

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
Subdivision Authority

DATE: July 28, 2021

FILE: 06416002/05/07

SUBJECT: Commercial/Industrial Subdivision

DIVISION: 7

APPLICATION: PL20210030

APPLICATION: To create a ± 30.79 hectare (± 76.08 acre) industrial development parcel (Lot 8); one municipal reserve parcel totalling ± 2.05 hectares (± 5.07 acre); three public utility lots totalling ± 3.82 hectares (± 9.43 acres); one ± 10.50 hectare (± 25.95 acre) environmental reserve parcel (Lot 2ER); a ± 3.10 hectare (± 7.65 acre) road; and a ± 38.47 hectare (± 95.06 acre) remainder.

GENERAL LOCATION: Located approximately 1 kilometre northeast of the city of Calgary; located on the north side of Secondary Highway 566, between Highway 2 and Range Road 293.

LAND USE DESIGNATION: Direct Control District 125 (DC-125)

EXECUTIVE SUMMARY: The application is consistent with the relevant policies of the City of Calgary/Rocky View County Intermunicipal Development Plan (IDP), Airdrie/Rocky View County Intermunicipal Development Plan (IDP), Balzac East Area Structure Plan (BEASP), Direct Control (DC) District 125, and the Balzac Business Park Conceptual Scheme (CS).

ADMINISTRATION RECOMMENDATION: Administration recommends approval in accordance with Option #1.

OPTIONS:

- Option #1: THAT Subdivision Application PL20210030 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Subdivision Application PL20210030 be refused.

AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources

Oksana Newmen, Planning and Development Services

APPLICATION EVALUATION:

The application was evaluated based on the technical reports submitted with the application and the applicable policies and regulations.

| APPLICABLE POLICY AND REGULATIONS: | TECHNICAL REPORTS SUBMITTED: |
|---|---|
| <ul style="list-style-type: none"> • <i>Municipal Government Act;</i> • Subdivision and Development Regulations; • Municipal Development Plan; • Balzac East ASP; • Balzac Business Park CS; • DC District 125; • Land Use Bylaw; and • County Servicing Standards. | <ul style="list-style-type: none"> • Points North Phase I Storm Pond and Overland Drainage Report, prepared by IDEA Group Inc, dated April 2009 • Revised Points North Phase 2 Storm pond and Overland Drainage Report, prepared by IDEA Group Inc., dated April 2010 • Preliminary Geotechnical Evaluation Points North Business Park, prepared by EBA Engineering Consultants Ltd., dated July 2008 • Points North Business Park Phase 1 Overland Drainage Stormwater Management Report, prepared by IDEA Group Inc., dated March 2021 • Points North Business Park TIA Update – Traffic Review prepared by ISL Engineering and Land Services Ltd, dated February 2021 • Balzac Points North JV Inc. Wetland Assessment and Impact Report Final, prepared by Tannas Conservation Services Ltd., dated October 2019 • Deep Fills Report, prepared by G Tech Geotechnical Inc., dated November 2019 • Points North Business Park – Phase 1 Construction Management Plan, prepared by IDEA Group Inc., dated April 2021 • Points North Business Park Stripping and Grading Erosion and Sedimentation Control Report, prepared for PRDP20194187 by IDEA Group Inc., dated April 23, 2020 • Points North Business Park Phase 1 Weed Control Report, prepared by IDEA Group Inc., dated April 2021 • EPEA Registration 270590-00-00, dated November 9, 2010 • Water Act Approval 5046049, dated February 26, 2020 |

Payments and Levies

| APPLICABLE FEE/LEVY | AMOUNT OWING (ESTIMATE) |
|--|--|
| <i>TRANSPORTATION OFFSITE LEVY</i> | <p>\$2,140,923 (plus borrowing costs to payment date)</p> <p>Developable area = 98.23 acres</p> <p>Base Levy = \$4595/ac x 98.23 ac = \$451,367</p> <p>Special Area 1 Levy = \$17,200/ac x 98.23 ac = \$1,689,556 (plus borrowing costs to payment date)</p> <p>Total = \$2,140,923 (plus borrowing costs to payment date)</p> |
| <i>WATER AND WASTEWATER OFFSITE LEVY</i> | Water/Wastewater Off-Site Levy to be determined when servicing allocation is confirmed at the endorsement stage; |
| <i>MUNICIPAL RESERVE (\$/ACRE)</i> | N/A – land being dedicated, with remainder deferred to future subdivision/development |

Additional Review Considerations

Conditions were set based on the following items:

Accessibility to a Road

The lands have frontage on both Highway 566 and Range Road 293. The Balzac Business Park Conceptual Scheme requires that internal roadways be constructed per the future land use scenario. This includes the construction of a roadway located opposite Crossiron Boulevard, to access Highway 566, and a second access from Range Road 293. A set of internal roadways will be constructed as required by phasing to serve the future development.

The current application includes lands for the Crossiron Boulevard extension only.

City of Calgary/Rocky View County Intermunicipal Development Plan

As required by the IDP, the application was referred to the City of Calgary for review. The City indicated they had no concerns, but inquired about:

- The triggering of improvements to the Highway 566/Highway 2 interchange due to the development;
- The County's position in providing public transit to support the development; and
- Potential development-related downstream impacts on City and regional infrastructure.

The IDP references the Nose Creek Watershed Management Plan which includes protection of the natural environment, water quality, and historical resources. The proposal provides an environmental reserve around Nose Creek, with additional adjacent municipal reserves as outlined in the conceptual scheme.

Airdrie/Rocky View County Intermunicipal Development Plan

As required by the IDP, the application was referred to the City of Airdrie for review. No response was received.

The IDP also notes requirements regarding Intermunicipal Entranceways, setting direction for development to provide appropriate landscaping and building design, as well as visual impacts. These are



addressed as policies in the conceptual scheme, the conditions of approval, as well as during the future Development Permit stage.

Balzac East Area Structure Plan

The site is located within the Special Development area 2 (SDA2), and also includes special development areas along Nose Creek.

SDA2 restricts residential development due to the presence of the Airport Vicinity Protection Area (AVPA) Noise Exposure Forecast (NEF) 30 contour. Given the existing country residential development in the near vicinity of the site, the proposal is to contain 'residential friendly' business uses that address access to the satisfaction of the County. Compatibility with adjacent uses, form, and character of building design, and development with existing landforms are important factors to be considered.

The BEASP provides Development Guidelines which are to be implemented through the development approval process, and as such, these items will be addressed at the future Development Permit stage, alongside the SDA2 requirements.

The BEASP was also amended to revise Figures 2 and 3, as well as text in 4.7.2 to expand the SDA #2 area (from a narrow band of Residential Phase 1) outside of the NEF 30 contour due to the size limitations in providing residential in that area, and the consequent buffering that would be required to reduce impacts.

Balzac Business Park Conceptual Scheme

A conceptual scheme was adopted in May 2008 for the subject lands and notes the majority of uses and buildings will be office or uses that are wholly contained within the buildings.

Figure 8 shows the subject lands require public open lands around Nose Creek, stormwater management lands, and a regional pathway on the western side adjacent to Highway 2. In terms of development uses, the lands adjacent to Highway 566 are a transitional land use, and the northern portion is industrial/business park uses.

The Highway 566 Transition lands will require architectural guidelines, increased setbacks, and on-site landscaping requirements.

The industrial/business park land-use area has no requirements for additional interface or transitional elements, referring to the Direct Control for appropriate uses.

The conceptual scheme outlines land-use area calculations, including environmental reserve, municipal reserve, business area, public utility lots, and roads.

Policy 3.1.11, 3.4.1, and 3.4.2 note that the lot layouts in the conceptual scheme are conceptual, and may not reflect the final design, sizes, or numbers of lots, and may be determined through subdivision approval. As the applicants have proposed a new single lot, which varies from the Figure 9 layout showing multiple lots, this is consistent with the allowance of this policy.

The road layout deviates somewhat from the Conceptual Scheme, as the proposed subdivision is creating a single lot, and the additional roadway is not required. Should future subdivision of the industrial/business parcel occur, additional roadways, as needed, would be addressed.

Direct Control District 125

The subject lands for the proposed subdivision are located in Development Cell 1, where the remainder parcel is located within Development Cell 2.

Development requirements, setbacks, landscaping, signage, architectural controls, and performance standards are outlined. Any future development will require a development permit and will need to adhere to the requirements of the Direct Control District.

Development Agreement

A Development Agreement is required, as outlined in the Direct Control District and pursuant to the Municipal Government Act. It will include an extensive list of requirements to include (but not limited to) design and construction of a public road system, landscaping features for pathways, roadways, and the environmental reserve, fire suppression, piped water distribution system, and stormwater management; servicing study, hydraulic network analysis, easements dedication, and implementation of various technical studies.

Site Servicing

The site will utilize the East Balzac Sanitary Collection System for wastewater, which will require a detailed servicing study, provision of the Water and Wastewater Off-site Levy for wastewater servicing, and a Capacity Allocation Agreement.

For potable water, the East Balzac Water Distribution System will be used. A detailed potable water servicing and hydraulic design study will be required, as well as payment of the Water and Wastewater Off-site Levy for water servicing, and a Capacity Allocation Agreement.

Transportation

The application deviates from the conceptual scheme in that a single large lot is proposed on the western portion of the site, reducing the need for internal roadways. The primary access to the site is from Highway 566, with a new internal roadway system. This will require coordination of the Traffic Impact Assessment and intersection upgrades with Alberta Transportation. The main north-south street, a presumed extension of Crossiron Boulevard, will also require further review to confirm land area requirements.

For widening of Range Road 293, 10 metres of land dedication will be required along the east property line, to accommodate the future four-lane roadway. In addition, payment of Transportation Offsite Levy is required.

Stormwater / Developability

The applicant provided several studies pertaining to overland drainage. Based on the information provided, an updated Stormwater Management Report and detailed stormwater servicing design will be required as a condition of this subdivision. An Erosion and Sediment Control Plan and Report in accordance with the County's Servicing Standards will also be required.

Municipal Reserves

The conceptual scheme outlines provision of municipal reserves through land dedication, totalling ± 7.32 hectares (± 18.09 acres). The submitted plan provides for a total of ± 2.05 hectares (± 5.07 acres), or approximately 2.62 percent of the required 10%. Municipal reserves dedicated by land include a municipal reserve lot which forms the pathway to the east of Nose Creek. The remaining 5.77 hectares (14.26 acres), approximately 7.38 percent will be deferred by caveat to the remainder, to be provided at the future subdivision.

Environmental Reserves

The Balzac East ASP states that linear municipal reserves adjacent to environmental reserves may be considered to support a linear park system along Nose Creek. The conceptual scheme provides for ± 7.54 hectares (± 18.63 acres) of environmental reserve lands.

The applicants have provided ± 10.50 hectares (± 25.95 acres) of environmental reserve in a single parcel along Nose Creek, which is adjacent to municipal reserve lands and public utility lots.



Lot Owners Association

A Lot Owners Association (LOA) is required to be established to maintain common areas, open spaces, and infrastructure. Obligations will include ongoing maintenance of all landscaped areas, open spaces (both environmental reserve and environmental reserves), fencing, solid waste management, oversight of architectural controls, and operation/maintenance of the stormwater detention facilities. The LOA will be funded through an encumbrance of individual lot titles to the satisfaction of the County.

Architectural Controls

Lands abutting Highway 566 and the residential transition area to the northeast of the remainder parcel (located within the conceptual scheme) have special architectural and landscaping guidelines. As the remainder parcel, which includes the residential transition area, is not being developed at this time, future consideration will be undertaken at the subdivision or development stage.

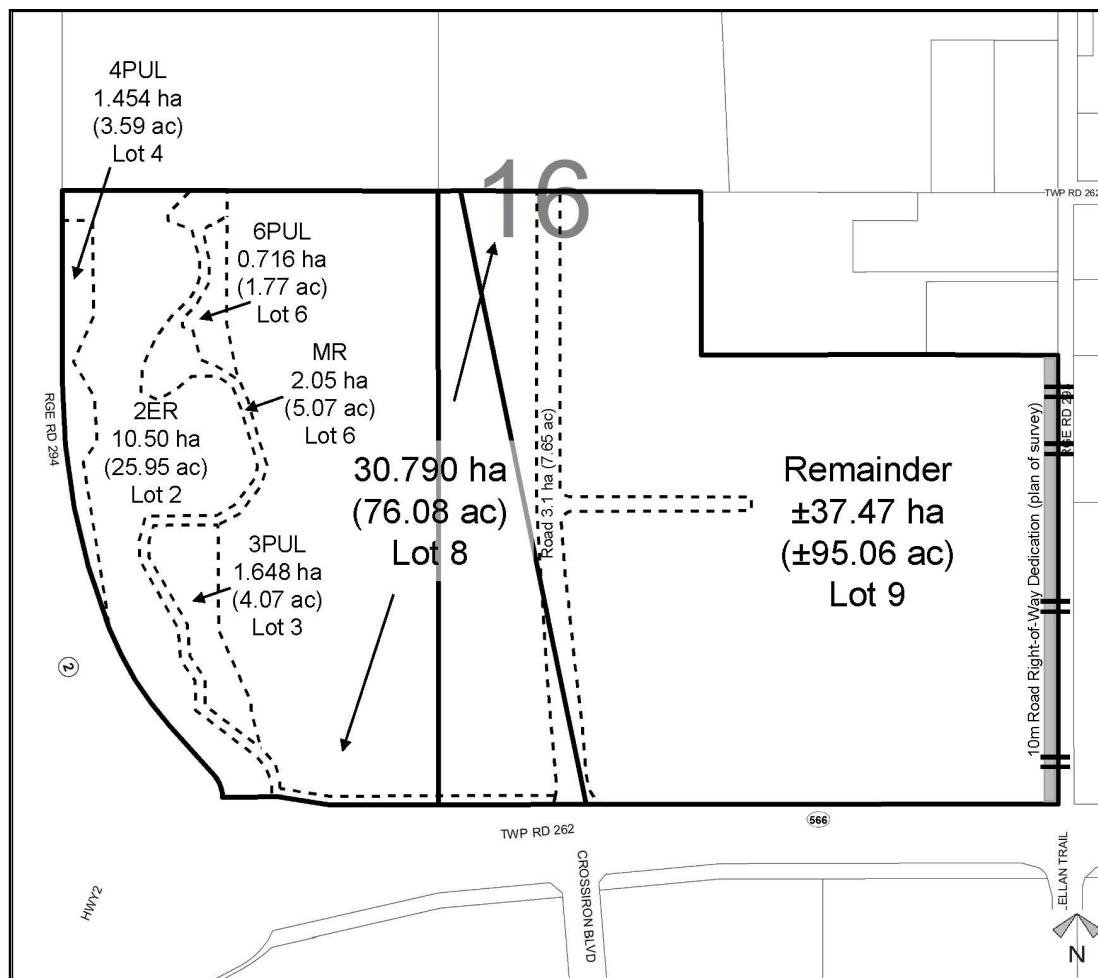
The proposed subdivision will therefore be subject to the architectural controls for the lands abutting Highway 566 and Highway 2. These requirements include an emphasis on building design, architectural elements on facades, roofing features, building entry definition, minimum landscaping, loading and storage areas, and outdoor display. These requirements will be assessed through the development permit stage, however, a condition requiring restrictive covenant detailing the requirements for architectural controls for approved lots has been provided. The requirements will be enforced by the developer until the Lot Owner's Association has been developed.

Cost Recovery

Improvements related to sanitary/wastewater facilities that benefit other lands will qualify for cost recovery, as well as pertinent items contemplated in the required Development Agreement in accordance with relevant sections of the *Municipal Government Act*.

Site Construction

A current stripping and grading permit (PRDP20194187) has been issued for the lands for rough grading of the property. Upon completion of the rough grading, it is expected that further site development will commence under a Development Agreement.

Tentative Plan**Tentative Plan****Subdivision Proposal**

To create a ± 30.79 hectare (± 76.08 acre) industrial development parcel (Lot 8); one municipal reserve parcel totaling ± 2.05 hectares (± 5.07 acres); three public utility lots totaling ± 3.82 hectares (± 9.43 acres); one ± 10.50 hectare (± 25.95 acre) environmental reserve parcel (Lot 2ER); a ± 3.10 hectare (± 7.65 acre) road; and a ± 38.47 hectare (± 95.06 acre) remainder.

Legend

| | |
|-------------------|-----|
| Existing Approach | == |
| New Approach | ... |
| Driveway | ■ |
| Road Widening | ■ |

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.

Division: 07

Roll: 06416002/005/007

File: PL20210030

Printed: July 15, 2021

Legal: SE-16-26-29-W04M

CONCLUSION:

Subject to the proposed conditions of approval, the application is recommended for approval.

Respectfully submitted,

Concurrence,

“Brock Beach”

“Kent Robinson”

Acting Executive Director
Community Development Services

Acting Chief Administrative Officer

ON/llt

ATTACHMENTS:

ATTACHMENT ‘A’: Approval Conditions

ATTACHMENT ‘B’: Maps and Other Information

ATTACHMENT ‘C’: Public Submissions

ATTACHMENT 'A': APPROVAL CONDITIONS

- A. The application to create a ± 30.79 hectare (± 76.08 acre) industrial development parcel (Lot 8); one municipal reserve parcel totaling ± 2.05 hectares (± 5.07 acre); three public utility lots totaling ± 3.82 hectares (± 9.43 acres); one ± 10.50 hectare (± 25.95 acre) environmental reserve parcel (Lot 2ER); a ± 3.10 hectare (± 7.65 acre) road; and a ± 38.47 hectare (± 95.06 acre) remainder at Lot 4, Block 7, Plan 0812059 SE-16-26-29-W4M; a portion of SE-16-26-29-W4M; and a portion of SW-16-26-29-W4M, having been evaluated in terms of Section 654 of the *Municipal Government Act* and Sections 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 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:

Survey Plans

- 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.
- 2) The Owner is to dedicate a 10 m wide portion of land for road widening along the eastern boundary of Lot 4, Block 7, Plan 0812059.

Development Agreement

- 3) The Owner is to enter into a Development Agreement for the provision of the following infrastructure and improvements (further details are provided in the various sections below):
 - i. Design and construction of a public road system with association infrastructure, in accordance with the County Servicing Standards and as shown in the submitted Tentative Plan which includes the following:
 - i. Intersection treatments in accordance with the approved TIA;
 - ii. Signals and Illumination in accordance with the approved TIA;
 - iii. Temporary cul-de-sac including access easement;
 - iv. Regional Pathways;
 - v. Sidewalks;
 - vi. Offsite network improvements, if required, in accordance with the approved TIA

- ii. Mailbox locations are to be located in consultation with Canada Post, to the satisfaction of the County;
- iii. Design and construction of a piped potable water distribution system (including the registration of necessary easements) and fire suppression system;
- iv. Design and construction of a piped sanitary collection system (including the registration of necessary easements) to the East Rocky View Wastewater System and related infrastructure;
- v. Design and construction of a fire suppression and distribution system, designed to meet minimum fire flow as per County Standards and Bylaws;
- vi. Design, construction, and implementation of stormwater management facilities of the approved Stormwater Management Plan, including, but not limited to, storage facilities, overland and underground network, tie-ins to each log, and irrigation disposal system, in accordance with the recommendations of the approved Stormwater Management Plan and the registration of any overland drainage easements and/or restrictive covenants, as determined by the Stormwater Management Plan, all to the satisfaction of AESRD and the County;
- vii. Dedication of necessary easement and right-of-ways for utility line assignments;
- viii. Design and construction of landscaping features for all Public Utility Lots, public pathways and public roadways, environmental reserve, and municipal reserves in accordance with an approved Landscaping Plan;
- ix. Implementation of the recommendations of the Construction Management Plan and Weed Management Plan;
- x. Implementation of the recommendations of the Geotechnical Report;
- xi. Implementation of the recommendations of the Biophysical Impact Assessment and Wetland Impact Assessment;
- xii. Any required approvals from Alberta Environment and Parks for disturbance to any onsite wetlands;
- xiii. Installation of power, natural gas, and telephone lines; and
- xiv. Installation of dark sky compliant street lighting.
- xv. Payment of applicable off-site levies, at the then applicable rates, as of the date of the Development Agreement; and,
- xvi. Construction of any oversized or excess capacity infrastructure, roads, and/or services benefitting the Owner's lands and development and other lands.

Transportation and Access

- 4) The Owner shall provide an updated Traffic Impact Assessment (TIA) in accordance with the Rocky View County 2013 Servicing Standards, Alberta Transportation Standards, and the Balzac Global TIA. Any improvements identified or road right of way that is required will be at the owner's expense:
 - a) If the recommendations of the Traffic Impact Assessment require additional improvements to the existing roadway and intersection network, then the Development Agreement shall address these improvements.



- 5) The Owner shall obtain approval for a road name by way of application to, and consultation with, the County.

Stormwater/Developability

- 6) The Owner is to provide and implement an updated Stormwater Management Report and detailed stormwater servicing design. Implementation of the Stormwater Management Report shall include:
 - a) Registration of any required easements and/or utility rights-of-way;
 - b) Provision of necessary Alberta Environment and Parks registration documentation and approvals for the stormwater infrastructure system;
- 7) The Owner is to provide a Geotechnical Investigation in accordance with County Servicing Standards. The report will verify the site is suitable for the proposed buildings, site works, and utilities. Areas with greater than 1.2 m of fill will require a Deep Fill report.

Site Servicing

- 8) The applicant shall be required to enter into a Capacity Allocation Agreement for servicing allocation to the Lot being created in this phase. The agreement shall be based on the servicing need identified in the detailed servicing study.
- 9) The applicant shall submit a detailed potable water servicing and hydraulic design study to ensure the pipelines are sized adequately considering existing and future phases. The study shall confirm servicing requirements for this phase are in place and include provisions for fire protection in accordance with County Servicing Standards.
- 10) A detailed sanitary servicing study is required to support this development. 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 or an additional lift station capacity are required then all improvements shall be constructed under a Development Agreement.
 - b) Improvements that benefit other lands will qualify for cost recovery in accordance with Rocky View County Policy 406.

Municipal Reserves

- 11) The provision of Reserve is to be provided by the dedication of an MR lot totalling 5.07 acres, being 2.62 % of Reserve land dedication owing, to be determined by a Plan of Survey, in respect to SW-16-26-29-W4M and Lot 4, Block 7, Plan 0812059, SE-16-26-29-W4M and a portion of SE-16-26-29-W4M as indicated on the Approved Tentative Plan.
 - a) ± 7.38 % Municipal Reserve dedication outstanding on SW-16-26-29-W4M and Lot 4, Block 7, Plan 0812059, SE-16-26-29-W4M, and a portion of SE-16-26-29-W4M is to be deferred by Caveat to Lot 4, Block 7, Plan 0812059, SE-16-26-29-W4M, pursuant to Section 669 of the *Municipal Government Act*;

Environmental Reserves

- 12) The provision of Environmental Reserve is to be provided by the dedication of Lot 2ER, consisting of ± 10.50 ha (± 25.95 acres), as indicated on the Approved Tentative Plan, pursuant to Section 664 of the *Municipal Government Act*;

Architectural Controls

- 13) 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 Controls as detailed in the Balzac Business Park Conceptual Scheme, Direct Control District 125, and Balzac East Area Structure Plan. Elements should include, but not be limited to landscaping and screening provisions, signage, front and side yard facades, consistency in building materials, pedestrian connectivity, and building siting.

Lot Owners Association

- 14) The Owner shall legally establish a Lot Owners' Association (LOA), and 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 Lot Owners' Association;
 - a) The LOA agreement shall specify the future maintenance obligations of the Homeowners' Association for ongoing maintenance of all landscaped areas with the road rights-of-way and open spaces (both municipal reserves and environmental reserves); fencing; solid waste management; oversight of architectural controls; and, operation and maintenance of the stormwater detention facilities.

Site Construction

- 15) Utility Easements, Agreements, and Plans are to be provided and registered concurrently with a plan of survey to the satisfaction of ATCO Gas;
- 16) The Applicant/Owner shall design a central water fire suppression distribution system, including fire hydrants, for firefighting purposes, in accordance with the requirements described in the Fire Hydrant Water Suppression Bylaw (C-7259-2013):
 - a) Construction of the fire suppression collection system shall be included within the Development Agreement;
- 17) The applicant shall submit an Erosion and Sediment Control Plan and Report in accordance with the County's Servicing Standards. We note for the applicant's benefit that as this site's disturbed area is >2ha a full report is required.
- 18) The Owner is to provide a Construction Management Plan that is to include, but not be limited to, noise, sedimentation and erosion control, construction waste management, fire fighting procedures, evacuation plan, hazardous material containment, construction, and management details. Other specific requirements include:
 - a) Weed management during the construction phases of the project;
 - b) Management and mitigation of environmentally significant features as identified in the approved Biophysical Assessment;
 - c) Implementation of the Construction Management Plan recommendations, which will be ensured through the Development Agreement;

Cost Recovery

- 19) 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.



Landscaping

- 20) The Owner is to provide a landscaping plan prepared by a qualified practitioner for all public pathways, public roadways, and the environmental reserve lands in accordance with the Land Use Bylaw and East Balzac ASP. The plan must detail:
 - a) Treatment along entranceways, common landscaped areas, municipal reserves, public utility easements, and stormwater facilities

Payments and Levies

- 21) The Owner shall pay the County Subdivision Endorsement fee, in accordance with the Master Rates Bylaw, for the creation of six new lots.
- 22) The Owner shall pay the Transportation Off-Site Levy in accordance with Bylaw C-8007-2020 prior to entering into the Development Agreement. The County shall calculate the total amount owing:
 - b) from the total gross acreage of the Lands to be subdivided as shown on the Plan of Survey
- 23) The Owner shall pay the Water/Wastewater Off-Site Levy in accordance with Bylaw C-8009-2020. The County shall calculate the total amount owing;
 - a) Based on engineering assessment of the projected usage.

Taxes

- 24) 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*.

D. SUBDIVISION AUTHORITY DIRECTION:

- 1) Prior to final endorsement of the subdivision, the Planning Department is directed to present the Applicant/Owners with a Voluntary Recreation Contribution Form and ask them if they will contribute to the Fund in accordance with the contributions prescribed in the Master Rates Bylaw

ATTACHMENT 'B': MAPS AND OTHER INFORMATION

| | |
|---|--|
| APPLICANT: Maidment Land Surveys Ltd. | OWNER: Karima Enterprises Ltd. and Balzac-Points North JV Inc. |
| DATE APPLICATION RECEIVED: February 18, 2021 | DATE DEEMED COMPLETE: February 18, 2021 |
| GROSS AREA: ± 88.72 hectares (± 219.24 acres) | LEGAL DESCRIPTION: Lot 4, Block 7, Plan 0812059 SE-16-26-29-W4M; a portion of SE-16-26-29-W4M; and a portion of SW-16-26-29-W4M |
| APPEAL BOARD: Municipal Government Board | |
| HISTORY: <u>Planning Files:</u> November 23, 2010: Council approved an amendment to DC125 to add additional uses to Cells 1 and 2 (2010-RV-060) July 6, 2010: Council approved Phase 3 subdivision into 11 commercial lots, replacing 2008-RV-325 (2010-RV-061) – file closed. July 29, 2008: Council approved Phase I of the Balzac Business Park Conceptual Scheme by subdividing +/- 86.3 acres into 21 commercial lots, four (4) public utility lots, 2 municipal reserve lots, and 1 environmental reserve lot (2008-RV-144) – closed (expired) February 10, 2008: Council approved the implementation of Phases 2 and 3 for subdivision of all of the remnant of SE1/4-16-26-29-W4M and Lot 4 Block 7 Plan 0812059 comprising a total of 107.51 ac into 36 industrial lots, two (2) municipal reserve lots, and one (1) public utility lot (2008-RV-325) – closed (expired) April 15, 2007: Council approved an amendment to the Balzac Business Park Conceptual Scheme to include all lands in the S1/2-16-26-29-W4M (2006-RV-648) April 26, 2005: Council approved redesignation of (2002-RV-358) from Ranch and Farm District to Direct Control District 125. April 26, 2005: Council approved the Balzac Business Park Conceptual Scheme (2002-RV-359) June 16, 1998: Application to redesignate 18 acres of the subject land from Agricultural Conservation (1) District to Direct Control (DC) District for R.V. sales and consignment, with a ± 68 acre remainder. (97-RV-003) - refused 1998: Application to redesignate lands from Ranch and Farm to Direct Control District for 18 acre RV sales and consignment (98-RV-102) - withdrawn | |

Development Permits:

- December 23, 2020:** Permits issued for renewal of freestanding sign. (PRDP20203185, 3186)
- November 2019:** Application for stripping and grading (PRDP20194187) – waiting for conditions to be satisfied
- December 20, 2018:** Permit issued for Installation of one freestanding sign. (PRDP20183323, 3321)
- August 16, 2012:** Application to construct Type I industrial building and signage (extension to 2008-DP-13195) File closed due to inactivity. (2011-DP-14538)
- March 29, 2011:** Permit issued for 2 information signs (2011-DP-14442)
- May 25, 2010:** Permit issued for 2 information signs (2010-DP-13986)
- March 30, 2010:** Permit issued for General Industry, Type I, construction of an industrial building and signage (extension of 2008-DP-13195) (2010-DP-13884)
- September 2, 2008:** Permit issued for two (2) subdivision entrance feature signs (2008-DP-13223)
- August 19, 2008:** Permit issued for construction of an industrial building, Type I and signage (2008-DP-13195)
- August 5, 2008:** Permit issued for construction of a temporary site office (2008-DP-13215)
- July 22, 2008:** Stripping and grading for 29 lots (2008-DP-13161) – file closed September 2011 after four (4) renewals
- April 15, 2008:** Permit issued for renewal of tow (2) information signs, (2008-DP-13000) – expired
- December 6, 2005:** Permit issued for Home Based Business, Type II for welding shop (2005-DP-11751) – expired
- December 7, 2004:** Permit issued for renewal of mobile home dwelling for farm help (2004-DP-11118)
- December 2, 2003:** Permit issued for renewal of Home Based Business, Type II for welding shop (2003-DP-10617)
- December 12, 2002:** Permit issued for renewal of Home Based Business, Type II for welding shop (2002-DP-10106)

PUBLIC & AGENCY SUBMISSIONS:

The application was circulated to 98 adjacent landowners. Two (2) responses in opposition received. The responses have been included in Appendix 'C.'

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.

Subdivision Proposal

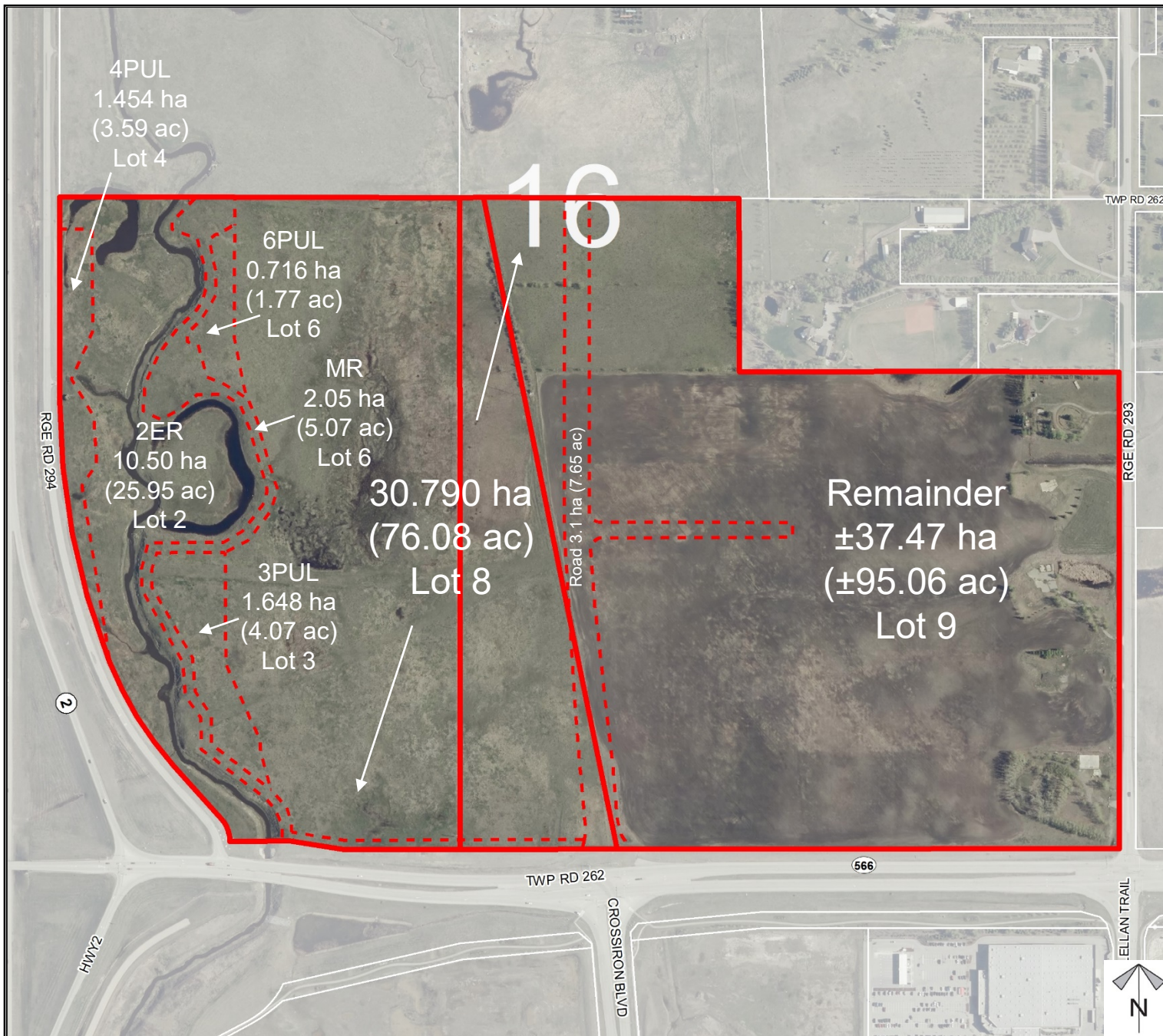
Division: 07
Roll: 06416002/005/007
File: PL20210030
Printed: July 15, 2021
Legal: SE-16-26-29-W04M



Development Proposal

Subdivision Proposal

To create a ± 30.79 hectare (± 76.08 acre) industrial development parcel (Lot 8); one municipal reserve parcel totaling ± 2.05 hectares (± 5.07 acre); three public utility lots totaling ± 3.82 hectares (± 9.43 acres); one ± 10.50 hectare (± 25.95 acre) environmental reserve parcel (Lot 2ER); a ± 3.10 hectare (± 7.65 acre) road; and a ± 38.47 hectare (± 95.06 acre) remainder.



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 File: PL20210030
 Printed: July 15, 2021
 Legal: SE-16-26-29-W04M

Balzac Business Park



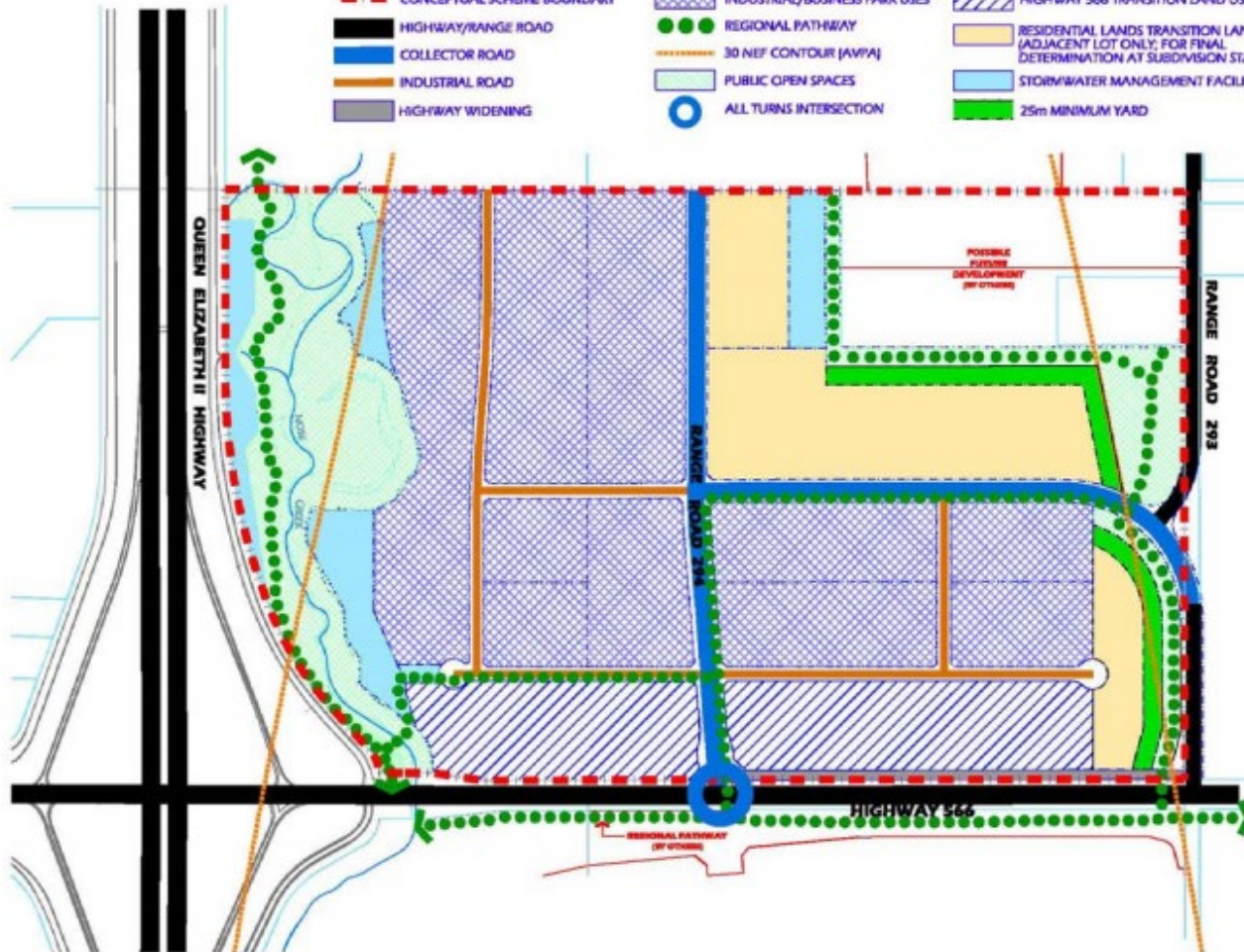
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LEGEND

- CONCEPTUAL SCHEME BOUNDARY
- HIGHWAY/RANGE ROAD
- COLLECTOR ROAD
- INDUSTRIAL ROAD
- HIGHWAY WIDENING

- INDUSTRIAL/BUSINESS PARK USES
- REGIONAL PATHWAY
- 30 NEF CONTOUR (AMPA)
- PUBLIC OPEN SPACES
- ALL TURNS INTERSECTION

- ### Conceptual Scheme
- HIGHWAY 566 TRANSITION LAND USE
 - RESIDENTIAL LANDS TRANSITION LAND USE (ADJACENT LOT ONLY; FOR FINAL DETERMINATION AT SUBDIVISION STAGE)
 - STORMWATER MANAGEMENT FACILITY
 - 25m MINIMUM YARD



land use concept and transportation plan

 FIGURE
8

Conceptual Scheme

Subdivision Proposal

To create a ± 30.79 hectare (± 76.08 acre) industrial development parcel (Lot 8); one municipal reserve parcel totaling ± 2.05 hectares (± 5.07 acre); three public utility lots totaling ± 3.82 hectares (± 9.43 acres); one ± 10.50 hectare (± 25.95 acre) environmental reserve parcel (Lot 2ER); a ± 3.10 hectare (± 7.65 acre) road; and a ± 38.47 hectare (± 95.06 acre) remainder.

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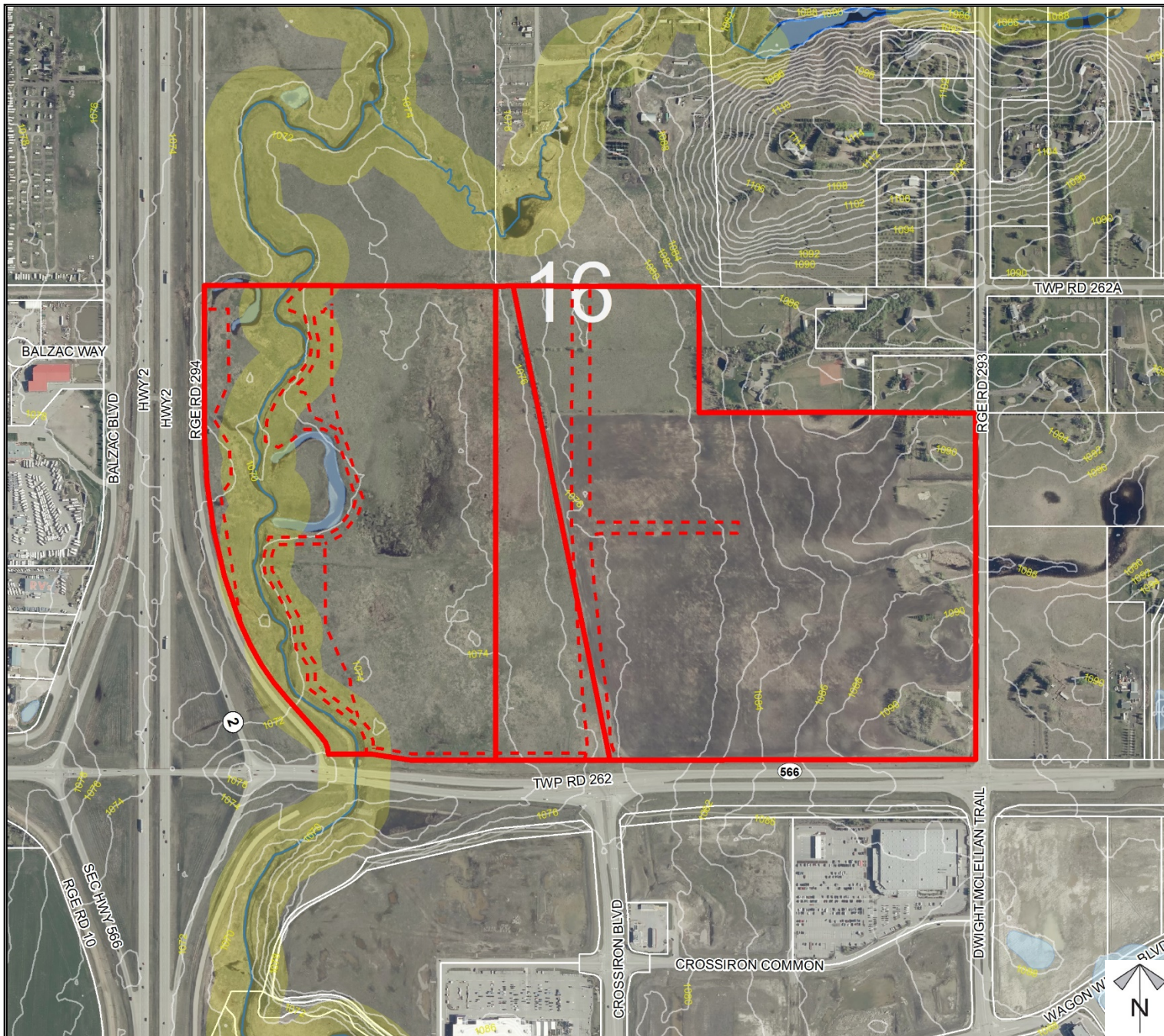
Environmental

Subdivision Proposal

To create a ± 30.79 hectare (± 76.08 acre) industrial development parcel (Lot 8); one municipal reserve parcel totaling ± 2.05 hectares (± 5.07 acre); three public utility lots totaling ± 3.82 hectares (± 9.43 acres); one ± 10.50 hectare (± 25.95 acre) environmental reserve parcel (Lot 2ER); a ± 3.10 hectare (± 7.65 acre) road; and a ± 38.47 hectare (± 95.06 acre)

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

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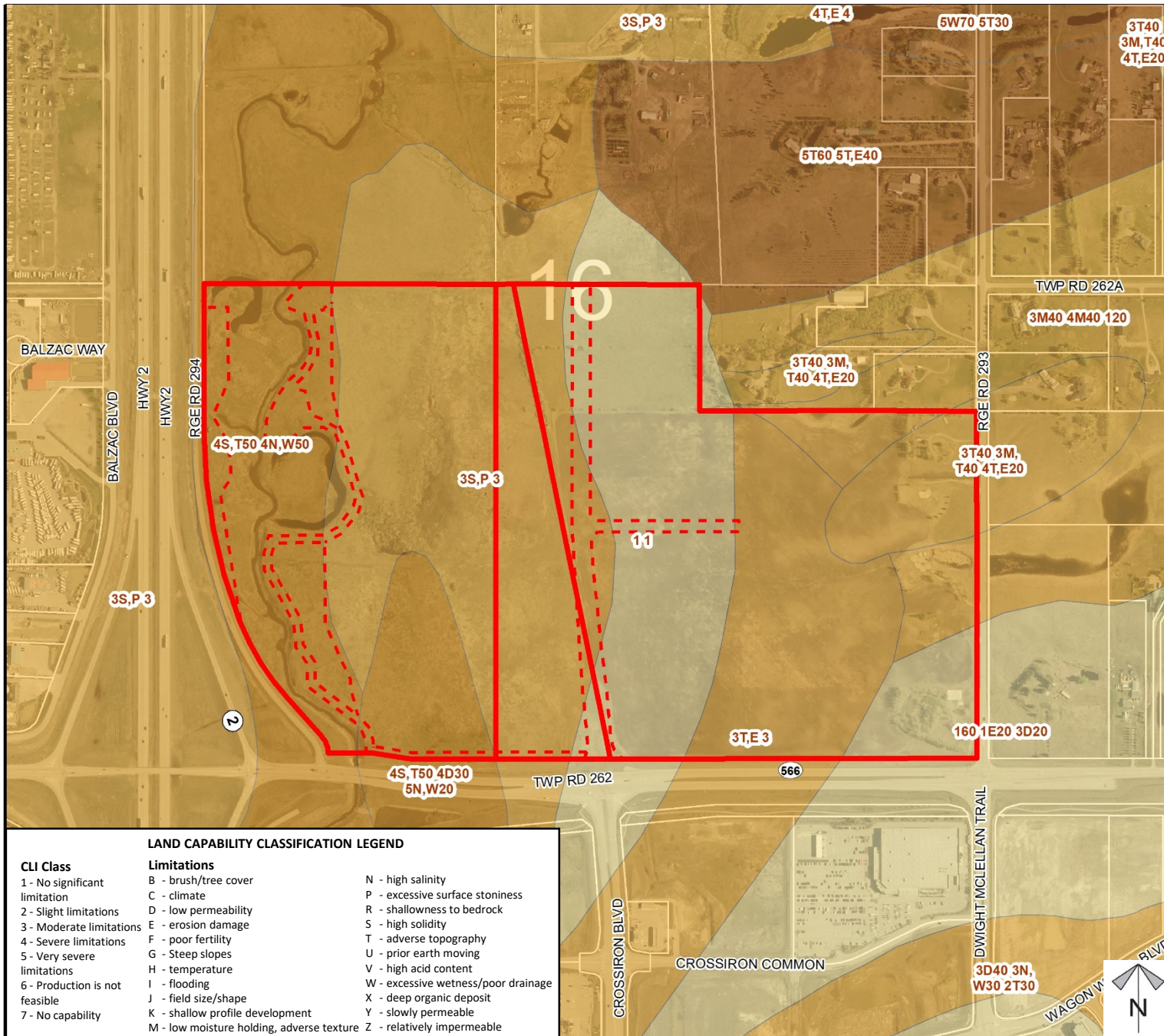




Soil Classifications

Subdivision Proposal

To create a ± 30.79 hectare (± 76.08 acre) industrial development parcel (Lot 8); one municipal reserve parcel totaling ± 2.05 hectares (± 5.07 acre); three public utility lots totaling ± 3.82 hectares (± 9.43 acres); one ± 10.50 hectare (± 25.95 acre) environmental reserve parcel (Lot 2ER); a ± 3.10 hectare (± 7.65 acre) road; and a ± 38.47 hectare (± 95.06 acre) remainder.



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Landowner Circulation Area

Subdivision Proposal

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Legend

Support

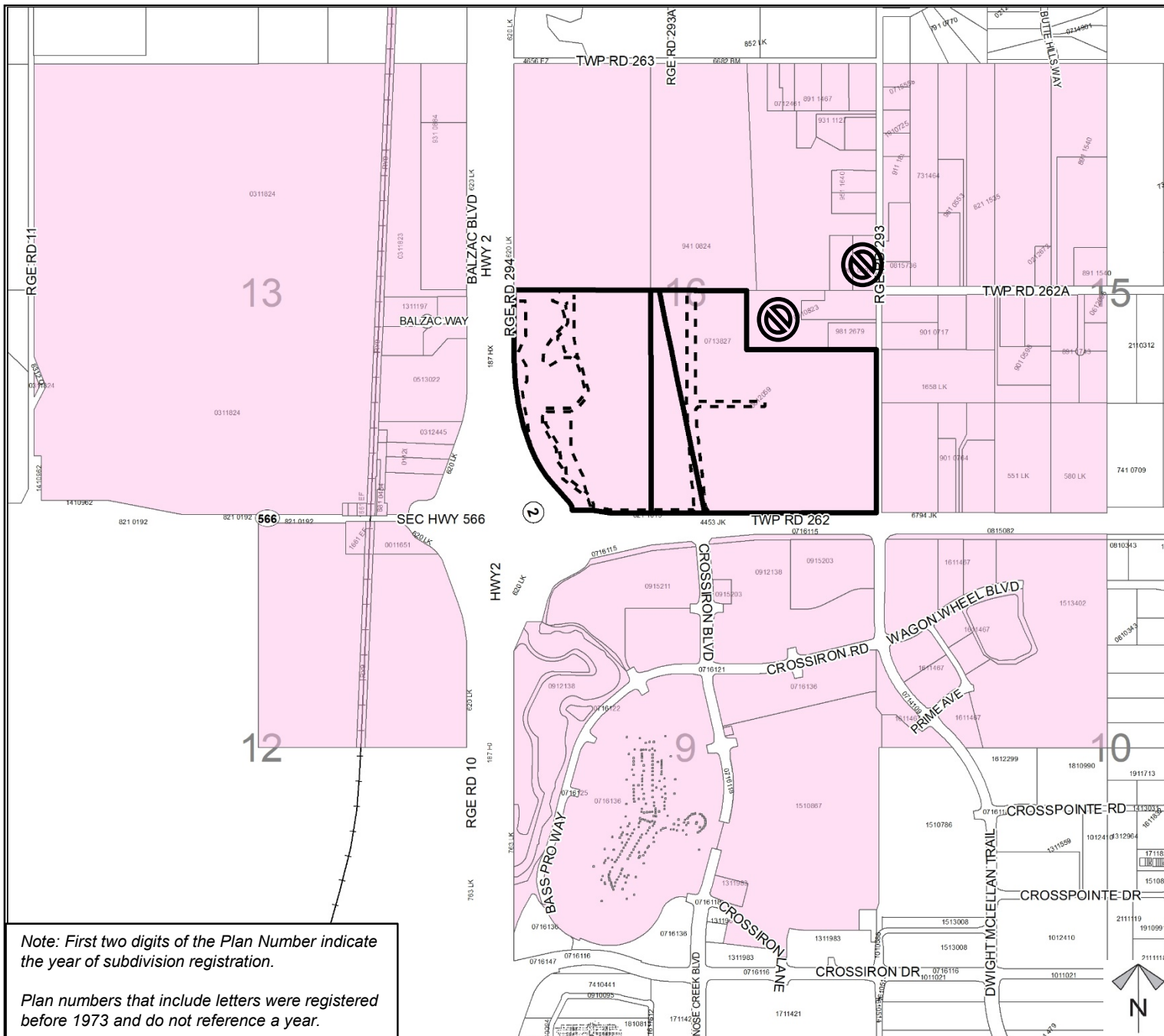


Not support



Note: First two digits of the Plan Number indicate the year of subdivision registration.

Plan numbers that include letters were registered before 1973 and do not reference a year.



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Tentative Plan

Subdivision Proposal

To create a ± 30.79 hectare (± 76.08 acre) industrial development parcel (Lot 8); one municipal reserve parcel totaling ± 2.05 hectares (± 5.07 acre); three public utility lots totaling ± 3.82 hectares (± 9.43 acres); one ± 10.50 hectare (± 25.95 acre) environmental reserve parcel (Lot 2ER); a ± 3.10 hectare (± 7.65 acre) road; and a ± 38.47 hectare (± 95.06 acre) remainder.

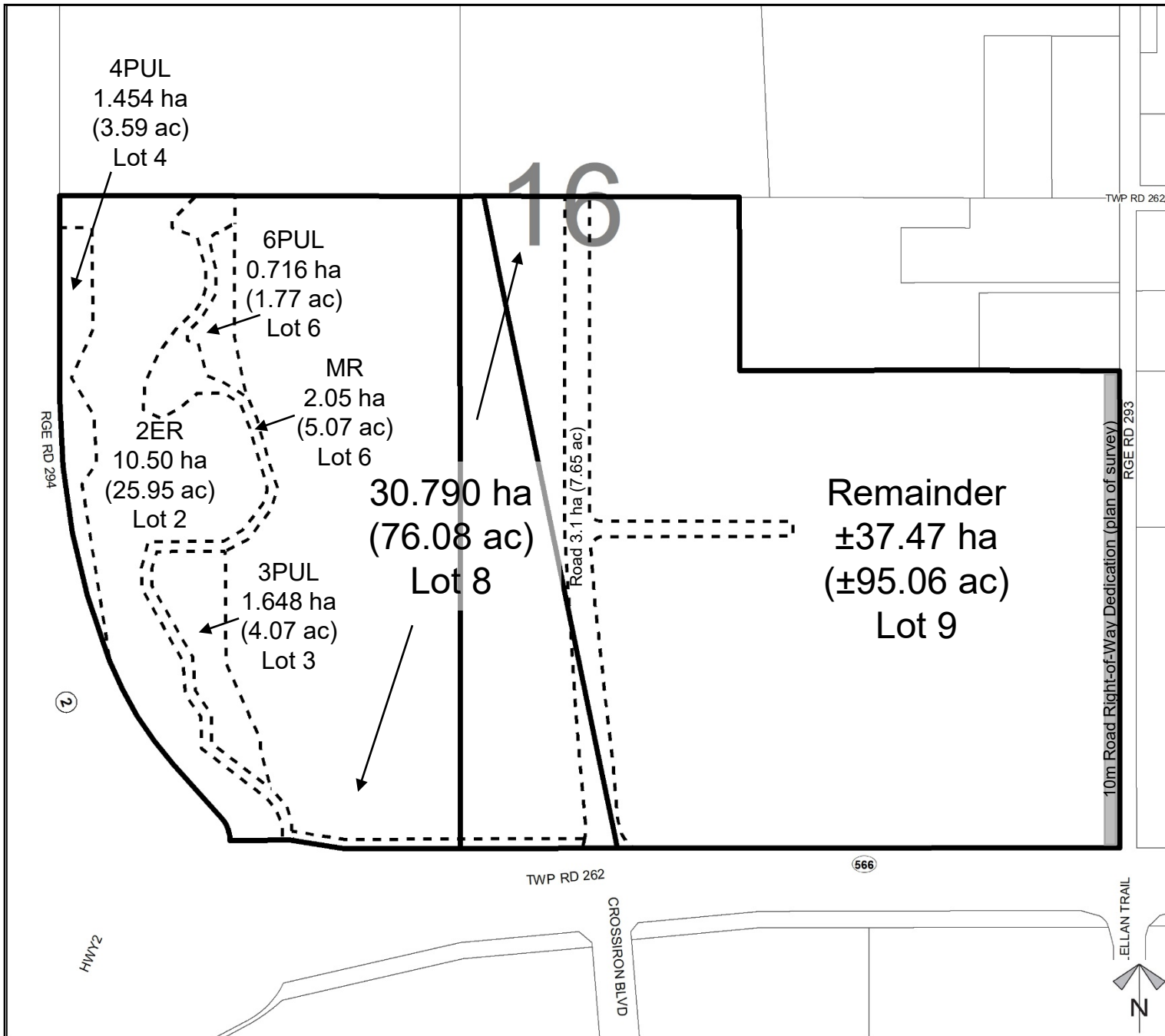
Legend

| | |
|-------------------|-----|
| Existing Approach | == |
| New Approach | ... |
| Driveway | ▣ |
| Road Widening | ■ |

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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From: [REDACTED]
To: [Oksana Newmen](#)
Subject: [EXTERNAL] - Application PL20210030
Date: March 23, 2021 3:37:53 PM

Do not open links or attachments unless sender and content are known.

The proposed development is in an area where there was a Concept Plan approved some years ago. Could you please confirm if this proposal intends to change the Concept Plan in any way?

I would also like to know if the proposal will allow for the construction of the Trans Canada Trail which is coming into Rocky View from Airdrie and should be joining the trail in Calgary. I am interested in how this will be routed to cross Highway 566.

Thank you.

--

Syd Hartley
[REDACTED]

--

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>

April 1, 2021

Via Email

Rocky View County
262075 Rocky View Point
Rocky View County, AB T4A 0X2

Attention: Ms. Oksana Newmen

**RE: Subdivision Application PL20210030;
Applicant Maidment Land Surveys Ltd.;
SW-16-26-29 W04M
SE-16-26-29-W04M
Lot 4 Block 7 Plan 0812059, SE-26-29-W04M**

Dear Ms. Newmen:

I am writing to express concerns about the Subdivision Application PL20210030. My wife and I are the registered owners of the land to the immediate northeast of the subject lands. I reviewed the Direct Control Bylaw C-6610-2007 (DC-125) that governs the subject lands and the Balzac Business Park Conceptual Scheme.

I have the following comments. In my opinion the application does not comply with the Direct Control Bylaw and the Conceptual Scheme for the reasons outlined below.

Conceptual Scheme

The Conceptual Scheme contains the following policies that are relevant for the subject application:

Policy 3.4.1: Subdivision application(s) shall be in general conformity with lot configuration shown in Figure 9.

Policy 3.1.1: Redesignation, subdivision and development proposals within the plan area shall conform to this Conceptual Scheme, Balzac East ASP and other relevant policies and regulations of the MD of Rocky View.

Policy 3.1.10: Subdivision shall generally be in accordance with the proposed subdivision plan shown in Figure 9.

Policy 3.1.11: Lot layouts shown in Figure 9 are conceptual only and may not reflect the final design, number or sizes of lots proposed in future tentative plans of subdivision. The final size, configuration and design of individual parcels proposed through subdivision shall be

determined at the tentative subdivision plan approval stage and conform to the provisions of the Direct Control Bylaw.

It is important to note that the aforementioned Policy sections of the Conceptual Scheme use the word "shall". This indicates compulsory language. Legally it means that these policies must be followed and that these policies apply to any and all subdivision applications. Figure 9 is relatively very detailed. I conclude that the Conceptual Scheme anticipate comprehensive subdivision and development of the Business Park. While Policy section 3.1.10 provides some flexibility, it contemplates that generally the proposed subdivision application(s) must follow the lot configuration of Figure 9

It is important to note that the aforementioned Policy sections of the Conceptual Scheme use the word "shall". This indicates compulsory language and thus are requirements that must be met. Legally it means that these policies must be followed and apply to the subdivision applications. Figure 9 is relatively very detailed and anticipates comprehensive subdivision and development of the Business Park.

Direct Control Bylaw

It is also pertinent that the Direct Control Bylaw contains very prescriptive directions of Council as set out in the regulatory provisions of the Bylaw. The following sections of the DC Bylaw are significant and provide clear directions:

1.0.0 General Requirements

1.5.0 All *development* upon the lands shall be in accordance with all plans and specifications submitted pursuant to this Bylaw and all licenses, permits and approvals pertaining to the lands required to be obtained from Alberta Environment and Alberta Infrastructure and Transportation. The policies of the Balzac East Area Structure Plan and the Balzac Business Park Conceptual Scheme shall apply to all applications for subdivision and development.

2.0.0 SUBDIVISION REQUIREMENTS

2.1.0 No subdivision of the Lands shall be permitted without and until the Developer has executed a Development Agreement(s) in form and substance satisfactory to the County at its sole discretion, which shall describe all details of development, any development regulation, criteria, or condition, including the posting of financial securities, where necessary to ensure all subdivision of the Lands conforms to the principles upon which this By-law is based. The Development Agreement shall be registered by caveat against the Lands and shall run with the Lands and shall include but not be limited to the following:

2.1.1 Construction of a wastewater collection, treatment and disposal system;

2.1.2 Construction of a surface water supply, treatment and distribution system, including fire hydrants for fire fighting purposes;

2.1.3 Construction of stormwater management facilities as per an approved Storm Water Management Plan;

2.1.4 Construction of all internal road systems and construct all off-site roads necessary to serve the development as identified in the Traffic Impact Assessment for each phase of subdivision;

2.1.5 Confirmation of the location of all necessary utility easements, restrictive covenants/caveats and rights-of-way related to the supply and distribution of power, gas, telephone, and such other utilities required by the County; and

2.1.6 Design and construction of a linear pathway linking the Balzac Business Park with Nose Creek and providing connectivity with adjacent lands, all to the satisfaction of the County.

2.2.0 No subdivision of the Lands shall be permitted without and until:

2.2.1 The Developer has prepared and submitted a Storm Water Management Plan complete with erosion and sedimentation control measures in form and substance satisfactory to each of the County and Alberta Environment. The Developer shall design, construct and maintain all of the infrastructure required by the Stormwater Management Plan to the satisfaction of Alberta Environment and the County;

2.2.2 Issuance of all necessary licenses and permits with respect to the provision of a wastewater collection, treatment and disposal system to the satisfaction of the County and Alberta Environment;

2.2.3 Issuance of all necessary licenses and permits with respect to the provision of a surface water supply, treatment and distribution system, including fire hydrants for fire fighting purposes to the satisfaction of the County and Alberta Environment;

2.2.4 All necessary utility easements, restrictive covenants/caveats and rights-of-way related to the supply and distribution of power, gas, telephone and such other utilities required by the County, have been registered concurrently with the plan of subdivision by the Developer against the title to the Lands or portions thereof;

2.2.5 The Developer has prepared, at its sole expense, a master landscape plan for the Balzac Business Park Conceptual Scheme area, in accordance with the landscaping provisions of this Bylaw. The Master Landscape Plan shall be consistent with the policies and guidelines of the Intermunicipal Entranceway policies of the M.D. of Rocky View/ City of Calgary and City of Airdrie/M.D. of Rocky View Intermunicipal Development Plans,

Balzac Business Park Conceptual Scheme and in particular the policies respecting the Highway 566 Transition Area, and the Residential Lands Transitional area;

2.2.6 A Lot Owners' Association has been legally established by the Developer and a Restrictive Covenant confirming that each owner shall, in perpetuity, be a member of the Lot Owners Association, and that the responsibilities of the Lot Owners' Association will be determined prior to subdivision approval, to the satisfaction of the County;

2.2.7 Agreements to provide for mutual access, the shared use of parking areas shall be registered on title of the affected lots when the subdivision is registered, where applicable;

2.2.8 A review of the Traffic Impact Analysis shall be submitted with the application for each phase of subdivision, at no expense to the County, to determine the timing of construction of the Highway and off-site road improvements, to the satisfaction of the County and Alberta Infrastructure and Transportation;

2.2.9 Architectural controls in conformity with the policies and guidelines contained in the Balzac Business Park Conceptual Scheme shall be registered on each parcel and enforced by the Developer until such time that a Lot Owners Association is established;

2.2.10 An Emergency Management and Response Plan has been prepared and approved by the County prior to final subdivision endorsement;

2.2.11 An Environmental Site Assessment that describes methods to mitigate the impact of affected phases of development adjacent to Nose Creek shall be prepared at the time of subdivision;

2.2.12 An Historical Resources Overview or if required by the Province, a Historical Resources Impact Assessment shall be prepared prior to any disturbances on the site, to the satisfaction of the County and Alberta Community Development; and

2.2.13 No Plan of Subdivision shall be endorsed and no Development Permit shall be issued for the lands (including stripping and grading) until the County and the Owner have executed a Development Agreement(s) where required, in form and substance satisfactory to the County.

Conclusion

The proposed subdivision does not meet the requirements of the DC Bylaw and Conceptual Scheme. The provisions of the DC Bylaw use the word "shall" throughout in almost every provision. This indicates compulsory language and thus is a requirement that must be met. The provisions as referenced above, in particular the underlined sentences, underscore the

mandatory requirements of the Bylaw. Any subdivision application must meet the provisions of the DC Bylaw.

The DC Bylaw in conjunction with the Conceptual Scheme anticipates comprehensive subdivision and development of the Business Park. I submit that the subject subdivision application should comply with every aspect of the DC Bylaw, which are the directions of Council and must be followed.

Section 2.2.0 of the DC Bylaw is extremely clear. It states that no subdivision of the lands shall be permitted without and until all requirements of the listed subsections are met. This means that the developer and/or owners are required to comply with the requirements of section 2.2.0 before any subdivision of the lands can be approved by the Subdivision Authority.

While the Conceptual Scheme may provide some flexibility in its policies by using the words “general conformity with lot configuration shown in Figure 9”, the DC Control Bylaw does not allow for flexibility. The DC Bylaws is part of the Land Use Bylaw and prevails over the policies of the Conceptual Scheme.

Under the scheme of the Municipal Government Act (MGA), the Subdivision and Development Regulation, the Subdivision Authority is bound by the Land Use Bylaw and DC Bylaw that apply to the subject lands and subdivision application. The MGA, section 654(1), states that the Subdivision Authority must not approve a subdivision application unless, among other things, the proposed subdivision complies to the provisions of [...] any land use bylaw that affects the land to be subdivided.

I further submit that due to the compulsory language used in the DC Bylaw the Subdivision Authority has no authority to relax or vary the provisions of the DC Bylaw, since the DC Bylaw does not expressly provides the Subdivision Authority the authority to relax or vary the provisions of section 2.0.0 (the Subdivision requirements of the DC Bylaw). Furthermore the requirements of section 2.0.0 are not subdivision standards but express conditions that must be met before the Subdivision Authority has the authority to approve a subdivision application. Section 2.0.0 pertains to the jurisdiction/authority of the Subdivision Authority and such provisions of the DC Bylaw cannot be varied or relaxed. Section 654(2) of the MGA, which provides the authority to the Subdivision Authority to relax or vary the Land Use Bylaw, pertains to subdivision standards of the Land Use Bylaw. It does not pertain to jurisdictional or administrative provisions of the Land Use Bylaw (which includes the DC Bylaw).

Council approved the DC Bylaw and Conceptual Scheme to ensure comprehensive development of the subject lands takes place having regard to the impacts of the development of the Business Park on adjacent properties. In our view the proposed subdivision of the subject lands as applied for in the subject application is contrary to the intent of the objectives of the DC Bylaw and Conceptual Scheme. I am afraid of negative

impacts on the use, value and enjoyment of our property if the subdivision application would be approved, as the developer has not provided any guarantees that the lands will be developed in accordance with the DC Bylaw and Conceptual Scheme.

If the subdivision applicant or the developer do not comply with the requirements of section 2.0.0 of the DC Bylaw, the subdivision application must be refused in accordance with the MGA.

Thank you for considering our comments.

Yours truly,

[Unsigned as sent via email]

Darcy Steinman
262111 Range Road 293
Rocky View County, AB T4A 0N1

[REDACTED]

[REDACTED]