

Proposed Area Structure Plan
Kicking Horse Industrial Park

NW 28-47-25-4

County of Wetaskiwin

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Developer: Tyran Transport Ltd

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Contents	1	Introduction	12	Storm water management
	2	Municipal jurisdiction	13	Water supply
	3	Provincial jurisdiction	14	Sewage treatment
	4	Present land uses	15	Transition to municipal services
	5	Previous land uses	16	Fire protection
	6	Conflicting land uses	17	Power and gas
	7	Future highway widening	18	Municipal reserves
	8	Drainage	19	Proposed zoning
	9	Subdivision design	20	Public consultation
	10	Internal roads	21	Approval requested
	11	Highway intersections		

Appendix Issues raised at public open house on 14 January 2015

Maps	1	Location
	2	Recent air photograph
	3	Farmland assessment
	4	Oil, gas and electricity facilities
	5	Distances to neighbouring residences and oilfield facilities
	6	Slope and drainage
	7	Proposed lot layout
	8	Cross sections
	9	Proposed utilities

1 Introduction

NW 28-47-25-4 lies at the intersection of Highways 2 and Highway 616, five miles west of Millet. Map 1 shows the location, and Map 2 is a recent air photograph.

The land is currently subject to an offer to purchase, and this area structure plan (ASP) is being submitted by the buyer with the consent of the present owners.

An ASP for the property was adopted by the County in 2006. The earlier document does not meet current municipal standards, and will be replaced by this one.

The quarter is unsubdivided, but land has been taken for Highway 2 (Plan 4062 LZ, 15.68 acres) and Highway 616 (Plans 1092 EU, 2.00 acres and Plan 842 2114, 0.61 acres), leaving a present titled area of 141.71 acres (57.35 hectares).

The ASP proposes subdividing the land into commercial and industrial lots under the name Kicking Horse Industrial Park.

Location is of prime importance in industrial development. The average volume of traffic along Highway 2 south of Highway 616 in 2013 was 26,540 vehicles a day. Exposure to this traffic, together with a freedom from seasonal road bans, is valuable to a wide range of businesses including

- *Warehousing, storage, and distribution*
- *Recreational vehicles sales, service, and rentals*
- *Manufactured and modular home sales*
- *New and used farm and industrial equipment sales*
- *Oilfield service businesses*
- *Trade shops such as plumbers, electricians, and water well drillers*
- *Gasoline sales and associated convenience stores*
- *Truck stops and truck ports*
- *Restaurants*
- *Veterinary clinics*
- *Surveillance suites and other accommodation for businesses*
- *Utility operations*
- *Hotels and motels*
- *Campgrounds*

Highway locations may also accommodate activities which provide a useful service but which are not welcome close to houses. Examples are auction marts, boarding kennels, auto wreckers, and recycling operations. Because of their contentious nature, land use bylaws usually make them discretionary, which gives neighbours the right to appeal.

Not all of these uses are currently allowed in the Rural Commercial district in the County's land use bylaw. This issue is addressed in section 19 below.

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 Highways 2 and 616. This draft has therefore been referred to Alberta Transportation for their comments and recommendations.

Other senior government rules affecting development are:

Abandoned oil wells Abandoned wells do not present any hazard, but ERCB Directive 079 requires that an area 5 by 5 metres be left undeveloped around them, with access for service rigs in case any more work needs to be done in future.

There are no abandoned wells on the land proposed for development, but there is one in the ditch on the east side of RR 254, about 80 metres south of Highway 616. Locating wells in roadside ditches was common in the 1950s. After RR 254 is widened, the entire 5 metre buffer will be in the road allowance.

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.

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.

HRMB subsequently gave formal clearance, stating that no site investigation is required. Their file reference is 4835-14-0149-001.

Airports The nearest airports to the property are Wetaskiwin Regional Airport, 16 km south, and Edmonton International Airport, approximately 25 km north. The site is not under any landing or take-off path.

In summary, there is nothing in any provincial regulation to prevent the development of the property once authorization is received from Alberta Transportation.

4 Present Land Uses

Most of the property is now in crop. There is no residence or yard site.

Approximately 15 acres at the south end of the quarter remains in natural vegetation (mostly native grasses and poplar) along a shallow drainage swale. South of this is a small level area covering about 7 acres with no practical access. In recent years it has reverted to grass.

Local gas co-op lines run along the northern and western boundaries of the property (Map 4). They are shallow, and can easily be relocated at low cost.

5 Previous Land Uses

A review of historic air photographs held by West Central Planning Agency shows that the cleared areas have been farmed for the past 50 years. The farm yard was on another quarter.

As with all farm quarters, it is possible that the topsoil contains residues from agricultural chemicals, but these tend to break down over time, and do not present any significant risk to future uses.

A review of the ERCB coal mines atlas shows that the land has never been mined, so there is no risk of subsidence.

ERCB records, plotted by Abadata, show no abandoned oil wells or pipelines on NW 28.

6 Neighbouring land uses

Map 5 shows the locations of houses and oilfield installations on the adjacent quarter sections.

There are active oil wells on adjacent quarters, but none close enough to limit development on the property.

There are residences on SE and NE 28, half a mile distant on the far side of Highway 2. Residences west of the highway are closer, but most are screened by mature trees. Traffic from the proposed industrial area will not pass in front of them, but will go east to Highway 2. The only residence that will be affected by traffic or visual intrusion is the subdivided yard site on SW 33. However, it is likely that the whole of SW 33 will be redeveloped as another industrial subdivision, removing any conflict.

In summary, it appears that there will be no conflict between neighbouring land uses and the proposed industrial development.

7 Future Highway Widening

The proposed development will have no appreciable effect on Highway 2. There will be no direct access. The highway now carries over 26,000 vehicles a day, and the increase in volume due to Kicking Horse will be negligible. Buildings will be set back far enough from the highway to avoid problems with drifting snow or interference with sight lines.

Alberta Transportation has a long term plan to widen Highway 2 to three lanes in each direction, and will require an additional 10 metres of right-of-way past the Kicking Horse property.

Section 661 of the Municipal Government Act requires a developer to dedicate land for roads, without compensation. However, this does not apply to primary highways, or for secondary highways numbered 900 to 999 (MGA section 616(aa)). The developer is therefore not required to donate land to widen Highway 2.

In a letter to the County dated 19 February 2015, Alberta Transportation stated that "the department is prepared to negotiate with the land owners for acquisition of the required 10 metres of land for highway widening". The developer has contacted the department to start negotiations.

If Highway 616 needs more right of way, the developers are prepared to dedicate the necessary land, without compensation, as required by the MGA. This will slightly reduce the areas of the lots along the north boundary of the property.

Widening of RR 254 is addressed in section 10 below.

8 Drainage

Map 6 shows the slope of the land. The natural drainage on the property is from north to south, thence into a shallow east-flowing swale. There is no definite top-of-bank, and in most places the sides have a gradient of only about 3.5%. The land falls about 0.7 metres from RR 254 east to a culvert under Highway 2. From there the flow is east into Eyot Lake Creek, and eventually into Pipestone Creek upstream of Millet.

The contour map, read in conjunction with the air photo, shows one or two areas of trapped drainage which form seasonal wet spots in the spring. These dry up and can be farmed over later in the year. They will be eliminated when the land is levelled for development.

9 Subdivision Design

Map 7 shows the proposed design. There will be a total of 47 commercial / industrial lots ranging in size from one acre to 12.5 acres. The size breakdown is as follows:

Under 2 acres	19 lots
2 to 2.9 acres	17 lots
3 to 3.9 acres	6 lots
4 to 6.0 acres	4 lots
12.9 acres	1 lot

Buildings will be set back from the future (widened) right-of-way as required by Alberta Transportation.

In addition to the industrial lots, Alberta Transportation will allow one small lot designed to accommodate advertising billboards facing Highway 2. This lot will have a six metre access (the width of an urban lane) with a 15m (fifty foot) wide site adjacent to the highway for the billboard. The developer acknowledges that the rules governing the use of the billboard lots will be set by both the County and Alberta Transportation.

In addition to the billboard site, 16 lots will abut the two highways, but none will have direct highway access. All road access will be off RR 254. The main internal road will start about 170 metres south of Highway 616 on Range Road 254, loop through the property, and rejoin RR 254 about 400 metres further south.

Municipal reserves will be dedicated along the south boundary of the property to screen it from neighbouring residences.

Two utility lots will be dedicated:

- In the south-west corner, to accommodate a storm water retention pond: this is discussed in more detail in section 12, and
- In the north-west corner of the quarter, to accommodate a water well, pump, and treatment system (see section 13) and a sewage holding tank and possible future lift station (section 14).

As noted previously, the site contains some areas of trapped drainage and a shallow swale containing the main west-to-east drainage. These features will be eliminated and the entire site re-graded to create a uniform slope with a drop of about two metres from north to south. The drainage swale will be replaced by either a straight ditch or a buried pipe. Map 8 illustrates this.

The boundaries of lots on Map 7 are not precise and, with the consent of the County, may be adjusted depending on engineering advice and market conditions.

10 Internal Roads

As noted in section 9 above, lots will have no vehicular access directly on to Highway 2 or Highway 616.

There will be three commercial lots adjacent to RR 254. The north-west and south-west lots will have no direct access to the range road; their access will be on to the internal road system. The large central lot is intended for a card lock and truck stop, and it is essential to have a direct access on to RR 254. The location of the access will be agreed with the County, bearing in mind technical and safety issues.

Internal roads will be constructed to industrial standards on a 30 metre right of way, with landscaped drainage swales on either side of the travel surface. Road widening will also be dedicated along RR 254. The internal road will be designed to handle large vehicles, with 75 metre radius turns and ten metre corner cuts.

The developer will pave all internal roads to a non-banned hot mix standard.

The developer will pave RR 254 to the same standard. In recognition of this, the developer understands that the County will waive the usual \$2,000 per lot road contribution fee.

The design dedicates land for a future road connection south into SW 28, but in an email to the developer dated 4 March 2015, the County's Director of Planning and Economic Development confirmed that "the construction of an actual road is not required at this time, only the dedication of the right of way on a plan of subdivision."

11 Highway 616 intersection

As noted previously, the subdivision will have no direct access to Highway 2 or Highway 616. Access will be off RR 254, which is under County jurisdiction. The intersection of this road with Highway 616 will need to be upgraded to take the expected traffic. There is a stacking distance of 178 metres along RR 254 from the internal road intersection to Highway 616.

The developers have engaged a firm of traffic engineers to analyze the impact of development on the intersection. They will meet the cost of constructing the necessary improvements to Alberta Transportation standards.

The full traffic impact assessment will be forwarded to Alberta Transportation and the County of Wetaskiwin.

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. Hard surfaced industrial land generally requires 1,000 m³ of detention capacity per hectare. The 57 hectare (142 acre) site will therefore require about 57,000 m³ of storm water storage. Assuming a drawdown of 2 metres, the pond will have an area of about three hectares or about 7.8 acres. This size may be adjusted as necessary on the advice of a professional engineer.

The storm water system will be designed so that the rate of runoff after development will be the same as now, so the culvert under Highway 2 will not need upgrading, but, as requested by Alberta Transportation in their letter of 19 February, the drainage plan will be sent to the department for review and any necessary changes.

The pond will be constructed adjacent to RR 254. The roadside ditches will be graded to direct all storm water here.

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

As noted in section 9 above, the existing drainage swale will be filled, and the outflow from the pond will be directed into a pipeline under a municipal reserve lot along the south boundary of the quarter. The issue of runoff water freezing in the long culvert, raised by County staff, will be addressed in the drainage plan prepared by a professional engineer. If necessary, and depending on engineering advice, an open swale will be used instead of a culvert.

13 Water supply

The entire development will be served by piped water. The developer has opened negotiations with the Town of Millet to connect to the town's water system. Failing that, the developer will apply for a water license from Alberta Environment and Sustainable Resource Development (AESRD) to drill a well on the public utility lot in the north-west corner of the property, and install the necessary purification and pumping equipment. To comply with Objective 3.3 of the

County's MDP, the developer has commissioned a groundwater study, and the results will be communicated directly to the County once it is completed, prior to the public hearing on this ASP.

The entire system will be built to AESRD standards so that it can be taken over by the County and managed as a self-financing public utility that will include utility rates and charges.

The flow of water to each lot will be metered to ensure it does not exceed the licensed volume.

14 Sewage treatment

The development will have a piped sewage gathering system. To avoid overloading the system, a business that has high peak loads may install a surge tank which holds back the high flow and releases it slowly into the piped system.

Effluent will run by gravity to a buried tank in a PUL in the north-west corner of the property. This lot will have a 15m access panhandle with on-site turning head. The access panhandle may be wider if required by the County, and the access road and turning area will be surfaced to the County's satisfaction. The tank will be pumped out and the effluent hauled to the County's Mulhurst lagoon for treatment. The system will be built to County and AESRD standards. The system may be

- set up as a self-financing operation managed by a lot owners' association like the one at Sunset Harbour on Pigeon Lake, or
- owned and managed by a private utility company, or
- taken over by the County.

This will be decided at the subdivision stage.

The developer acknowledges that he will have to pay an off-site levy to use the Mulhurst lagoon.

No industrial waste will be allowed to enter the system. Any such waste will be captured at source and trucked off-site for treatment and disposal at suitable facilities.

It is possible that in future a sewer line will be installed from Millet along Highway 616 to Highway 2. If and when that happens, a force main will be constructed from the storage tank north to Highway 616, emptying in to a sewer main adjacent to the highway. As a precautionary measure, at the time of subdivision the developer will register a utility easement on the lots adjacent to Highway 616 to accommodate a future pipeline.

15 Transition to municipal water and sewer

It is necessary to tie down the responsibility for the additional future costs if water and sewer lines are constructed to Millet.

The developers propose to enter into an agreement with the County under section 655 of the MGA, to be registered on the title to each lot and running with the title, obliging the future

owners of the lots to contribute to these costs, using a formula to be negotiated with the County prior to subdivision, and written into the agreement.

Map 9 is a tentative design for immediate and future water, sewer, and storm drainage. Details may be changed, with County approval, following more detailed engineering prior to subdivision.

All work will meet the County's design guidelines and construction standards.

16 Fire protection

As noted above, the development will have a piped water system, but this may not provide the necessary fire flow. The developers will therefore construct a fire pond with dry hydrant on the property. It will be combined with the storm water pond, and will be accessible from RR 254 as well as from the internal road system (see Map 7). Details of pond capacity, construction, access, and fencing will be agreed with the County's Director of Emergency Services.

Because the pond will be on a PUL, title will automatically pass to the County when the subdivision is registered.

17 Power, gas and telecommunications

The developer will install electric power, natural gas, and telecommunications lines in the roads prior to subdivision.

18 Municipal Reserves

The MGA empowers a municipality to take up to 10% of the developable area of a subdivision for parks, schools, and buffer strips. The present title area is 57.3 hectares (141.7 acres), so 5.73 hectares (14.2 acres) are due as municipal reserve.

As requested by County staff, the developer will dedicate a 2.9 acre strip of municipal reserve, 30 metres wide, along the south boundary of the development. The buffering effect can be continued westward through the public utility lot.

As noted above, 14.2 acres of municipal reserve are due on the quarter section. After dedicating 2.9 acres along the south boundary, 11.3 acres of reserve will remain due. There does not appear to be a need for parks or schools in this location, so the developer proposes to pay out reserves in money, as permitted by section 666 of the MGA.

Because the land surface will be re-graded, there will be no undevelopable land as defined in section 664.1 of the MGA, so no environmental reserves will be due.

19 Proposed Zoning

Under the present County land use bylaw there are two land use classes that could be applied to a rural industrial park: Industrial and Rural Commercial. Neither is completely satisfactory.

- The bylaw sets different standards for lot sizes, building setbacks, and allowable uses in the Rural Commercial and Industrial zones. For example, warehouses are allowed in both districts, but in the Industrial district the building must be set back 40 metres from the front of the lot, and 20 metres from the side property line, whereas a warehouse in the Rural Commercial district can be as close as 8 metres to the road and 5 metres to the side property line.
- In both districts there are very onerous rules concerning the location of buildings on corner lots, which effectively sterilize 1.2 acres of a corner lot.
- Some desirable land uses, such as oilfield service, trade shops, veterinary clinics, and surveillance suites are not listed as permitted or discretionary in either district.
- There are no definite rules on landscaping and aesthetics adjacent to highways. The developer would welcome guidance from the County as to standards he might set. Schedule A of Lacombe County's bylaw might be used as a guide.

In the short term, the developer believes the best way to deal with these issues is to zone the entire development Direct Control. This will permit subdivision. The developer will then open discussions with the County regarding the points raised above. Following these discussions, parts of the land might be zoned Rural Commercial and parts Industrial, with amendments to deal with the issues listed in point form above. Alternatively, the County might establish a new land use district for commercial and industrial sites at prime highway intersections, possibly based on Ponoka County's Prime Location Commercial district, but that is outside the scope of this ASP.

20 Public consultation

The owners of land within one mile of the proposed development were invited to an open house where they could ask questions and make their views known. Notice of the meeting was mailed out by County staff. The ASP was also made available on line.

The open house was held at the Millet Agriplex on 14 January 2015. About 25 people attended. Several others, who were unable to attend, were earlier e-mailed copies of the proposal.

Following the open house, the developer made several changes to the ASP to deal with the points raised by the neighbours. The attached appendix summarizes these issues.

21 Approvals requested

The developer requests that the County adopt this ASP by bylaw, and immediately proceed to rezone the land to Direct Control.

Appendix: Issues raised at public open house held on 14 January 2015

Water supply

Several people asked what will happen if the developer is unable to bring in water from Millet, and water must be supplied by an on-site well. Does the local aquifer have the necessary capacity?

The developer pointed out that an industrial well requires a water licence from Alberta Environment. Before they issue a licence, AE requires engineering tests to establish how much water can be taken, on a sustainable basis, without depleting the supply to existing wells in the area. The licence is issued subject to that maximum draw. Water meters will ensure that users do not exceed the allowable draw.

One questioner asked what the developer will do if he is unable to get Millet water, and the on-site well has limited capacity.

The developer answered that if the supply of water is limited, heavy water users such as hotels will not be allowed.

Contamination of runoff

The owner of land on the east side of Highway 2 operates an elk ranch. He was concerned that the runoff from the site might contaminate the creek flowing over his land.

The developer described the proposed the storm water management system (section 12 of the ASP). All water will run into a detention pond. The pond will be lined with an impermeable membrane to prevent the runoff entering the groundwater. Solids will settle out, and the sediment will be cleaned out as necessary and hauled away for treatment and disposal. Water being released from the pond will drain from the middle of the water column, leaving any gas or oil on the surface of the pond, where it will evaporate or can be skimmed off.

The pond will be constructed and operated in full compliance with Alberta government regulations.

Leaks from fuel tanks

The list of possible land uses includes gasoline sales. What precautions will be taken to contain a spill from storage tanks?

Underground storage tanks are not allowed in new developments, so there is no risk of a hidden leak. Above-ground tanks are now standard, and these are surrounded by an impermeable berm to contain any leak.

Blowing garbage

The elk rancher wanted assurance that garbage would not blow off the site on to his land, where it might be eaten by young animals. He asked if the developer would build a chain link fence around the site to prevent this happening.

The developer agrees to install a temporary fence to control blowing garbage during construction. Permanent fences will be built to County standards when each lot is developed. These permanent fences will be constructed by the then-owners of the lots at their expense, and will meet the architectural controls imposed on the entire development.

Congestion on Highway 616

Several people asked if RR 254, Highway 616, and the Highway 2 intersection have the capacity to handle the traffic from 47 industrial lots.

The developer said that an impact assessment is being conducted by a firm of consulting traffic engineers. They will determine if the intersection with Highway 616, the bridge over Highway 2, or the highway interchange require upgrading to safely handle the expected traffic. The consultants' report will be sent to the County and Alberta Transportation, who will tell the developer what must be done. Any improvement will be done to provincial and municipal standards at the developer's expense. This commitment is made in section 11 of the ASP.

Whether or not this is required by Alberta Transportation and the County, RR 254 will be widened by 5 metres and paved.

Congestion on RR 254

A resident along RR 254 was concerned that the school bus might be delayed during construction.

The developer said that the contractors will be told to stop work at appropriate times so that the school bus will not be delayed. Additionally, he will give his cell phone number, and that of the site superintendent, to the bus driver and the resident so they can call at any time and report problems.

Undesirable land uses

One neighbour asked if there will be any restrictions on uses which cause noise, smoke, glare, or other undesirable off-site effects.

The developer said that undesirable land uses can be limited in two ways. The first is through restrictive covenants placed on the titles of the lots. The other is through the County's land use bylaw.

Initially, the developer will ask the County to zone the entire site as Direct Control. That means all development permits

will be considered by County Council following advertising and a public hearing.

In the longer term, the developer will work with the County to create a set of rules appropriate for a high quality industrial park. As an amendment to the land use bylaw, this will be a public process, and neighbours will be involved.

Visual and acoustic buffering

Neighbours were concerned that they will be impacted by noise, glare, and visual blight.

The developer said he was willing to construct berms and plant trees between the industrial lots and nearby houses. He will also insist that lights are designed to minimize the spillage into the sky. This can be done by restrictive covenants, or through the County's land use bylaw.

Crime

Two neighbours worried that the development might attract criminals and vandals.

The developer said that there will be enough activity on the site that there will always be "eyes on the street", which are the best way of deterring undesirables. Additionally, many of the businesses will likely install CCTV equipment.

A landowner with a background in police work said that rural policing in Alberta was understaffed, and residents should press the province to provide adequate funding.

The developer pointed out that the taxes paid by the 47 industrial lots will help the County maintain a good level of policing. The appropriate level of policing will be determined by County Council at budget time.

Weed control

Neighbouring farmers were concerned about weed control, especially during the construction phase, and on undeveloped lots.

The developer said that he will be responsible for weed control during construction. Problems on lots which are sold but undeveloped will be addressed by the County's weed inspectors.