

August 9, 2013

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Mackenzie County
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Via e-mail: bpeters@mackenziecounty.com

Attn: Mr. Byron Peters
Planning and Development Department

RE: Proposed Bylaw-Mackenzie Highway Industrial Area Structure Plan

We are resident in Peace River but own land which adjoins the boundaries of the plan area as evidenced in the proposed bylaw package and as such wish to provide our comments prior to the planned public hearing on this matter, scheduled for August 12, 2013.

The affected lands we own to which we refer are as follow:

NE18-109-19W5

Lot 1, Plan 972-4254 (Pt. SW30-109-19W5)

We have had involvement with the Mackenzie County development permit and approval process in the past regarding lands adjoining these lands as well as those of our former residence, which is located at Pt. NE19-109-19W5.

The proposed area structure plan document, as provided to us by your office, appears to be a step in the right direction. Specifically it finally lays out an orderly and reasoned approach to development, which is likely inevitable along the Highway 35 corridor to the south of the Town of High Level. We do note that there are a number of ambiguities and areas of concern to us relative to the draft ASP, upon which we wish to comment.

As a preamble to our concerns, we will provide some background relative to our past concerns with the development and planning processes relative to our lands.

- 1 In the past there was no onus placed upon a developer, nor the county, to consult with adjoining landowners during the development permit application or rezoning processes. In addition there was no requirement for a developer to disclose the proposed use of a development as the construction of the development was effectively severed from the occupancy of the developed property since a developer could elect to apply for a development permit for an industrial use and then the occupant of the development subsequently applied for a development permit at time of occupancy of the development. This disconnect resulted in a situation whereby an adjoining landowner was virtually forced to be obstructive and register an objection to a development in order to force the county to probe further what the end use of the development might be.
- 2 The proposed area structure plan, by identifying broad development intentions should lend some clarity to affected and adjoining landowners regarding development initiatives brought forward by developers for large land areas.
- 3 It would appear as though individual development intentions for specific parcels within the area structure plan would then be subject to development permit applications following the original process.
- 4 A requirement for consultation with adjoining or affected landowners is not addressed in the ASP and appears to be lacking, so far as we are concerned. It would not be our intent to be obstructive but some mechanism for 2 way communication without the need to file objections to each and every development permit application certainly seems sensible to us. As the Phase 1 development referenced in Figure 6 of the ASP is the area most likely to conflict with rural residences it seems reasonable that it will also be most likely to draw concerns from adjoining and affected landowners.

To return to a commentary concerning the draft ASP, there are a number of areas to which we will make reference, wherever possible with a reference to the specific section of the draft ASP.

2.2 Table 1

This table refers to Light Industrial developments being proposed to cover an area of approximately 447 Ha. In referencing Figure 4-Land Use Concept no light industrial development is proposed at north end of plan area, bounded between Highway 35 and CN rail right of way. Instead this area is to be zoned for General Industrial use. There are a minimum of 5 existing residences which will be negatively impacted by this zoning for General Industrial, rather than what appears to be a more restrictive Light Industrial zoning, which would be preferred by us.

3.1.3

Stormwater management is referenced as a significant priority in conjunction with presentation of development plans. However there are numerous

omissions of this specific goal within the body of the document. We stress that it is imperative that stormwater management be addressed in all developments, regardless of whether the development is to be zoned Light Industrial or General Industrial.

In addition it must be stressed that local drainage patterns may differ from the general drainage patterns indicated in Figure 3 and that specifically at the north ASP boundary, historical drainage is in a north/northeasterly direction. Accordingly we submit that all development applications must include consultation with adjoining landowners to ensure surface drainage will not negatively impact their lands.

3.1.4

Servicing intentions are a worthy inclusion in this ASP and we would encourage Mackenzie County, Town of High Level, development proponents and existing landowners to pursue provision of municipal services as a component of any proposed developments. It is the best alternative and if included in initial development plans will result in a minimum of disturbance and subsequent incremental costs for all developers and landowners.

This may even offer an opportunity to implement a rural water co-op to serve the needs of existing residential landowners, to help to spread costs over a larger base.

Will servicing study, as referenced in 3.5.1 be the responsibility of the development proponent at time of development permit application?

3.2.1

Berms, treed buffers and barriers are all indicated as desirable development goals but definition of the specific intentions and expectations must be included in the ASP in order to allow informed decisions to be made by all landowners. If left undefined and elaborated upon there will be no standard expectation. The use of buffers is a sensible expectation if defined and standardized.

3.3.1

There is reference to restrictions to be placed upon subsequent Country Residential development within the ASP area.

As the exact location of the east boundary shown in Figure 2 is difficult to determine, we wish to have clarification as to where that boundary would lie, specific to NE 18-109-19W5.

Specifically, does the east boundary of the ASP fall ½ mile west of RR 195 or does it run across that specific parcel and all others in a north/south orientation?

3.7

Proposed access road routings are conceptual and not very detailed, although the general statement that no direct access to Highway 35 will be permitted is understood.

However, what impact will this approach have on existing accesses along east side of Highway 35, between north ASP boundary and RR 200? Will the access to all of these parcels be rerouted to a single access point at RR 200?

Additionally, will existing access routes be revised upon approval of a

development permit application brought forward for the lands roughly bounded by Highway 35, CN Rail right of way, north ASP boundary and RR 200?

4.2

Outline plans are referenced but there is no clarity regarding who is responsible to prepare and submit Outline Plans.

Are these imposed upon the developer or the county?

Figure 6

The phasing as shown on this map, specifically Phase 1, probably makes the most sense relative to existing developments and proximity to High Level. Its designation as proposed General Industrial rather than Light Industrial serves to reinforce our concerns as below.

However this development area, designated Phase 1, is most densely populated with existing residences and hence has most potential for conflicts.

As a suggestion perhaps encouraging development to begin south and west of RR 200, between Highway 35 and the CN Rail right of way makes more sense as there are limited existing residences, which would be affected and it would also be a greenfield development area.

Additionally, we would suggest that Phase 1 development as shown on Figure 6, be restricted to Light Industrial zoning only, with no provision for Heavy Industrial zoning at all.

Respectfully submitted,

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