

**Topic:** Bylaw No. 2014-04: Amendment to Land Use Bylaw No. 20-2009

### Discussion

#### The Application

The County has received an application from a landowner (Acheson Business Park Ltd.) in Zone 4 of the Acheson Industrial Area to amend Map 9 and 9A of Land Use Bylaw No. 20-2009 to re-district a portion of N.E. 03-53-26-W4M from the IRD - Industrial Reserve District to the MI - Medium Industrial District and all of S.E. 03-53-26-W4M from the IRD - Industrial Reserve District to the BI - Business Industrial District. If the proposed re-districting amendments are accepted, the landowner wishes to undertake further subdivision and development of the lands for serviced industrial/commercial use.

#### Site and Previous Approvals on the Lands

The subject lands (Pt. E1/2 03-53-26-W4M) consist of two titled areas under the same ownership. The lands are immediately west of Range Road 262 (Bevington Road), north of Parkland Highway (16A) and south of the CN railway in Zone 4 of the Acheson Industrial Area. Standard General's Acheson facility is located on lands directly to the west. The subject lands have historically been used for extensive agricultural activities. Numerous oil/gas improvements and other pipelines have been constructed through the lands.

506221 Alberta Ltd. owns a uniquely shaped 8.101 hectare parcel located in the northeast corner of N.E. 03-53-26-W4M; these lands are not subject of the current application. Winalta Transport currently operates on this parcel. This parcel is currently not connected to municipal services.

### Analysis

#### Compliance with Capital Region Growth Plan and Approved County Plans

##### 1. Capital Region Growth Plan

Bylaw 2014-04 does not require referral to the Capital Region Board as Land Use Bylaw amendments are not a requirement under the Regional Evaluation Framework. Administration is of the opinion that Bylaw 2014-04 and the development of the East Half of 03-53-26-W4M is consistent with the land use policies of Priority Growth Area 'A' to grow employment in the Acheson area where existing municipal infrastructure can be logically and efficiently extended.

##### 2. Municipal Development Plan (MDP) Bylaw No. 37-2007

The proposed amendment application is consistent with Section 5 of the County's MDP where new industrial/commercial development is directed into established industrial areas, including Acheson. The Land Use Concept Map (Map 2) within the MDP identifies the land for industrial/commercial development.

Policy 11.5 of the MDP requires that all Land Use Bylaw Amendments which do not conform to an area structure plan (refer to Item #3 below) shall be referred to the City of Edmonton. However, the subject lands are outside, but immediately adjacent to the 1.6 km (1 mile) referral area from the City's boundary. Regardless, in the instance that Council were to provide first reading to Bylaw No. 2014-04, Administration is recommending that Bylaw No. 2014-04 should be sent to the City of Edmonton for information purposes as part of continued efforts of increased communication between the two partners.

### **3. Acheson Industrial Area Structure Plan (ASP) Bylaw No. 20-97**

The subject lands under the amendment fall within Stage 2 are of the Commercial/Industrial designation, as identified on Land Use Concept Map 4.1 within the ASP. Amending Bylaw No. 2014-04 is:

- (a) Inconsistent with Policy 4.2.1(5) of the ASP as the proponent has not provided a detailed outline plan in support of the project to date. However, Senior Administration has agreed to accept the amendment application without a supporting detailed Outline Plan at this time and wishes to addresses Council regarding this matter; and
- (b) consistent with the first sentence of Policy 4.2.1(12) of the ASP where development of the Stage 2 area will follow substantial development of Stage 1 lands in the Acheson Industrial Area. However, the amendment is inconsistent with the second sentence of the same policy in that the development of this portion of Stage 2 lands cannot be completed until the decommissioning of the oil/gas improvements within the subject area has occurred.

### **4. Land Use Bylaw No. 20-2009**

The Applicant is requesting the re-districting of a portion of N.E. 03-53-26-W4M from the IRD - Industrial Reserve District to the MI - Medium Industrial District. This re-districting is consistent and compatible with adjacent districting of lands south of the railway in N.W. 03-53-26-W4M (Standard General). These lands are not immediately adjacent to one of the provincial highways in the immediate area and therefore the primary use of outdoor storage is appropriate.

The Applicant is requesting the re-districting of all of S.E. 03-53-26-W4M from the IRD - Industrial Reserve District to the BI - Business Industrial District. This re-districting is consistent and compatible with adjacent districting of lands along Parkland Highway (16A) in S.W. 03-53-26-W4M. These lands are immediately adjacent to a provincial highway and therefore lower intensity industrial and commercial uses with reduced outdoor storage or work activities and higher landscaping standards are appropriate.

### **5. Future Subdivision/Development**

As noted, Acheson Business Park Ltd. has stated that they may wish to submit a subdivision application for the subject lands should Bylaw No. 2014-04 be successful. An incomplete tentative plan showing a total of fifty-seven (57) lots was provided with the amendment application for Council's reference.

#### **a) Oil/Gas and Pipeline Activity**

As previously noted, the subject lands are encumbered by numerous oil/gas and pipeline improvements.

There are currently no less than eleven (11) well bores in some form of operation and a former battery site located within the subject area as well as an extensive array of supporting pipelines. These improvements are all owned and operated by Penn West Petroleum Ltd. As the battery site, well bores and pipelines have not received reclamation certificates from Alberta Environment, the leases, right-of-ways and a minimum 100.0 metre surface radius around each of the well bores must be respected in accordance with provincial requirements. Administration is unaware of any current plans by the operator or the Developer to abandon/reclaim these improvements. Administration is of the opinion that these improvements would need to be significantly reclaimed prior to developing the site.

A high pressure gas line (6042 MC) runs southeast to northwest through the subject lands. A second gas pipeline (1565 KS) runs near the southeast corner of the plan area. The tentative plan of subdivision submitted by the applicant proposes to relocate both of these pipelines to the perimeter of the subject area.

The Parkland Water Commission pipeline (5554RS) parallels near the south boundary of the plan area as is proposed to remain in place running through numerous proposed parcels.

i) Supporting Information Still Required

Planning & Development Services and other departments are unable to provide detailed comments concerning this amendment application and the viability of the proposed fifty-seven (57) lot subdivision at this time, as a detailed outline plan and other supporting documentation has not been completed/submitted to date. Senior Administration has agreed to accept the application without this information and wishes to address Council regarding this matter.

**Referrals:**

Referral comments have been requested with a deadline of March 3, 2013. These will be added to this report as received. Any comments received after the formation of the Council Agenda will be distributed as a hand out at the public hearing.

**1. Alberta Transportation**

Alberta Transportation recognizes that land use zoning is a municipal responsibility and that Parkland County will not approve development of these lands until the impact of such development on the provincial highway system is mitigated. The department anticipates that new traffic impact assessment(s) will be provided which address the most current land uses prior to any further development of these lands.

**Alternatives:**

- 1) Council could recess the Public Hearing pending the Applicant providing Administration with a satisfactory Outline Plan.
- 2) Upon closing the Public Hearing, Council could defeat Bylaw No. 2014-04 at second reading.
- 3) Council could close the Public Hearing and give second reading, but defer third reading until the Applicant has provided Administration with a satisfactory Outline Plan.
- 4) Council could close the Public Hearing and give second and third reading.

**Justification:**

The proposed re-districting of a portion of N.E. 03-53-26-W4M from the IRD - Industrial Reserve District to the MI - Medium Industrial District and all of S.E. 03-53-26-W4M from the IRD - Industrial Reserve District to the BI - Business Industrial District under the County's Land Use Bylaw is consistent with the Capital Region Growth Plan, the County's Municipal Development Plan and the Acheson Industrial Area Structure Plan subject to confirmation of decommissioning of the oil-gas improvements within the subject area and acceptance of an Outline Plan to the satisfaction of Parkland County. The development at this location in Zone 4 of the Acheson Industrial Area is practical as existing municipal services can be logically and efficiently extended at this time.

Written by: Deanna Cambridge and Stephen Fegyverneki, RPP MCIP

Approved by: Paul Hanlan, RPP MCIP

March 3, 2014