

PLANNING AND DEVELOPMENT SERVICES

TO:	Municipal Planning Commission Subdivision Authority	DIVISION: 7
DATE:	July 14, 2021	APPLICATION: PL20210111
FILE:	06412024 / 06412027	
SUBJECT:	Subdivision Item – Boundary Adjustment and Road Construction	

APPLICATION: To adjust the boundary between a ± 8.36 hectare (± 20.67 acre) parcel and a ± 25.92 hectare (± 64.06 acre) parcel, in order to create a ± 7.87 hectare (± 19.45 acre) parcel (Lot 1), a ± 23.79 hectare (± 58.79 acre) parcel (Lot 2), and dedicate a ± 2.61 hectare (± 6.44 acre) strip of land for road right-of-way to construct an extension of High Plains Drive.

GENERAL LOCATION: Located within the High Plain Industrial Park Stage 3, approximately 0.8 kilometres (0.5 mile) south of Highway 566, and on the west side of Range Road 290.

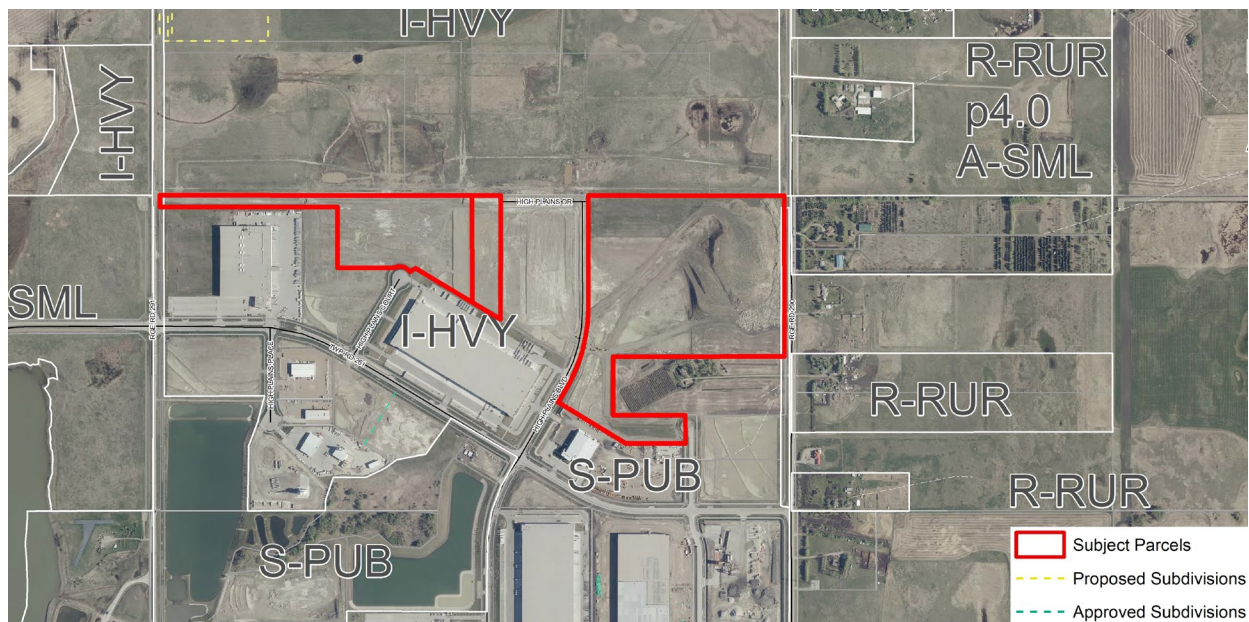
LAND USE DESIGNATION: Industrial, Heavy District (I-HVY) and Special, Public Service District (S-PUB)

ADMINISTRATION RECOMMENDATION: Administration recommends approval as per Option #1.

OPTIONS:

- Option #1: THAT Subdivision Application PL20210111 be approved with the conditions noted in Appendix 'A'.
- Option #2: THAT Subdivision Application PL20210111 be refused as per the reasons noted

AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources

Xin Deng, Planning and Development Services

APPLICATION EVALUATION:

The same proposal (PL20210033) was approved by MPC on April 28, 2021. While Municipal Reserve are not required for a boundary adjustment, after approval, the Applicant determined that they would prefer to pay for Municipal Reserves at this time. Therefore, a new condition set was required, and the Applicant re-submitted a new subdivision application to accommodate this request.

This new subdivision application was evaluated based on the applicable policies and regulations.

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none">• <i>Municipal Government Act;</i>• Subdivision and Development Regulations;• County Plan;• Balzac East Area Structure Plan;• High Plains Industrial Park Conceptual Scheme;• Land Use Bylaw; and• County Servicing Standards.	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none">• Appraisal Report (Altus Group, June 25, 2021)
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Transportation:

The Applicant proposes to dedicate lands for road right of way, in order to extend High Plains Drive to connect to Range Road 291. As a condition of subdivision, the Owner is required to enter into a Development Agreement for road construction, pay Transportation Off-Site Levy for Lot 1 and the road right of way portion. An updated Traffic Impact Assessment (TIA) will also be required to assess the capacity of the road network; the latest traffic count indicated that there are approximately 800 vehicles per day on Range Road 291 well within its capacity. Administration continues to monitor the capacity of the transportation network as development proceeds.

Water and Wastewater:

The proposal would obtain water servicing from the East Balzac Water Distribution System and obtain wastewater servicing from the East Balzac Sanitary Collection System. The servicing system is being constructed under an active Development Agreement for Stage 4a (PL20200007). As a condition of subdivision, the Owner is required to provide a detailed potable water servicing and hydraulic design study for Lot 1, a detailed sanitary servicing study for Lot 1, enter into a Capacity Allocation Agreement for servicing allocation to the proposed Lot 1, and pay the Water and Wastewater Off-site Levy for Lot 1.

Stormwater:

Drainage generated from the development will be conveyed to a Public Utility Lot (PUL) that is located in the south of the subject lands, as per the Stage 3 Outline Plan. As a condition of subdivision, the Applicant is required to provide an updated Stormwater Management Report and detailed stormwater servicing design to support Lot 1.

Municipal Reserves:

The Applicant has requested to remove the Municipal Reserves requirement on the proposed Lot 1 through cash-in-lieu payment for the ± 11.85 acres of Municipal Reserve owed via Deferred Reserve Caveat (161 145 179) for the land (Roll: 06412024).

The Municipal Reserve owing on the ± 5.27 acres of land to be consolidated to Lot 1, which was registered as a Deferred Reserve Caveat (201 118 037), would be deferred to the remainder land.

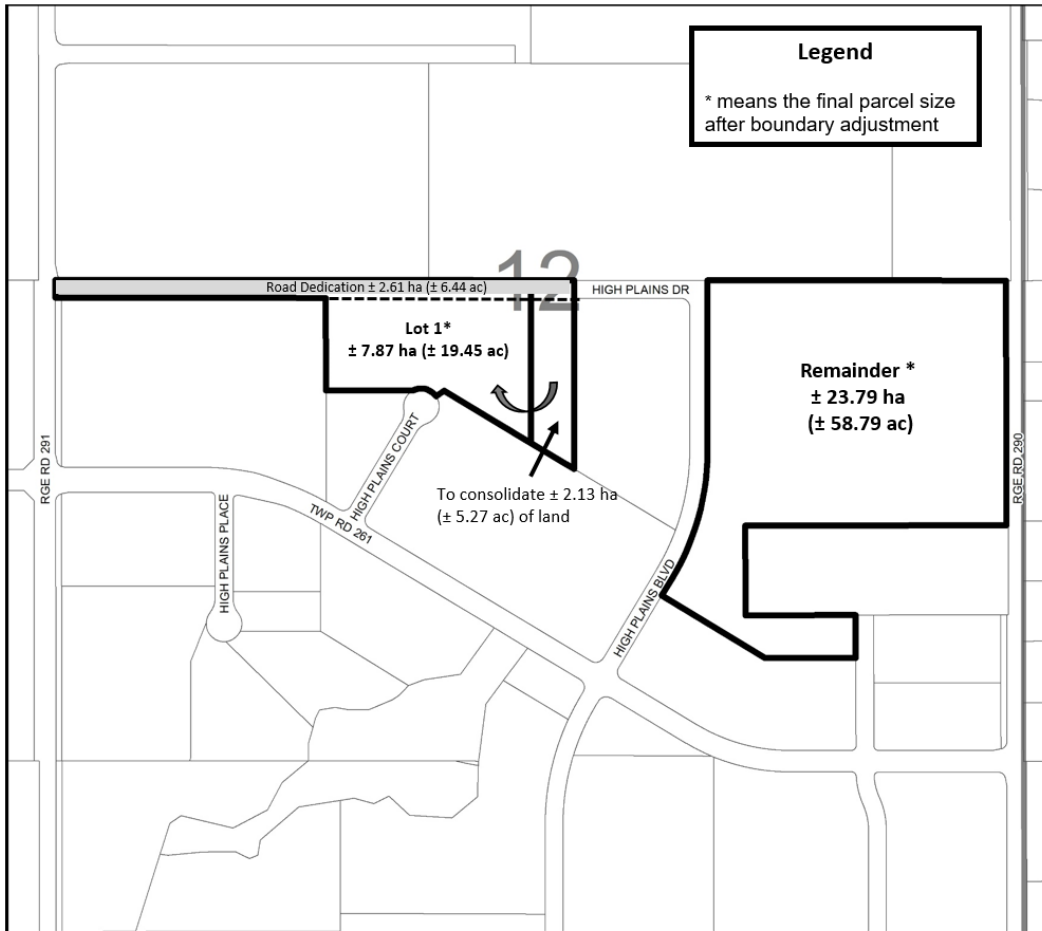
Payments and Levies:

APPLICABLE FEE/LEVY	AMOUNT OWING (ESTIMATE)
TRANSPORTATION OFFSITE LEVY	<p>\$ 564,272.55 (plus borrowing costs to payment date)</p> <p>Developable area 25.89 acres (= 19.45 ac Lot 1 + 6.44 ac road dedication)</p> <p>Base Levy = \$4595/ac x 25.89 ac = \$118,964.55</p> <p>Special Area 1 Levy = \$17,200/ac x 25.89 ac = \$445,308 (plus borrowing costs to payment date)</p> <p>Total = \$564,272.55 (plus borrowing costs to payment date)</p>
WATER AND WASTEWATER OFFSITE LEVY	<p>Water/Wastewater Off-Site Levy on Lot 1 to be determined when servicing allocation is confirmed at the endorsement stage;</p> <p>Water/Wastewater Off-Site Levy on the remainder has been addressed through the subdivision application PL20210054</p>
MUNICIPAL RESERVE <i>(cash in lieu payment for Deferred Reserve Caveat 161145179)</i>	<p>\$584,205</p> <p>\$49,300/ac (market value) x 11.85 ac (registered in the Deferred Reserve Caveat) = \$584,205</p>

High Plains Industrial Park Conceptual Scheme - Stage 3 Outline Plan:

The proposal meets the applicable policies of the Stage 3 Outline Plan, and the technical aspects will be addressed through the conditions of subdivision.

Tentative Plan



Tentative Plan

Subdivision Proposal

To adjust boundary between a ± 8.36 hectare (± 20.67 acres) parcel and a ± 25.92 hectare (± 64.06 acres) parcel, in order to create a ± 7.87 ha (± 19.45 acres) parcel (Lot 1), a ± 23.79 ha (± 58.79 acres) parcel (Lot 2), and dedicate ± 2.61 ha (± 6.44 acres) of land for construction of High Plains Drive.

Legend

Existing Approach	==
New Approach
Driveway	▨
Road Widening	▩
Road Acquisition	▤

Surveyor's Notes:

1. Parcels must meet minimum size and setback requirements of Land Use Bylaw C-8000-2020.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

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Printed: June 8, 2021

CONCLUSION:

Subject to the proposed conditions of approval, the application is recommended for approval in accordance with Option #1.

Respectfully submitted,

Concurrence,

“Brock Beach”

“Kent Robinson”

Acting Executive Director
Community Development Services

Acting Chief Administrative Officer

XD/llt

ATTACHMENTS:

ATTACHMENT ‘A’: Approval Conditions

ATTACHMENT ‘B’: Maps and Other Information

ATTACHMENT 'A': APPROVAL CONDITIONS

- A. The application to adjust the boundary between a ± 8.36 hectare (± 20.67 acre) parcel and a ± 25.92 hectare (± 64.06 acre) parcel, in order to create a ± 7.87 hectare (± 19.45 acre) parcel (Lot 1), a ± 23.79 hectare (± 58.79 acre) parcel (Lot 2), and dedicate a ± 2.61 hectare (± 6.44 acre) of land for road right of way to construct an extension of High Plains Drive, within SW-12-26-29-W04M & SE-12-26-29-W04M, having been evaluated in terms of Section 654 of the *Municipal Government Act* and Section 7 and 14 of the Subdivision and Development Regulations, and having considered adjacent landowner submissions, is approved as per the Tentative Plan for the reasons listed below:
1. The application is consistent with the Statutory Policy;
 2. The subject lands hold the appropriate land use designation;
 3. The technical aspects of the subdivision proposal have been considered and are further addressed through the conditional approval requirements.
- B. The Applicant/Owner is required, at their expense, to complete all conditions attached to and forming part of this conditional subdivision approval prior to Rocky View County (the County) authorizing final subdivision endorsement. This requires submitting all documentation required to demonstrate that each specific condition has been met, or agreements (and necessary securities) have been provided to ensure the conditions will be met, in accordance with all County Policies, Standards, and Procedures, to the satisfaction of the County, and any other additional party named within a specific condition. Technical reports required to be submitted as part of the conditions must be prepared by a qualified professional, licensed to practice in the province of Alberta within the appropriate field of practice. The conditions of this subdivision approval do not absolve an Applicant/Owner from ensuring all permits, licenses, or approvals required by Federal, Provincial, or other jurisdictions are obtained.
- C. Further, in accordance with Section 654 and 655 of the *Municipal Government Act*, the application shall be approved subject to the following conditions of approval:

Plan of Subdivision

- 1) Subdivision is to be effected by a Plan of Survey, pursuant to Section 657 of the *Municipal Government Act*, or such other means satisfactory to the Registrar of the South Alberta Land Titles District.

Development Agreement

- 2) The Owner shall enter into and comply with a Development Agreement pursuant to Section 655 of the *Municipal Government Act* in accordance with the approved tentative plan and shall include the following:
 - a) Design and construction of a public road system with associated infrastructure which includes the following:
 - Intersection treatment in accordance with the approved TIA;
 - Temporary cul-de-sac including access easement;
 - Sidewalks/Pathways;
 - Offsite network improvements, if required, in accordance with the approved TIA;
 - b) Design and construction of Landscaping features for all public pathways, and public roadways and the Environmental Reserve, in accordance with the approved Landscaping Plan;
 - c) Design and construction of a piped wastewater system with connection to the East Rocky View Wastewater System and related infrastructure;

- d) A detailed sanitary servicing study is required in order to determine if upgrades or an additional lift station capacity are required. All improvements shall be constructed as part of the Development Agreement;
- e) Design and construction of a piped water distribution system and fire suppression system;
- f) A detailed hydraulic network analysis is required in order to determine if upgrades or additional infrastructure is required. All improvements shall be constructed as part of the Development Agreement;
- g) Design and construction of a fire suppression system in accordance with Bylaw C-7259-2013, as amended;
- h) Design, construction, and implementation of the recommendations of the approved Stormwater Management Plan;
- i) Dedication of necessary easements and right of ways for utility line assignments;
- j) Mailboxes are to be located in consultation with Canada Post;
- k) Installation of power, natural gas, and telephone lines;
- l) Implementation of the recommendations of the Construction Management Plan;
- m) Implementation of the recommendations of the Geotechnical Report;
- n) The construction of any oversized or excess capacity infrastructure, roads, and/or services benefitting the Owner's lands and development and other lands.

Transportation

- 3) The Owner shall provide an updated Traffic Impact Assessment (TIA) in accordance with the County Servicing Standards, High Plains Traffic Impact Assessment, and the Balzac Global TIA, to the County's satisfaction. Any improvements identified or road right of way that is required will be at the owner's expense:
 - a) If the recommendation of the updated TIA requires additional improvements to the existing roadway and intersection network, then the Owner shall enter into a Development Agreement to construct the required improvements.

Stormwater

- 4) The Owner shall provide an updated Stormwater Management Report and detailed stormwater servicing design, including any improvements related to water re-use, LID measures, purple pipe system, and an irrigation system for the proposed development in accordance with the County Servicing Standards and any applicable provincial regulations, standards, and/or guidelines.
 - a) All improvements shall be constructed under a Development Agreement.
 - b) Acquiring any related provincial licensing and registration requirements are the responsibility of the developer.
- 5) The Owner shall submit an Erosion and Sediment Control Plan and Report in accordance with the County's Servicing Standards.

Site Servicing

- 6) The Owner shall provide a detailed Potable Water Servicing and Hydraulic Design Study to ensure the pipelines are sized adequately considering existing and future phases for Lot 1. The study shall confirm servicing requirements for this phase are in place and include provisions for fire protection in accordance with County Servicing Standards.
 - a) If offsite upgrades or improvements are required, then the Owner shall enter into a Development Agreement to construct the required improvement.

- 7) The Owner shall provide a detailed Sanitary Servicing Study to support this phase of the development for Lot 1. The study shall confirm the servicing capacity required for the development of the proposed parcel and determine if offsite upgrades to the regional system are required.
 - a) If offsite upgrades are required, then the Owner shall enter into a Development Agreement to construct the required improvement.
 - b) Improvements that benefit other lands will qualify for cost recovery in accordance with Rocky View County Policy 406.
- 8) The Owner shall enter into a Capacity Allocation Agreement for servicing allocation for Lot 1, based upon the servicing need identified in the potable water servicing and sanitary servicing reports.

Developability

- 9) The Owner shall provide a Geotechnical Investigation in accordance with the Rocky View County 2013 Servicing Standards to verify that the site is suitable for the proposed buildings, site works, and utilities.
 - a) For areas with greater than 1.2 m of fill, a Deep Fill report is required.
- 10) The Owner shall provide a Construction Management Plan which is to include, but not be limited to, noise, sedimentation and erosion control, traffic accommodation, construction waste management, and construction management details. Specific other requirements include:
 - a) Weed management during the construction phases of the project;
 - b) Implementation of the Construction Management Plan recommendations will be ensured through the Development Agreement.

Lot Owner's Association

- 11) That an encumbrance or instrument shall be concurrently registered against the title of each new lot created, requiring that each individual Lot Owner is a member of the High Plains Development Association.
- 12) The Owner shall prepare and register a Restrictive Covenant on the title of each new lot created, requiring that each Lot Owner be subject to the development's Architectural Guidelines as listed in the Conceptual Scheme.

Utility Easements

- 13) Utility Easements, Agreements, and Plans are to be provided and registered concurrently with a plan of survey to the satisfaction of ATCO Gas, and CNOOC Petroleum North America ULC.

Municipal Reserve

- 14) That ± 4.80 hectares (± 11.85 acres) of Municipal Reserve owing registered in the Deferred Reserve Caveat (161 145 179) shall be provided via cash-in-lieu in accordance with the value per acre listed in the appraisal report provided by Altus Group, dated June 25, 2021, pursuant to Section 666(3) of the Municipal Government Act;
 - a) That the existing Deferred Reserve Caveat (161 145 179) be discharged from Lot 1; and
 - b) That Municipal Reserve owing registered in the Deferred Reserve Caveat (201 118 037) be transferred from the ± 2.13 hectares (± 5.27 acres) of land (the portion to be consolidated) to the remainder, and the existing caveat be discharged from the ± 2.13 hectares (± 5.27 acres) of land.

Cost Recovery

- 15) The County will enter into an Infrastructure Cost Recovery Agreement with the Owner to determine the proportionate recovery of infrastructure money spent by the Owner to construct municipal infrastructure that will consequently provide benefit to other lands.

Payments and Levies

- 16) The Owner shall pay the Transportation Off-Site Levy in accordance with the Transportation Off-Site Bylaw C-8007-2020. The County shall calculate the total owing for:
 - a) the total gross area of Lot 1 and road dedication, as shown in the staff report and the Plan of Survey.
- 17) The Owner shall pay the Water and Wastewater Off-Site Levy in accordance with Bylaw C-8009-2020 for Lot 1.
 - a) If required, the Owner shall enter into any related agreements for payment of the Water and Wastewater Off-Site Levy for the subject lands.
- 18) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the boundary adjustment.
- 19) The Owner shall be responsible for all required payments of third-party reviews and/or inspection as per the Master Rates Bylaw, as amended.

Taxes

- 20) All taxes owing up to and including the year in which subdivision is to be registered are to be paid to Rocky View County prior to signing the final documents pursuant to Section 654(1) of the *Municipal Government Act*.

ATTACHMENT 'B': MAPS AND OTHER INFORMATION

APPLICANT: IBI Group Geomatics Canada Inc.	OWNER: Highfield Investment Group Inc., Norman Damkar, 1686825 Alberta Ltd., and Maxima Developments Inc.
DATE APPLICATION RECEIVED: February 25, 2021	DATE DEEMED COMPLETE: February 25, 2021
GROSS AREA: ± 34.29 hectares (± 84.73 acres)	LEGAL DESCRIPTION: A Portion of SW & SE-12-26-29-W04M
APPEAL BOARD: Development and Subdivision Appeal Board	
HISTORY: <p>April 28, 2021: Municipal Planning Commission approved the same proposal PL202100033, to adjust the boundary between two lots, in order to create a ± 7.87 hectare (± 19.45 acre) parcel (Lot 1), a ± 23.79 hectare (± 58.79 acre) parcel (Lot 2), and dedicate a ± 2.61 hectare (± 6.44 acre) of land for road right-of-way to construct an extension of High Plains Drive.</p> <p>December 10, 2019: Council approved subdivision application PL20190134, to adjust boundaries between three lots, which results in the lot configuration for one of the subject lands.</p> <p>June 23, 2015: Council approved subdivision application PL20150014 to create one industrial lot and dedicate land for road right of way for the extension of High Plains Boulevard. The remainder of land becomes one of the subject lands.</p>	
PUBLIC & AGENCY SUBMISSIONS: <p>The application was circulated to 55 adjacent landowners. No letters were received.</p> <p>The application was also circulated to a number of internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.</p>	



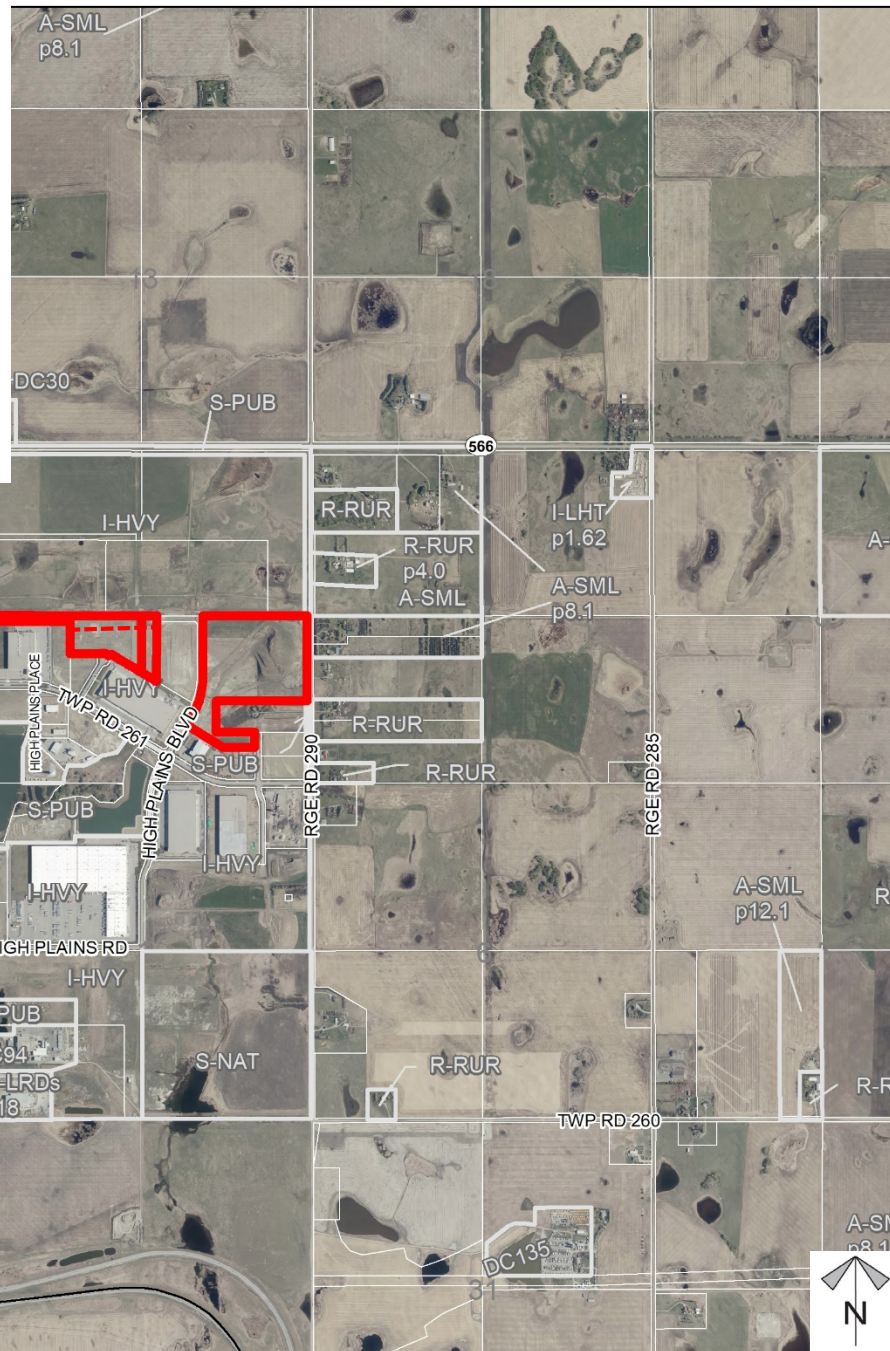
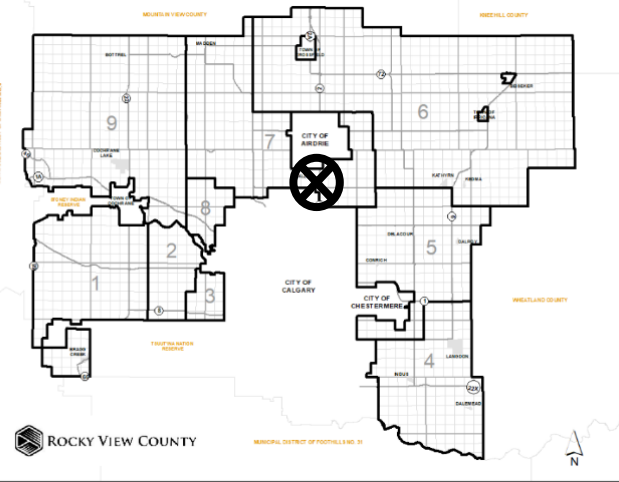
Location & Context

Subdivision Proposal

To adjust boundary between a ± 8.36 hectare (± 20.67 acres) parcel and a ± 25.92 hectare (± 64.06 acres) parcel, in order to create a ± 7.87 ha (± 19.45 acres) parcel (Lot 1), a ± 23.79 ha (± 58.79 acres) parcel remainder, and dedicate a ± 2.61 ha (± 6.44 acres) of land for construction of High Plains Drive.

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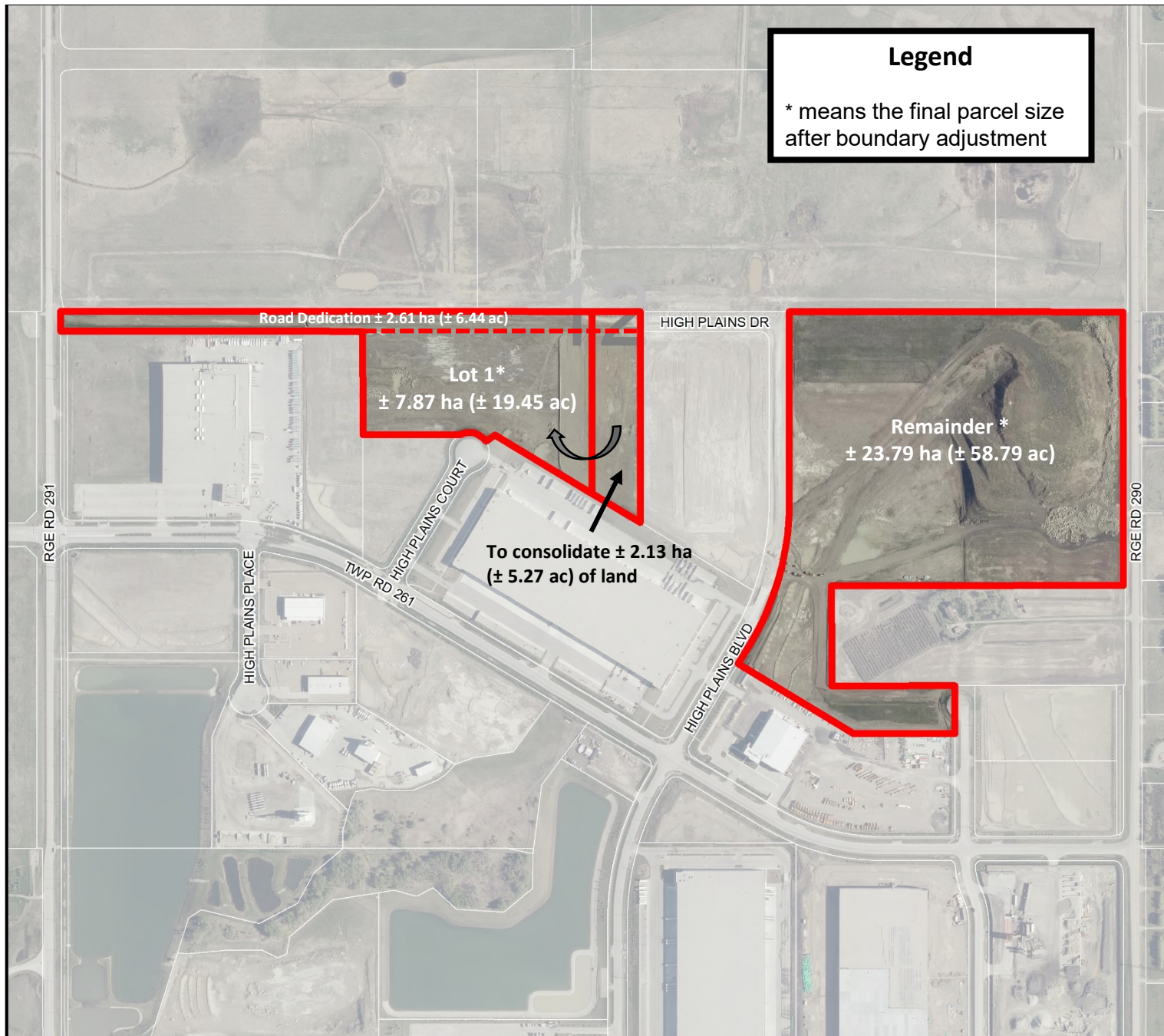
Development Proposal

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Legend

* means the final parcel size after boundary adjustment



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Environmental

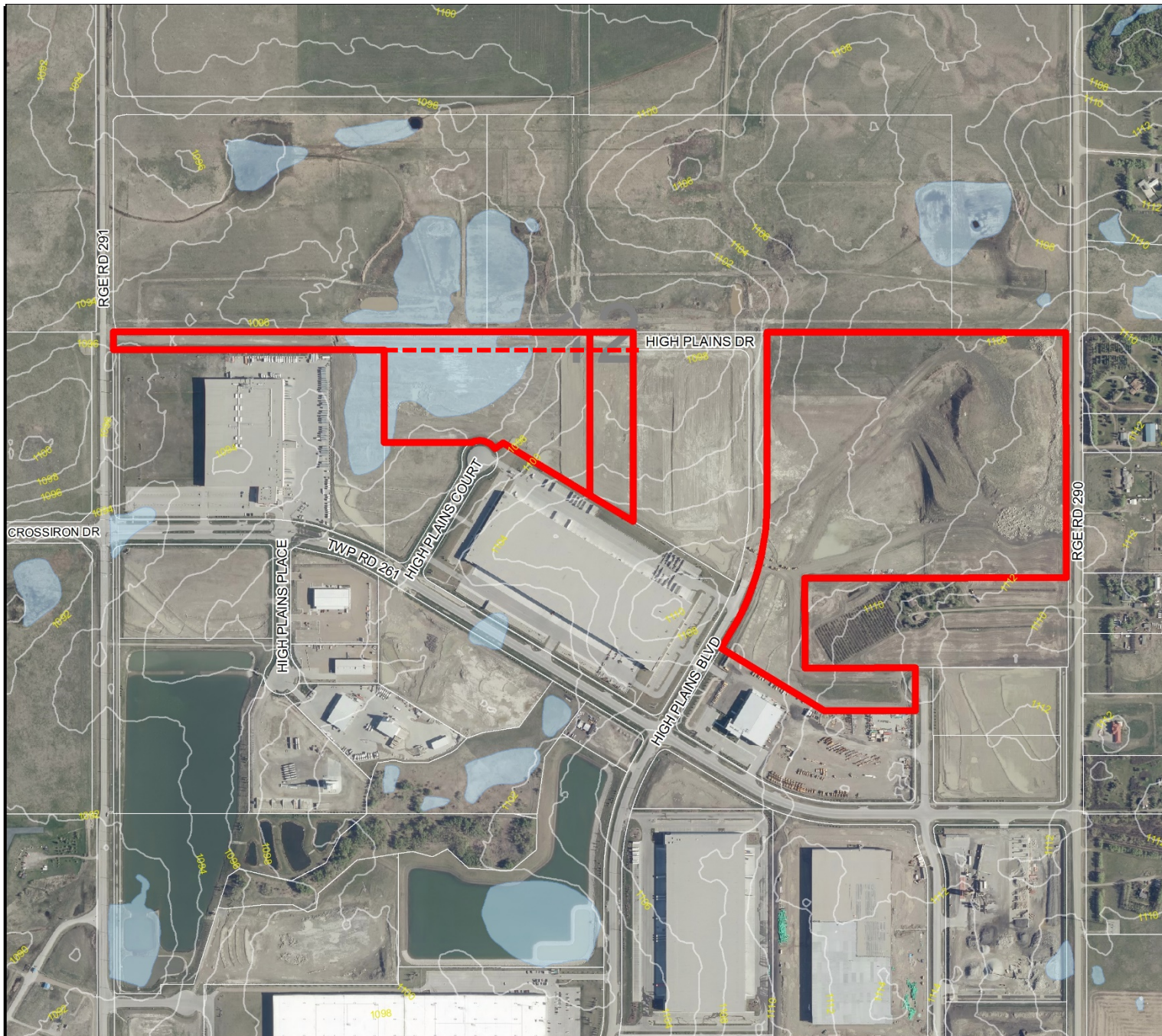
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-  Subject Lands
-  Contour - 2 meters
-  Riparian Setbacks
-  Alberta Wetland Inventory
-  Surface Water

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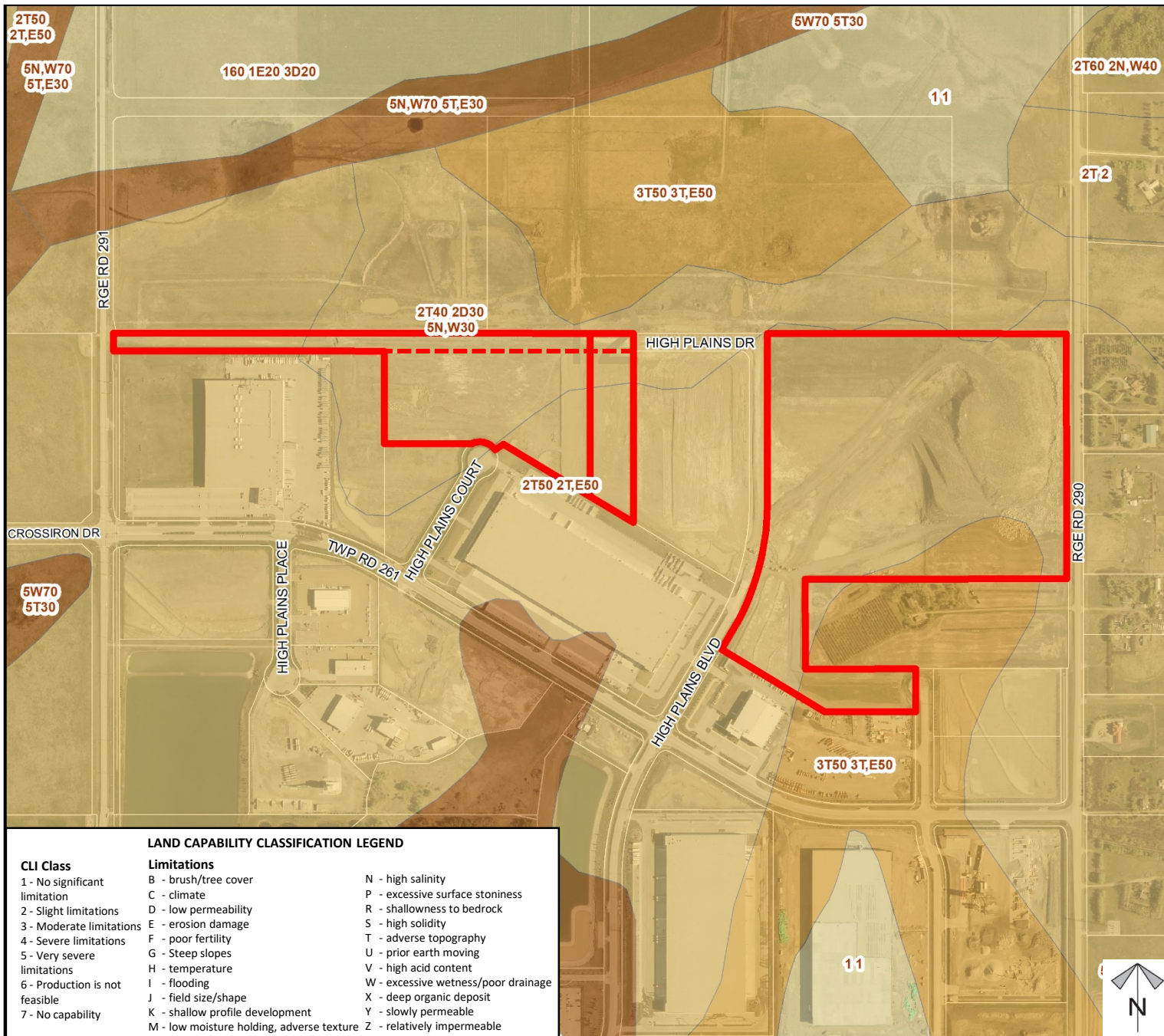




Soil Classifications

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Landowner Circulation Area

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Legend

Support

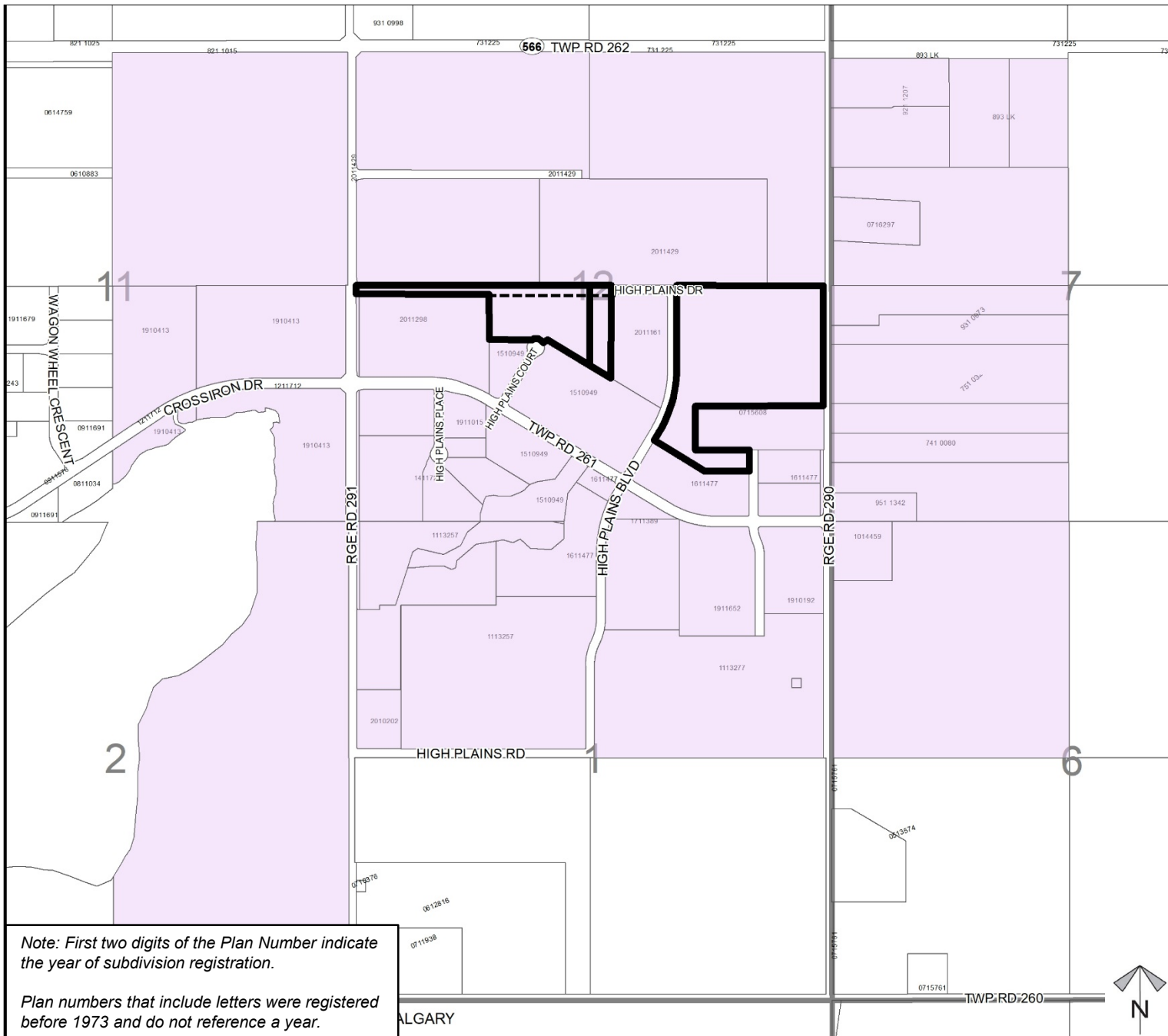


Not Support



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Tentative Plan

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Legend

Existing Approach	==
New Approach
Driveway	▣
Road Widening	▣
Road Acquisition	▣

Surveyor's Notes:

1. Parcels must meet minimum size and setback requirements of Land Use Bylaw C-8000-2020.
2. Refer to Notice of Transmittal for approval conditions related to this Tentative Plan.

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Legend

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