

# Conceptual Scheme

For a portion of SE 16-52-14-W4  
County of Minburn No. 27



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## **1.0 Purpose, Scope and Background**

### **1.1 Purpose, Scope and Location**

This Conceptual Scheme (CS) is intended to provide support, context and rationale for applications for a Land Use Bylaw amendment, proposed plan of subdivision and development permit for the northwesterly part of the Conceptual Scheme Area. Its purpose is to describe how the subject property is to be used, subdivided and developed.

The purpose of these approvals is to enable the development of a federally licensed marijuana production and processing facility (the facility) and supporting infrastructure on the parcel to be subdivided in the northwest portion of the CS area.

This Conceptual Scheme (CS) applies to the westerly portion of SE 16, Township 52, Range 14 west of the Fourth Meridian lying to the west of the CN Rail line.

The Conceptual Scheme Area is located within the County of Minburn No. 27 just east of the Town of Vegreville. Its western boundary is 800 metres (.5 mile) east of the most easterly boundary of the Town of Vegreville. It is located north of Township Road 522 and Provincial Highway 16 and between Range Roads 143 and 144 (Figure 1).

### **1.2 Conceptual Scheme Boundary**

More specifically, the Conceptual Scheme applies to that portion of SE 16, Township 52, Range 14 West of the Fourth Meridian lying

- west of Plan 6451R, the legal plan for the CN Rail line which runs southwest/northeast across the eastern third of the quarter section, and
- southwest of the boundary of the proposed subdivision for GrainsConnect Canada Operations Inc. grain terminal that was given conditional approval by the County of Minburn No. 27 on April 18, 2017 (Figure 2).

### **1.3 Conceptual Scheme Area - Land Holding and Subdivision Pattern**

The CS Area includes the land in SE 16 within Certificate of Title 122 074 078+3, and excludes lands east of the CN Rail line (Plan 6451R). It also excludes the lands in the approved subdivision of the northeast portion of SE 16 for the future grain terminal.

The following plans within SE 16 are excepted from the title (Table 1):

- Right of Way Plan 6451R, the CN Rail line,
- Plan 832 2833, the former pea plant site located east of the CN Rail line, and
- Plan 902 0259, a narrow portion of land to provide widening of the right of way of Highway 16.

This leaves a titled area of 55.49 hectares (137.24 acres) within SE 16. With the exclusion of the above-mentioned lands, the CS Area is 29.96 hectares (74.03 acres) in extent.

**Table 1 – Land Area – SE 16 and Conceptual Scheme Area**

<b>Area</b>	<b>Hectares</b>	<b>Acres</b>
Area in Title 122 074 078+3 in SE 16	64.7	160
Less: Exceptions from Title:		
R/W Plan 6451R - CN line	2.75	6.80
Plan 832 2833 - former pea plant site	5.84	14.43
Plan 902 0259 – road widening – Highway 16	.62	1.53
Total area of exceptions	9.21	22.76
Balance in Title after exceptions	55.49	137.64
Less: Approved Subdivision – future inland grain terminal	15.01	37.09
Balance in Title less approved subdivision	40.48	100.03
Less: Land in Title east of CN line (Plan 6451R)	10.52	25.99
Conceptual Scheme Area: Balance of land in Title west of CN Line, excluding approved subdivision for grain terminal	29.96	74.03
Proposed Subdivision Area	11.07	27.35
Residual Conceptual Scheme Area after subdivision	18.89	46.68

The proposed plan of subdivision in the northwest portion of the CS Area comprises 11.07 hectares (27.35 acres). This will leave 18.89 hectares (46.68 acres) within the residual portion of the CS Area.

## **2.0 Statutory Context**

### **2.1 County of Minburn No. 27 Municipal Development Plan (MDP)**

The MDP has several important implications for the CS Area.

First, the MDP enables the County to require an Area Structure Plan or Conceptual Scheme to “*provide more detailed planning direction in specific areas*” (Policy 2.11.13). A Conceptual Scheme is to be prepared by a qualified professional. A Conceptual Scheme must conform to the purpose and intent of the MDP (Policy 3.11.14). Appendix 02 of the MDP also provides generic terms of reference for the preparation of a Conceptual Scheme.

Second, the MDP designates the CS Area for a future ‘Joint Area Structure Plan’ with the Town of Vegreville (MDP, Map 10, *Urban Municipalities*). This designation applies to all of Section 16, as well as to the eastern half of Section 17 and that portion of Section 9 lying north of the CN rail line.

Third, the MDP states clear objectives to encourage appropriate economic development. Specific objectives, as stated in Section 3 are:

- *“To expand and diversify the economic base of the County.*
- *To encourage the development of appropriate industrial and commercial uses which provide increased tax assessment and employment opportunities of residents.*
- *To minimize conflicts between industrial/commercial uses and adjacent land uses.*

- *To ensure that industrial and commercial developments do not interfere with the functional integrity of highways.”*

The proposed development aligns favourably with these objectives.

Fourth, the proposed development also aligns with two specific industrial development policies:

- Policy 3.4.1. *“The County should attract industrial developments for which it is well suited and offers a locational advantage.”*
- Policy 3.4.2. *“The County shall encourage the creation of rural industrial parks in order to provide rural industrial development opportunities in a manner that concentrates rural industrial development, rather than scatters it, and minimizes conflicts with adjacent land uses and facilitates the economic provision of services (including roads)”.*

## **2.2 County of Minburn No. 27 and Town of Vegreville Intermunicipal Development Plan (IDP)**

The CS area is located within the joint IDP Area. The IDP is a joint statutory plan, adopted by both the County and the Town. It applies to land in the County extending a mile or two in each direction from the Town boundaries. The IDP also includes some lands within the Town.

As in the County’s MDP, the CS Area is identified as part of the larger future Area Structure Plan for industrial use on the east side of Vegreville. According to the IDP (Policy 3.10.1),

*“The County and Town agree that the preferred direction for long-term growth of the industrial land uses is to the east.”*

The IDP also supports a connection to the regional water line. Policy 3.12.1 states that

*“The County, as a partner in the ACE waterline, will support waterline connections for uses that are consistent with the policies of this IDP.”*

As with the MDP, economic development policies support a collaborative approach to the economic development of the CS Area.

Policy 3.18.1 identifies a number of stakeholders that will collaborate on economic development in the IDP Area.

*“With the IDP as a framework for future land use and development in the area, the County and Town will continue to collaborate with the Vegreville and District Chamber of Commerce, the Vegreville Economic Development board, and Alberta Innovates Technology Future (AITF) on economic development in the area.”*

Further, Policy 3.18.2 identifies the IDP Area's assets for attracting new growth and development, with the statement that:

*"The focus of collaboration will be on supporting expansion of existing development, and attracting new growth and development to support future job growth and diversification of employment opportunities in the area. Emphasis will be placed on the area's assets and advantages:*

- i. Intermunicipal co-operation between County and Town*
- ii. Educated, skilled workforce*
- iii. Regional commercial, medical and professional services*
- iv. Transportation linkages, i.e. Highway 16, CN Rail, regional airport*
- v. Servicing capacity, i.e. regional water, sewage lagoons*
- vi. Proximity to the Capital Region"*

Clearly, the proposed development supports, complements and aligns with these policies.

## **2.3 County of Minburn No. 27 Land Use Bylaw**

### **2.3.1 Current and Proposed Designation – Facility Site**

The CS Area, along with the balance of SE 16 and all of NE 16 is designated as RI – Rural Industrial District (Figure 3). 'Agricultural Processing Industry' is a permitted use. This use would cover the processing function of the proposed facility, but there will also be other functions provided such as growing, producing, processing, packaging, testing, storing, destroying, sorting or shipping of licensed marijuana.

Growing and producing are not listed as a permitted use in the RI District, but would be covered under the land use classification for 'Intensive Agricultural Production', which is available in the A – Agricultural Land Use District but not in the RI – Rural Industrial District.

Therefore an amendment to the Land Use Bylaw is required. It is proposed that the subdivided facility site will be re-districted to a Direct Control District to enable Council to maintain 'particular control' over the development as provided for in Section 641 of the *Municipal Government Act* in a way that a no standard Land Use District can. A Direct Control District is 'tailor made' for the specific circumstances of a development and may allow for specific direction and/or regulation to reflect its unique characteristics.

The proposed Direct Control District is to be named MPF – DC – Marijuana Production Facility Direct Control District for consistency with other Direct Control Districts in the County. It is based on the RI Rural Industrial District with the addition of 'Intensive Agricultural Production' as a permitted use. Also, a definition of a marijuana production and processing facility is included as a permitted use in the MPF – DC – Marijuana Production Facility Direct Control District to ensure that all aspects and functions of the proposed facility can be accommodated.

The text of the proposed MPF – DC – Marijuana Production Facility Direct Control District has been placed in Appendix B for reference.

### **2.3.2 Land Use Bylaw Designations - Surrounding Area**

As stated above, the RI - Rural Industrial designation applies to all of SE and NE 16. NE 16 has an additional 'Vegreville Airport Vicinity Protection (AVPA) Overlay' added to the RI designation. Lands to the east (Section 15) are designated A - Agricultural, as are lands to the southeast (NE 10) and that portion of Section 9 south of Highway 16 (Figure 3).

DC - Direct Control applies to SW 16 and the portion of Section 9 north of Highway 16. NW 16 is designated A - Agricultural with the addition of the AVPA Overlay.

### **2.4 Public Highways Development Act P-38 RSA 2000**

A Roadside Development Permit is required for development within 800 metres (.5 mile) of the centre point the intersection of a public road and a highway and within 300 metres (985 feet) of the right of way of a highway.

Portions of the proposed development within the CS Area may be with these distances; an application for a Roadside Development Permit will be made along with these applications.

### **2.5 Access to Cannabis for Medicinal Purposes Regulations (ACMPR)**

The proponent has made an application to Health Canada for a license to produce and sell marijuana and marijuana products to the public for medicinal purposes.

### **2.6 Compliance Summary**

The proposed applications align with and are supported by the statutory and regulatory documents identified in the preceding sections.

## **3.0 Conceptual Scheme Area – Site Analysis**

### **3.1 Topography**

The topography of the CS Area displays a gentle overall slope from southeast to northwest (Figure 4). The highest elevation is 647 metres (2123 feet) at the CN Rail line descending to 639 metres (2097 feet) at the extreme northwest corner of SE 16. This represents overall relief of about 8 metres (26 feet) within a horizontal distance of about 650 metres (2130 feet) resulting in an overall gradient of about 1.2 per cent.

However, there is a shallow swale trending northeast to southwest in the west central portion of the CS Area. This swale is occupied by a forest/wetland complex that is the subject of later discussion. There is a corresponding slight ridge to the north and northwest of the forest/wetland complex rising one or two metres (3.3 to 6.6 feet) above it. From the top of the ridge the land descends from an elevation of 643 metres (2110 feet) to 639 metres (2097) over a distance of about 250 metres (820 feet) providing an overall gradient of about 1.6 per cent. From the ridge to the west property line, the gradient exceeds 2.0 per cent. These slopes provide positive drainage and are definitely suitable for development.



Because of these favourable slopes, the lands north and west of the forest/wetland complex were considered to be the most desirable lands for the proposed facility.

The land in the southern portion of the CS Area is quite level, with barely a metre's difference in elevation between the eastern and western site boundaries along the southern boundary.

### **3.2 Drainage**

Overland drainage follows site topography from southeast to northwest. Two unnamed water courses are shown to traverse the CS Area from east to west. These are shown on the County's mapping system and also on the Fisheries and Wildlife Management Information System (FWMIS) as ID 44797 and ID 44740.

However, "*these two features were field verified and determined to be drainage pathways and not watercourses*" according to the draft *Biophysical and Wetland Assessment and Impact Report (WAIR)*, prepared by GreenPlan Ltd., Environmental Consultants in August, 2017. The *Wetland Assessment* was intended to inform the CS and its associated applications with regards to the characteristics and significance of wetlands on the site.

The southern portion of the CS Area has a number of small, shallow 'potholes' with internal drainage basins. These low areas have been evaluated in the *Biophysical and Wetland Assessment and Impact Report*. They pose a minor challenge to the development of this portion of the CS Area.

The forest/wetland complex referred to earlier receives run-off from adjacent areas. Although it has no apparent outlet, topography indicates that at some point in the past it joined the Vermilion River. More information on these wetlands is presented in Section 3.4.

### **3.3 Soils**

The soils within the CS Area comprise two types. The majority of soils have been formed on better drained glacial till surficial deposits. Their texture is varied, with loamy soils predominating. Some are solonetzic, that is, somewhat saline. These soils have a Canada Land Inventory (CLI) classification of a mixture of Class 3 and Class 4 on a rating system from Class 1 to Class 7, from best to worst respectively. Class 3 and Class 4 soils have moderate to severe limitations for agricultural production.

The second type of soils has formed in wetland areas and comprises about 10 per cent of the CS Area. They are characterized as Orthic Humic Gleysols and have limited (Class 5) agricultural potential due to saturation and high water table. The *Biophysical and Wetland Assessment and Impact Report* contains detailed information on the characteristics of these wetland soils.

Generally, the Class 3 and 4 soil complex occupies the upland area, while the Class 5 soils occupy the wetlands.

### 3.4 Biophysical and Wetland Resources

The *Biophysical and Wetland Assessment and Impact Report (WAIR)* prepared by GreenPlan Ltd. is intended to

- identify and evaluate the biophysical resources and wetlands of the CS Area, and
- classify wetlands as to their relative value.

The *Assessment* provides a basis and rationale for strategies such as avoidance, minimization or replacement to address possible wetland impacts.

The *Assessment* employed a variety of approaches including a review of a number of environmental data bases, review of 21 historical air photos for initial identification of potential wetlands, identification of relevant regulatory instruments, and a field survey of potential wetlands, noting site conditions, species composition, moisture and soil conditions, level of disturbance and other significant environmental parameters. The field survey was conducted on July 14, 2017.

Twelve potential wetlands were identified, evaluated, delineated and classified according to the Alberta Wetland Classification System (Figure 5 and Table 2).

**TABLE 2 - WETLAND CLASSIFICATION**

Wetland	Classification	No.	Area
W2	Temporary Marsh	1	1.00ha /2.47 ac
W12	Shallow open water	1	0.30ha /.74 ac
Wetlands 3,4,5,6,7,8,10,13	Temporary marsh	8	0.02 ha to .21ha /.05 ac. to .52 ac.
W7 W9	Ephemeral	2	0.01ha to .18ha/.025 ac. to .44 ac.

Source: Adapted from *Biophysical and Wetland Assessment and Impact Report (WAIR)*, prepared by GreenPlan Environmental Consulting, August, 2017

The wetlands cumulatively cover about 2.16 ha/5.34 ac. or about seven per cent of the CS area.

The conclusions and recommendations of the *Assessment* are summarized as below.

- Wetland W2 is the largest of the wetlands. It forms the heart of the forest/wetland complex which is the dominant natural area within the CS area. A minimum setback of 19 metres (62 feet) will be retained around the northern and western perimeter of Wetland 2 (Figure 6). No development is proposed along the southern and eastern perimeter.
- Wetland W12 is the second largest of the wetlands. A minimum setback of 18 metres (59 feet) will be retained around the northern and western perimeter of Wetland 12. Development is not proposed along the southern and eastern perimeter.
- Wetlands W1, W3, W4, W5, W6, W7, W8, W10 and W13 are not within the area of proposed development at this time, thus avoiding direct and indirect impacts.
- Wetland W9 is within, but at the edge of, the parcel to be subdivided. It is ephemeral and is the smallest of the wetlands. Development is not proposed near Wetland W9. However, if some

direct or indirect impacts to the wetland were to occur, the appropriate minimization or compensation strategies would be required.

- An additional 10 m setback from the deciduous tree line or top-of-slope is also recommended. Where this is not feasible, as in the case of the proposed access road west of Wetland W12, the *Wetland Assessment* recommends that *“tree and shrub vegetation be established, to protect wetland habitat. A mixture of deciduous and coniferous trees plus shrubs is ideal because it provides all so the vertical profile of protection is more complete”* (*Wetland Assessment*, Section 8.0, p. 68).
- The *Wetland Assessment* concludes that *“given that the proposed works will not occur within the wetlands, and potential indirect effects will be mitigated by the retention of a wetland buffer and maintenance of pre-development overland flow, the likelihood of negative impact in terms of loss, disruption or alteration of the wetlands or associated aquatic habitat as a result of the proposed development, is considered low”* (*Wetland Assessment*, Section 8.0, p.68).

The stormwater management plan to be prepared for the Development Permit should address the possibility of run-off being directed into either Wetlands W12 or W2. An avoidance strategy would be preferred. However, discharging run-off into any wetlands would require approval under Alberta’s *Water Act*.

In conclusion, the *Assessment* demonstrates that, with the exception of the forest/wetland complex, wetlands do not constitute any significant development constraints to the proposed development and any potential issues associated with the forest/wetland complex that contains Wetlands W12 and W2 will be avoided, minimized or mitigated.

### **3.5 Existing Land Use – Surrounding Area**

The CS Area is surrounded by agricultural land to the north, northeast, east, northwest and west.

However, land immediately north of the CS Area is intended to accommodate a new high throughput grain terminal and looped rail spur. This future site will occupy all of NE 16 and the northeast portion of SE 16 that was approved for subdivision by the County of Minburn. This subdivision and future development will preclude a roadway connection between the CS Area and Range Road 143 to the east.

The Town’s sewage lagoons are located to the north of Section 16, with the Town’s landfill located on the far side of the lagoons. The lagoons are more than 800 metres (1760 feet) from the northern limit of the CS Area. They provide an opportunity for the disposal and treatment of wastewater.

The balance of the quarter section southeast of the CN rail line outside of the CS Area comprises agricultural land and a subdivided parcel that is the site of a former pea processing plant. That site is now occupied by storage facilities and three former lagoons.

The lands further east are agricultural, with three farm residences located more than 500 metres (1640 feet) from the southeast boundary of the CS area, along Highway 16 and Range Road 143 as shown in Figure 3.

To the west, the easterly half of SW 16 is pasture land with scattered poplar bluffs, as is land to the south and southwest, north of the CN line. The westerly half of SW 16 is crop land. As mentioned earlier, lands to the west have been identified for a future Area Structure Plan for industrial and commercial use.

Thus, the development of the proposed facility would pose no land use conflicts with existing or future development.

### **3.6 Existing Land Use – Conceptual Scheme Area**

#### **3.6.1 General Patterns of Land Use**

The CS Area comprises approximately 29.96 hectares (74.17 acres). The majority of the land is under agricultural production, with a hay crop being produced in 2017. A number of small residual wetlands are located throughout the agricultural lands. Most have been cultivated, but have been identified as wetlands by the *Biophysical and Wetland Assessment and Impact Report*.

The forest/wetland complex identified earlier occupies about 5.6 hectares (13.8 acres) of land in the west central portion of the site. This complex has a southwest to northeast orientation. The two wetlands at its centre are the two most significant wetlands within the CS area, as identified and evaluated by the *Biophysical and Wetland Assessment and Impact Report*.

#### **3.6.2 Abandoned Gas Well**

An abandoned gas well is located about 50 metres (165 feet) northeast of the forest/wetland complex. It is identified as Well 0047571 on the Alberta Energy Regulator's (AER) Abandoned Well Map. The Alberta Energy Regulator's 'Environmental Site Assessment Repository' (ESAR) provides the following information about this abandoned well.

- A Survey Plan for the well site and access road was prepared for Mesa Warwick on October 2, 1973.
- The well site survey plan occupied an area of .85 hectares (2.09 ac) while the access road from Township Road 522 to the south also occupied an area of .85 hectares (2.11 ac).
- The well was drilled and subsequently abandoned and the site and access road were restored prior to October 30, 1974.
- A request was made by letter dated October 30, 1974 from the lessee to the Land Conservation and Reclamation Council to conduct an inspection for the purpose of obtaining a Reclamation Certificate, the site and access road having been restored.
- The site inspection was conducted on November 13, 1974 and Reclamation Certificate 13993 was issued on November 13, 1974, stating that the '*surface of the land...was found to be in satisfactory condition*'.

A copy of the survey plan, the reclamation certificate and related correspondence can be found in Appendix A. The survey plan is not registered as a caveat against the title to the property

Information provided by the current lessee BP Canada Energy Group ULC indicates that this was a development well that was drilled to a depth of 783.0 metres (2569 feet). It did not produce any gas, hence it was abandoned.

There is faint visual evidence of the access road on an aerial photograph dated July 26, 1975, contained with GreenPlan's *Wetland Assessment*. However, there is no visual evidence of the road access in the subsequent fourteen sequential photos contained in the *Assessment*. Further, there was no apparent visual evidence of the former well site, according to site inspections conducted by the proponents and their consultants in July, 2017.

Two provincial regulations address setbacks from abandoned wells for purposes of development. The regulations are:

- Alberta Energy Regulator Directive 079 *Surface Development in Proximity to Abandoned Wells*; and
- *Subdivision and Development Regulation, AR 43/2002 (SDR)* as amended to include *AR119/2014*.

Directive 79 states that "*Surface structures on top of an abandoned well are not permitted and a minimum 5 m setback radius around the well must be maintained*" (p. 4).

BP Canada Energy Group ULC has given no indication that there is a need for a greater setback or that an access road would be required.

The SDR requires that applicants seeking subdivision or development approval have identified and considered the locations of abandoned wells. The information in this section and in Appendix A addresses that requirement.

**Further, the applicant has defined the proposed lot to be subdivided so that the abandoned well would be close to the proposed property line and at a considerable distance from the proposed structures.**

### **3.7 Existing Access and Utilities**

The CS Area is bounded on the south by the road allowance of Township Road 522. A track leads from Range Road 144 to the west to a former farmstead 800 metres (.5 mile) to the west of the CS Area. The remaining 800 metres of Township Road 522 to the southwest corner of the CS Area is overgrown with grasses, trees and shrubs.

A three phase power line extends along Township Road 522 right of way from Range Road 144 to Range Road 143, adjacent to the CS Area. A three phase power line also extends along Range Road 143 to the east and may offer an alternate source of power.

The CS Area is located sufficiently close to the Alberta Central East (ACE) regional water line that water service can be extended. The area is also within 800 metres (.5 miles) of the Town of Vegreville's sewage

lagoons. An agreement is being negotiated between the Town and the proponent regarding access to the sewage lagoons. The County has asked that this agreement be included in the development agreement between the proponent and the County.

Finally, gas and telephone lines are in reasonable proximity to the site.

Further discussion of proposed servicing is provided in Sections 5.1 to 5.6. More details will be provided as part of the application for development permit and for inclusion in the development agreement.

### **3.8 Summary – Site Suitability**

The proposed subdivision and development site within the CS Area is suitable for the intended use in consideration of the following factors:

- Designation in the Land Use Bylaw within the Rural Industrial District;
- A location within the direction for future industrial use as identified by the Intermunicipal Development Plan;
- Inclusion within a larger area designated for a future Industrial Area Structure Plan by both the Municipal Development Plan and Intermunicipal Development Plan;
- Favourable topographic and soil conditions – gentle overall slopes to the northwest and Class 3 and Class 4 soils on the upland areas;
- Few physical constraints – Wetland W9 is small and ephemeral while the forest/wetland complex to the south (Wetlands W2 and W12) is excluded from the development area and will experience minimal and mitigable effects from access road construction;
- Access to a public road which, with reconstruction, will provide access via Township Road 522 to Range Road 144 and hence to Highway 16A;
- Proximity to fire protection and policing services;
- Access to extensions of existing utilities: water, sewer, power, gas and communications; and
- More than adequate separation distance from residences to avoid any potential nuisance effects due to noise, lighting or other factors.

## **4.0 Proposed Development**

### **4.1 Proposed Development Area**

Within the CS Area, the proposed facility is to be located on a parcel comprising about 11.07 hectares (27.35 acres) to be subdivided in the northwest corner of SE 16, north of the forest/wetland complex (Figure 7).

The parcel to be subdivided is proposed to be re-districted to MPF – DC- Marijuana Production Facility Direct Control to reflect the particular nature and requirements of the proposed development. The relevant applications accompany this Conceptual Scheme document.

The parcel to be subdivided is defined as follows:

- To the south, by the northerly limit of the forest/wetland complex;
- To the west, by the west limit of SE 16;

- To the north, by the north limit of SE 16 and the southern limit of the subdivision for the future grain terminal; and
- To the east by a north-south line connecting the north and south border.

This location was selected as it has more favourable topography, is more remote from residences and has fewer wetlands than the southern portion of SE 16.

The proposed facility will be located on slightly rising land immediately north of the forest/wetland complex. It will be located about 30 metres (100 feet) from the west property line. This site is large enough to provide flexibility in siting the facility and access road as well as providing for any on-site stormwater management or other facilities if needed.

The facility will be generally oriented east-west and have enough space within the security fence for employee parking as well as loading docks for shipping and receiving. The security fence will have sufficient clearance from the main building to allow for loading/unloading and for the movement of emergency vehicles.

The proposed lot will also extend south in a 30 metre (100 foot) wide 'panhandle' to Township Road 522. This will provide for a private road or driveway to provide access to Township Road 522, the nearest public road. Access to Range Road 143 to the east will no longer be available once the proposed rail spur to the future grain terminal is constructed.

The balance of the site will continue in agricultural production.

As stated earlier in Section 3.4, Wetland W9 is located within the proposed subdivision. However, it is small and ephemeral and will likely be at some distance from the proposed facility. Hence it poses no constraint to development.

## **4.2 Proposed Facility**

The facility itself is tentatively planned to comprise a rectangular building of about 6550 square metres (70500 square feet or 1.6 acres). The building will be surrounded by a security fence that will enclose an area of about 11400 square metres or 1.14 hectares (122,800 square feet or 2.8 acres). These dimensions may change somewhat as further facility design is completed.

Site coverage within the security fence footprint would be about 14 to 16 per cent, depending on the final facility and parcel size. This is well within the 60 per cent maximum site coverage in Section 8.18.5.0 of the proposed MPF – DC – Marijuana Production Facility Direct Control District (Appendix B).

Most of the building will be used for the growing operation. Additional space will be allocated to uses such as plant incubation, secure storage, testing labs, processing and packaging and similar functions. A number of offices will be provided, along with employee services such as kitchen, washrooms, showers and change rooms.

There will be several small outbuildings immediately adjacent to the main building to provide specialized functions such as mechanical systems, back-up electrical systems, composting facilities and/or storage.

The facility will provide jobs for up to sixty (60) employees. Deliveries and shipments will be made primarily by light courier vehicle.

### **4.3 Reserve Lands**

#### **4.3.1 Environmental Reserve**

Under the *Municipal Government Act*, Section 3.8 of the County's Municipal Development Plan, 2016 and Section 11, 'Reserves', of the *Terms of Reference for a Conceptual Scheme*, the County may take Environmental Reserve in the form of a lot or easement to protect environmentally sensitive areas or hazard lands (Policy 3.8.10).

This Conceptual Scheme proposes that Wetlands W2 and W12 and the surrounding forest be identified for Environmental Protection in the Future Land Use Concept, with a proposed area of 3.90 hectares (9.64 acres). The Environmental Reserve or an Environmental Reserve Easement may be dedicated or taken at the time of any further subdivision of the residual portion of the title.

#### **4.3.2 Municipal Reserve**

Similarly, the County may take Municipal Reserves up to 10 per cent of the titled area of a property at the time of subdivision and it is the County's policy to take the full 10 per cent (Policy 3.8.3).

The titled area within SE 16 as indicated in Section 1.3 is 55.49 hectares (137.26 acres). Therefore the County may take 10 per cent of that area less the amount of any Environmental Reserve to be dedicated.

Municipal Reserve may be taken in one of three ways:

- As cash-in-lieu of land, the value of the land being based on the value of pre-development, unsubdivided land;
- As land for the purpose of parks, open space and/or recreation, as stated in the Municipal Government Act and the Municipal Development Plan; or
- Municipal Reserve may be deferred to the next subdivision with a Deferred Reserve Caveat (DRC) registered against the title of the residual parcel.

This Conceptual Scheme proposes the third option, that Municipal Reserve be deferred to the next subdivision with a Deferred Reserve Caveat (DRC) registered against the residual title. The amount of Municipal Reserve would be 10 per cent of the land in the present title less the amount of Environmental Reserve or Environmental Reserve Easement taken as part of the next subdivision.

### **4.4 Transportation, Access and Parking**

Traffic generation will be light. There will be up to 60 employees arriving and leaving the facility. In addition, there will be a few courier trips for the delivery of materials and transport of packaged products by light utility vehicles. There will be few if any visitor trips.



Vehicular access will be provided by re-constructing Township Road 522 east from Range Road 144 to the southeast corner of the site. A driveway or private access road will be constructed north along the west boundary of SE 16 to the facility within the 30 metre (100 foot) 'panhandle' of the proposed subdivided lot.

Both the public and private access roads will be built to County standards, likely a gravel surface and 7.0 metre top. Section 3.4 addresses the potential mitigation measures in relation to the construction of the private access road west of Wetland W2.

Parking requirements will be regulated by Part Six of the Land Use Bylaw or as stated in the Direct Control Land Use District that will be adopted for the facility site subdivision. The parking requirements for industrial uses are one parking space per employee plus spaces for barrier-free parking based on the number of employee parking spots required.

Alberta Transportation has indicated that a Traffic Impact Assessment will not be required, as traffic generation will be relatively light and will not involve heavy vehicles. As stated in Section 2.4, the proposed development will require a Roadside Development Permit from Alberta Transportation.

## **5.0 Infrastructure and Services**

### **5.1 Water Supply**

The operation of the facility will require a steady, reliable source of high quality, potable water. A piped connection is proposed to the regional Alberta Central East (ACE) water line located about three kilometres to the northwest of the proposed facility site. Discussions are underway to confirm the appropriate design, connection and cost arrangements.

It is possible that the water supply may be augmented by run-off from the roof and directed into an on-site cistern for purposes, such as cleaning, that do not require high water quality.

A preliminary estimate is that flow requirements will be in the range of 20 litres per minute.

### **5.2 Wastewater Collection and Disposal**

There are two options for wastewater disposal: (1) a piped connection to the sewage lagoons located 800 metres (.5 mile) to the north, and (2) on-site wastewater treatment or holding tank.

At present, the preferred method is to collect wastewater on-site, treat as necessary to ensure effluent meets or exceeds health standards as required by Alberta Environment and the federal government, and pump it through a pipe connection to the discharge point of the sewage lagoon. Discussions are underway with the Town of Vegreville to negotiate an agreement regarding the required approvals, design, cost and other arrangements. This agreement will then be included in a Development Agreement between the proponent and the County.

Approvals will be required from Alberta Environment for construction and discharge of the wastewater system. Also, an easement will be required from GrainsConnect, the future landowners to the north, who has indicated that they would be willing to accommodate this requirement.

If the on-site treatment or holding tank option is selected, the proposed system will need to meet the requirements of the Alberta *Private Sewage Systems Standard of Practice* prepared by the Safety Codes Council of the Alberta Government in 2005, as well as Appendix Three of the County's Land Use Bylaw – *Private Sewage Systems – On-site Wastewater Treatment Systems*.

It is noted that the County has contracted with Inspections Group Inc. for permitting and inspections of on-site wastewater disposal and treatment systems.

### **5.3 Stormwater Management and Drainage**

Stormwater and snowmelt from the building is proposed to be directed to a perimeter ditch that will convey stormwater to a storm pond located downslope, likely to the northwest, where it will be disposed of by evaporation, infiltration and/or released at pre-development flows.

If it appears desirable from a drainage perspective to direct stormwater to the either of Wetlands W2 or W12 to the south, then the appropriate hydrological and stormwater management studies, as well as approvals under Alberta's Water Act will be required.

A final option is to direct at least some run-off from the roof of the building into a cistern to be re-used within the facility, subject to quality considerations, as mentioned in Section 5.1.

A Storm Drainage Plan will be submitted with the Development Permit Application, as required by Section 2.7.1.6. (d) of the County's Land Use Bylaw, to address stormwater management. Issues to be addressed may include the feasibility of on-site retention and re-use and limiting off-site flows, if any, to pre-development levels.

### **5.4 Power**

A three-phase power line is located within the right of way of Township Road 522 on the south edge of the subject property. A power line will be extended north along the private road access to the proposed facility. An alternate will be to extend power from the grain terminal development to the northeast.

The proposed facility will also have an emergency power generator on site.

### **5.5 Gas**

A gas line will be brought in along the private access road from the nearest line.

### **5.6 Communication**

Telephone and internet connections will be made from the nearest access point.

### **5.7 Protective Services**

Fire protection will be provided through the joint agreement between the County and the Town of Vegreville. The Town's Fire Hall is located approximately 4.5 km to the west. An emergency access road will not be required, subject to the public and private access roads being built to County standards.

The County's fire department has been contacted regarding ongoing fire protection services.

Security is a significant concern for a facility of this type. Health Canada has rigorous criteria for security and a Security Plan has been included in the application under ACMPR.

On-site security provisions will include a security fence, perimeter lighting focussed inward, continuous camera and sensor-based surveillance to detect inappropriate facility access, and other suitable measures.

The local RCMP detachment has been contacted with regard to ongoing policing and security.

## **6.0 Future Land Use Concept**

The Future Land Use Concept for the Conceptual Scheme Area is shown on Figure 8. Its features are described in the following paragraphs, while the land use allocation is shown on Table 3.

### **6.1 Proposed Facility Site – Stage One**

The proposed plan of subdivision will define a parcel of land in the northwest corner of SE 16 between 11.07 hectares (27.35 acres) in size as the site of the proposed facility. This parcel will include a 30 metre (100 feet) wide extension or 'panhandle' south to Township Road 522 to provide access by private road/driveway. The parcel will be re-districted to MPF – DC – Marijuana Production Facility Direct Control, with appropriate setbacks from the proposed property lines, as discussed earlier in Section 2.3.1.

### **6.2 Remaining Land – Stage Two**

Stage Two comprises the land remaining in the title after the facility parcel site is subdivided out. It will have an area of 18.89 hectares (46.68 acres). This land will remain within the RI Rural Industrial Land Use District. The owners intend that this land will remain in agricultural use.

However, in the event of a change of ownership and/or a change of plans, there are several ways to configure this land as a rural industrial park.

First, the residual parcel could serve as a single rural industrial lot, with access provided by a short eastward extension of Township Road 522. As such, it would provide a site for a large, land extensive industrial enterprise.

A second option would be to provide an internal 30 metres (100 foot) 'cul-de-sac' road right of way extending north and northeast from Township Road 522 into the internal portion of the residual site. This would provide for a number of lots 100 to 110 metres (330 to 360 feet deep), the depth being determined by the distance between the CN rail line and the southeast boundary of the future Environmental Reserve Easement for the forest/wetland complex and associated buffer.

Assuming a 100 metre (330 foot) frontage and a large lot at the end of the cul-de-sac, this configuration could provide 7 or 8 lots as shown on the Future Land Use Concept. With the exception of the large lot, all would be in the range of one hectare (2.5 acres) in size.

A right of way lot extending northwest from the bulb of the cul-de-sac could provide a future alternate connection to the production and processing facility.

This second option is illustrated on the Future Land Use Concept (Figure 8).

A third option would be to ‘double up’ or ‘triple up’, the one hectare lots to create larger lots to meet variable land requirements. This is often the practice in industrial parks, where a ‘block shell’ is initially subdivided, only to be re-subdivided later to meet the lot size and shape needs of specific users.

**Table 3 – Future Land Use Areas**

<b>Stage/Future Land Use</b>	<b>Hectares</b>	<b>Acres</b>	<b>Percentage (%)</b>
<b>Stage 1 – Marijuana production and processing</b>	11.07	27.35	36.95
<b>Stage 2 – Rural Industrial</b>	14.92	36.87	49.80
<b>Stage 2 – Environmental Protection</b>	3.97	9.81	13.25
<b>Total</b>	<b>29.96</b>	<b>74.03</b>	<b>100.00</b>

Servicing considerations including water supply, wastewater disposal, stormwater management, power, gas and communications would need to be addressed further prior to subdivision.

As well, a strategy would be required to address the treatment of the wetlands identified in Section 3.4, along with the appropriate permitting, prior to development proceeding.

The forest/wetland complex is designated in the Future Land Use Concept as ‘Environmental Protection’ to be protected with an Environmental Reserve Easement in the event of future subdivision.

The timing for the development of Stage Two will be determined by development and market considerations as well as land owner interest and intent. There is no intention by the current owners to develop this land.

## **7.0 Implementation – Next Steps**

### **7.1 Land Use Bylaw Amendment**

An application has been made for a Land Use Bylaw amendment from the current RI - Rural Industrial to MPF – DC - Marijuana Production Facility Direct Control, as discussed in Section 2.3.1 (Figure 9 and Appendix B). The use of Direct Control is intended to give Council ‘particular control’ over development, as per Section 641 of the *Municipal Government Act*.

The proposed MPF – DC - Marijuana Production Facility Direct Control District is based on the RI - Rural Industrial Land Use Districts, with the addition of a clear definition of the proposed use.

## **7.2 Tentative Plan of Subdivision**

An application for a tentative plan of subdivision for the development area, being the northwestern portion of the Concept Scheme Area, accompanies this Conceptual Scheme and is shown in Figure 10.

## **7.3 Development Agreement**

It is common practice that a Development Agreement is required as a condition of approval of a proposed subdivision.

Typically, the Development Agreement defines the nature of and responsibility for required on- and off-site infrastructure and improvements by the proponent as directed by Council and as discussed in previous sections.

## **7.4 Development Permit**

An application for a Development Permit for the proposed facility will be made following approval of the Land Use Bylaw amendment and conditional approval of the tentative plan of subdivision. However, the application cannot be approved nor can the Development Permit be issued until the subdivision has been endorsed by the County, the plan of survey has been registered at the Land Titles Office, and the title to the new parcel has been created (Land Use Bylaw 1254-16, Section 3.1.2.0).

The application for Development Permit will require, among other matters:

- Conceptual Scheme;
- Site Plan showing buildings, setbacks, dimensions, access, parking, abandoned wells and other items;
- Elevation drawings;
- Floor plans;
- Grading and storm drainage plans;
- Other matters as per Sections 2.7, 2.8 and 2.10 of the Land Use Bylaw.

Further consultation will take place with the County to determine more precisely the requirements for Development Permit approval, specifically with regard to a Development Permit issued in a Direct Control District as outlined in Section 2.10 of the Land Use Bylaw.

## **7.5 Building and Safety Code Permits**

The proposed facility will require permits under the Alberta *Safety Codes Act* and the *Alberta Building and Fire Code, 2014* for all matters relating to facility construction including electrical, mechanical, plumbing, structural, fire prevention and other aspects of facility construction.

The County of Minburn has contracted with Inspections Group Inc. of Edmonton to provide permitting and inspection services.

## **7.6 Roadside Development Permit**

A Roadside Development Permit is required for any proposed development within 300 metres of a provincial highway right of way and within 800 metres of the centre point of the intersection of the provincial highway and a public road. This requirement is pursuant to the Public Highways Development Act, P38 RSA 2000 and the Highway Development Control Regulations, AR 242/90.

A portion of the proposed subdivision lies within these distances, hence a Roadside Development Permit will be obtained prior to issuance of the municipal Development Permit.

## **7.7 Water Act and Alberta Wetland Policy**

The Alberta Water Act (RSA 200 W3) and the Alberta Wetland Policy and related directives require approval for filling, disturbing, altering, removing vegetation, draining or otherwise affecting wetlands and water bodies.

Proposed developments within the CS Area will apply these requirements as per the direction of the *Biophysical and Wetland Assessment and Impact Report* prepared by Greenplan Ltd. in August, 2017. The report is being submitted separately to support this Conceptual Scheme and supporting applications.

## **7.8 Alberta Environment and Parks (AEP) Approvals**

AEP approvals will be required for water, wastewater, and stormwater management facilities upon submission of design drawings.

## **8.0 REFERENCES**

1. Alberta Energy Regulator, 2014. Directive 079 – *Surface Development in Proximity to Abandoned Wells*.
2. County of Minburn No. 27 and Town of Vegreville, 2013. *Intermunicipal Development Plan*. County Bylaw 1224-13. Town Bylaw 06-2013
3. County of Minburn No. 27, 2016. *Land Use Bylaw 1254 – 16*.
4. County of Minburn No. 27, 2016. *Municipal Development Plan*, Bylaw 1199-09, as amended.
5. Government of Alberta Municipal Affairs, 2012. *Advisory Land Use Planning Notes on New Regulatory Requirements for Surface Development in Proximity to Abandoned Wells*.
6. Government of Alberta, 2014. *Subdivision and Development Regulation*, AR 43/2002, updated to AR 119/2014.
7. GreenPlan Ltd., Environmental Consultants, 2017. *Draft Biophysical and Wetland Assessment and Impact Report (WAIR) – SE 16-052-14-W4*. Project 2017.051.

## **APPENDIX A**

### **ABANDONED WELL – RECLAMATION CERTIFICATE AND SURVEY PLAN**

## **APPENDIX B**

### **MPF – DC – MARIJUANA PRODUCTION FACILITY DIRECT CONTROL DISTRICT**



## **8.18 MPF – DC – Marijuana Production Facility Direct Control District**

### **8.18.1.0 Purpose**

The general purpose of this land use district is to accommodate a federally licensed and regulated Marijuana Production Facility on a portion of SE 16-Twp52-Rge14-W4, while retaining the permitted and discretionary uses of the RI Rural Industrial District.

### **8.18.2.0 Definition**

Marijuana Production Facility means the use of land, buildings and structures comprising one or more buildings or structures used for the purpose of cultivating, growing, processing, packaging, testing, destroying, sorting or shipping federally licensed marijuana. A Marijuana Production Facility consists of some or all of the following components: greenhouses, warehouses, laboratories, processing facilities, commercial kitchens, administrative offices, stormwater reservoir and shipping facilities, but does not include onsite retail sales of federally licensed marijuana. A Marijuana Production Facility is licensed or authorized by Health Canada and/or other government agency responsible for regulation of the proposed activities.

### **8.18.3.0 Permitted and Discretionary Uses**

8.18.3.1 Permitted Uses, provided that at all such permitted uses are also permitted under federal and provincial legislation regarding the production, processing and selling of marijuana.

- Agriculture, Intensive
- Agricultural processing industry
- Auctioneering establishment
- Buildings and uses accessory to permitted uses
- Bulk fuel depot
- Concrete/asphalt plant, minor
- Contractor service, major
- Equipment fabrication
- Food and beverage establishment, minor

- Heavy equipment sales and service
- Manufactured/modular dwelling fabrication and/or sales
- Marijuana production facility
- Natural resource extractions
- Natural resource processing industry
- Outdoor storage
- Recreation vehicle storage
- Repair service establishment
- Rural industry
- Rural industrial park
- Shipping container
- Small animal grooming
- Small animal boarding and breeding
- Stockpile site
- Transportation service establishment
- Veterinary service

8.18.3.2 Discretionary Uses, provided that all such discretionary uses are also permitted under federal and provincial legislation regarding the production, processing and selling of marijuana.

- Buildings and uses accessory to discretionary uses
- Concrete/asphalt plant, major
- Food and beverage establishment, major
- Heavy industry
- Salvage/wrecking establishment
- Surveillance suites
- Wind Energy conversion System (WECs), On-Site
- Work camp

#### **8.18.4.0 Subdivision Regulations**

As determined by the Subdivision Authority or the Development Authority

### **8.18.5.0 Development Regulations**

Maximum site coverage	60%
Minimum required front yard	15.0 m (49.2 ft.)
Minimum required side yard	15.0 m (49.2 ft.)
Minimum required rear yard	7.5 m (24.6 ft.)
Maximum height	As determined by the Development Authority considering adjacent uses

### **8.18.6.0 Design, Character and Appearance of Buildings**

8.18.6.1 The design, siting, external finish, architectural appearance and landscaping generally, of all buildings, including any accessory buildings or structures and signs, and any reconstruction, shall all be to the satisfaction of the Development Authority, in order that there be conformity with adjacent buildings, and adequate protection afforded to the amenities of adjacent properties.

8.18.6.2 As a condition of a Development permit, the Development Authority may require a letter of guarantee or an irrevocable letter of credit in order to secure performance of Section 8.18.6.1

### **8.18.7.0 Other Provisions**

8.18.7.1 Administrative procedures and regulations: refer to Parts One and Two of this Bylaw.

8.18.7.2 Fences. As determined by the Development Authority.

8.18.7.3 General Lot Provisions: refer to Part Three of this Bylaw.

8.18.7.4 Accessory Use Provisions: refer to Part Four of this Bylaw.

8.18.7.5 Special Land Use Provisions: refer to Part Five of this Bylaw.

8.18.7.6 Parking and Loading Regulations: refer to Part Six of this Bylaw.

8.18.7.7 Sign regulations: refer to Part Seven of this Bylaw.

8.18.7.8 Application requirements.

In addition to the requirements of Section 2.7, all applications for a Development Permit for a Marijuana Production Facility shall include the following:

- a) A phasing plan with approximate timing for build out;
- b) A report regarding any public information meetings or other consultation processes conducted by the proponent; and
- c) An emergency response plan indicating what County resources would be relied upon.