

BYLAW NO. 899-13
BEING A BYLAW OF
MACKENZIE COUNTY
IN THE PROVINCE OF ALBERTA

TO ENACT THE
FOOTNER LAKE INDUSTRIAL AREA STRUCTURE PLAN

WHEREAS, the Municipal Government Act provides that a Council may adopt an area structure plan, and

WHEREAS, the Council of Mackenzie County, in the Province of Alberta, has deemed it advisable to adopt an Area Structure Plan for all land within the designated boundary as indicated in the Area Structure Plan to provide for the orderly development of the area

NOW THEREFORE, THE COUNCIL OF THE MACKENZIE COUNTY, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. That the following:
 - i) That the attached Area Structure Plan, effecting the lands as indicated in the attached Area Structure Plan, be designated as the Footner Lake Industrial Area Structure Plan.

READ a first time this 24th day of April, 2013.

READ a second time this 10th day of September, 2013.

READ a third time and finally passed this 10th day of September, 2013.

(original signed) _____

Bill Neufeld
Reeve

(original signed) _____

Joulia Whittleton
Chief Administrative Officer

Industrial Area Structure Plan

Footner

Bylaw No. 899-13



28/08/2013

1102-02-00

Contents

1	Purpose and Scope	1
1.1	Background Report.....	1
1.2	Municipal Development Plan	2
1.3	Community Consultation.....	3
2	Creating a Vision	4
2.1	Vision	4
2.2	Land Use Concept.....	5
3	Achieving the Vision	6
3.1	General Development Policies	6
3.2	General Industrial.....	7
3.3	Natural Areas and Open Space.....	8
3.4	Stormwater, Water and Wastewater Servicing	9
3.5	Shallow Utilities	11
3.6	Roads and Access	12
3.6	Fire Smart	13
4	Implementation	14
4.1	Implications for Other Municipal Plans and Bylaws.....	14
4.2	Outline Plans.....	14
4.3	Municipal Reserve	14
4.4	Conceptual Development Sequence	14

List of Figures

Figure 1: Location..... 15

Figure 2: Boundary..... 16

Figure 3: Development Considerations 17

Figure 4: Land Use Concept..... 18

Figure 5: Roads and Access..... 19

Figure 6: Conceptual Development Sequencing..... 20

1 Purpose and Scope

The Footner Industrial Area Structure Plan (Plan) has been prepared for an 921 hectare area of land north of the Town of High Level, immediately east of Highway 35 and northeast of the High Level Airport.

The Plan is intended to provide a framework for future subdivision, servicing, and development of land in order to ensure a supply of heavy industrial lands in a location unhindered by nearby residential development. This Plan is one of four industrial plans being prepared concurrently in the County for industrial land uses. The location of the Plan is illustrated in Figure 1: Location.

The Plan is primarily based on Council direction and policies from the Municipal Development Plan Bylaw 735-09. It sets out a vision and specifies actions and policies needed to achieve that vision based on the requirements of the Municipal Government Act (MGA). The MGA requires an Area Structure Plan to identify:

- Sequence of development for the Plan area;
- Land uses proposed for the area, either generally or with respect to specific parts of the area;
- Density of population proposed for the area either generally or with respect to specific parts of the area;
- General location of major transportation routes and public utilities; and
- Other matters Council considers necessary.

Area Structure Plans are long-term “living documents.” As the land use, socio-demographic and economic context changes it is not uncommon for Plans to be reviewed and amended. Despite such changes, the vision of this Plan should remain consistent. However, it is anticipated that more detailed components may be amended in accordance with Hamlet and County needs on an ongoing basis.

The policies and actions identified in this Plan are intended to influence the Mackenzie County Land Use Bylaw, development standards, Outline Plans, subdivision design, and development approvals to ensure that the long term vision for growth determined by this process is achieved.

1.1 Background Report

Along with the Plan, a background report has been prepared. The Mackenzie County Industrial Area Structure Plans Background Report contains most of the analysis undertaken to identify the vision, goals and policies for this Plan and three other industrial plans. This includes a review of the Planning context; an update of economic and demographic considerations; review of existing land uses, natural features, facilities and infrastructure; and identification of opportunities associated with the same.

1.2 Municipal Development Plan

As the highest level municipal planning document for the County, the Mackenzie County Municipal Development Plan (MDP) is a primary factor in determining the policy direction of the Plan.

1.2.1 Objectives for Industrial Development

The MDP addresses future industrial growth and development in the County. Key objectives expressed in the MDP involving industrial development include:

- Facilitate industrial developments that support agriculture;
- Support a concentrated pattern of industrial development;
- Emphasize the forestry sector as a key component of Mackenzie County's economy and to facilitate its continued growth and diversification;
- Support Mackenzie County's role as a centre for oil and gas exploration and development in the surrounding fields;
- Promote and diversify Mackenzie County's economy by emphasizing manufacturing, transportation, and the supply of industrial goods and services;
- Minimize the negative impacts of rural industrial development; and,
- Ensure all industrial areas in Mackenzie County are attractive and feasible.

1.3 Community Consultation

Community consultation forms the cornerstone of the vision, policies and actions identified in the Plan. Early stakeholder consultation helped focus the direction of this Plan, while a public open house ensured wider input into the Plan's vision, policies and concepts. Results of this consultation can be found in the background report for this Plan.

Key points recorded during public consultation were:

1.3.1 Early Stakeholder Feedback

- Lots should be large enough for large trucks to manoeuvre within the property.
- Buildings should appear clean and well kept, architectural controls may be suitable as long as long as financial challenges on business owners are considered.
- There is support for a tree line or treed buffer between Highway 35 and the industrial facilities to preserve rural character and create a cleaner looking development.
- Power lines should be run underground to improve the visual appearance of the development.
- Setbacks could be used to minimize impacts of industrial development or nearby existing residences.
- Municipal services should be extended to the new industrial areas.
- Most respondents feel that the County offers considerable opportunity for manufacturing development.

1.3.2 Open House Feedback

A public open house was held in High Level on May 23, 2013. The Footner Industrial ASP was presented along with the Mackenzie Industrial ASP. While there were twelve people in attendance, no comments were received on the Footner Industrial ASP.

2 Creating a Vision

Mackenzie County has prepared this Plan to clarify, communicate, and deliver its vision for future industrial development and redevelopment in the Plan area.

2.1 Vision

At build out, the Plan area is envisioned to be area for efficient and diversified resource-based industrial economy that generates a long-term benefit to County residents, businesses, and surrounding rural communities.

In order to implement this vision the Plan seeks to achieve specific objectives that recognize and build on the industrial policies of the MDP. The objectives of this Plan are to:

- Guide interim and long-term industrial and resource-based growth in a deliberate manner that coordinates with existing and planned infrastructure provisions.
- Prioritize industrial development and mitigate the potential for land use conflicts.
- Promote existing assets in and around the Plan area, such as highways, airports, railways and major employment nodes that can be used to strengthen the local economy.
- Preserve (and where possible, enhance) important features of the natural environment.
- Recognize the changing needs of the local economy by allowing a range of industrial subdivision options, including large and small lots, un-serviced alternatives, and access to railways.
- Ensure that development allows for the orderly expansion of municipal, provincial, and federal infrastructure, such as roads, airports, railways, and water and waste water services.

As a part of delivering these objectives, the Plan must be consistent with existing municipal, provincial, and federal policies, regulations and plans for the areas.

2.2 Land Use Concept

The Land Use Concept generally identifies the intended future land uses and integrates natural and man-made considerations (as illustrated in Figure 3: Development Considerations) with the needs of the County, while meeting relevant policy guides and regulatory requirements.

The land use areas illustrated in Figure 4: Land Use Concept are conceptual. They are intended to provide a broad road map for future development. Further Planning through Outline Plans, or a similar planning mechanism, may refine the designation and area of land uses. Major deviations from this concept will require amendments to the Plan.

The Land Use Concept recognizes the established development pattern within the surrounding area, and integrates compatible land uses to maintain a distinct rural industrial character. The Land Use Bylaw should be in general accordance with the Land Use Concept and may need to be updated to reflect the identified land uses.

Policies affecting the land use designations of the Land Use Concept are described in Section 3: Development Policies. The breakdown of developable areas from the Land Use Concept is included in the following table.

Table 1 Land Use Statistics

	Area (ha)	% of GDA
Gross Developable Area	920.8	100%
Net Developable Areas		
Limited General Industrial	882.37	89.3%
Potential Environmental Reserve	38.48	10.7%

Note: Rounding may cause inconsistencies in column totals.

3 Achieving the Vision

This section sets out policies to guide development in a manner that can achieve the vision for the Plan as well as fulfill the requirements of the MGA.

3.1 General Development Policies

The following policies reflect the intent of the vision for the Plan and apply to all areas of the Plan.

- All Areas 1. Mackenzie County supports the clustering of similar and complementary industrial uses and supports the sharing of information, products and linkages to resource and transportation networks within clusters.*
- All Areas 2. In order to reduce potential land use conflicts, no new residential uses should be permitted.*
- All Areas 3. The County should encourage orderly sequences of development, following a contiguous pattern consistent with the economical use and extension of existing services.*
- All Areas 4. Development should maintain the natural drainage pattern of the land to reduce impacts from development. A Stormwater Management Plan may be required for any development.*
- All Areas 5. Detailed biophysical, geotechnical, hydrological, and similar studies have not been completed as part of this high level planning process. The County should consider requiring such studies along with applications for development.*
- All Areas 6. Developers should be encouraged to retain existing trees during design and development in order to maintain environmental habitat and local landscapes, particularly in buffer areas and along Highway 35.*
- All Areas 7. A Historic Resource Impact Assessment may be required prior to development. All development proposals should be referred to the Historic Resources Management Branch for review and may require an application for Historical Resources Act clearance.*
- All Areas 8. Outline Plans should be generally consistent with the Land Use Concept; however:*
- 1. They may deviate from the Land Use Concept provided the objectives of the Plan are maintained.*
 - 2. They may deviate from the affected Land Use Concept when a site specific constraint is identified that requires a change.*
 - 3. Amendments to this Plan may be required.*

3.2 General Industrial

The Plan is designated for General Industrial which is intended to provide for the development heavy industrial uses in an area that is free from potentially conflicting land uses.

This Plan is intended to be developed with heavy uses such as manufacturing, processing, assembly, distribution, service and repair that are suitable in areas without proximate residential uses. Extensive sales and retail uses should not be developed in the Plan to avoid competition with High Level. Other appropriate uses may include contractor's business and yard, outdoor storage, oil and gas services and warehousing and similar uses.

3.2.1 General Industrial Area Policies

- General Industrial 1. Heavy industrial uses may consist of activities that generally require a large amount of land for outdoor storage space and structures and may or may not conduct industrial activities outdoors. Examples of these uses include heavy manufacturing, oilfield services, construction, warehousing, and outdoor storage yards. These uses are expected to emit odours, noise, particulate matter and light due to the character of their operations that can cause negative impacts on nearby sensitive land uses.*
- General Industrial 2. Sales and retail uses should not be developed in this area unless they are secondary to an industrial use and the sales or retail is business-to-business.*
- General Industrial 3. Industrial uses should be developed in a manner that minimizes the potential impacts on adjacent or nearby properties. Methods to ensure industrial developments do not negatively impact adjacent properties and roadways may include the construction of landscaped berms, architectural treatments, landscaping and fencing, distance separation, and the retention or planting of native vegetation and onsite treatment of stormwater.*
- General Industrial 4. Landscaping buffers should be required adjacent to Highway 35. A buffer should be of sufficient depth and massing to screen views from passersby and to maintain the rural character of the area.*
- General Industrial 5. The construction of landscaped berms on the boundary of industrial lands may be required to act as a visual and noise buffer.*
- General Industrial 6. The County should encourage the development of industrial land uses within the Plan area that can benefit from the use of the existing CN railway.*

3.3 Natural Areas and Open Space

Open spaces, both formally landscaped and natural, are essential components to the physical structure of the Land Use Concept. Open spaces can add to and also help retain the rural character of the Plan area as development takes place. The benefits that can be achieved with Open Space include:

- Lending rural character to the industrial development.
- Visual transition and noise/odour buffering between uses.
- Habitat and corridors for local wildlife.

At the time of development or subdivision, natural areas may be identified through the preparation of technical studies and reports prepared by qualified professionals as required by the County and paid for by the developer. Where suitable, natural areas should be dedicated as Environmental Reserve or Municipal Reserve, or protected through similar measures.

3.3.1 Natural Area and Open Space Policies

- Natural Areas 1. In accordance with the provisions of the Municipal Government Act, upon subdivision of any land within the Plan the County should require that any portion of lands that meet the definition of Environmental Reserve as outlined in the MGA be dedicated as Environmental Reserve or otherwise protected.*
- Natural Areas 2. Any land within the Plan that becomes subject to an Environmental Reserve Easement should remain in its natural state in accordance with the provisions of the Municipal Government Act.*
- Natural Areas 3. Mackenzie County should require the 10% of Municipal Reserve entitled to the County for subdivisions within the Plan area in accordance with the Municipal Government Act as land or cash-in-lieu.*
- Natural Areas 4. Mackenzie County may consider the deferral of Municipal Reserve dedications to other lands owned by the same developer.*

3.4 Stormwater, Water and Wastewater Servicing

Stormwater, water and wastewater facilities identified in this Plan are conceptual, and therefore it is anticipated that landowners and developers will address detailed future servicing options for land use developments within the Plan area using Outline Plans and development and subdivision applications. It is anticipated that developments in the Plan area will be serviced by on-site water and wastewater and that stormwater management facilities will be incorporated into site development and subdivision design. The County will work with developers to extend water services to their properties. The intent is that all development has the opportunity to connect to municipal services when they are available or can be made available.

3.4.1 Water and Wastewater Servicing Policies

- Servicing 1. On-site water and wastewater services should be provided where municipal services cannot reasonably be extended. Truck in/out services is also acceptable.*
- Servicing 2. The County may require existing developments to connect to public water and wastewater services when they are available.*
- Servicing 3. The County should require that all development be serviced by onsite water and sanitary systems, until municipal services are available and cost effective.*
- Servicing 4. A servicing study may be required to be completed prior to the development of any lands.*
- Servicing 5. Developers are encouraged to explore the most cost efficient servicing options available.*
- Servicing 6. The County may consider the development of private common water and waste water systems developed and operated at the cost of the developer.*
- Servicing 6. Onsite fire suppression needs should be provided for the industrial site by the developer.*

3.4.2 Stormwater Servicing Policies

- Servicing 7. A stormwater management plan may be required for all new industrial developments.*
- Servicing 8. The stormwater management plan should encourage the design of landscaping that reduces the need for water and incorporates alternative designs that promote water conservation.*
- Servicing 9. Stormwater management facilities (SWMFs) should be incorporated in the initial planning stages for any portion of the Plan area and be designed to improve water quality and to control runoff from future development.*
- Servicing 10. SWMFs should be designed to avoid the impact of sources of pollution from entering existing stormwater systems, drainage courses and natural areas.*
- Servicing 11. Developments should strive to retain stormwater on-site and discharge at a post development rate that does not exceed pre-development release rates.*
- Servicing 12. Naturally occurring wetlands and low-lying areas are preferred as locations for stormwater retention facilities however locations for SWMFs are subject to provincial legislation, regulation, policy and procedures.*
- Servicing 13. All design and installation of SWMFs should be in compliance with provincial legislation, regulation, policy and procedures.*
- Servicing 14. All costs associated with construction of stormwater facilities shall be borne by the developer.*
- Servicing 15. All costs associated with the maintenance of SWMFs should be borne by the benefitting developers.*

3.5 Shallow Utilities

It is anticipated that more detailed land use and subdivision plans will be completed in the future that identify specific shallow utility design and requirements. Northern Lights Gas Co-op and ATCO are the main utility service providers in the Plan area.

3.5.1 Shallow Utilities Policies

- Shallow Utilities 1. The County will work with utility providers to ensure production and capacity for power and natural gas services are not a constraint to development.*
- Shallow Utilities 2. The cost of installing and providing utility infrastructure and services on-site should be borne by the developer / landowner.*
- Shallow Utilities 3. A developer may be required to provide rights-of way for shallow services.*
- Shallow Utilities 4. Development should not be rejected based on the absence of power and natural gas services.*

3.6 Roads and Access

Due to the variety of potential development types, future transportation networks both within the Plan area and connecting to adjacent lands need to be able to accommodate a wide variety of vehicles, volumes and traffic use patterns. The Land Use Concept and Figure 5: Roads and Access describes how current, upgraded and new roadways can service existing and planned developments.

In general, the roads and access networks in the Plan area should be designed to accommodate safe, effective and efficient transportation patterns. Road crossings of the railway will require approval from CN Rail and the County should seek this approval. Uses may benefit from proximity to the High Level Airport.

3.6.1 Roads and Access Policies

- Roads and Access 1. All roadways, intersections and accesses should be developed to Mackenzie County standards.*
- Roads and Access 2. The County should require all benefitting developers to contribute proportionally to the cost of road upgrades and rail crossings.*
- Roads and Access 3. The County should work with Alberta Transportation and other relevant agencies to incorporate a dangerous goods route that can adequately serve planned developments.*
- Roads and Access 4. The County may consider deviation from the Plan's road and access network if the deviation is to avoid creating isolated undevelopable parcels, enable safer intersection design, or achieve an identifiable better outcome.*
- Roads and Access 5. The County should promote the High Level Airport as an important transportation feature of the region.*
- Roads and Access 6. The County should work with developers and CN Rail in the Plan area to provide safe and efficient road crossings of the existing railway.*
- Roads and Access 7. The County should promote the CN Rail network as a key regional transportation connection and explore opportunities to provide a spur track for access to rail transport for uses within the Plan.*

3.6 Fire Smart

As development takes place, it will be important to ensure that emergency preparedness and fire prevention is incorporated into the site design of future industrial businesses.

The proximity of the Plan to existing natural areas, combined with the presence of densely treed areas throughout the Plan highlights the fact that forest fires are a real and tangible threat. The ability of local emergency services to provide effective fire protection is dependent, in large part, on future development patterns and onsite preventative measures.

3.6.1 Fire Smart Policies

Fire Smart 1. Mackenzie County should require developers to prepare an emergency preparedness plan as a part of a subdivision or as part of an Outline Plan for multi-lot industrial subdivisions and also for individual industrial development as appropriate. This plan should address applicable recommendations contained in the *Fire Smart Guide Book for the Oil and Gas Industry*, produced by the Alberta Partners in Protection, including:

- Vegetation removal/conversion/reduction;
- Siting and orientation of buildings;
- Siting and orientation of flarestacks;
- Siting and orientation of power lines;
- Siting and orientation of roads and emergency routes;
- External building materials (i.e. siding and roofing materials);
- Storage of flammable materials; and,
- Notification and communication with applicable provincial, municipal and emergency response agencies.

Fire Smart 2. Developers may be required to prepare an emergency plan as part of a subdivision plan, Conceptual Plan, Outline Plan, or similar plan for residential and community uses. The emergency plan would address recommendations in the *Fire Smart: Protecting your Community from Wild Fire* manual published by Partners in Protection.

4 Implementation

The implementation strategy addresses planning processes and development sequence for the Plan area.

4.1 Implications for Other Municipal Plans and Bylaws

The Plan has been prepared to be generally consistent with the MDP. To achieve consistency between plans and existing policy documents, the following is required:

- Amend the MDP to re-designate the Plan area to Rural Industrial.
- Amend the Land Use Bylaw to reflect any differences between the Land Use Concept and the current land use districts. A delay in completing this task runs the risk of an increase in country residential development during the interim, increasing the opportunity for land use conflicts.

4.2 Outline Plans

The Plan addresses future development in conceptual terms. Prior to development, and at the discretion of the County, an application for subdivision and development may require the preparation of an Outline Plan or similar planning mechanism. The boundary of future Outline Plans should be based on good planning practice and not necessarily land ownership.

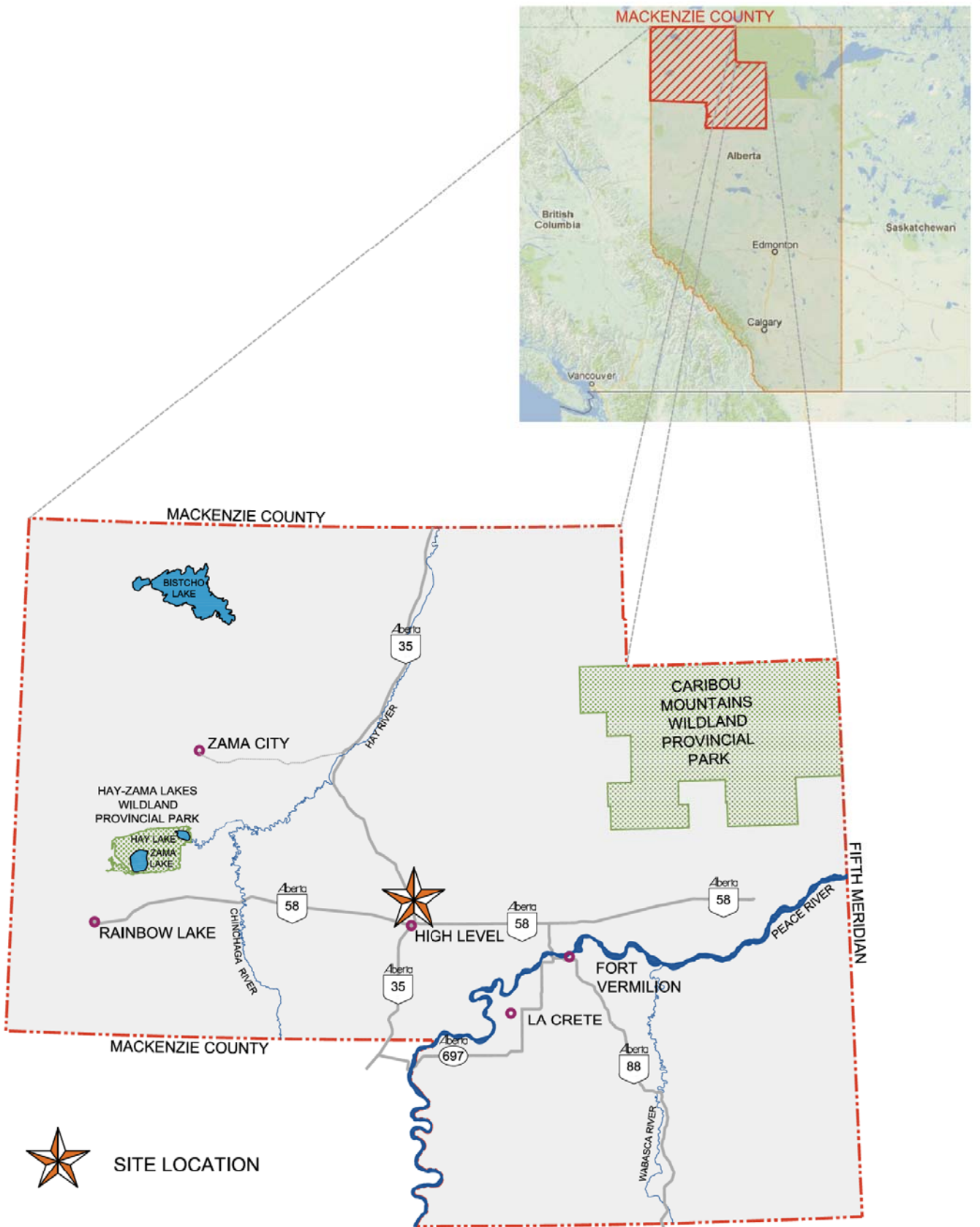
4.3 Municipal Reserve

Mackenzie County requires that 10% of all subdivision areas be dedicated as Municipal Reserve, in accordance with the provisions of the Municipal Government Act. To create a complete and functional community, cooperation and a strategy is required to ensure that Municipal Reserve is located in appropriate locations to serve future residents. To accomplish this where there are multiple land owners in an area, it is often necessary for some land owners to have to provide more than their share of the 10% reserve dedication, while others are requested to pay 'money in lieu' of dedicating land to compensate those land owners who provided the land so that in effect every developer makes a similar contribution of 10%. The County should take Municipal Reserve dedications through the cash-in-lieu option of the land is not required. These funds should be used for new or upgraded recreation facilities in nearby areas of the County.

4.4 Conceptual Development Sequence

Conceptual Development Sequencing is shown in Figure 6. Development staging should follow a general practice of contiguous expansion and it is anticipated that future development will generally occur in areas adjacent to existing industrial developments and major transportation corridors. However, while the various industrial Plans being developed concurrently provide a large amount of industrial land supply throughout the County, the sequencing and extent of development within the boundaries of this Plan will largely be governed by the market demand for industrial land locally. Therefore, non-contiguous development may be considered, provided the developer pays for service extension costs to the satisfaction of the County.

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SITE LOCATION

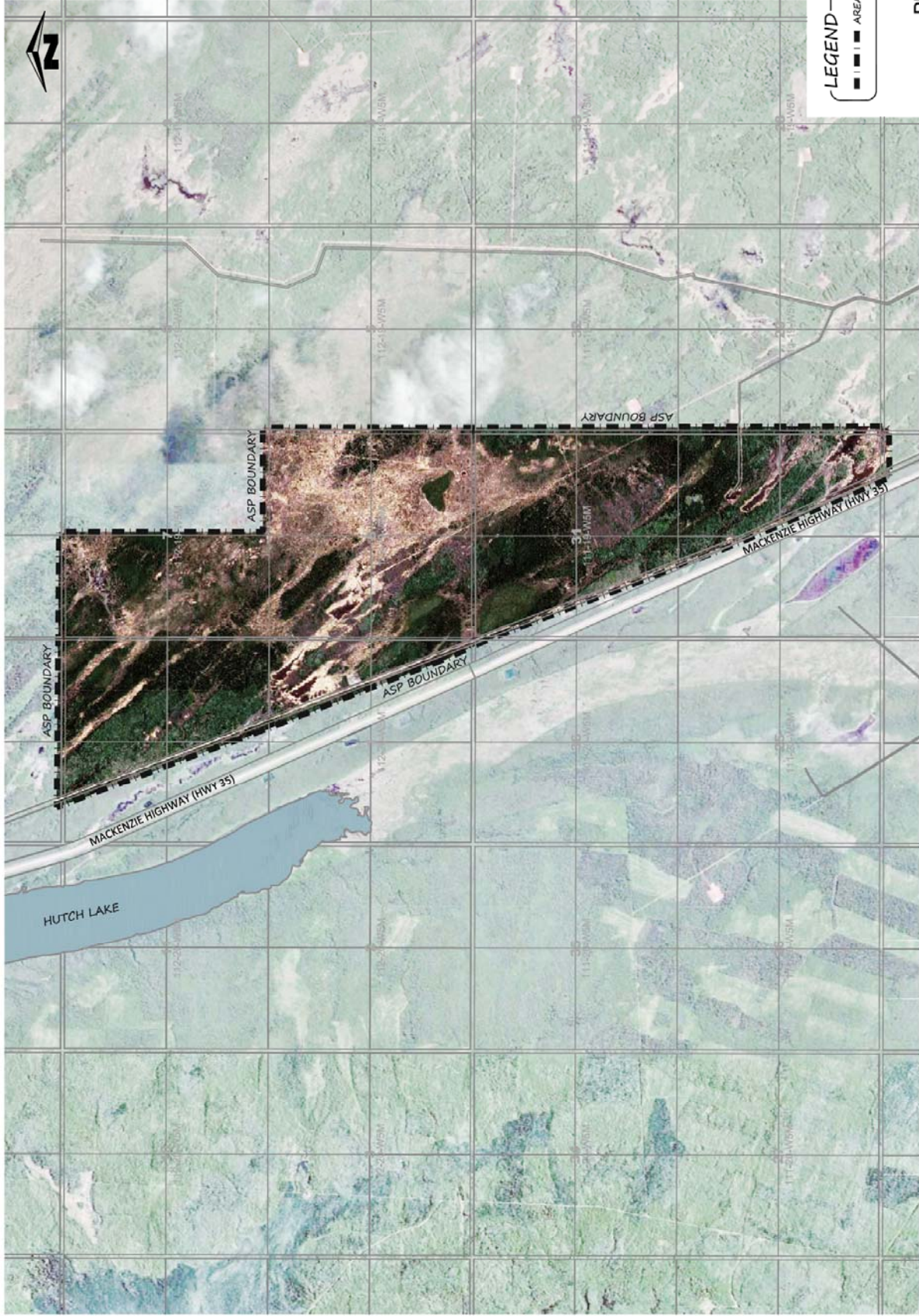


FIGURE 2
 PLAN BOUNDARY
 FOOTNER INDUSTRIAL ASP
 NOT TO SCALE
 MARCH 2013

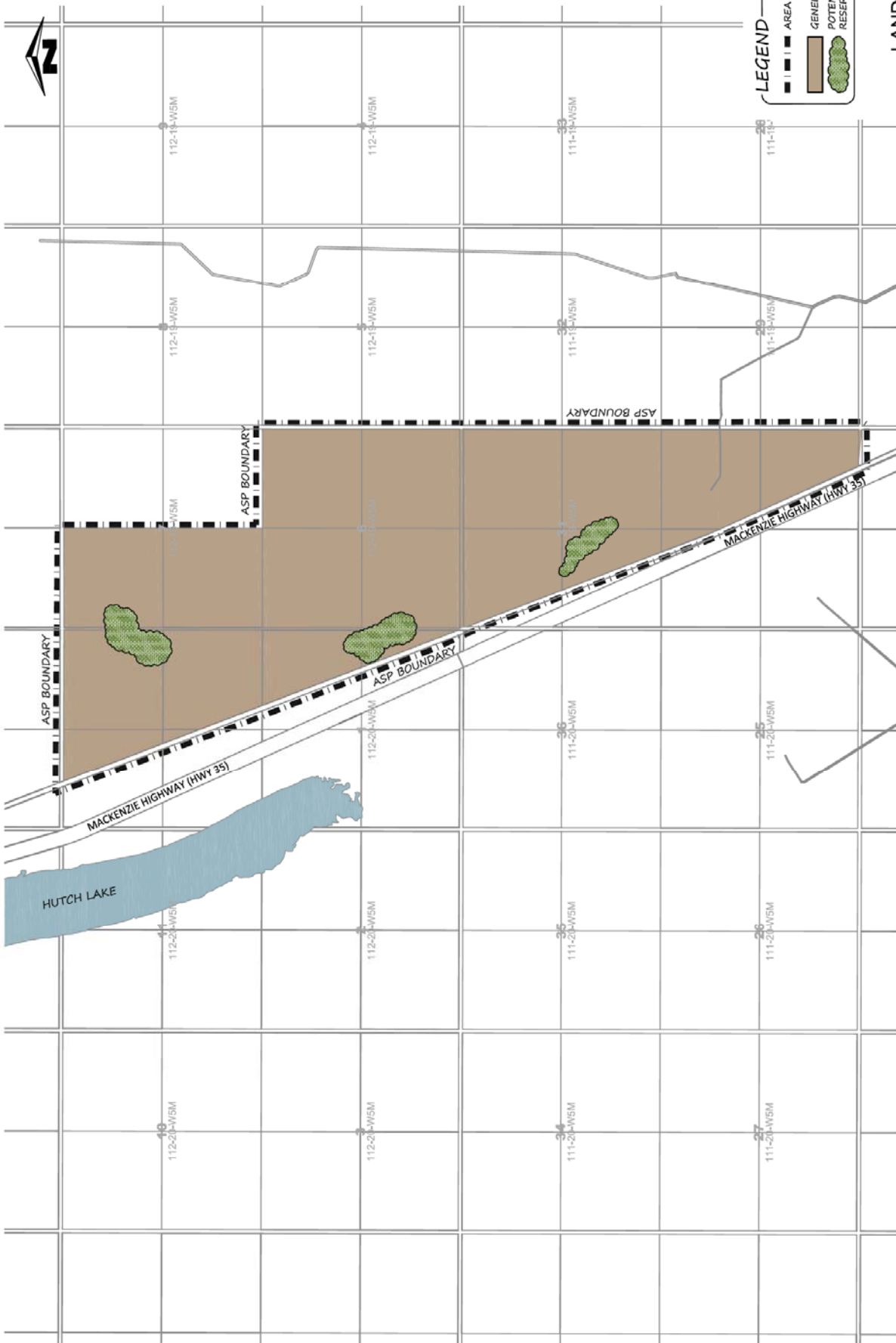


FIGURE 4
LAND USE CONCEPT
FOOTNER INDUSTRIAL ASP
 NOT TO SCALE
 MARCH 2013



FIGURE 6
DEVELOPMENT SEQUENCING
 FOOTNER INDUSTRIAL ASP
 NOT TO SCALE
 MARCH 2013