on Map 1.

Proximity to highways:

A municipality must not approve a subdivision within 800 metres of a provincial highway without the prior approval of Alberta Transportation.

The subject property is located at the junction of Highway 13 and Highway 771. An earlier draft of this proposal was therefore referred to Alberta Transportation, and their requirements are noted in the sections on design and highway access.

Other senior government rules affecting development are:

Abandoned oil wells

There are no abandoned oil or gas wells on the property.

Livestock operations:

There are no confined feeding operations near the proposed development, and even if there were, the Agricultural Operations Practices Act (AOPA) does not require any separation between confined feeding operations and industrial sites.

Airports

There are no licensed airports near the property, and the proposed development is not under any landing or take-off path. Under Transport Canada regulations, this is Class G (uncontrolled) air space.

Historical Resources

The Alberta government's Historical Resources Management Branch (HRMB) has the right to require a historical or archaeological assessment of land which is to be developed. A copy of this outline plan was sent to HRMB with a request for comments.

In a letter dated 16 November 2011, the department said that an Historical Resources Impact Assessment was not required.

A copy of that letter has been forwarded to the County under separate cover.

In summary, there is nothing in any provincial regulation to prevent the development of the Goodon property.

5 Present Land Uses

At present there are several land uses on NW 10. They can be seen on Map 2, a recent air photograph. Most of the land is in grass. About 20 acres, mostly low land, is in native tree cover. Both the grass land and the tree covered areas are lightly grazed. Goodon's plant is in the north-west corner of the property. A three acre well site is operated by Enerplus near the south boundary of the quarter. Several pipelines also cross the land.

The unsubdivided remainder of the quarter is owned by James and Norma Kuefler. Their yard site is in the north-east corner of the quarter, and has its own highway access.

6 Previous Land Uses

A review of air photographs back to 1960 held by West Central Planning Agency shows no land uses other than agriculture and native vegetation outside the Enerplus well site, so it is extremely unlikely that the land has been contaminated by previous users.

Any contamination of the Enerplus well site will be cleaned up when the well is decommissioned and abandoned.

7 Conflicting Land Uses

The surrounding quarters are farmed, and the proposed development should not conflict with agricultural uses.

The land across Highway 771 to the west (NE 9) is owned by the Mullaney family. Several years ago they spoke to the County about developing a camp site and recreational area. They did not proceed with this idea. However, even if they revive it, there should be no conflict. The camp site was to be on the west end of the property, more than a quarter of a mile from the Goodon property.

8 Drainage

Map 3 shows the slope of the land. The land is highest at the western boundary, and generally slopes down towards the east with a fall of about 15 metres, for an average gradient of about 2%. The land is drained by a draw which is marked by native tree cover.

The land is slightly rolling. The developers will re-grade it to create level sites, while retaining the overall west to east drainage. The low area on the west boundary will be drained at that time.

9 Proposed Land Use and Subdivision Design

The developers believe there is a need for lots in the Lakedell / Westeros area for truckers, plumbers, electricians, gravel haulers, agricultural equipment repairs, fertilizer sales, construction, landscaping, water haulers, and rig servicing. People wanting to operate these and other businesses now have to choose between setting up in town, 30 miles away, or operating from a rural property like an old farm yard site, with the problems of winter snow and spring road bans.

To meet the needs of these businesses, the developers propose to subdivide the western 80 acres of NW 10 to create 19 lots with a variety of sizes. Map 4 shows the proposed lot boundaries. Exact dimensions may be adjusted to meet the particular needs of buyers.

There may also be a need for a small industrial camp trailer site. The County advises that this will require Rural Commercial zoning. Approval would require a public hearing at which the issue of compatibility could be addressed.

No industrial access is required on to Highway 13. AT has indicated that the existing highway approach to the Kuefler yard site may remain on a temporary basis. At AT's discretion, it may be closed when

- the residence is subdivided from the balance of the agricultural lands, and/or
- construction/upgrading and/or access management takes place on Highway 13, and /or
- further industrial subdivision takes place to the east on NW 10-46-1-5.

(Letter from Gail Long at AT's Red Deer office, 14 June 2012)

Access to the industrial lots will be off Highway 771, approximately 400 metres south of the Highway 13 intersection. Internal roads will be built on a 30 metre right of way with ten metre corner cuts. This will allow a rural cross section with drainage swales instead of curb and gutter.

The design provides for future connections to the quarters to the south and east. This was requested by Alberta Transportation. These connecting roads will be dedicated but not built until they are needed. The roadway acquisition agreement now registered on title can then be discharged.

County Policy 6615, section 6, says that in commercial and industrial subdivision "pavement should be required for all internal roads where the lots are one acre (4,000 m²) or less unless the development accesses a paved road in which case pavement shall be required in all cases."

Policy 6615 also requires a contribution of \$2,000 per lot as a contribution to the up-grading of nearby municipal roads "providing direct or indirect access to the proposed subdivision." As this subdivision will not use any County roads for access, the developers request that this \$2,000 per lot levy be directed towards the cost of the internal road.

10 Highway intersections

The developers engaged Allnorth Consultants to analyze the impact of development on Highways 13 and 771. The executive summary of their report is attached. Goodon will construct the necessary improvements to Alberta Transportation standards at its own cost.

The full traffic impact assessment has been forwarded to Alberta Transportation and the County of Wetaskiwin.

As recommended by Allnorth (TIA, section 2.3) the direct highway access into the present Goodon lot, and a second approach just to the south, will be removed as soon as the internal road has been built.

11 Staging of Development

The subdivision may be created in stages. If so, the first stage will probably be the eight lots served by the internal road between the highway access and the present Goodon lot. However, staging will be determined by market demand.

The developers recognize that this plan is subject to any changes in policy which the County may make between the approval of this document and the registration of a plan of subdivision.

12 Storm Water Management

Snow melt and storm runoff will increase after the land is re-graded and gravelled, so in order to meet Alberta Environment guidelines it will be necessary to construct a storm water detention pond on site. Industrial land generally requires 1000 m3 of detention capacity per hectare, so a pond of about 32,000 m3 will be required to serve the 80 acre (32 hectare) development. This size may be adjusted as necessary on the advice of a professional engineer.

The storm water pond will be constructed at the natural low point, fed by ditches in utility lots and in the roads. Map 4 shows the approximate location.

The pond will be constructed in such a way that water will be filtered to remove contaminants. The details will be agreed between with developer's engineer and the County at the time of development.

13 Water supply

Each lot will have its own well, or the owner may choose to truck in water.

Where a subdivision will create six or more residential lots on a quarter section, the Water Act requires that the developer provide a report by a professional engineer, geologist, or geophysicist, certifying that a diversion of 1,250 cubic metres of water per year for household purposes for each of the lots within the subdivision will not interfere with any existing household uses, licensees, or traditional agricultural users.

The Water Act has no such requirement for non-residential subdivisions. Instead, each user must obtain a water licence from Alberta Environment and Sustainable Resource Development (AESRD) prior to drilling a well. Depending on the required flow, the department may or may not ask for a pump test. The developer is prepared to submit a Phase 1 assessment with the subdivision application if the County so wishes. However, In an email dated 13 September 2011, Laura Partridge of AESRD in Red Deer (403-340-7113, laura.partridge@gov.ab.ca.) said that this is not be required by AESRD at this stage.

14 Sanitary sewer

The volume of waste water generated by light industrial users will be small. It does not justify a sewage gathering and treatment system. Instead, sewage will be treated in individual septic tanks, and disposed of in tile fields. Alternatively, it may be hauled to a municipal lagoon in Mulhurst or Falun, as directed by the County, in which case the standard off-site levy will be payable in addition to a dumping fee.

The smallest lot in the subdivision will be over two acres. This is more than four times the minimum size 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 with municipal bylaws, standards and policies after the installers have tested the sites for percolation and depth to water table.

15 Fire protection

The proposed lots will be less than two miles from the South Pigeon Lake fire hall at Lakedell, so response times should be good, but the fire fighters will require a source of water.

Safety codes inspectors have recommended installing underground storage at the highest point on the quarter, between proposed Lots 1 and 2. The land will be

dedicated as a utility lot. Water will be held in two 400-barrel steel tanks, with a total capacity of about 27,500 imperial gallons (125 m³) with a hydrant. The tanks will be fed by a buried line from the storm water pond. The impervious subsoil, which keeps the existing farm dugout full all year, will make this a reliable source of water. All fire fighting infrastructure will be built to County standards.

16 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).

There is no undevelopable land in the proposed subdivision, except for the water runs which will be incorporated into the drainage system, so only municipal reserve is due.

There does not seem to be any point in dedicating land for parks in an industrial subdivision. The County may want a buffer strip along the highways; if so, Map 4 will be amended. A ten metre wide strip along both frontages would take up four acres.

The developer prefers to make a money payment in place of reserves. This is allowed by section 667 of the MGA. This money can then be used to buy or upgrade recreational land elsewhere in the Pigeon Lake area.

17 Public consultation

At the end of December 2012, a letter was sent to the owners of all land within half a mile of the Goodon property, summarizing the plans for the land, and inviting them to an open house on 9 January 2013 to discuss the proposals. The full ASP was available by email.

Fred Schoenroth, who owns the quarter to the south, emailed to say that he could not attend, but would like a copy of the ASP. This was sent next day. Nothing further was received from him.

One neighbour attended the open house. This was Jim Kuefler, who owns the unsubdivided remainder of NW 10. Mr Kuefler expressed no concerns or objections provided he could maintain his direct highway approach. As noted in section 9 above, Alberta Transportation has agreed that the approach may remain.

18 Approvals requested

The owners request that the County adopt this area structure plan by bylaw. They will then apply for Industrial and Rural Commercial zoning.