

**POLICY AMENDMENT, ROAD CLOSURE AND LAND USE
AMENDMENT
RESIDUAL SUB-AREA 12C (WARD 12)
EAST OF STONEY TRAIL SE AND NORTH OF HIGHWAY 22X
BYLAWS 45P2017, 10C2017 AND 271D2017**

MAP 36SSE

EXECUTIVE SUMMARY

This application covers an area of 96.1 hectares ± (237.6 acres ±) located in the southeast quadrant of the city. The subject site is currently designated Special Purpose – Future Urban Development (S-FUD) District and is identified as Neighbourhood 7 in the South Shepard Area Structure Plan (ASP). The application consists of three components:

1. Road closure of a portion of 88 Street SE located along the western boundary of the subject lands;
2. Land use redesignation of the subject lands and the closed road from the S-FUD District and road right-of-way to a range of residential, mixed-use, and special purpose districts to accommodate the proposed neighbourhood; and
3. Associated map and textual amendments to the South Shepard ASP.

An outline plan has been reviewed in conjunction with this application.

This report concludes that while Administration generally supports the land use and subdivision design of the proposed neighbourhood of Hotchkiss, advancement of this application is not supported at this time, as this application is considered to be premature. The Growth Management Overlay (Overlay) is not recommended for removal, the future neighbourhood does not represent a complete community or logical, strategic, and efficient growth in accordance with the Municipal Development Plan, and the proposed Staged Master Drainage Plan (SMDP) for the site is not yet approved, therefore, removing certainty of the proposed land uses districts and boundaries.

A separate report with the Overlay recommendation, PFC2017-0445 was presented and considered by the Priorities and Finance Committee (PFC) on 2017 June 6. The PFC and CPC recommendations are scheduled to be heard concurrently at the Combined Meeting of Council on 2017 July 31.

PREVIOUS COUNCIL DIRECTION

At the 2017 June 6, Priorities and Finance Committee, PFC adopted Administration's recommendations contained in report PFC2017-0445:

1. That this report (PFC2017-0445) be directed to the July 31 Combined Meeting of Council to the Public Hearing portion of the Agenda;
2. The proposed bylaw set out in Attachment 5 be advertised in accordance with standard public hearing requirements; and
3. That Council hold a public hearing on the proposed bylaw.

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The report is going forward to Council without a recommendation on removal of the Growth Management Overlay from PFC; Council will make the final decision on the PFC report at the 2017 July 31 Combined Meeting of Council.

ADMINISTRATION'S RECOMMENDATION

2017 June 15

That Calgary Planning Commission recommends **REFUSAL** of the proposed Policy Amendment (APPENDIX II), proposed Road Closure, and Land Use Amendment.

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaws 45P2017, 10C2017 and 271D2017; and

1. **FILE AND ABANDON** bylaw 45P2017, to amend the South Shepard Area Structure Plan, in accordance with Administration's recommendation.
2. **FILE AND ABANDON** the road closure bylaw 10C2017, to close 3.80 hectares ± (9.39 acres ±) of road (Plan 1710701, Area A) adjacent to 15580, 15000 – 88 Street SE, and 9009 – 146 Avenue SE, in accordance with Administration's recommendation.
- 3.. **FILE AND ABANDON** bylaw 271D2017, to redesignate 96.10 hectares ± (237.60 acres ±) located at 15000, 15580, and 15994R – 88 Street SE, 9009 – 146 Avenue SE and 9100 Marquis of Lorne Trail SE and the closed road (Plan 9210090, Lot 1; Plan 9010548, Block 1, Lot 1; Plan 9112287, Block 2; Portion of W1/2 Section 36-22-29-4; Plan 1710701, Area A) from Special Purpose – Future Urban Development (S-FUD) District and Undesignated Road Right-of-Way to Residential – Low Density Mixed Housing (R-G) District, Residential – Low Density Mixed Housing (R-Gm) District, Multi-Residential – At Grade Housing (M-G) District, Multi-Residential – Low Profile (M-1d100) District, Multi-Residential – Medium Profile (M-2) District, Commercial – Community 1 (C-C1) District, Special Purpose – City and Regional Infrastructure (S-CRI) District, Special Purpose – School, Park, and Community Reserve (S-SPR) District, Special Purpose – Urban Nature (S-UN) District and DC Direct Control District to accommodate mixed-use development, in accordance with Administration's recommendation.

REASONS FOR RECOMMENDATION:

Prior to reaching a decision on the recommendation of this application, Administration advised the applicant of significant unresolved issues with the proposal that require resolution prior to support from Administration. Notwithstanding, the applicant elected to have a decision brought forward to CPC. Administration does not support the proposed application as it stands today, as the proposal is considered premature for the following reasons:

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- Administration does not support removal of the Overlay, specifically as the area is outside of the Council's seven minute benchmark for emergency response coverage, and there is no approved funding for the capital and operating costs required to provide coverage. Further, the subject lands have not been identified as a priority for investment in Council's approved budgets. Administration is concerned with the isolation of the proposed neighbourhood, in relation to strategic and contiguous growth and the impact this has on the efficient delivery of City services. From a citywide perspective, The City needs to apply its resources to strategic opportunities where the maximum benefit is obtained within the budget as approved by Council. The MDP Policy 2.2.4 states that The City supports development of complete communities to ensure a well-designed urban form that efficiently utilizes land and infrastructure. Moreover, the MDP Policy 5.2.5 states that linking land use to municipal financial and infrastructure capacity has an objective of ensuring decision-making on growth and change incorporates the implications of capital and operating expenditures on The City's financial and infrastructure capacities. A decision on the removal of the Overlay will be made at the Combined Meeting of Council on 2017 July 31.
- The Staged Master Drainage Plan (SMDP) for the proposed development is not yet approved, therefore removing certainty of the proposed land use districts and boundaries. The approval is contingent on approval from Alberta Environment and Parks for disposition of crown-owned wetlands. If this approval is not granted, the SMDP will be invalid, and another solution to manage stormwater over the site will be required, resulting in significant layout changes to the outline plan and servicing scheme.

While the proposed land use plan generally achieves the MDP and ASP's policy objectives by contributing to the minimum density and intensity targets for neighbourhood areas, and providing for a range of housing types, mixed-use development, and community amenities, it fails to demonstrate that development of the land constitutes strategic growth or complete communities in accordance with the MDP, and is considered premature. Further without an approved SMDP for the future neighbourhood, the proposal is considered to be incomplete.

For the above reasons, Administration recommends that CPC recommend to Council that the application be refused.

ATTACHMENTS

1. Proposed Bylaw 45P2017
2. Proposed Bylaw 10C2017
3. Proposed Bylaw 271D2017
4. Public Submission

**CALGARY PLANNING COMMISSION
REPORT TO COUNCIL
2017 JULY 31**

**ISC: UNRESTRICTED
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LOC2016-0090
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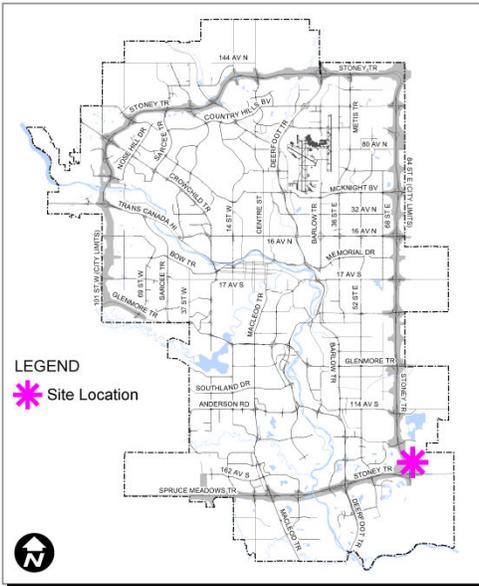
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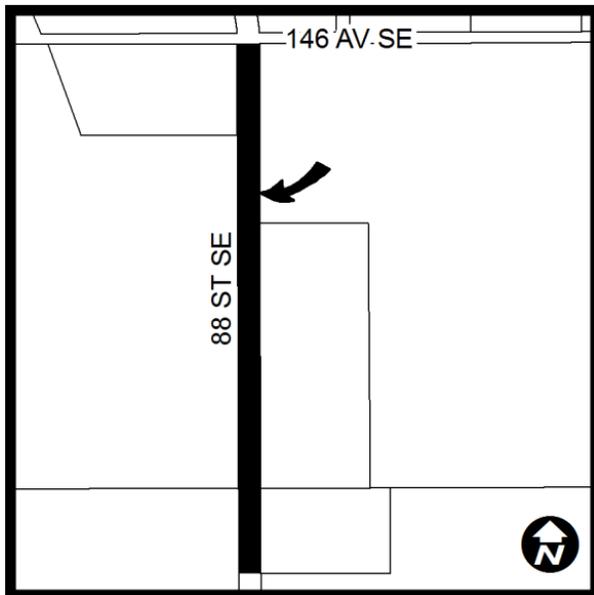
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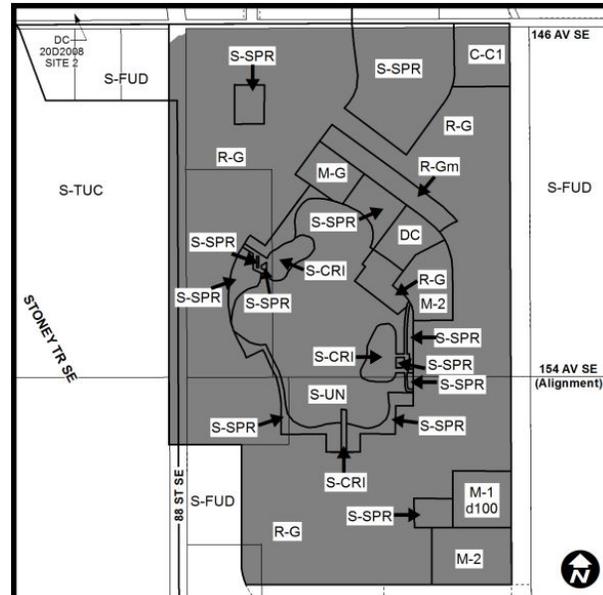
LOCATION MAPS



Road Closure Map



Land Use Amendment Map



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ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

1. Recommend that Council **FILE AND ABANDON**, the proposed bylaw to the South Shepard Area Structure Plan (APPENDIX II).

Moved by: R. Wright

Carried: 6 – 1

Opposed: S. Keating

2. Recommend that Council **FILE AND ABANDON**, the proposed road closure bylaw to close 3.80 hectares ± (9.39 acres ±) of road (Plan 1710701, Area A) adjacent to 15580, 15000 – 88 Street SE, and 9009 – 146 Avenue SE with conditions (APPENDIX IX).

Moved by: R. Wright

Carried: 6 – 1

Opposed: S. Keating

3. Recommend that Council **FILE AND ABANDON**, the proposed bylaw to redesignate 96.10 hectares ± (237.60 acres ±) located at 15000, 15580, and 15994R – 88 Street SE, 9009 – 146 Avenue SE and 9100 Marquis of Lorne Trail SE and the closed road (Plan 9210090, Lot 1; Plan 9010548, Block 1, Lot 1; Plan 9112287, Block 2; Portion of W1/2 Section 36-22-29-4; Plan 1710701, Area A) from Special Purpose – Future Urban Development (S-FUD) District and Undesignated Road Right-of-Way to Residential – Low Density Mixed Housing (R-G) District, Residential – Low Density Mixed Housing (R-Gm) District, Multi-Residential – At Grade Housing (M-G) District, Multi-Residential – Low Profile (M-1d100) District, Multi-Residential – Medium Profile (M-2) District, Commercial – Community 1 (C-C1) District, Special Purpose – City and Regional Infrastructure (S-CRI) District, Special Purpose – School, Park, and Community Reserve (S-SPR) District, Special Purpose – Urban Nature (S-UN) District and DC Direct Control District to accommodate mixed-use development with guidelines (APPENDIX VIII).

Moved by: R. Wright

Carried: 6 – 1

Opposed: S. Keating

Reasons for support of the File and Abandon recommendation from Mr. Wright:

- The land use plan and the outline plan are generally acceptable from a technical perspective. The Growth Overlay is driven by capital works (sewer, storm, transportation, sanitary and fire). All but fire appear to be addressed.
- The issue of exceeding 7 minutes in the shorter term needs to be discussed. What times are we looking at? Is medical time the same and who is responsible for that? That is a policy decision and should be placed in a broader context.
- However City policy regarding Growth Management Overlay makes it clear for CPC it has to vote for refusal otherwise policy would be breached.

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Reasons for opposition of the File and Abandon recommendation from Cllr. Keating:

- Much like the discussion of the Growth Overlay at the Priorities and Finance Committee there were two aspects of the discussion at Calgary Planning Commission that are important to consider:
 1. Was the Outline Plan a good one? Taking into consideration the following summary of information provided by the Applicant I believe it was:
 - a. No leading infrastructure capital costs – No City sanitary, storm or transportation capital costs.
 - b. Fire protection – Although outside of the City’s 7-minute response time target, proposed sprinklers in all buildings will create fire protection.
 - c. Land utilization – The Outline Plan proposes a both a density and intensity of people and jobs that is approximately 40 percent higher than the minimum requirement outlined in the MDP. The Outline Plan also proposes a percentage of multi-family units that is approximately 33 percent higher than the minimum required in the MDP.
 - d. Neighbourhood Activity Centre – The proposed Neighbourhood Activity Centre will create a focus for the community and provide jobs within the community.
 - e. Open space – Approximately 23 percent of the Outline Plan area is “green”. This includes municipal reserve, environmental reserve and stormwater retention lands.
 - f. Connectivity – Internal connectivity will be provided through sidewalks and green corridor pathways as well as a modified grid street pattern with no cul-de-sacs.
 - g. Unfunded operating costs – Operating costs not being in approved budgets is no different than any new community and operating costs are paid for by municipal taxes. Additionally, as transit service and a fire hall will not be operational on day one, these should not be considered unfunded day one operating costs.
 - h. Transit – Transit will come when Calgary Transit thresholds are met and the developer will work with the City in this regard. When transit is available the Outline Plan proposes easy access to transit for pedestrians.
 - i. Wetlands – While Provincial approvals are outstanding, the City has placed a condition that requires approvals to be in place before any physical development.
 2. The refusal of the land use and referral or refusal of the Outline Plan was the correct course of action according to City policy. Calgary Planning Commission was informed that they really only had one option and that was to uphold City policy. This effectively made any technical evaluation of the land use and Outline Plan (whether positive or negative) obsolete.
- The question for Council is “do City policies around the 7-minute emergency response time target and removal of Growth Overlays need to be revisited?”

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Comments from Mr. Friesen:

- Although I supported these plans I was told that option was not available and at best we could vote to File 5.23 and Refer 5.24. I understand and accept that we are not policy makers but as a technical review we should be allowed to comment on the planning merits of proposals. I found it frustrating that administration spent most of their time explaining why the project should be refused due to policy with limited discussion of the merits of the planning.
- Apparently this would be an inexpensive development for the City and the issues regarding the wetlands are with the Province which the developer will have to resolve. The remaining issue is with Fire. Comments from the Fire Department seemed particularly confusing since they strongly support the inclusion of sprinklers in homes but argued against their value in reducing response time because of maintenance issues. They know that maintenance applies to smoke and fire detectors but surely these also affect fire fighting effectiveness. These contradictions and others discredited their concerns in my view.

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Applicant:

B&A Planning Group

Landowner:

Hopewell Blue Sky Land Corporation
Wide Sky Investments Ltd
1803742 Alberta Ltd (Jim Berg)
The City of Calgary

PLANNING EVALUATION

SITE CONTEXT

The subject site, referred to as “Hotchkiss”, is located in southeast Calgary. The land area is bound:

- to the west by Stoney Trail Transportation Utility Corridor and the residential community of Copperfield beyond;
- to the east by proposed future residential development on lands owned by Melcor and Rosetree/Kutryk;
- to the south by the Enmax substation site and Marquis of Lorne Trail SE (Highway 22x); and
- to the north by 146 Avenue SE and the existing Marquis Meadows residential acreage development.

The lands are characterized by rolling topography in the north and flatter areas in the south. The average slope for the northern portion is 5.9 percent, draining towards the south and southeast. Hotchkiss lands contain a number of wetlands, several of which are owned by the Crown (the “Province”) under the *Public Lands Act*. Approximately 3.9 hectares (9.8 acres) in the northeastern portion of the site is encumbered by the non-operating private Foster Landfill and as such is currently identified in the South Shepard ASP as a Policy Review Area. The site also contains a north/south 240kV overhead transmission line along the eastern boundary of the site in a 46 metre right-of-way and a 138kV overhead transmission line along the north and west boundary at 88 Street SE.

This application includes the proposed road closure of 88 Street SE, which is located along the western boundary of the site. The road is approximately 3.80 hectares (9.39 acres) in size. The road right-of-way will be included in the boundary of the proposed land use amendment and associated outline plan. Eighty-eighth Street SE currently provides access to the Enmax substation to the south. Prior to the physical closure of the road, the developer will ensure alternate access to the Enmax site is available in perpetuity as per the road closure conditions.

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LAND USE DISTRICTS

The subject lands are currently designated Special Purpose – Future Urban Development (S-FUD) District and undesignated road right-of-way.

This application proposes a new neighbourhood comprised primarily of a variety of residential housing types and includes mixed-use and commercial development, parks, and a school site. Proposed land uses are as follows:

- Residential – Low Density Mixed Housing (R-G) District.
- Residential – Low density Mixed Housing (R-Gm) District.
- Multi-Residential – At Grade Housing (M-G) District.
- Multi-Residential – Low Profile (M-1d100) District.
- Multi-Residential – Medium Profile (M-2) District.
- DC Direct Control District.
- Commercial – Community 1 (C-C1) District.
- Special Purpose – School, Park and Community Reserve (S-SPR) District.
- Special Purpose – Urban Nature (S-UN) District.
- Special Purpose – City and Regional Infrastructure (S-CRI) District.

Low density housing forms are provided by both the R-G and R-Gm Districts. The R-G and R-Gm districts accommodate a wide range of low density residential development in the form of Cottage Housing Cluster, Single Detached, Semi-detached, Duplex Dwellings and Rowhouse Buildings. Secondary suites are also allowed within all of these housing forms. Multi-Residential development is accommodated under the M-1d100, M-2, M-G, and DC District.

Both the R-Gm and M-G Districts are utilized to provide certainty on the degree of intensity and non-single family housing form adjacent to the Neighbourhood Activity Centre (NAC), and along collector roads. As Single Detached Dwelling is a discretionary use in the R-Gm District, Semi-detached Dwellings or Rowhouse Buildings, as permitted uses are encouraged.

There are two mixed-use districts in the planned neighbourhood; the C-C1 site at the northeast corner of the plan area and the proposed DC site located within the NAC. The DC District is to allow for mid-rise, medium density mixed use development within the NAC.

The C-C1 site is intended to provide additional small to mid-scale commercial development along the primary collector, 146 Avenue SE. It is understood that the site is intended to accommodate a Place of Worship – Small. This C-C1 site is impacted by the non-operating Foster Landfill; and as such the 300 metre landfill setback applies. Residences, food establishments, schools, and hospitals are prohibited uses within the setback area.

Throughout the planned neighbourhood, non-residential land uses include the S-UN District that dedicates reconstructed wetlands as Environmental Reserve, as well as, the S-SPR District to accommodate a 4.4 hectare public elementary school, two neighbourhood parks, and open

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space around the central reconstructed wetland. The S-CRI District accommodates the storm water forebays and maintenance access easements that are required to service the subject plan area.

LEGISLATION & POLICY

South Saskatchewan Regional Plan (SSRP)

The recommendation by Administration in this report has considered the policy direction of the SSRP, which specifically recognizes the efficient use of land and strategic growth. Specifically, Section 5.1.4 of the SSRP states:

Plan, design and locate new development in a manner that best utilizes existing infrastructure and minimizes the need for new or expanded infrastructure.

Administration's recommendation to refuse the proposed application is aligned with the SSRPs policies on land use efficiency.

The SSRP also provides general guidance around wetlands. Section 4.4 of the SSRP seeks to improve management of the wetlands areas within the region, stating:

Establish regional wetland management objectives as enabled under the Alberta Wetland Policy. The objectives will focus on the wetland values that are of high priority including biodiversity, water quality improvement, flood reduction and human use.

The Hotchkiss lands contain a number of wetlands, which pursuant to the *Public Lands Act*, are owned by the Province. In addition to *Water Act* approval from Alberta Environment and Parks (AEP) for the diversion of the water, a disposition of an interest in the bed and shore of the wetlands from the Public Lands division of AEP is also required.

Municipal Government Act (MGA)

Section 617 of the MGA outlines the purpose and principles of good planning, referring to the need to consider "the orderly, economical and beneficial development, use of land and patterns of human settlement, and to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta".

The MGA goes further in Section 654(1), stating that "A subdivision authority must not approve an application for subdivision approval unless the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended".

In accordance with the MGA, the strategic growth of the city requires the efficient use of infrastructure and resources, as well as certainty of proposed future land use suitability. The

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proposed land use amendment and outline plan call into question the proposed neighborhood's alignment with these sections of the MGA, for the following reasons:

- Administration does not recommend removal of the Overlay at this time, specifically as the area is outside of the Council's seven minute benchmark for emergency response coverage, and there is no approved funding for the capital and operating costs required to provide coverage. Details of the recommendation to refuse removal of the Overlay are outlined in PFC2017-0445;
- The isolation of the lands and consequent inability to provide the future community with equitable access to emergency services renders the proposed community of Hotchkiss an incomplete community;
- The Staged Master Drainage Plan (SMDP) for the outline plan area has not yet been approved and relies on the disposition and disturbance of the crown-owned wetlands by way of Public Lands' approval. It would be poor planning practice to advance this application without Public Lands' approval; and
- There is uncertainty surrounding the land uses proposed for the plan area, as the entire outline plan drainage system depends on the wetland being disturbed and reconstructed at a much lower elevation than the existing wetlands. In the event that the Province does not approve the disposition and disturbance of the wetlands, significant changes to road grading, utility placement as well as the lay-out of proposed land uses in the plan area would be required, thus making approval of this application and any/all subsequent subdivision and development applications premature.

For the reasons outlined above, the proposal does not align with two key provisions of the MGA, and as such is considered to be premature.

Rocky View/Calgary Intermunicipal Development Plan (IDP)

The subject sites are located within the Rocky View/Calgary Intermunicipal Development Plan (IDP) Policy Area. The Policy Area contains lands immediately adjacent to the shared border. The subject sites are not located within any special policy area or key focus area.

As per the inter-municipal circulation and referral process, the application was circulated to Rocky View County for comments and no concerns were identified.

Municipal Development Plan (MDP)

The subject lands are located within the Planned Greenfield with Area Structure Plan land use typology as per Map 1: Urban Structure Map of the MDP. The land use policy for Planned Greenfield with Area Structure Plan states the ASPs for Planned Greenfield Areas, in existence prior to adoption of the MDP, are recognized as appropriate policies to provide specific direction for development of the local community.

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The South Shepard ASP was approved 2013 May for this area. The ASP has been developed to implement the strategic goals and objectives set out in the MDP. It is noted that the New Community Planning Guidebook does not apply to this application.

Growth Management Policies:

Guiding policy for growth planning can also be found in the MDP, where it is noted that “the policies of the MDP provide the primary source of direction for strategic growth and change decisions”. Fostering complete communities and a multi-modal, connected city are overall goals of the MDP. Section 5.2.5 of the MDP states that:

As the land use approving authority, The City has the obligation to provide essential infrastructure when it grants land use approvals for new developments, including core services such as water, wastewater, roads and fire and police services. The City is also responsible to its current and future citizens for ensuring the provision of complete community infrastructure including transit, libraries, parks and recreation facilities. Provision of infrastructure and the associate operating cost require substantial ongoing investment.

Furthermore, Section 5.2.5 of the MDP states that:

- a. Municipal capacity to finance growth shall be a priority consideration in growth and change decisions including...major land use applications.*

The MDP's growth management policies state that linking land use to municipal financial and infrastructure capacity has an objective of ensuring that decision-making on growth and change incorporates the implications of capital and operating expenditures on The City's financial and infrastructure capacities. The Growth Management Overlay (Overlay) was introduced to help facilitate comprehensive, logical, and efficient growth in alignment with the above MDP direction. An Overlay exists in all ASPs approved since 2012. The Overlay is intended to provide a local area plan (i.e. ASP) the policy framework to outline those areas where The City has outstanding capital infrastructure investment requirements. It ensures that the opening of a new community would be done in parallel with providing core services, while setting the stage for delivering complete community services and ensuring that operating and maintenance costs are managed efficiently. For lands with an Overlay, a developer can submit a Growth Management Analysis/Business Case that demonstrate how unfunded infrastructure and services can be delivered through a developer supported funding agreement and/or servicing proposal, and how the development is aligned with strategic growth policy. Once the Overlay has been removed, planning applications can be approved.

Calgary Growth Strategy has reviewed the applicant's Growth Management Analysis/Business Case. The Overlay is not recommended to be removed for this area until a funding strategy has been confirmed for the outstanding infrastructure requirements. Specifically, the proposal has not resolved provision of adequate fire and emergency infrastructure. The required emergency

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response station is not included in Action Plan (2015-2018) or in Community Services' 10 Year Community and Recreation Infrastructure Investment Plan (CRIIP). Based on the growth management analysis, the proposal fails to demonstrate that development of the land constitutes logical, strategic and efficient growth in accordance with the MDP.

South Shepard Area Structure Plan (ASP)

Neighbourhood Area Policies:

The subject lands are identified as Neighbourhood 7 on Map 4 of the ASP: Community and Neighbourhood Concept Map. The ASP identifies the subject lands as Neighbourhood Area, primarily for residential uses with a Neighbourhood Activity Center (NAC) located central to the neighbourhood, and a Joint Use Site within the north area.

Section 3.3 states that Neighbourhood Areas should include a wide range of housing types, forms, sizes, ownership and tenure to achieve housing diversity. Residential land use districts that allow secondary suites should be the standard land use district for single-detached housing in the Neighbourhood Area. The policies also support community-oriented institutional uses, recreational uses, public uses, and local commercial uses. The proposed land use amendment provides for a range of housing types, local services and amenities throughout the neighbourhood to meet the ASP policies.

Section 4.2.1.b requires a minimum of 30 per cent of the housing units within each outline plan application, be non-single-detached housing units to meet the needs of different income groups and lifestyles. Approximately 40 per cent of the units are proposed as multi-residential units, therefore exceeding this policy.

Urban Growth Policies:

The ASP includes an Overlay for un-serviced or pre-development lands. Land use amendment applications can be accepted and reviewed, however the Overlay should be removed by demonstrating that infrastructure and service issues are resolved prior to land use approval.

Note, Section 8.5.2 provides interpretation for "should" policies, and states that policies that use active tense or "should" are to be applied in all situations, unless it can be clearly demonstrated to the satisfaction of The City that the policy is not reasonable, practical or feasible in a given situation. Section 8.4 policies include:

- **1.c.** A land use redesignation should not be approved until the portion of the Overlay including the lands subject to a redesignation application is removed, even if the design and land use pattern proposed through the redesignation is considered to be satisfactory.

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- **1.d.** Prior to, or in conjunction with the approval of land use redesignation to accommodate fully-serviced urban development within the Plan Area, the Overlay as shown on Map 14: Growth Management Overlay should be removed from the redesignation area through an amendment to the map by Council.
- **2.a.** An application to remove a portion of the Overlay through an amendment to Map 14: Growth Management Overlay must include a growth management analysis that addresses the means of coordinating development with City-financed services over time, in accordance with the prioritizing principles of the Corporate Framework for Growth and Change, or approved growth management policies in place at the time, and contain the following:
 - the major on-site and off-site transportation and utility infrastructure improvements and facilities necessary to serve the subject site, including, but not limited to:
 - i. transportation;
 - ii. water service;
 - iii. sanitary service;
 - iv. storm water service; and
 - v. emergency response service.

For lands with an Overlay, an assessment of required infrastructure and services is required. If the identified elements are either in place, approved by Council in City budgets, or funded by other levels of government, then the Overlay can be removed. Additionally, a developer can submit a Growth Management Analysis/Business Case that aims to demonstrate how infrastructure and services can be delivered through a developer supported funding agreement and/or servicing proposal.

The South Shepard ASP allows for concurrent review of the outline plan/land use amendment and the Growth Management Analysis/Business Case. This outline plan/land use amendment application was initially received on 2016 April 20. The Growth Management Analysis/Business Case was initially received on 2017 February 6. The ability to submit concurrently was established through the ASP prior to Council approval of the process chart displayed in APPENDIX XIII; however Administration has used this chart as a guide to bring forward both reports to Council. The Growth Management Analysis/ Business Case is brought forward to PFC for consideration, while the outline plan/land use amendment (the planning applications) are forwarded to CPC for consideration. Both reports are then recommended to be received together at the 2017 July 31 Combined Meeting of Council.

Administration's review concluded that there is one unresolved infrastructure issue; that the plan area is outside of Council's seven minute benchmark for emergency response service. There is presently no approved funding for the required capital and operating costs to service the

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proposed community. Additionally, Administration has concerns regarding the isolation of this neighbourhood, and the impact this has on the efficient delivery of City services. As it relates to supporting the Municipal Development Plan's goal of complete communities, these issues raise questions about realizing complete community amenities in a timely manner. After analysis by Calgary Growth Strategy and the Corporate Planning Applications Group (CPAG), Administration does not support the removal of the Overlay nor this application.

Proposed ASP Amendments

This land use amendment triggers several ASP amendments (APPENDIX II). A summary of the amendments is as follows:

1. Removal of the Policy Review Area – Site B (PRA)
These ASP amendments include removal of the PRA from Map 3: Plan Area Attributes and Map 5: Land Use & Transportation Concept and updates to Section 2.9 Non-Operating Landfill Site, Section 3.9 Policy Review Area, and replacing Appendix H of the ASP with a revised APPENDIX H (see APPENDIX VII).
At the time of approval of the ASP in 2013, the environmental conditions and the regulatory status of the private Foster Landfill were not clear. Although, environmental assessments had been completed, the landfill had not been confirmed closed by Alberta Environment and Parks (AEP). Given the available environmental information at the time, the PRA policies and Appendix H were developed for the ASP to outline a process to review applications in the affected area. During the review of this land use amendment, AEP and The City's Environmental Site Assessment (ESM) group reviewed additional information to confirm that "no significant impacts to human or environmental health were identified, and no contaminant related concerns were found which should preclude development of the surrounding area." Given that AEP, as regulatory authority for landfills, has reviewed the information to their satisfaction, the PRA can be removed. The 300 metre landfill setback will remain for restricted uses. Residences, food establishments, schools, and hospitals are prohibited uses within the setback area.
2. Removal of a portion of the regional pathway along 88 Street SE
This application proposes to remove a portion of the regional pathway from Map 5: Land Use & Transportation Concept and Map 9: Transportation. Administration has no objection to removing this portion of the pathway. The connectivity will be maintained through the green corridor around the Hotchkiss Nature Park (located central to the plan area), and connecting the green corridor north along 146 Avenue SE to the regional pathway extending to the west of the TUC.
3. Adjustment to the Community and Neighbourhood boundaries
This amendment is for reconfiguration of the community and neighbourhood boundaries on Map 4: Community and Neighbourhood Concept to accommodate a second community in the ASP which includes a small portion of Neighbourhood 5 and all of Neighbourhoods 7 and 8. A clear cut community boundary along 146 Avenue separates

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the two proposed communities. Adjustments to the Neighbourhood 5, 7 and 8 boundaries are also required. The current map delineates Neighbourhood 7 and 8 using the boundaries of the natural wetlands, which are proposed to be modified. The new neighbourhood boundary is along the Altalink corridor which provides a logical delineation of the two neighbourhoods.

A second community is proposed to support the current application. The existing ASP envisioned the plan area as one single community – South Shepard community. The northern portion of the ASP area contains two existing residential developments: Marquis Meadows and the Shepard Residential Area. Ralph Klein Park comprises approximately 30 hectares in the northern portion of the ASP area. With these existing developments, the full build out of the northern portion of the ASP lands will be slow. There are also servicing challenges with the northern portion of the ASP. Developing a comprehensive community for the entire ASP area when other landowners are not ready to redevelop is difficult. The applicant is proposing a second community at this time to accommodate the proposed land use amendment.

TRANSPORTATION NETWORKS

Regional Street Network

The regional street network consists of Highway 22x bordering the southern edge of the site, Stoney Trail bordering the western edge of the site, the future 146 Avenue SE Collector roadway bordering the northern edge of the site, as well as the future 104 Street Arterial roadway 800 metres east of the site. In the vicinity of the site, the existing intersection of 104 Street SE and Highway 22x provides all-turn access to the area as well as the existing interchange at 114 Avenue SE and Stoney Trail SE.

Off-Site Transportation Infrastructure

The ASP identifies the following permanent infrastructure in the vicinity of the application area:

- To the east of the subject lands, a flyover at 104 Street SE, with no access to Highway 22x, over Highway 22x will replace the existing all-turn intersection (City responsibility);
- Outside of the ASP boundary, but related to the 104 Street SE flyover, a full interchange at 120 Street SE is required to support the 104 Street SE flyover (City responsibility);
and
- To the northwest of the subject lands, a half interchange to/from the north at 130 Avenue SE and Stoney Trail (City responsibility).

The timing of construction of all interchanges is unknown. At-grade intersections along Highway 22x may be utilized as interim measures prior to interchanges being constructed.

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In addition to the interchanges, 130 Avenue SE alignment east of the Stoney Trail interchange as well as realignment of 84 Street SE, as a result of the 130 Avenue SE interchange, is required to service the ASP area. The right-of-way for both these alignments is largely on private land and has not been secured.

Short term Transportation Infrastructure improvement

A Transportation Impact Assessment (TIA) was completed in support of this application. The TIA identified that as a result of the proposed development, significant intersection improvements are required at 104 Street SE and Highway 22x in the interim, prior to the completion of the interchanges identified in the ASP. This intersection is under the jurisdiction of Alberta Transportation. Working with Alberta Transportation, a two lane roundabout is proposed for this intersection as a 20 year interim measure. The roundabout has been designed to accommodate the development traffic and 20 years of Highway traffic. The roundabout capacity is anticipated to accommodate a maximum of 3200 residential units and 30,000 square feet of commercial retail development in Cell A area (Hotchkiss, Sora, and Rosetree/Kutryk lands). The roundabout will be developer funded and maintained, and is proposed to be located east of the site.

Development Threshold

As a result of maximum anticipated capacity of the 104 Street SE and Highway 22x roundabout, there is an imposed maximum development threshold of 3200 residential units and 30,000 square feet of commercial retail development for the Cell A area (Hotchkiss, Sora, and Rosetree/Kutryk lands). Due to this maximum threshold, future Tentative Plans may be withheld pending updated Transportation Impact Assessment reports. Any development beyond the identified capacity threshold will require the 104 Street flyover and interchanges at 130 Avenue over Stoney Trail SE and/or the interchange at 120 Street/Highway 22x SE.

Internal Street Pattern

The internal street pattern is primarily defined by two collector streets that surround the central wetland feature. There are multiple access points to the subject lands from 146 Avenue SE and multiple connections to the community east of the subject lands.

Public Transit

This area is currently not served by Calgary Transit and there is no operating budget at this time to provide service. The future bus transit routes are proposed along the two collector streets within the subject lands with connectivity to the adjacent residential community to the east. Bus stops will be located adjacent to community destinations such as schools and the commercial center.

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The most likely transit route for this community would be from McKenzie Towne terminal currently serviced by BRT and eventually the Greenline LRT. Transit service to the proposed neighbourhood is not anticipated to start for at least eight years from start of development. Calgary Transit adds services or introduces new routes when ridership warrants it and when budget is available.

Active Modes Connections

A regional pathway is proposed along the eastern Collector roadway within the subject land from the regional pathway along 146 Avenue SE. The internal regional pathway provides connections to the communities to the east. A green corridor is proposed surrounding the main wetland feature.

Regional pathway connection will be provided on the 130 Avenue SE interchange for movements to and from the west. A regional pathway is planned along 84 Street SE, north of 130 Avenue SE, to connect to the north. It is anticipated that either on-street or off-street bike facilities will be provided along 104 Street SE and on the flyover to provide for active modes connection to the south of Highway 22x SE.

UTILITIES & SERVICING

The plan area is currently under a Growth Management Overlay because servicing is not available.

Sanitary Infrastructure

Sanitary servicing is proposed to be provided through the construction of an offsite lift station and force main across the TUC to connect to the community of Mahogany southwest of the subject lands. Capacity is available within the existing system. Off-site sewer extensions in the range of 1.5 to 2.0 kilometres in length would be required to make this connection. The construction of a new lift station to support development in this area has long term implications in relation to operating and maintenance budgets.

Storm Infrastructure

The Mahogany Storm Trunk is available on the north side of Highway 22x within approximately 200 metres of the site. This trunk main has capacity for the proposed development and discharges to the Shepard Ditch to the east. Storm servicing is proposed to be provided through the construction of an on-site stormwater management facility with controlled discharge to the existing stormwater trunk main.

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The Staged Master Drainage Plan (SMDP) for the outline plan area has not yet been approved by Administration as it is dependent upon approval from Alberta Environment and Parks for disposition of public lands. The site contains several crown-owned wetlands that are proposed to be removed and replaced with a new constructed/engineered wetland complex that will serve to manage the stormwater runoff from the site. Administration cannot approve the SMDP unless the applicant receives Public Lands' approval for the disposition and disturbance of the wetlands. If this approval is not granted, the SMDP will be invalid, and another solution to manage stormwater over the site will be required, resulting in significant layout changes to the land use amendment and servicing scheme. As such, the proposal is considered to be premature.

Water Infrastructure

Water would be provided by extending a pair of mains across the TUC from different points within the community of Copperfield to the west of the subject lands. Offsite water main extensions in the range of 2.0 to 2.5 kilometres in length would be required to make the necessary connections.

Emergency Response Servicing

The proposed outline plan has not resolved provision of adequate fire emergency infrastructure and response. The Calgary Fire Department has determined that the subject lands are completely outside of the seven minute benchmark for fire response. This benchmark is a key response performance benchmark for the Calgary Fire Department. It was developed to balance the needs of the public, the safety of Fire Rescue personnel, and the protection of lives, property, and the environment. The Department has identified this benchmark as the primary justification when requesting funding for additional emergency response stations.

The nearest stations to the subject lands are Station 30 (McKenzie Town – 7.8 kilometre drive distance) and Station 41 (Seton – 9.4 kilometre drive distance). Capital for the required emergency response station is not included in Action Plan (2015-2018) or in Community Services' 10 Year Community and Recreation Infrastructure Investment Plan (CRIIP). With no proposal or plan in place on funding the construction and operation of a new station to meet Council Standards, this application is not supported.

ENVIRONMENTAL ISSUES

No significant concerns were identified through the Environmental Site Assessments from the previous acreage residential and agricultural uses on the site. Minor remediation associated with those previous uses will be addressed through the normal processes with AEP. The site is adjacent to the non-operating Foster Landfill and a portion of the site is located within the 300 metre setback area as governed by the Subdivision and Development Regulation, Alberta

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Regulation 43/2002 (SDR) under the Municipal Government Act. Residences, food establishments, schools, and hospitals are prohibited uses within the setback area, unless otherwise approved by AEP.

Wetland

The Hotchkiss lands contain a number of wetlands, which pursuant to the *Public Lands Act*, are owned by the Province. In addition to *Water Act* approval from Alberta Environment and Parks (AEP) for the diversion of the water, a disposition of an interest in the bed and shore of the wetlands from the Public Lands division of AEP is also required. A comprehensive Biophysical Impact Assessment (BIA) has been submitted and approved. The BIA approval does not preclude any necessary Provincial requirements and does not provide consent for crown-owned wetland disturbance.

In order to accommodate the applicant's Staged Master Drainage Plan (SMDP) the wetlands must be reconstructed at a much lower elevation. In turn, the road grading, utility placement and the general layout of the land uses in the outline plan rely on the SMDP as proposed. To date, the Province has not indicated their support for this proposal. In the event that approval is not forthcoming, the land use districts and outline plan layout will need to be revisited as there is no alternative to the current SMDP proposal.

ENVIRONMENTAL SUSTAINABILITY

The sustainability of the lands was considered throughout the review of the application, with the adoption of the following environmental features throughout the plan area:

- comprehensive pathway system that includes a green corridor and regional pathway;
- internal road network design that optimizes transit coverage given the location of natural features;
- tree lined streets that act as wind and sun barriers also support wildlife and minimize heat islands;
- sidewalks frame both sides of the street to encourage walking;
- energy efficient street lighting;
- deciduous trees will be planted to the south and west, with coniferous trees planted to the north and northwest to reduce energy consumption;
- constructed wetland designed for maximum habitat value, with planted shelves and shorelines;
- integration of natural features of the wetland into urban development to ensure long term sustainability;
- twenty-three percent of the land is open space in the form of environmental reserve, municipal reserve and storm water retention, providing natural heating and cooling;
- the anticipated density of 27.7 units per hectare (11.2 units per acre) provides a more efficient use of land; and

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- some non-residential uses incorporated into the community to avoid long travel distances to daily services.

GROWTH MANAGEMENT

The South Shepard ASP includes a Growth Management Overlay policy in order to ensure the coordination of growth and the associated servicing and funding. The policy states that the Overlay should only be removed when solutions for municipally financed infrastructure and services have been determined. The ASP also indicates that a land use redesignation should not be approved until the Overlay is removed through an ASP amendment.

Concurrent with the review of the application, Administration worked with the applicant to identify infrastructure and services required to enable development. The applicant has submitted a Growth Management Analysis/Business Case in order to seek Overlay removal. This is a requirement when a developing area requires infrastructure and/or servicing that is not identified in approved City capital or operating budgets.

The following strategic growth concerns have been identified regarding initiating development in the South Shepard ASP at this time:

1. Development Location:

The subject lands are isolated, and the community (Hotchkiss and adjacent development) is small (approximately 3,300 expected units) relative to current average new communities. The built out for the remainder of the ASP area will be slow, the adjacent lands will require transportation, utility and complete community infrastructure. As existing development to the west is separated from the area by Stoney Trail, it is likely the area will face transit and walk/bike connectivity issues until service is provided, connections are available, and usage is desirable. For these reasons, it is not clear that realizing a complete community that is well connected is likely in the short term.

2. Investment Priority:

In order to maximize access, and infrastructure and operating efficiencies, The City seeks to attract growth to areas where City services such as transit, recreation, and emergency response are already in place. Then, through its budgets and in alignment with the MDP, the Calgary Transportation Plan and other Council priorities, The City makes strategic investments to advance future growth areas. While the subject area has planning policy in place, it has not been identified as an investment priority for The City in approved budgets and plans.

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3. Operating Costs:

A key focus for Administration is managing costs and finding operating efficiencies. Required general operating costs are not in approved budgets. This includes, but is not limited to, emergency services, Calgary Transit, Waste & Recycling, and Parks service.

4. Emergency Response Issues:

The subject lands are located outside of Council's seven minute benchmark for emergency response service. There is no approved funding for the required capital and operating costs for fire and emergency services. If development is allowed to proceed without meeting the seven minute benchmark, it will result in inequality in service between this and other areas of the city.

South Shepard has not been identified as a priority growth area in City budgets or capital plans. The Calgary Fire Department has identified a number of other emergency response stations that it considers a higher priority. As well, subsequent phases present additional financial and planning challenges, and may not proceed for a number of years. This would make it difficult to achieve operating efficiencies, and to provide transit and other community amenities that align with the MDP and CTP.

Administration is therefore recommending against removing the Overlay for the subject lands.

A separate report with the Overlay recommendation, PFC2017-0445 was presented and considered by the Priorities and Finance Committee on 2017 June 6. The recommendation is included in the Previous Council Direction section of this report.

PUBLIC ENGAGEMENT

Community Association Comments

There is no Community Association for this area. This application was circulated to the adjacent Marquis de Lorne Community Association and the Federation of Calgary Communities. No comments were received as of this report deadline.

Citizen Comments

Comments were received from the adjacent landowners, including landowners in Marquis Meadows, acreage residential development to the north of 146 Avenue SE and landowners with undeveloped lands in the immediate area.

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Comments received are as follows:

- Clarification of timing for the outline plan approval and when municipal services for the area will be available;
- Concerns about the existing non-operating landfill setback affecting the north portion of the outline plan and the existing Marquis Meadows residential area;
- Regarding the landfill, the adjacent residents requested the site be remediated and the landfill setback be removed; and
- Adjacent residents requested extension of water and sewer services to tie into their properties.

Public Meetings

The applicant held a public information session on 2016 July 13. It was hosted in the community of Mahogany. Approximately 20 people attended.

Administration and the applicant answered questions about the application and provided additional resources and contact information. Administration received a few follow up enquiries from the residents and their comments are summarized above.

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APPENDIX I

APPLICANT'S SUBMISSION

Applicant's submission statement (LOC2016-0090) – Land Use Amendment

Located in Southeast Calgary, Hotchkiss – Hopewell's new development will celebrate the legacy of the late Harley Hotchkiss. Hotchkiss is a 96.0 hectare master planned neighbourhood with a diverse range of housing types to create a compact urban form that will co-exist with natural features to sustain a healthy urban environment.

Hotchkiss lands form part of Cell A, readily serviceable area within South Shepard Area Structure Plan. The proposed land use redesignation includes R-G and R-Gm for low density residential uses, M-G, M-1 and M-2 for multifamily residential uses, and S-UN, S-SPR and S-CR1 for environmental reserve, municipal reserve and public utility lots respectively. A mixed-use DC site is proposed in the Neighbourhood Activity Centre to accommodate a local commercial and Child Care uses with multifamily residential. A small CC-1 site proposed in the northeast portion of the plan area, will likely include a church use.

The centre piece of the Hotchkiss neighbourhood is expansive Hotchkiss Nature Park, which consists of the wetland feature and adjacent open space amenity area. A key objective of Hotchkiss neighbourhood design is to provide a sense of place through memorable landmarks, terminating vistas and social gathering places. Hotchkiss Gate, the main entrance road into the neighbourhood, will terminate into Hotchkiss Legacy Park. Flanked by higher intensity street-oriented housing, the Legacy Park will provide central amenity space to create a strong neighbourhood activity centre with access to a boardwalk and extensive pathway system in Hotchkiss Nature Park. The neighbourhood commercial uses on the mixed-use site will strengthen the activity centre.

A grid network of streets is proposed to maximize connectivity within the plan area. Combined with a comprehensive pathway system, it will enhance active modes and promote healthy lifestyles. Primary access to Hotchkiss lands will be off of Highway 22x. Transportation infrastructure improvements required to support the development will be funded by Cell A developers.

Hotchkiss lands will replenish the depleting supply in the Southeast, Calgary's fastest growing sector which captured 38% of the suburban growth over the past 5 years. The Hotchkiss neighbourhood is projected to accommodate approximately 2330 units, approximately 40% of which are proposed as multifamily. The low density R-G district allows further opportunity for diverse housing types. The Hotchkiss proposal is aligned with overarching policies in the Calgary Municipal Development Plan and South Shepard Area Structure Plan.

Applicant's submission statement (LOC2016-0090) – proposed road closure

The proposed Road Closure is for a portion of 88 Street SE south of 146 Avenue and west of 15580, 15000 - 88 Street SE, 9009 - 146 Ave SE. The proposed Road Closure is approximately 3.80 ha/ 9.39 ac in size. The closed road right of way will be integrated in the proposed adjacent residential neighbourhood of Hotchkiss by Hopewell. The Outline Plan and Land Use Redesignation for Hotchkiss is currently under review, under the same file number LOC2016-0090. The right of way currently provides access to the Enmax parcel to the south (adjacent to Marquis of Lorne Trail SE/ Highway 22x). Prior to the physical closure of the road, Hopewell will ensure an alternate access to the Enmax site is available as shown on the attached plan.

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APPENDIX II

**PROPOSED AMENDMENTS TO THE SOUTH SHEPARD
AREA STRUCTURE PLAN**

- (a) In Table of Contents, Part 2: Appendices to the South Shepard Area Structure Plan, delete “APPENDIX H: LANDFILL POLICY REVIEW AREA REMOVAL APPROACH.....A59” and replace with “APPENDIX H: BACKGROUND INFORMATION FOR THE NON-OPERATING LANDFILL.....A59”.
- (b) In Executive Summary, in the third paragraph, in the first sentence, delete the word “the” before “South Shepard” and the word “Community” after “South Shepard”.
- (c) In the Executive Summary, in the third paragraph, in the first sentence, delete the word “Community” after “provide the” and replace with “Plan Area”.
- (d) In Section 1.0 Introduction, in the first paragraph, in the first sentence, delete the word “the” before “South Shepard” and the word “Community” after “South Shepard”.
- (e) In Section 1.0 Introduction, in the first paragraph, in the second sentence, add the word “South” before the word “Shepard”.
- (f) In Section 1.0 Introduction, in the first paragraph, in the fourth sentence, delete the words “a great Community” and replace with “great communities”.
- (g) In Section 1.3.1 Vision, in the first paragraph, in the first sentence, replace the words “South Shepard Community” with “Plan Area”.
- (h) In Section 1.3.1 Vision, in the first paragraph, in the third sentence, replace the words “Complete Community with a distinct identity” with “place that provides eight distinct neighbourhoods”.
- (i) In Section 1.3.1 Vision, in the first paragraph, in the fourth sentence, delete the words “ensure a culturally enriched, safe, inclusive, diverse, easily accessible and resource efficient Community” and replace with “ensure culturally enriched, safe, inclusive, diverse, easily accessible and resource efficient communities”.
- (j) In Section 1.3.1 Vision, in the second paragraph, in the second sentence, delete the word “Community” and replace with “Plan Area”.
- (k) In Section 1.3.1 Vision, in the third paragraph, in the first sentence, delete the word “Community” and replace with “Plan Area”.

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- (l) In Section 1.3.2 Objectives, subsection 1, Complete Community, in the first paragraph, in the first sentence, delete “of a vibrant, diverse and attractive Community” and replace with “of vibrant, diverse and attractive communities”.
 - (m) Delete Map 3 entitled “Plan Area Attributes” and replace with revised Map 3 entitled “Plan Area Attributes” (APPENDIX III).
 - (n) In Section 2.2 Natural and Cultural Features, in the second paragraph, bullet point 1, in the second sentence, delete “Community” and replace with “Plan Area”.
 - (o) In Section 2.9 Non-Operating Landfill Site, in the first paragraph, after the first sentence, insert the following new sentence:

“In 2017, Alberta Environment and Parks confirmed that the site owner has met the landfill closure requirements set out in the Code of Practice for Landfills in Alberta.”
 - (p) In Section 2.9 Non-Operating Landfill Site, in the first paragraph, in the last sentence, after “Map 3: Plan Area Attributes” insert the words “(see Appendix H for additional background on the non-operating landfill site).”
 - (q) In Section 2.13 Electric Substation Area, in the first paragraph, in the first sentence, delete “)” and replace with “)”.
 - (r) In Section 3.1 Complete Community Policies, in the first paragraph, delete the first sentence “To promote a compact, walkable and accessible Complete Community, the Plan Area will be organized by a series of distinct Neighbourhoods.” and replace with “The Plan Area will include two Complete Communities and eight distinct Neighbourhoods.”
 - (s) In Section 3.1 Complete Community Policies, in the second paragraph, in the first sentence, delete the words “will comprise one Complete Community and” after “The Plan Area”.
 - (t) In Section 3.1 Complete Community Policies, subsection 1, delete the words “The South Shepard Community and the Neighbourhoods within it” and replace with “The Plan Area’s Communities and Neighbourhoods”.
 - (u) In Section 3.1 Complete Community Policies, subsection 2, delete the words “Community” and replace with “Plan Area”.
 - (v) Delete Map 4 entitled “Community and Neighbourhood Concept” and replace with revised Map 4 entitled “Community and Neighbourhood Concept” (APPENDIX IV).

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- (w) Delete Map 5 entitled “Land Use & Transportation Concept” and replace with revised Map 5 entitled “Land Use & Transportation Concept” (APPENDIX V).
- (x) In Section 3.2 Land Use & Transportation Concept, in the first paragraph, in the second sentence, delete the word “Community” and replace with “Plan Area”.
- (y) In Section 3.2 Land Use & Transportation Concept, in the first paragraph, in the fourth sentence, delete the words “for two sites”.
- (z) In Section 3.2 Land Use & Transportation Concept, in the second paragraph, in the first sentence, delete the words “South Shepard Community” and replace with “Plan Area”.
- (aa) In Section 3.3 Neighbourhood Areas, in the second paragraph, in the second sentence, delete the words “South Shepard Community” and replace with “Plan Area”.
- (bb) In Section 3.3 Neighbourhood Areas, in the second paragraph, in the third sentence, delete the word “Community” and replace with “Plan Area”.
- (cc) In Section 3.3 Neighbourhood Areas, in the third paragraph, in the first sentence, delete the words “create a Sustainable Community” and replace with “create Sustainable Communities”.
- (dd) In Section 3.6 Neighbourhood Corridor, in the first paragraph, in the second sentence, delete the words “wider South Shepard Community” and replace with “Plan Area”.
- (ee) Delete Section 3.6 Neighbourhood Corridor, subsection 1.b:

“See Section 3.9 for information on the Policy Review Area that applies to a portion of the Neighbourhood Corridor.”
- (ff) In Section 3.9 Policy Review Area, in the first paragraph, in the first sentence, delete the words “for two areas” and the words “*Map 3: Plan Area Attributes and*”.
- (gg) Delete Section 3.9 Policy Review Area, subsections 1, 2, and 3 and replace with:

“The PRA shown on Map 5: Land Use & Transportation Concept includes the triangular shaped piece of land in the northeast of the Plan Area, which is bounded by the CPR tracks, the Shepard Wetland Complex and a proposed cemetery site, as well as the quarter section to the south of it.

Any application for land use redesignation and/or development permit should not be supported by The City for these lands until the PRA has been removed. Removal of the PRA may occur at such time as negotiations between The City and the owners of the triangular shaped piece of land have concluded and there is an integrated land use and

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servicing strategy for the PRA which is capable of being developed in the near term (the near term being less than 5 years), to the satisfaction of The City.”

- (hh) In Section 3.10 Redevelopment and Intensification, in the first paragraph, in the second sentence, delete the word “Community” and replace with “Plan Area”.
- (ii) In Section 3.10 Redevelopment and Intensification, in subsection 1.d, delete the word “Community” and replace with “Plan Area”.
- (jj) In Section 4.5 Reserve Policies, in the first paragraph, in the first sentence, delete the word “Community” and replace with “Plan Area”.
- (kk) In Section 4.6 Open Space and Regional Pathway System, subsection 1b Social Function, delete the word “Community” and replace with “Plan Area”.
- (ll) In Section 5.3 Pedestrian & Bicycle Circulation, in subsection 3.e, delete the word “Community” and replace with “Plan Area”.
- (mm) In Section 5.4 Transit Service, in the first paragraph, in the second sentence, delete the word “Community” and replace with “communities”.
- (nn) Delete Map 9 entitled “Transportation” and replace with revised Map 9 entitled “Transportation” (APPENDIX VI).
- (oo) In Section 6.1 Green Infrastructure Policies, in subsection 1, delete the word “Community” and replace with “Plan Area”.
- (pp) In Section 8.11 Intensity/Density, in subsection 2, delete the word “Community” and replace with “Plan Area”.
- (qq) In Section 8.11 Intensity/Density, Table 5: Intensity/Density Requirements by Area, delete the words “This includes an entire Community” in the first row under “Description” and replace with “This is Community A and Community B as identified within the Plan Area. Community B with a smaller developable area is not required to achieve the intensity/ density target independently but is required to demonstrate how it can contribute to the overall intensity/ density target of the Plan Area when integrated with Community A.”
- (rr) In Part 2: Appendices to the South Shepard Area Structure Plan, table of content, delete the words “APPENDIX H: LANDFILL POLICY REVIEW AREA REMOVAL APPROACH.....A59” and replace with “APPENDIX H: BACKGROUND INFORMATION FOR THE NON-OPERATING LANDFILL.....A59”.

**POLICY AMENDMENT, ROAD CLOSURE AND LAND USE
AMENDMENT
RESIDUAL SUB-AREA 12C (WARD 12)
EAST OF STONEY TRAIL SE AND NORTH OF HIGHWAY 22X
BYLAWS 45P2017, 10C2017 AND 271D2017**

MAP 36SSE

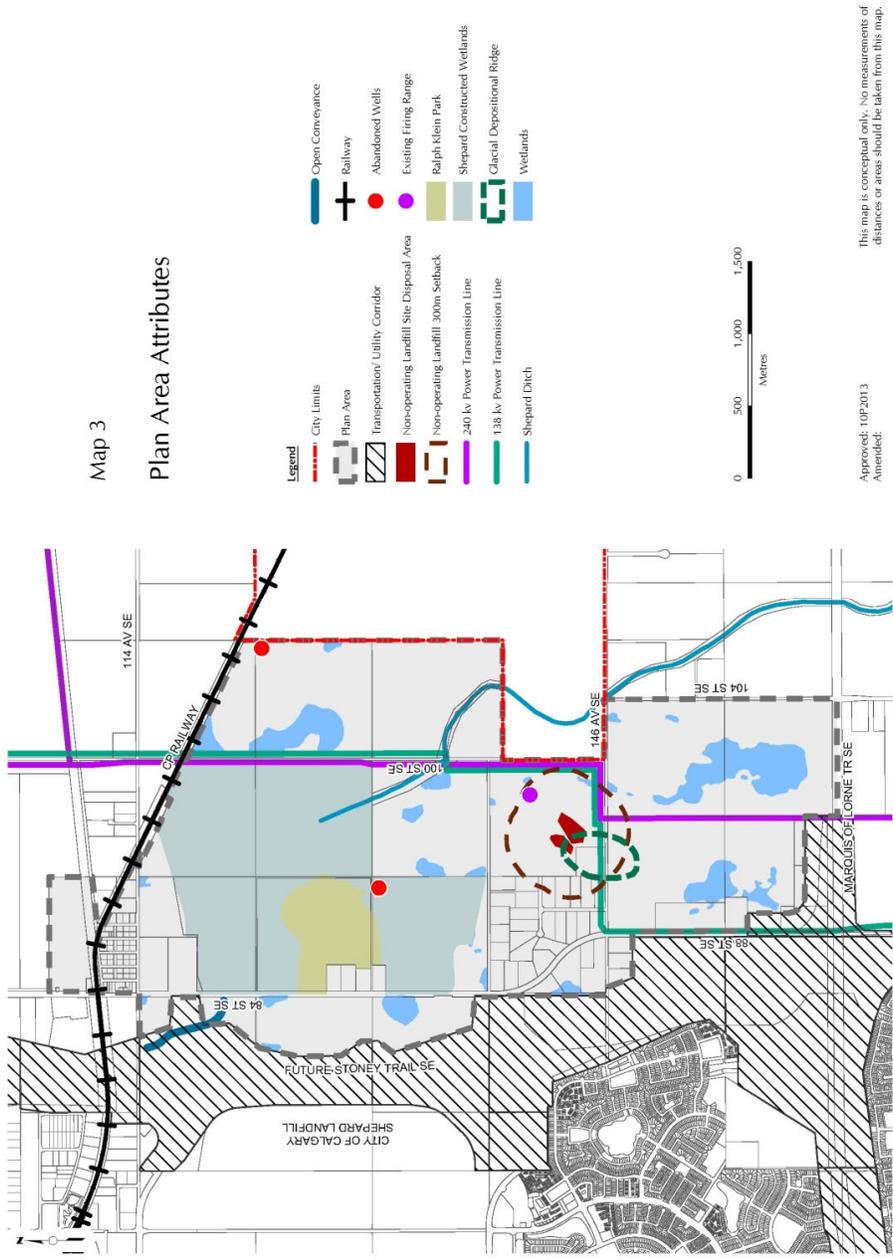
-
- (ss) In Part 2, Appendix A, Table A.1: MDP Typologies and Intensity/Density Thresholds, delete the words “The entire Community as identified within the Plan.” in the first row under “Description” and replace with “This is Community A and Community B as identified within the Plan Area. Community B with a smaller developable area is not required to achieve the intensity/ density target independently but is required to demonstrate how it can contribute to the overall intensity/ density target of the Plan Area when integrated with Community A.”
- (tt) Delete “APPENDIX H: LANDFILL POLICY REVIEW AREA REMOVAL” and replace with revised “APPENDIX H: BACKGROUND INFORMATION FOR THE NON-OPERATING LANDFILL” (APPENDIX VII).

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MAP 36SSE

APPENDIX III

REVISED MAP 3 – “PLAN AREA ATTRIBUTES”



Map 3
 Plan Area Attributes

Legend

- City Limits
- Plan Area
- Transportation/Utility Corridor
- Non-operating Landfill Site Disposal Area
- Non-operating Landfill 300m Setback
- 240 kv Power Transmission Line
- 138 kv Power Transmission Line
- Shepard Ditch
- Open Conveyance
- Railway
- Abandoned Wells
- Existing Firing Range
- Ralph Klein Park
- Shepard Constructed Wetlands
- Glacial Depositional Ridge
- Wetlands

0 500 1,000 1,500
 Metres

Approved: 10P2013
 Amended:

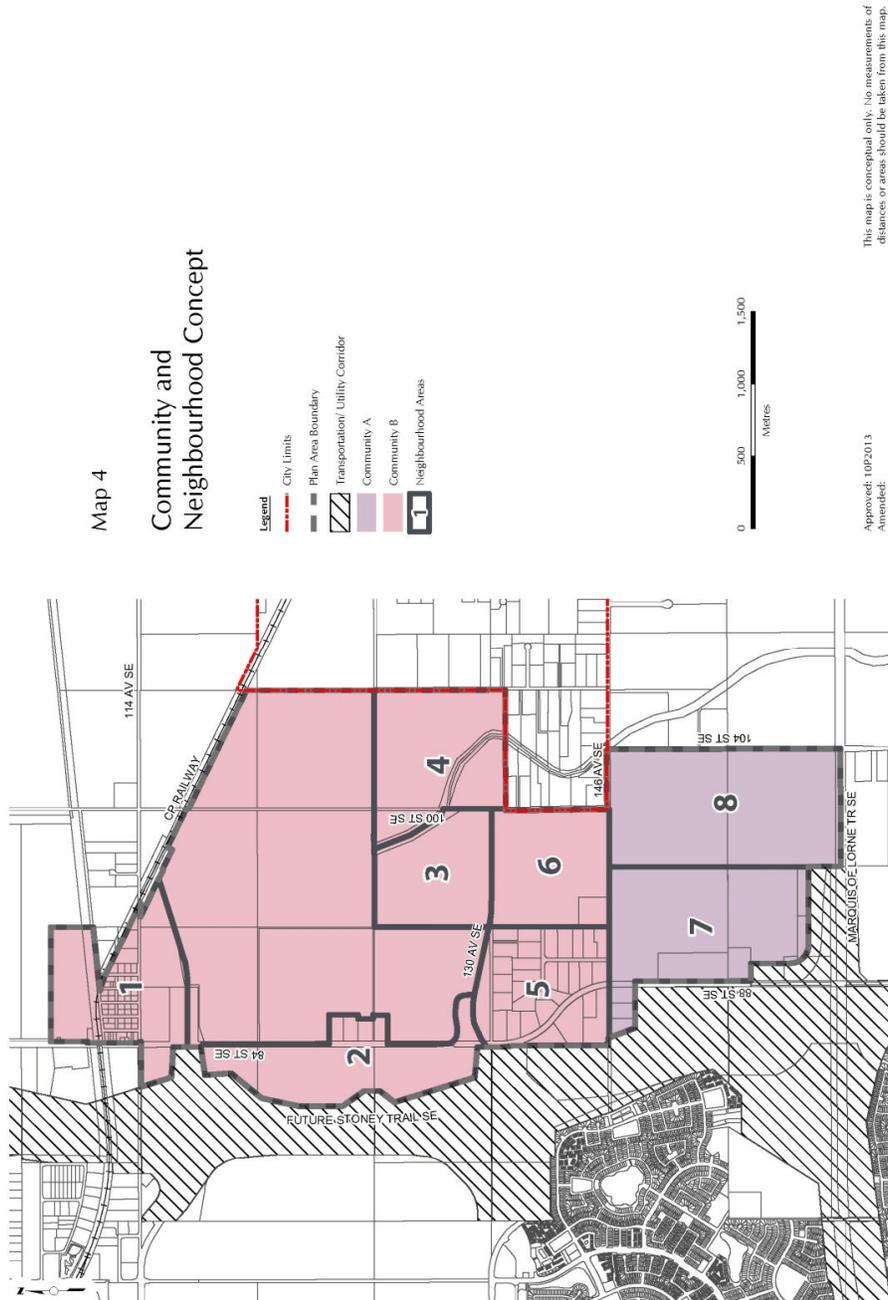
This map is conceptual only. No measurements of distances or areas should be taken from this map.

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MAP 36SSE

APPENDIX IV

REVISED MAP 4 - "COMMUNITY AND NEIGHBOURHOOD CONCEPT"

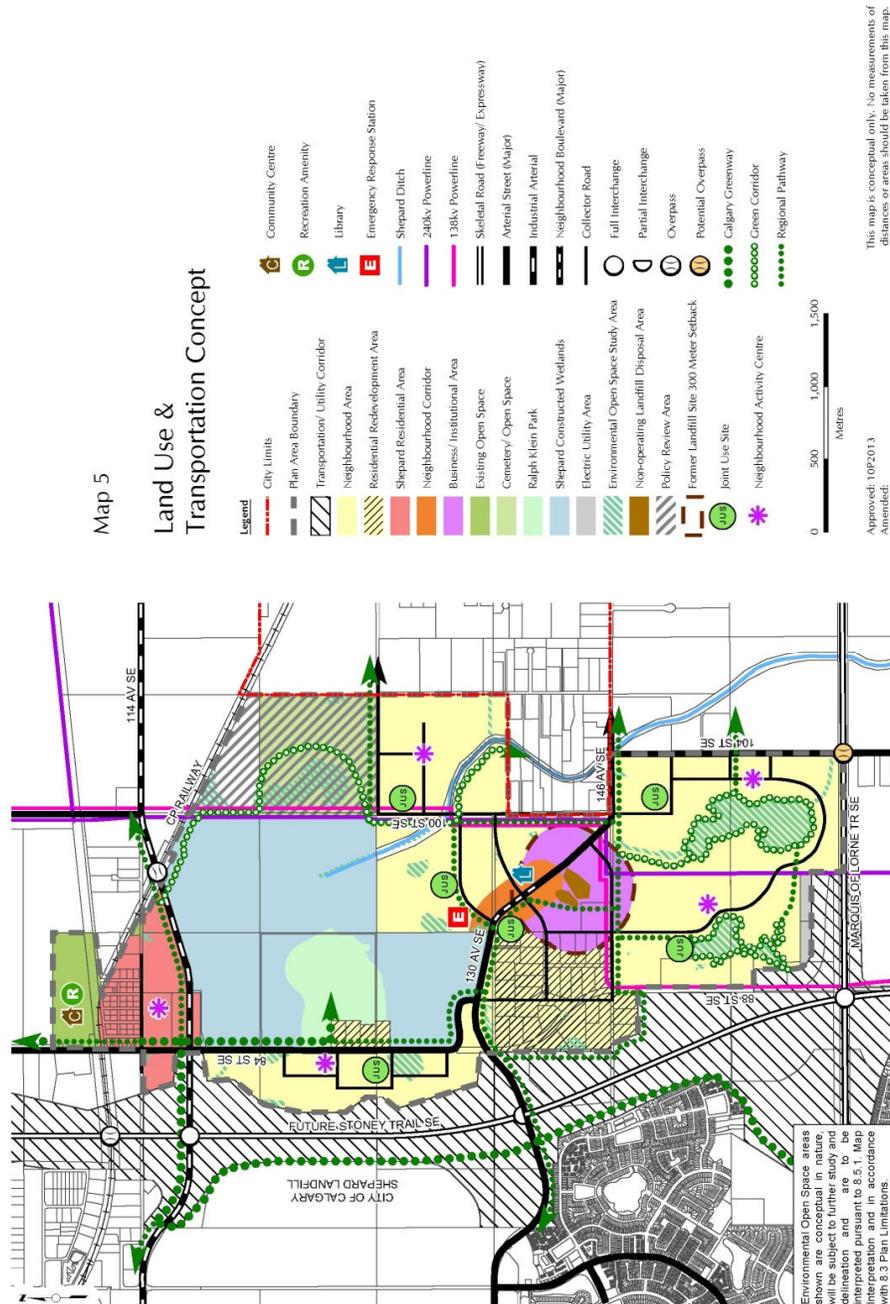


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APPENDIX V

REVISED MAP 5 - "LAND USE & TRANSPORTATION CONCEPT"

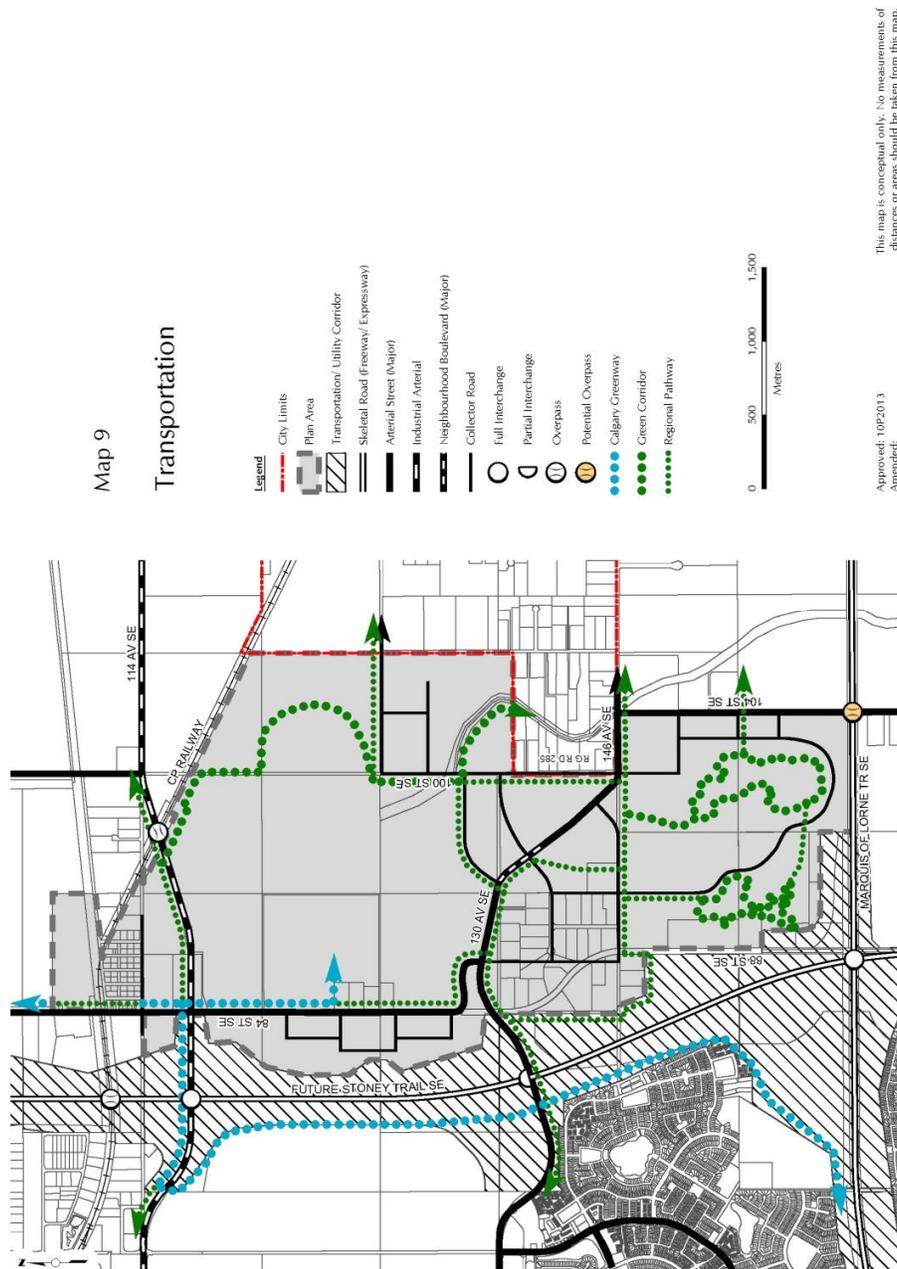


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APPENDIX VI

REVISED MAP 9 - "TRANSPORTATION"



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APPENDIX VII

**REVISED “APPENDIX H – BACKGROUND INFORMATION FOR
 THE NON-OPERATING LANDFILL”**

Appendix H: Background Information for the Non-Operating Landfill

**APPENDIX H:
 BACKGROUND INFORMATION FOR THE
 NON-OPERATING LANDFILL**

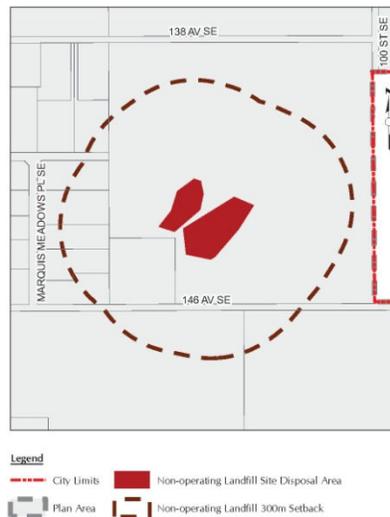
The former Foster landfill operated from 1965 to 1978 in Section SE 06-23-28 W4M within The City of Calgary, and consisted of a main cell, previously operated by the County of Rockyview, and a secondary unauthorized cell operated by a previous landowner. The landfill is conceptually illustrated on the Map H: Foster Landfill and 300 metre Setback.

At the time of the approval of the South Shepard Area Structure Plan (2013), the environmental conditions and the regulatory status of the landfill were not clear. Although environmental assessments had been completed, the landfill had not been confirmed closed by Alberta Environment and Parks (AEP). To address concerns about the development potential of the adjacent land and given the available environmental information at the time, a Policy Review Area (PRA) corresponding to the 300 metre closed landfill setback was included in the ASP.

In 2010 through consultation with AEP, a series of environmental assessments of the landfill were initiated by the landowner to assess soil and groundwater conditions and to characterize the landfill waste. Inert materials including ash, glass, metal, wood, and some plastic were identified. The assessments did not identify any contamination risks to human health or impacts that would prevent the development of the surrounding area. One area of concern was the lack of a proper cap on the landfill. On November 13, 2013, AEP issued letters to the landowner and Rocky View County outlining their requirements for landfill closure. In response, the landowner commissioned additional work including the design and construction of a clay cap to meet the current Code of Practice for Landfills. Capping of the landfill was completed in October 2016 and in early 2017 AEP confirmed that the landfill was considered closed and that no further environmental monitoring is required. A copy of AEP’s letter dated January 24, 2017 is included in this Appendix.

As a result of the environmental assessments and AEP’s confirmation that the landfill is considered closed, the PRA has been removed from the South Shepard ASP. Note that per the Municipal Government Act – Subdivision & Development Regulation, a 300 metre setback to restricted uses is applicable to this non-operating landfill.

Map H
 Foster Landfill and 300m Setback



SUPPORTING INFORMATION

POLICY AMENDMENT, ROAD CLOSURE AND LAND USE
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Appendix H: Background Information for the Non-Operating Landfill

SUPPORTING INFORMATION

 **Operations**
South Saskatchewan Region
2nd Floor, 2939 – 11 Street NE
Calgary, AB T2E 7L7
Telephone: 403-297-7605
Fax: 403-297-2749
www.asp.alberta.ca

January 24, 2017

Mr. Basil Haymour
3509 – 14 Avenue SE
Calgary, AB T2A 0J4

Dear Mr. Haymour:

**RE: Capping of Former Landfill Cells Located on [Redacted] Properties Ltd.
Site location SE 6-23-28 W4M, SE Calgary**

Thank you for the Landfill Closure Report, dated November 1, 2016, prepared by Athena Environmental Consultants Ltd. on the capping and closure of the two landfill cells located on your property. One landfill cell was formerly operated by the previous landowner (Foster) and the bigger landfill cell was leased and operated by the Rocky View County Municipal District.

The Landfill Closure Report submitted has been prepared well and the cap design details as constructed meets the Code of Practice for Landfills in Alberta for a cultivated land use. The cap is satisfactory to Alberta Environment and Parks.

As per section 6.3 of the *Standards for Landfills* in Alberta, post-closure monitoring of a landfill is required for 25 years following the final landfill closure, with monitoring starting 30 days following the submission of the final landfill closure report. In this case we are suspending these conditions based on the following:

- the landfills ceased operation in 1978;
- a partial cap has existed since circa 1978; and
- environmental assessments in the past few years have shown only minimal impacts to the groundwater.

If new information comes to light regarding any contaminants that would put the surrounding environment at risk, Environment and Parks may require further monitoring as per the *Standards for Landfills*. The groundwater monitoring wells at the site need to be retained, protected, and maintained in case monitoring is necessary in the future. These groundwater monitoring wells may also be needed to help support any applications for setback variances. In particular, we note that the pathway for fresh water aquatic life for groundwater has not been completely addressed.

If you have any questions regarding this letter, please do not hesitate to contact Mr. Matt Haghighi at (403) 297-7878.

Sincerely:


Dave Gower, M.Sc.
Designated Director under the Act

ec: Paul Leong, City of Calgary
Cole Nelson, Rocky View County
Wendy Thome, Athena
Matt Haghighi, AEP
Kim Kirillo, AEP
James Jorgenson, AEP

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APPENDIX VIII

PROPOSED DIRECT CONTROL GUIDELINES

Purpose

- 1 This Direct Control District is intended to:
- (a) allow for a mix of residential and local **commercial uses** in the same **building** or in multiple **buildings**;
 - (b) be characterized by street-oriented **building** design;
 - (c) be characterized by mid-rise **buildings** typically between four and six storeys in height and medium **density**;
 - (d) have **building** façades with frequent entries at **grade** facing a **street**; and
 - (e) promote residential **development** designed to be compatible with active, street-oriented **commercial uses**.

Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District.

Reference to Bylaw 1P2007

- 3 Within this Direct Control District, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

General Definition

- 4 In this Direct Control District,
- (a) “**commercial use**” means the **permitted uses** and **discretionary uses** of this Direct Control District, other than **Accessory Residential Building, Addiction Treatment, Assisted Living, Custodial Care, Dwelling Unit, Live Work Unit and Residential Care**.

Permitted Uses

- 5 (1) The following **uses** are **permitted uses** in this Direct Control District:
- (a) **Accessory Residential Building**; and
 - (b) **Park**.

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- (2) The following **uses** are **permitted uses** in this Direct Control District if they are located within existing approved **buildings** that contain an approved **commercial use**:
- (a) **Accessory Food Service;**
 - (b) **Convenience Food Store;**
 - (c) **Counselling Service;**
 - (d) **Financial Institution;**
 - (e) **Fitness Centre;**
 - (f) **Health Services Laboratory – With Clients;**
 - (g) **Instructional Facility;**
 - (h) **Library;**
 - (i) **Medical Clinic;**
 - (j) **Office;**
 - (k) **Pet Care Service;**
 - (l) **Print Centre;**
 - (m) **Protective and Emergency Service;**
 - (n) **Restaurant: Food Service Only – Small;**
 - (o) **Retail and Consumer Service;**
 - (p) **Service Organization;**
 - (q) **Specialty Food Store;**
 - (r) **Take Out Food Service;** and
 - (s) **Veterinary Clinic.**

Discretionary Uses

- 6 (1) **Uses** listed in subsection 5(2) are **discretionary uses** if they are located in proposed **buildings** or proposed additions to existing **buildings** in this Direct Control District.
- (2) **Uses** listed in subsection 5(2) are **discretionary uses** if they are proposed in an existing **building** that does not have at least one approved **commercial use**.
- (3) The **discretionary uses** of the Commercial – Neighbourhood 1 (C-N1) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

Bylaw 1P2007 District Rules

- 7 Unless otherwise specified, the rules of the Commercial – Neighbourhood 1 (C-N1) District of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

- 8 The maximum **floor area ratio** is 3.0.

Building Height

- 9 (1) Unless otherwise referenced in subsection (2), the maximum **building height** is 20.0 metres.

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- (2) Where a *parcel* shares a *property line* with a *parcel* designated as a *low density residential district* or M-G District, the maximum *building height*:
- (a) is 11.0 metres from *grade* at the shared *property line*; and
- (b) increases proportionately to a maximum of 20.0 metres measured from *grade* at a distance of 5.0 metres from the shared *property line*.

Use Area

- 10 (1) The maximum *use area* for *uses* on the ground floor of *buildings* in this Direct Control District is 600.0 square metres.
- (2) There is no maximum *use area* requirement for *uses* located on upper floors in this Direct Control District.
- (3) The following *uses* do not have a *use area* restriction:
- (a) **Addiction Treatment;**
(b) **Assisted Living;**
(c) **Custodial Care;** and
(d) **Residential Care.**
- (4) The *parcel* must contain a minimum of 300.0 square metres of *use area* for *commercial uses*.

Location of Uses within Buildings

- 11 (1) **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Units and Residential Care** may be located on the ground floor of a *building*.
- (2) **Commercial uses and Live Work Units:**
- (a) may be located on the same floor as **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Units and Residential Care**; and
- (b) must not share an internal hallway with **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Units or Residential Care**.

Building Orientation

- 12 *Units* and individual *uses* located at *grade* with an exterior wall facing a *street* must provide:
- (a) individual, separate, direct access to *grade*;
- (b) an entrance that is visible from the *street*; and

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- (c) sidewalks that provide direct exterior access to the *unit* or the *use*.

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APPENDIX IX

PROPOSED ROAD CLOSURE CONDITIONS

Administration has completed a comprehensive review of the proposed land use redesignation, road closure, and policy amendment. Although Administration recommends Calgary Planning Commission recommends to Council refusal of the proposed Bylaws, these Road Closure conditions have been prepared. If the Road Closure Bylaw is approved, the following conditions shall apply:

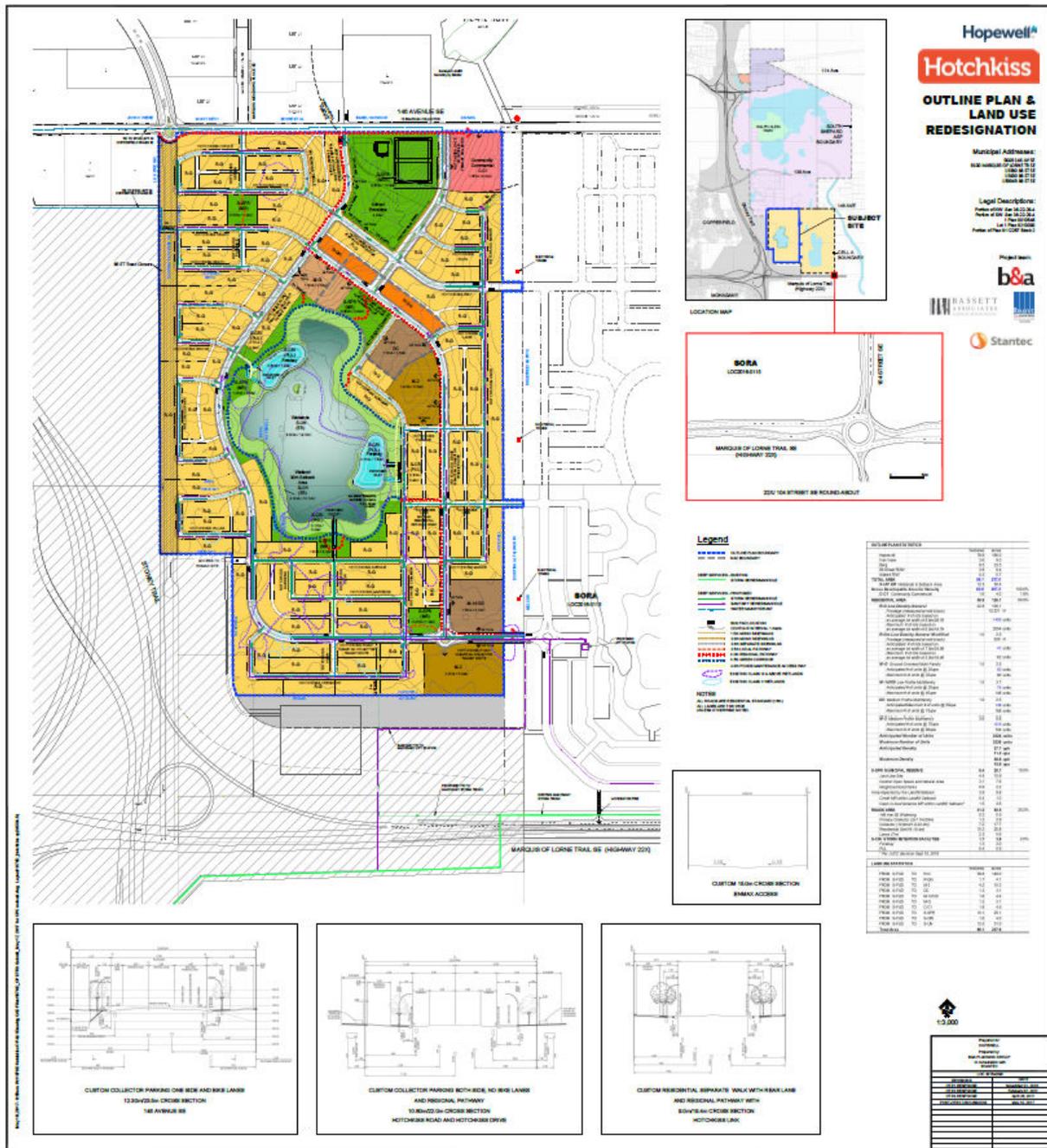
1. The closed road rights-of-way (Plan No. 171 0701, Area A) should be removed from the City's ownership and sold to the Developer and consolidated into the adjacent parcels. Prior to the affected Tentative Plan submission, the developer shall enter into negotiations with the Real Estate and Development Services (RE&DS) for the purchase of the closed road right-of-way.
2. The Developer is responsible for all costs associated with the road closure, including all necessary physical construction, removal, rehabilitation, utility relocation, etc.
3. Any utility rights-of-way are to be provided to the satisfaction of the Development Authority and the City Solicitor.
4. Utility easements are to be provided as required, with a utility Right-of-Way plan and an accompanying easement document is to be registered concurrently with the subdivision.
5. Relocation of any electrical and telecommunication installation are to be at the applicant's expense and to the appropriate standards.
6. Access to the Enmax substation site shall be maintained at all times.

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APPENDIX X

PROPOSED OUTLINE PLAN



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APPENDIX XI

HOTCHKISS NATURE PARK CONCEPT

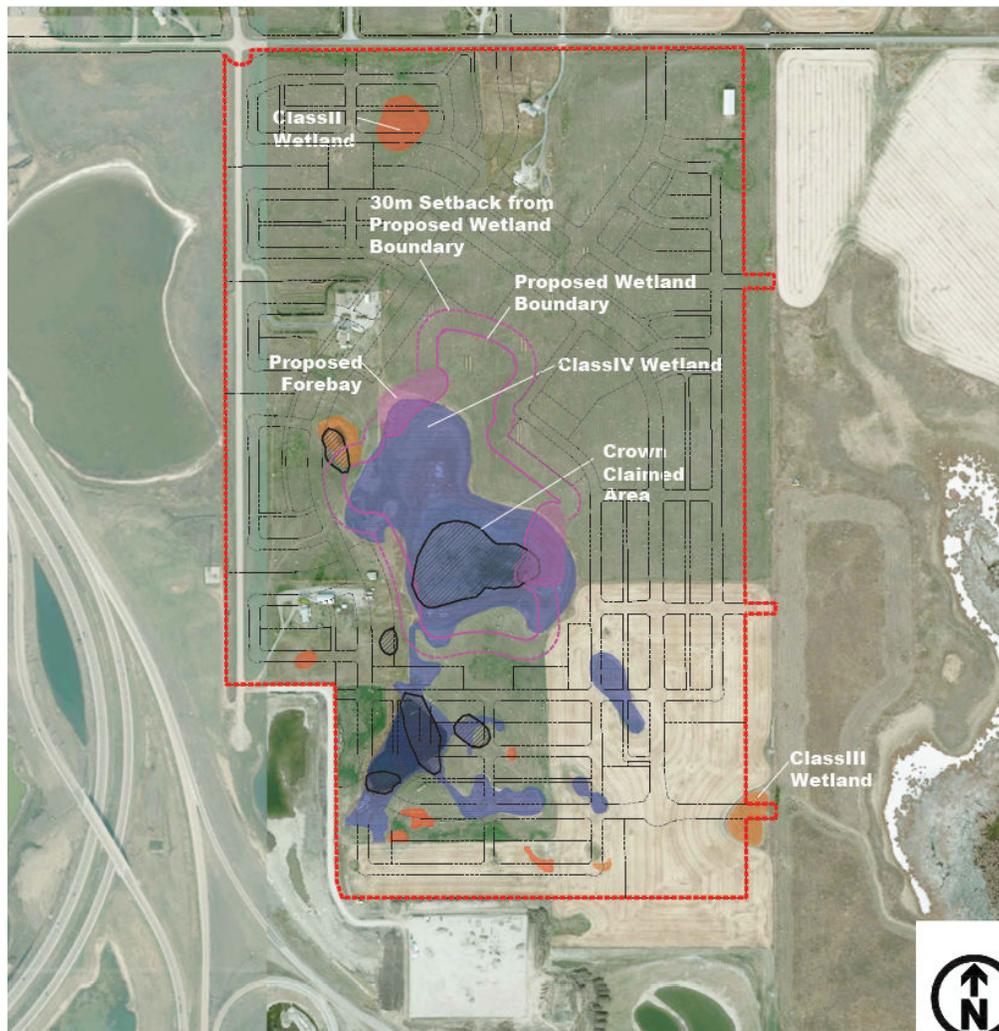


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APPENDIX XII

WETLAND IDENTIFICATION AND BOUNDARIES



1:8,000

Prepared for:



Prepared by:



Legend

-  Existing Class II Wetland
-  Existing Class III Wetland
-  Existing Class IV Wetland
-  Crown Claimed Area
-  Proposed Wetland Boundary
-  30m Setback from Proposed Wetland Boundary
-  Proposed Forebay



CROWN LAND DELINEATION

LOC2016-0090

April 2017

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APPENDIX XIII

GROWTH MANAGEMENT OVERLAY EVALUATION FROM C2013-0057
“New Area Structure Plan Process” – Attachment 4

Growth Management Overlay Evaluation

