

Planning & Development Report to
Calgary Planning Commission
2019 October 17

ISC: UNRESTRICTED
CPC2019-1110

Policy Amendment - Southeast Industrial Area Structure Plan Mapping Correction

EXECUTIVE SUMMARY

This report proposes to make a mapping correction to the *Southeast Industrial Area Structure Plan* (ASP). During the process of updating the ASP mapping related to a phosphogypsum stack and hazardous waste management facilities in 2018, parts of the plan area were unintentionally removed. Those parts of the plan area will eventually be a part of a new plan. However, it was not intentional to remove those areas in advance of new policy being proposed. This report proposes a bylaw that would reinstate the same ASP policy for those areas as was in effect prior to the previous ASP updates.

ADMINISTRATION RECOMMENDATION:

That Calgary Planning Commission recommend that Council hold a Public Hearing and:

1. **ADOPT**, by bylaw, the proposed amendments to the Southeast Industrial Area Structure Plan (Attachment 1);
2. Give three readings to the proposed bylaw; and
3. **ADOPT**, by resolution, the proposed revisions to the Supporting Information section of the Southeast Industrial Area Structure Plan that does not form part of Bylaw 6P96 (Attachment 2).

PREVIOUS COUNCIL DIRECTION / POLICY

None.

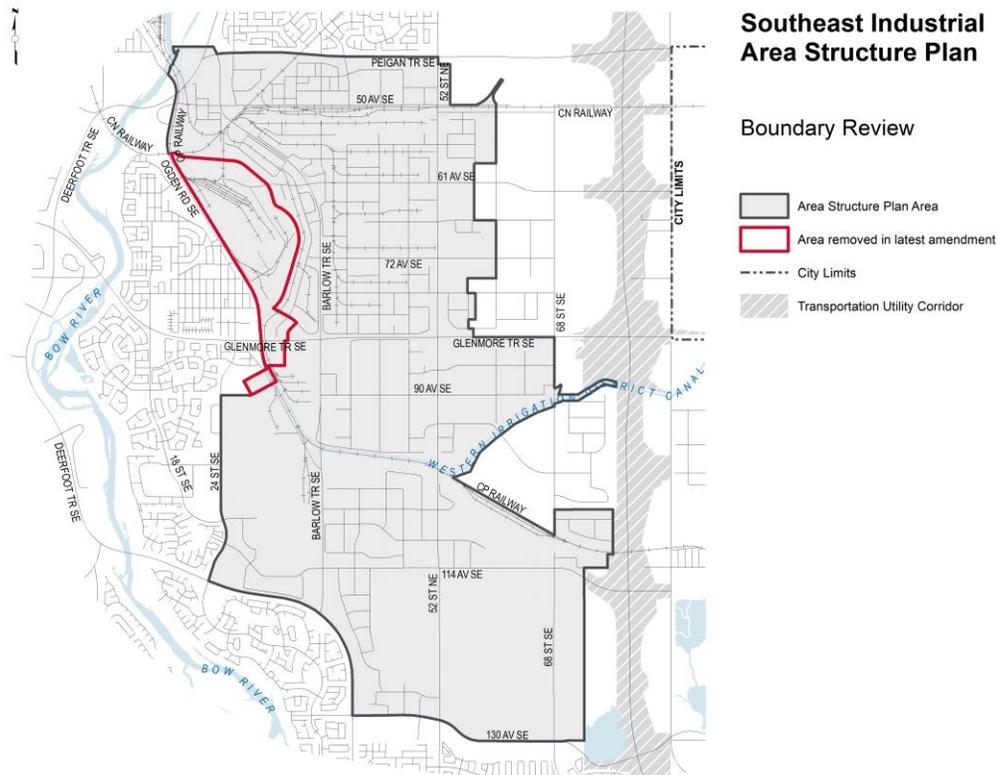
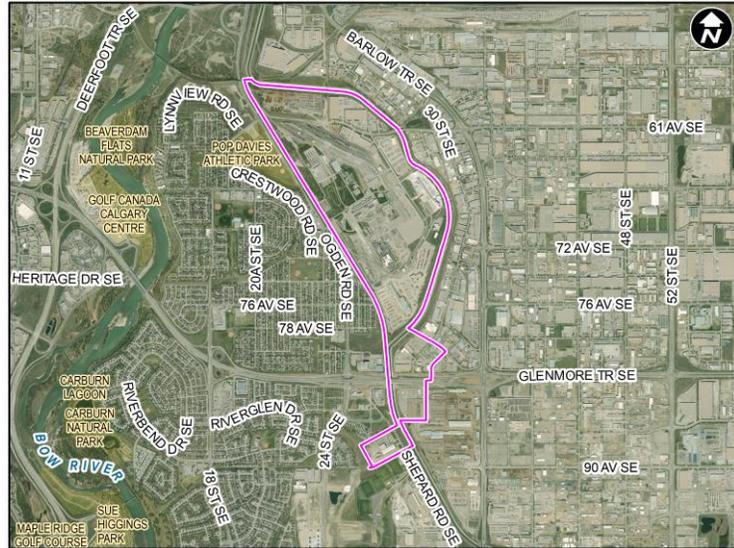
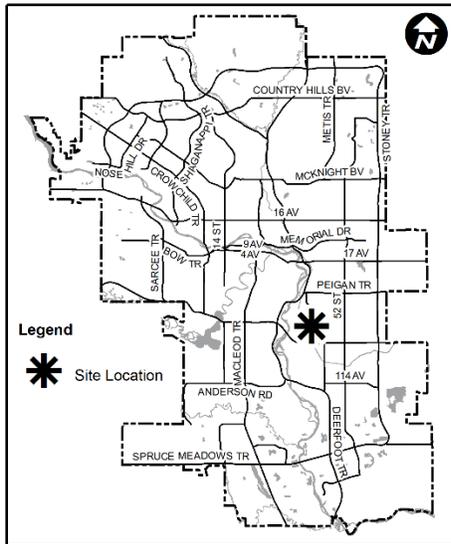
BACKGROUND

On 2018 October 09, Council adopted amendments to the *Southeast Industrial Area Structure Plan* (CPC2018-0863 / M-2018-001, see Attachment 3) to remove the 400 metre setback from a decommissioned phosphogypsum stack and add a 450 metre setback to the disposal area of operating hazardous waste management facilities. The ASP amendment was initiated by Administration as a result of ongoing applications affected by the setbacks and to align with amendments to the *Municipal Government Act* (MGA).

In 2018, mapping changes to the ASP were requested by Administration to support future amendments that will eventually be proposed through the new multi-community planning framework. However, when the changes went forward related to the phosphogypsum stack and hazardous waste management facilities, most of the maps that were used also had portions of the plan area removed. It was not intentional to remove those areas from the ASP in advance of new policy being proposed. After adoption, it was noticed by Administration that portions of the plan area had been removed. Map 1, which defines the plan area, was affected and meant that those portions of the plan area were rendered inapplicable on all other maps. Maps 2, 3, 11 and 16 were not affected, and do not require amendment. All other maps require amendments (see Attachments 1 and 2).

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Location Maps



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Site Context

The *Southeast Industrial ASP* covers a land area of approximately 3,763 hectares (9,299 acres) in size, comprising primarily industrial uses, with limited commercial uses. The Plan Area is bounded by Peigan Trail SE to the north, Deerfoot Trail SE to the west, Deerfoot Trail SE and 130 Avenue SE to the south and Stoney Trail SE to the east.

The portions of the plan area that were removed are approximately 225 hectares (555 acres) in size. This area consists of 73 parcels of private land. The lands are expected to be included in a new multi-community planning framework plan proposed in 2020.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The only option considered was to reinstate the portions of the plan area that were removed.

Planning Considerations

An issue with this correction is the discrepancy between what the 2018 report stated the amendment was about, and what was actually contained within the amendment. Amending plans involves Administration bringing a bylaw to City Council (through Calgary Planning Commission or the Standing Policy Committee on Planning and Urban Development). That bylaw amends a plan which is itself a bylaw (plans are amended by bylaw). The changes to the plan should be limited to the scope of the changes described in the accompanying report. That did not happen when portions of the plan area were removed without any mention of it in the report. The purpose of this report is to correct that by reinstating those portions of the plan area as they were before the amendment.

The correction being made to the ASP highlights a general issue with amending plans. When amending plans, certain types of background information are updated to reflect current conditions. Over time, roads change, river channels are altered, and parcels are subdivided. These features are shown on the maps of a plan, but they are not necessarily a part of what the plan has policy on. If there are no policies on a particular feature, it can be updated by including a note in the report that states that background information is being updated as a part of the mapping amendment to the plan; and in this case, background information is being updated on the ASP maps.

Environmental

There are no environmental implications of reinstating the portions of the plan area that were removed.

Transportation

There are no transportation implications of reinstating the portions of the plan area that were removed.

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Utilities and Servicing

There are no utilities and servicing implications of reinstating the portions of the plan area that were removed.

Stakeholder Engagement, Research and Communication

The engagement related to the phosphogypsum stack and hazardous waste management facilities was undertaken correctly. There is no issue with the stated intent of the 2018 amendment to the ASP.

There was no notification or engagement with affected landowners prior to the amendment that removed the lands from the plan area. Affected landowners were not engaged about the error or about the process to correct it. From 2018 September to 2019 September, there was one land use amendment application and two development permit applications within the portion of the plan area that were unintentionally removed. All applications referred to the ASP and aligned with it.

Strategic Alignment

South Saskatchewan Regional Plan (2014)

The proposal is aligned with the policy direction of the *South Saskatchewan Regional Plan* (SSRP). The plan areas are located within the City, Town area as identified on Schedule C: South Saskatchewan Regional Plan Map in the SSRP. While the SSRP makes no specific reference to this area, the proposal is consistent with the SSRP policies on Land Use patterns strategies (subsection 8.14) within the Implementation Plan portion of the document.

Interim Growth Plan (2018)

The recommendation aligns with the policy direction of the *Interim Growth Plan*. The proposed policy amendment builds on the principles of the *Interim Growth Plan* by means of promoting efficient use of land, regional infrastructure, and establishing strong, sustainable communities.

Municipal Development Plan (Statutory – 2009)

There is no applicable policy in the *Municipal Development Plan* related to this correction.

Southeast Industrial Area Structure Plan (Statutory – 1996)

There is no applicable policy in the *Southeast Industrial Area Structure Plan* related to this correction.

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Social, Environmental, Economic (External)

The proposed outline plan amendment and land use redesignation provides for a range of residential opportunities that may accommodate the needs of different demographic categories.

Financial Capacity

Current and Future Operating Budget

There are no known impacts to the current and future operating budgets at this time.

Current and Future Capital Budget

The proposed amendment does not trigger further capital infrastructure investment and therefore there are no growth management concerns at this time.

Risk Assessment

There are no significant risks associated with this proposal.

REASON(S) FOR RECOMMENDATION(S):

The proposed amendments to the *Southeast Industrial ASP* will correct a mapping error and reinstate the planning direction that was previously in place for the area.

ATTACHMENT(S)

1. Proposed amendments to the Southeast Industrial Area Structure Plan
2. Proposed amendments to the Supporting Information section of the Southeast Industrial Area Structure Plan
3. Report to Council: Policy Amendments - Southeast Industrial Area Structure Plan (Ward 12), M-2018-001