

BY-LAW NUMBER 2016/10

BY-LAW NO. 2016/10 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 for the Wetaskiwin Co-operative Association Area Structure Plan within NE 11-46-27-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 NE 11-46-27-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 "Wetaskiwin Co-operative Association Area Structure Plan."

(a) NE 11-46-27-W4M, approximately 4 hectares (10 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

Highway 795

Highway 13

255m

**Existing approach
to be removed**

House to remain 

Existing
farm yard
to be used
for storage

Extent of existing yard

141m

Shaded area subject to caveat to protect future service road

Storm water pond
situated at least 40m
from highway r/w.
Size to be determined
by engineer at the
time of subdivision

Lot dimensions are approximate
and must be verified by ALS on site

Tanks and office

PUMP ISLAND

24m

35m

50m

30m

Storm
water
pond

114m

**Western edge of
existing slough**

125m

Existing field approach

Highway 795

Ditch

**Area Structure Plan
Part of NE 11-46-27-4
Proposed Card Lock Facility
Wetaskiwin Co-op Association
Map 5
Site Layout**

**Design complies with letter from
Alberta Transportation dated 10 November 2015
and email received 20 November 2015**

12 February 2016



25m

**Area Structure Plan
Proposed Card Lock Operation
Part of NE 11-46-27-4
County of Wetaskiwin**

**Landowner:
Douglas Robert Milton
RR 1 Wetaskiwin, Alberta T9A 1W8**

**Developer:
Wetaskiwin Co-operative Association
4707 40 Avenue, Wetaskiwin, Alberta T9A 2B8**

Adopted by Bylaw 2016/10 on 14 April 2016

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1 Introduction

The Wetaskiwin Co-operative Association operates a farm supply and convenience store, retail gas pumps, and card lock fuelling station at Falun, 27 km west of Wetaskiwin on Highway 13. Access to the site is not satisfactory, especially for long vehicles. The Co-op proposes to construct a replacement card lock facility at the intersection of Highway 13 and 795, a mile east of Falun. There are no plans to relocate the retail pumps or the farm supply and convenience store.

The new site will include the present four acre farm yard (271009 Highway 13) plus six acres which is a mixture of cultivated land and slough, for a total area of ten acres. The location is shown on Map 1, and Map 2 is a recent air photograph of the quarter.

This area structure plan describes the site, the proposed layout, and how it relates to the surrounding lands. It draws heavily on a geotechnical investigation by Nichols Environmental. A copy of that report has been forwarded to the County under separate cover.

2 Land ownership

The quarter in question is NE 11-46-27-4. It has been owned by Douglas Robert Milton since 1992. The original 160 acre title has been reduced by road widening for Highways 13 and 795, leaving a present titled area of 157.03 acres.

The title has four caveats. One is for a local gas distribution line operated by Altagas. The other three caveats are by Canadian Natural Resources, and relate to their interest in a surface lease and two pipeline rights-of-way.

3 Consistency with County policies

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 present zoning is Agricultural. Once this ASP is adopted, the owner will apply to the County for Rural Commercial zoning on the proposed lot. The remainder of the quarter will keep its Agricultural zoning.

The 2003 municipal assessment sheet is reproduced on Map 3. Part of the area proposed for subdivision has a farmland assessment rating of 73%. The remainder is low and wet and is rated at 10%. This is consistent with the Canada Land Inventory rating of Class 1⁹5¹w.

At first sight a farmland assessment rating of 73% appears to exclude the land from subdivision, because the County's municipal development plan (MDP) says

1.2.2 An area structure plan or rezoning will not be considered if the land is classified as productive agricultural land as defined above [having a farmland assessment rating of 30% or better] except as allowed elsewhere in the municipal development plan.

But in the section on industry the MDP goes on to say

5.3.2 Regardless of any previous subdivision, council may allow the subdivision of a parcel from a quarter section of agricultural land for an agro-industrial use.

This appears to fit the proposed development, as the clientele will overwhelmingly be local farmers.

4 Consistency with 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.

Most of the provincial regulations relate to residences, and do not apply to a purely commercial operation. Nevertheless, they are reviewed here because the existing house will probably remain.

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

The closest sewer lagoon is over 2,600 metres away in Falun. There are no others within 10 km.

Waste disposal sites: 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.

The Summer Village of Ma-Me-O Beach operated a landfill for many years on SW 17-46- 27-4, about 5 km west on the north side of Highway 13. It is now closed. This is far enough away that it does not limit development on NE 11.

There are no other active or closed landfills within 10 km of the proposed development.

Livestock operations: The Agricultural Operations Practices Act does not allow confined feeding operations (CFOs) 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.

According to the NRCB there are no sizeable confined feeding operations in the immediate area.

The Holmlund hog operation, about 1,200 metres to the east in NE 12, appears to be closed. It is not registered with the NRCB.

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 within 1,500 metres of the proposed development.</p>
Local gas cop-op lines:	<p>There are no restrictions on building close to local low-pressure lines.</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> <p>There is an operating well in LSD 10-46-27-4, and a natural gas pipeline running through the west side of the quarter, but these are 600+ metres away from the proposed development.</p> <p>There is also a compressor station on the quarter to the south (SE 10) but it is far enough away that it does not limit development on the proposed site.</p>
Abandoned wells:	<p>ABADATA maps show an abandoned well on the quarter, about 650 metres south-west of the proposed lot. This will not limit development in the north-east corner of the quarter.</p>
Proximity to highways:	<p>A municipality must not approve a subdivision within 800 metres of a provincial highway without the prior approval of Alberta Transportation (AT).</p> <p>The proposed site is adjacent to Highways 13 and 795, so the proposal has been discussed with AT's Red Deer office (lee.bowman@gov.ab.ca, 403-340-4966).</p> <p>In a letter dated 10 November 2015, AT stated that they have no objection in principle to the proposal. Their detailed requirements are noted in section 9.</p> <p>In an email dated 19 November, the department emphasized that the existing yard site approach must be removed prior to the site being developed.</p> <p>The department does not require a traffic impact assessment.</p>
Airports	<p>The site is about 26 km from Wetaskiwin Regional Airport, and about 40 km from Edmonton International Airport. It is not under the approach or take-off path for either airport.</p>

	Under Transport Canada regulations, this is Class G (uncontrolled) air space.
Historical resources	<p>The Historical Resources Management Branch (HRMB) has the right to require a historical or archaeological assessment of land which is to be developed.</p> <p>However, HRMB has given a blanket exemption to developments covering less than 20 acres, so it was not necessary to refer this proposal to them.</p>
Wetlands	<p>Recently adopted policies require a developer to protect wetlands or, if it is necessary to drain them, to replace them.</p> <p>The slough on site is not a wetland as defined in provincial documents.</p>

In summary, once Alberta Transportation issues a formal letter of approval, there are no provincial regulations which require pre-clearance, or prevent the development of a card lock operation on the site.

5 Other affected municipalities

The Four Band Reserve is about 8 km west, and the Summer Village of Ma-Me-O Beach is 13 km west. Neither is close enough to be affected by the proposed development. Both are beyond the referral area established by the County's MDP.

6 Present land uses

The location of the proposed lot is shown on Map 4. It falls into two parts. The eastern part is in crop, with a slough in the south-east corner. The western half is an existing yard site, defined by shelterbelts, covering about four acres. There are a number of buildings with little value, plus an older house which is currently rented. This site has its own highway access.

7 Conflicting land uses

Site investigation in October 2015 revealed no nearby land uses that might conflict with a commercial operation on this site.

8 Previous land uses

Air photography dating back to the 1960s, supplied by West Central Planning Agency, shows that the yard and farm land have remained unchanged for many years. It is possible that the yard site has some minor contamination from fuel spills, but this is of no consequence as the topsoil will be removed before any new buildings are erected.

9 Road access

In a letter dated 10 November 2015, copied to the County, and a subsequent email dated 19 November, Alberta Transportation (AT) had the following comments on the proposal.

- The existing yard site approach off Highway 13 must be removed before the site is developed.
- Access is to be off Highway 795.
- Prior to development, a roadside development permit will be required.
- The application for the roadside development permit must include estimates of the volume of traffic accessing the site.
- Depending on the expected volume of traffic, it may be necessary to upgrade the turning lanes at the intersection of Highway 13 and 795. (Map 6 shows the present lane configuration.)
- The department is willing to relax the normal setbacks to allow the pump island to be located as shown on Map 5.
- A thirty metre service road may be required in future across the south proposed lot. The road need not be built or dedicated or built at this time; a caveat will suffice.
- The approach in to the lot should be built where the future service road meets Highway 795. This is approximately 125 metres south of Highway 13.
- The entrance to the site off the future service road must be at least 50 metres back from the highway right of way.
- The existing field entrance (on Highway 13, about 400 metres west of Highway 795) may remain on a temporary basis but there must be no increased use.

The Co-op agrees with all these points, and will do the necessary work at its expense and to the standards and satisfaction of Alberta Transportation.

Additionally, the Co-op will pave Highway 795 from the approach north to Highway 13. The timing of this work will be discussed with AT.

Because Highway 795 is maintained by the province, the County will not require any municipal road contribution under its Policy 6615.

10 Geotechnical considerations

Nichols Environmental, an independent firm of engineers, drilled nine boreholes on the site in May 2015 to test for water table and load bearing ability.

They determined that the existing surficial material is too compressible to support the expected loads, and should be replaced by clay from the adjacent slough.

Nichols found water between 0.9 metres and 3.4 metres below grade. However, as the finished grade will be considerably higher than at present, this will not be a problem.

11 Surface drainage

The site will be filled and graded to drain in a south-easterly direction towards the ditch that flows south along the west side of Highway 795. To reduce the intensity of flow to acceptable volumes, site runoff will be collected in a detention pond, and released through a small diameter pipe. An existing slough will be deepened to accommodate the pond.

The size of the pond may be roughly estimated as follows. If the entire site is hard surfaced, a four inch rain on 10 acres (10 cm on four hectares) will result in 4,000 cubic metres of runoff. Assuming a live storage of three metres, this can be accommodated in a pond approximately 30 by 50 metres in size.

The Co-op will prepare a full engineered storm water management system prior to development, and will do whatever Alberta Transportation requires to protect the highway and its ditches and culverts.

12 Proposed site layout

Map 5 shows the proposed layout of the site. The existing highway access will be removed. Traffic will enter the site from a new approach off Highway 795, situated about 125 metres south of the Highway 13 intersection.

The approach will be wide enough to accommodate B-trains and other long vehicles. Details will be agreed with Alberta Transportation, the road authority for Highway 795.

The first 50 metres of the future south service road will be built to allow a right angle approach to Highway 795.

Initially, development will be limited to a pump island, over-ground tanks surrounded by a concrete berm, and a small office building. An RV dump station and other buildings may be added later.

Most of the buildings and vegetation on the present yard site will be removed, although the west shelterbelt will be kept. Large items such as grain bins may be stored there. The house will remain. It may continue to be rented out, or it may be used as a surveillance suite for security purposes.

The County's land use bylaw requires that commercial buildings must be set from the edge of the right of way of a highway by a distance required by Alberta Transportation. As noted in section 9, AT has agreed to the proposed location of the pump island.

13 Water supply

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, a 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. In the present case this is unlikely because of the small volume required. It might even be possible to use the existing well. In this regard the developer will deal with the Red Deer office of AESRD (laura.partridge@gov.ab.ca, 403-340-7113).

14 Sanitary sewer

The volume of sewage that will be generated on site is not known. If development is limited to a small office building, it can be handled by installing a septic tank and buried disposal field, probably running westward away from the hard surfaced area, in to the present yard site.

However, the Co-op sees a need for an RV dump station in this area. That could create large volumes of sewage, at least during the summer season. The best way to handle this is to collect it in a buried tank and haul it to the Westrose truck dump or the Mulhurst lagoon for treatment and disposal.

The Co-op will decide between these two alternatives after taking engineering advice, and following discussions with the County.

The existing house will continue to use its septic tank and field subject to inspection and approval under the provincial plumbing code.

15 Fire protection

The County requires multi-lot subdivisions to have a supply of water for fire protection. It is not known if this also applies to single lot commercial subdivisions. If so, the storm water pond can be configured to fill this role, with a dry hydrant and suitable approach built to County standards.

16 Municipal reserves

The proposed lot will be the only subdivision on the quarter, so pursuant to section 663 of the MGA, no reserves are due.

17 Timing of development

The Co-op will purchase the land immediately, but may defer construction for two or three years.

18 Public consultation

Local landowners were invited to an open house on 10 December 2015 to discuss the proposal. Eight people attended in addition to the Co-op's general manager, the manager of the Falun branch, and their planner.

None of the neighbours had any objection in principle to the development, but they had some concerns about highway safety.

Speed limits: At present Highway 13 has a 100 km/h speed limit. People who use Highway 795 believe this should be reduced to reduce the risk of collisions when vehicles turn on to 795. They have discussed this with Alberta Transportation but nothing has yet been decided.

The Co-op general manager told those present that they would support a reduction in the speed limit on Highway 13 to make the intersection safer.

Road surface: Highway 795 south of Highway 13 has a gravel surface at present. Those attending the open house suggested that this is not suitable for heavy vehicles such as bulk fuel delivery trucks.

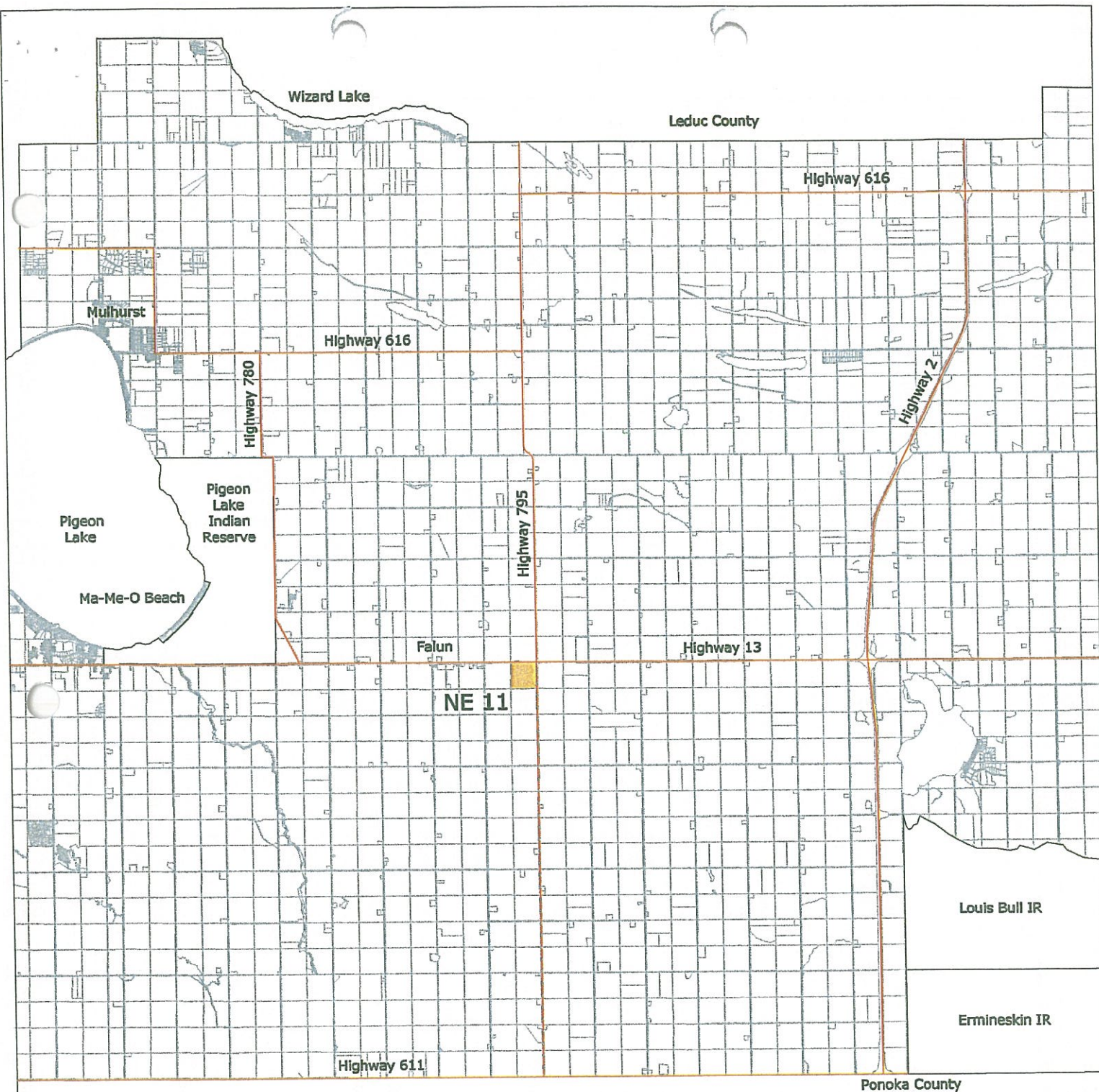
The general manager drew their attention to section 9 of this ASP, which says that the Co-op will pave Highway 795 from Highway 13 south to the site access point. He also said that the Co-op supports the paving of Highway 795 all the way from Highway 13 to Highway 611.

19 Request for approval

The developer requests the County to approve this ASP by bylaw, and proceed immediately to rezone the land to Rural Commercial, where service stations, bulk fuel dealers, and dwellings are discretionary uses. An application for subdivision approval, municipal development permit, and roadside development permit will follow.

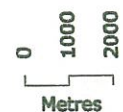
20 Subsequent changes to County policies

The Co-op acknowledges that should a subdivision not be registered within two 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.



Area Structure Plan
Part of NE 11-46-27-4
Proposed Card Lock Facility
Wetaskiwin Co-op Association
Map 1
Location

- Paved highways
- Gravel highways



Base map is AltaLIS rotated 1 degree clockwise around 0,0



Area Structure Plan
Part of NE 11-46-27-4
Proposed Card Lock Facility
Wetaskiwin Co-op Association
Map 2
Recent Air Photograph



100m



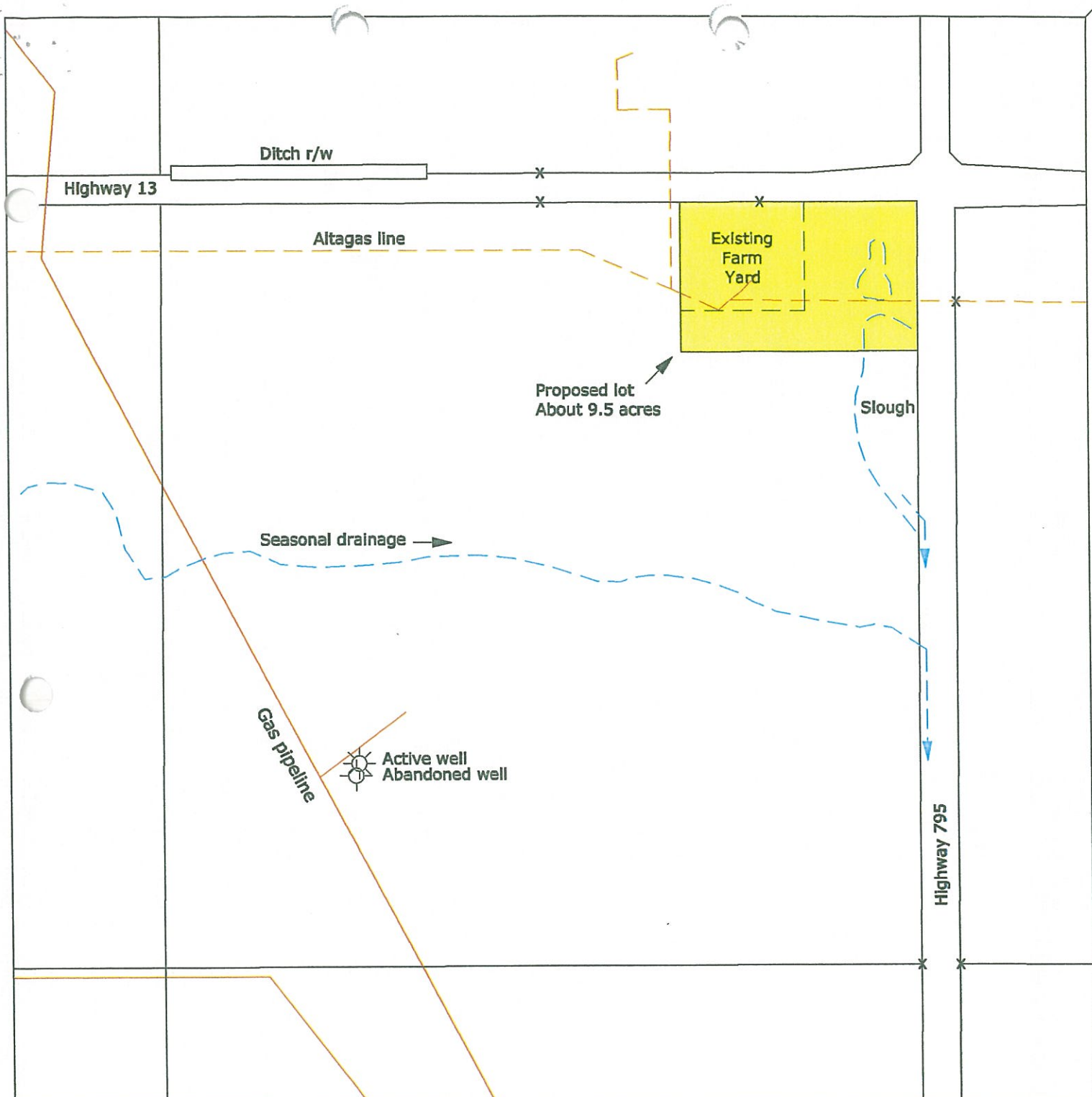
**Area Structure Plan
Part of NE 11-46-27-4
Proposed Card Lock Facility
Wetaskiwin Co-op Association
Map 3
Farmland Assessment Ratings**

Blue shaded areas are sloughs rated 10%

From County of Wetaskiwin assessment records
June 1984



100m

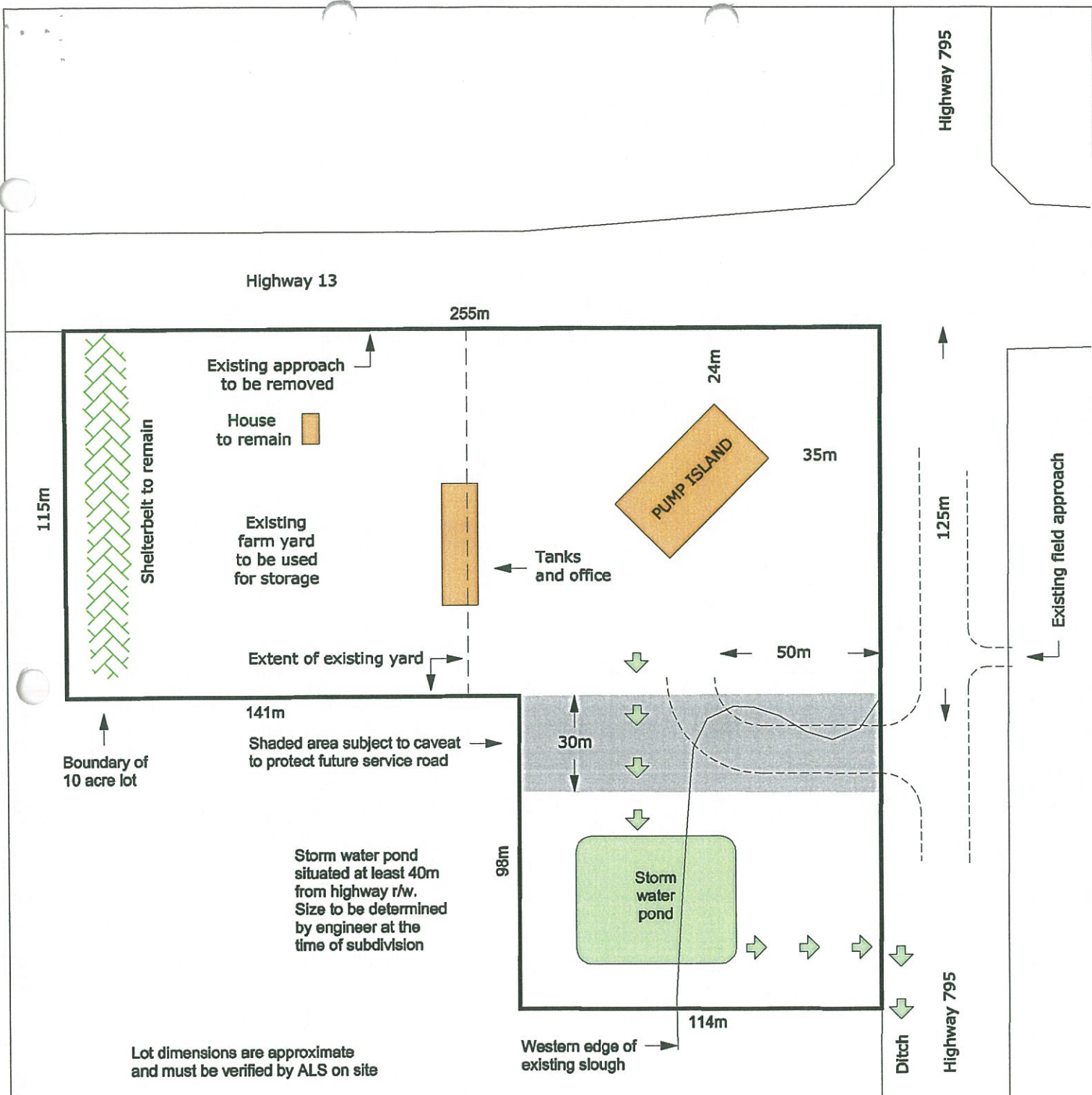


Area Structure Plan
Part of NE 11-46-27-4
Proposed Card Lock Facility
Wetaskiwin Co-op Association
Map 4
Proposed Site

X Highway approach



100m



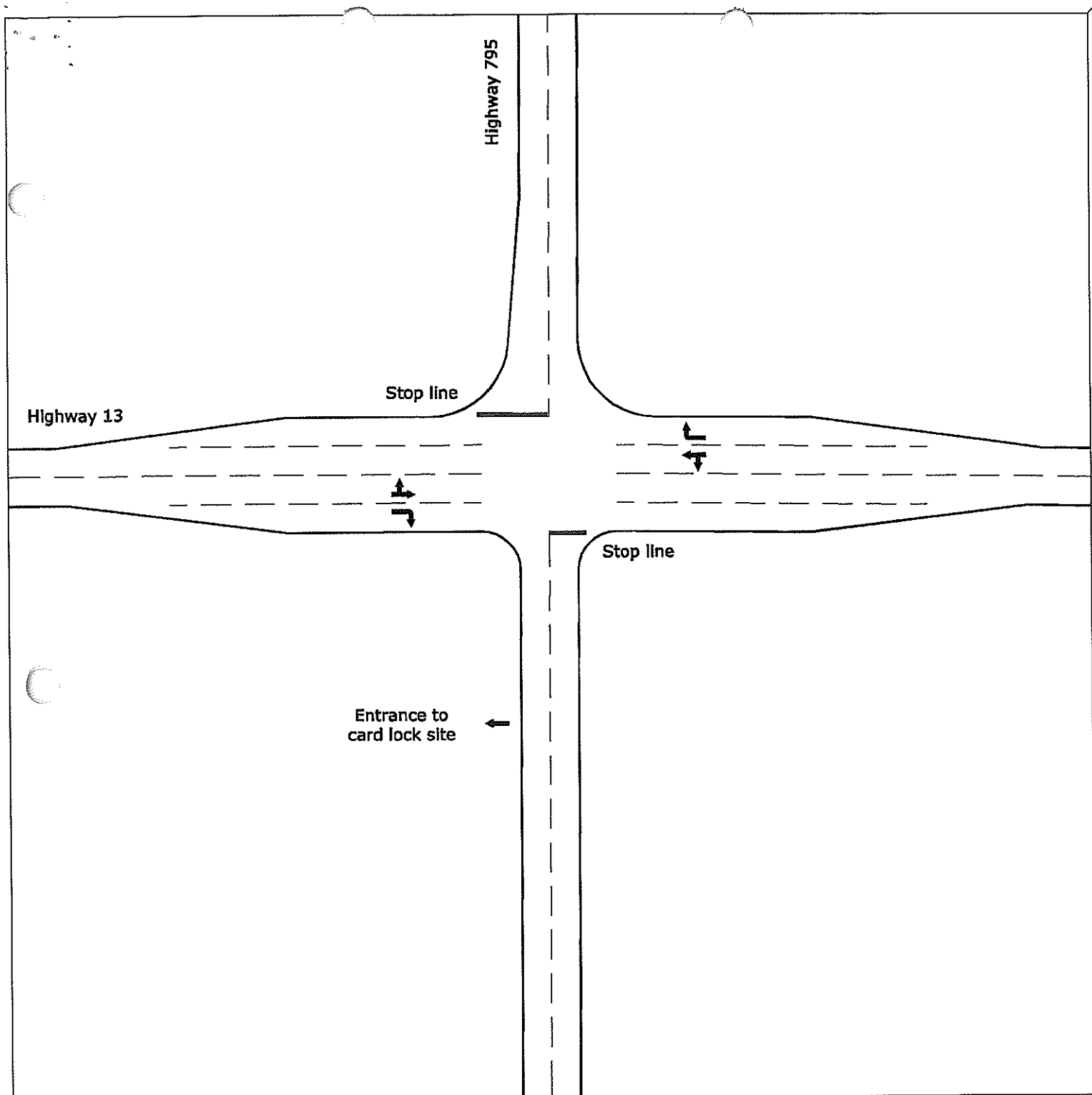
Area Structure Plan
Part of NE 11-46-27-4
Proposed Card Lock Facility
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Map 5
Site Layout

Design complies with letter from
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25m



Area Structure Plan
Part of NE 11-46-27-4
Proposed Card Lock Facility
Wetaskiwin Co-op Association
Map 6
Present Highway Lane Configuration



Not to scale