

Transportation and Utility Corridor Secondary Use Policy



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PUBLISHING INFORMATION

TITLE: TRANSPORTATION AND UTILITY CORRIDOR SECONDARY USE POLICY

AUTHOR: LAND USE PLANNING & POLICY

STATUS: ADOPT BY RESOLUTION - 2010 JULY
M-2010-020

PRINTING DATE: 2010 AUGUST

ADDITIONAL COPIES: THE CITY OF CALGARY
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Preamble

This Policy is non-statutory and does not supersede any other existing approved policy documents. Persons wishing to determine the exact wording of approved Council policies referenced in this report should refer to the approved documents.

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Executive Summary

The Transportation and Utility Corridor Secondary Use Policy (The Policy) formalizes Alberta Infrastructure's and The City of Calgary's jurisdictions over secondary uses, enabling more predictable outcomes on development applications. It also supplements Land Use Bylaw 1P2007 with additional site development requirements, such as land use, site access, setbacks and screening.

Secondary uses within the Transportation and Utility Corridor are governed by the Special Purpose – Transportation and Utility Corridor (S-TUC) District in the Land Use Bylaw 1P2007. All primary uses are permitted uses within the S-TUC District, which are initiated and administered by the Province. Secondary uses, however, are either permitted or discretionary in the District based on their location within the TUC and/or the nature of the use itself.

The Policy defines a secondary use in the TUC as one that is ancillary or complementary to adjacent land uses; is compatible with primary uses (e.g. ring road and utility infrastructure); can be removed within a short period of time; is not constructed on a permanent foundation; does not require permanent utility services; and has approved access.

The Policy includes guidelines that would be used to review development proposals for secondary uses within Calgary's TUC. In order to align the policies within The Policy with Land Use Bylaw 1P2007, changes to the S-TUC District are proposed.

The amendments to the S-TUC District refine the District in terms of uses and rules and allow more discretion on secondary uses through the City's approval process. These amendments are a result of discussions between The City, Alberta Infrastructure and the Land Use Bylaw Sustainment Team. As per standard City processes, The Policy would only be relevant to discretionary uses.

1.0 Introduction

1.1 Goals

The goals of the Transportation and Utility Corridor – Secondary Use Policy (The Policy) are to:

1. Ensure there are opportunities to develop secondary uses within the Transportation and Utility Corridor (TUC) under the Special Purpose-Transportation and Utility Corridor (S-TUC) District that do not adversely impact the TUC or adjacent uses;
2. Identify appropriate design guidelines and criteria for secondary uses that will guide development decisions within the Calgary TUC; and
3. Provide policies that will supplement the S-TUC District of Land Use Bylaw 1P2007.

1.2 Background

1.2.1 History of the Transportation and Utility Corridor in Calgary

In the mid 1970's, the Province of Alberta established a Restricted Development Area (RDA) around Calgary. The lands included in the RDA were designated for ring roads, major utilities and municipal utilities. Thus, the TUC was established in order to protect transportation and utility alignments from urban development and offer a long-term solution to land use concerns associated with major linear infrastructure.

Strategic parcels of land were acquired by the Province since the mid 1970s to accommodate future expressways and utilities. To date, the Province has acquired a majority of the TUC lands.

1.2.2 Size and Boundaries of the TUC

As of 2010, The TUC comprises approximately 4,800 Ha (11,800 Ac) of land, with the size and alignment changing periodically to reflect project requirements as planning of the TUC has progressed. Surplus lands which are no longer required are typically removed from the TUC, sold and incorporated into adjacent areas. Thus, the alignment of the TUC is reviewed regularly by the Province.

While the majority of the TUC is located within The City of Calgary (The City) a small portion of the lands extend beyond Calgary's boundaries into Rocky View County and the MD of Foothills. This policy does not apply to TUC lands within those jurisdictions.

1.2.3 Land Acquisition and Third Party Leases

Although expressways and utilities are considered primary uses within the TUC, additional ("secondary") uses, temporary in nature, are considered by the Province to be appropriate in order to assist in the cost of maintaining the TUC lands and facilitating efficient land use. This is typically done by allocating leases to third party users. This function is currently under the jurisdiction of Alberta Infrastructure.

1.3 The Role of the Policy

The Policy includes guidelines that would be used to evaluate discretionary development proposals for secondary uses within the TUC. In order to align The Policy with Land Use Bylaw 1P2007, changes to the Special Purpose - Transportation and Utility Corridor (S-TUC) District are proposed and will only apply to lands designated S-TUC.

Historically, there has been uncertainty regarding The City's jurisdiction to evaluate secondary uses in the TUC. As part of the completion of this Policy, Alberta Infrastructure recognizes that future planning and development of secondary uses within the TUC will be subject to all City of Calgary planning and development approval processes.

1.4 Relationship to Other Plans and Documents

It is anticipated that the Residual Long – Term Growth Area policy will be incorporated into the policies of the Rocky View County/ City of Calgary IDP.

1.4.1 Municipal Development Plan

The City of Calgary's Municipal Development Plan (MDP) sets out a long term vision for sustainable growth over the next 60 years. The MDP is a statutory plan prepared and adopted by bylaw in accordance with section 632 of the Municipal Government Act. Where potential conflict may exist between The Policy and the policies contained in the MDP, the MDP will take precedence.

1.4.2 Intermunicipal Development Plan

The majority of the TUC is located within the Intermunicipal Development Plan (IDP) plan area between The City and Rocky View County (currently under review). A small south westerly portion of the TUC is also located within the Municipal District of Foothills and The City of Calgary IDP area. Where potential conflict may exist between this Policy and the policies contained in either IDP, the IDP will take precedence.

1.4.3 Policy for Residual Long-Term Growth Areas

This policy addresses residual parcels, isolated remnant lands that exist between the TUC and The City's boundary with Rocky View County. These parcels resulted from the 1989 Annexation order that identified 144th Ave and 84th St as City boundaries, thus creating parcels that are difficult to comprehensively plan with contiguous lands. The City of Calgary's Policy for Residual Long-Term Growth Areas was approved on November 12, 2007 and outlines appropriate temporary land uses within the residual parcels. The uses envisioned by the policy are typically associated with few permanent or intensive improvements to the land, and can be removed in a relatively short period of time.

1.4.4 Land Use Bylaw 1P2007

This Policy is supplementary to the City of Calgary's Land Use Bylaw 1P2007. Where potential conflict may exist between this Policy and the Land Use Bylaw, the Land Use Bylaw will take precedence.

1.4.5 Provincial *Transportation/Utility Corridor Program Policy*

The *Transportation/ Utility Corridor Program Policy (TUC Program)* is a provincial document addressing the planning and leasing of TUC lands.

The legislative authority of the TUC Program is set out in the Calgary RDA Regulations. Alberta Infrastructure administers the TUC's on behalf of the Government of Alberta.

Alberta Infrastructure may lease TUC lands to third parties for secondary uses for a fixed term, and may terminate the agreement if the lands are required for a primary use. Where a third party proposes an operation or activity on TUC lands, the potential lessee is required to obtain written consent (Ministerial Consent) from the Minister of Infrastructure and obtain the appropriate City of Calgary development approvals before commencing the use. Ministerial Consent sets out conditions that ensure that the proposed operation does not conflict with existing and future primary uses and the development permit ensures that the use does not impact adjacent city uses.

2.0 Issues and Recommendations

This section provides an overview of the existing S-TUC District and recommended amendments to the District.

2.1 Definition Alignment

The Provincial TUC Program Policy and Calgary's Land Use Bylaw 1P2007 use different terms to describe non-primary uses in the TUC. The Province uses the term secondary whilst Land Use Bylaw 1P2007 describes similar uses as temporary and removable. While both refer to non-primary uses, the S-TUC District does not provide clarification as to what comprises such uses.

The following are the Province's and The City's definitions for uses within the TUC:

Provincial TUC Program

- *Primary* uses are transportation and linear utility facilities that the TUCs are planned to accommodate. These uses include Ring Roads and associated interchanges, stormwater management facilities, pipelines, major power lines and municipal services.
- *Secondary* uses are ancillary or complementary to adjacent land use and are compatible with the primary uses. These uses allow the TUC corridor to be integrated into the urban pattern and comprise of land uses that are temporary in nature but could be placed for several years (e.g. regional pathways and trail systems)
- *Original* uses include all existing buildings and structures. Much of the actual land use within the TUC has remained unchanged since the beginning of the TUC program, so these uses include agriculture and residences (typically original farmsteads).

Land Use Bylaw 1P2007

The S-TUC District in Land Use Bylaw 1P2007 identifies two categories of uses within the TUC, both of which are not defined terms in the Land Use Bylaw. The purpose statement for the S-TUC District gives a general description as to what comprises such uses:

- *Primary* uses are uses where the primary purpose is to provide for provincial transportation facilities and linear utilities.
- *Temporary and removable* uses are uses where there is approved access and where the use is compatible with adjacent uses, transportation facilities and linear utilities.

Recommendation

For the purposes of this Policy, the terms primary use and secondary use, as defined in Section 3.1 of The Policy, will be used throughout the document to refer to uses within the TUC. Secondary uses, as defined by this Policy, will be used synonymously with the phrase "temporary and removable" as referred to in the S-TUC District. Thus, the terms "secondary" and "temporary and removable" will be used to refer to the same range of uses.

2.2 Special Purpose — Transportation and Utility Corridor (S-TUC) District

As part of the Land Use Bylaw review, the S-TUC District was added to 1P2007 in order to provide more clarity on appropriate land uses within the TUC. The S-TUC District is intended to accommodate select types of secondary uses that are compatible with existing and future transportation and utility infrastructure and to acknowledge that there are primary uses under the jurisdiction of the Province. Changes to the S-TUC District or other parts of Land Use Bylaw 1P2007 are only made through City Bylaw.

2.2.1 Land Uses

Primary uses, initiated and administered by the Province, are always listed as permitted uses within the S-TUC District. Secondary uses, however, are either permitted or discretionary in the District based on their location within the TUC and/or the nature of the use itself. The permitted and discretionary uses are listed in Sections 1093 (1) and 1094 (1) in the S-TUC District.

In addition to the prescribed permitted and discretionary uses, specific uses apply in Areas noted as A and B (Map #1). Area A is located to the north of the City east of Deerfoot Trail to 44th Street N.E., while Area B (the larger of the two areas) is located in the southeast between Peigan Trail S.E. and 114 Avenue S.E. Areas A and B have been identified as having the potential to accommodate a wider array of secondary land uses because they are adjacent to existing or planned industrial or non-residential development.

Recommendation

Amendments to the S-TUC District are recommended to refine the District in terms of uses and rules and to allow more discretion on secondary uses through the City's approval process.

As part of the amendments Food Kiosk, Proshop and Accessory Residential building, which are already defined uses in the Land Use Bylaw, would be included as additional discretionary uses because they are generally appropriate uses within the S-TUC District.

Alberta Infrastructure prefers development that causes few impacts to the landscape, can be removed in a short period of time and that can typically be accomplished in the most cost efficient manner. Amendments to the S-TUC District should ensure that negative impacts from secondary uses on adjacent uses are mitigated.

2.2.2 Development Guidelines

In general, the rules of the Land Use Bylaw are not suited for the linear nature of the parcels contained within TUC lands.

Recommendation

Since secondary uses approved within the TUC may exist for a considerable period of time, landscaping, screening and additional setbacks should be included in the District to lessen the potential impacts on adjacent areas.

2.2.3 Development Pattern

Historically, development within the TUC has typically been of a form that causes little impact to the landscape and adjacent areas. These uses consist of extensive agricultural and original farmsteads. While the number of these uses may decline as the ring road is built, it is likely that surplus lands not needed in the foreseeable future will continue their present use.

Recommendation

Alberta Infrastructure may seek secondary use development of a larger scale and intensity than provided for in the S-TUC District. Due to The City's development requirements, potential impacts on adjacent uses, and the need for more detailed planning review, larger more intense uses will require a redesignation to Direct Control District under Land Use Bylaw 1P2007.

2.2.4 Surplus lands

Continued development and refinement of the TUC periodically requires additional parcels of land to be included or removed from the TUC. Approximately two to three times a year some lands are disposed of by Alberta Infrastructure, where approval for the alignment change is granted via Order in Council. Such lands are normally sold to adjacent land owners. This could result in the lands not within the TUC being designated under the S-TUC District.

Recommendation

Since the S-TUC district is not intended to apply to non TUC lands, Alberta Infrastructure or the purchasing land owner are encouraged to make an application to amend the land use district upon removal of the land from the TUC..

2.2.5 Transportation

The current S-TUC District does not have any rules that limit access to uses from residential streets and directly off the TUC.

Recommendation

Proposed secondary uses should be required to provide access that would not negatively impact City residential streets and would not impede the primary functions of the TUC.

3.0 Policies

The Policy is intended to be used in conjunction with the rules in Land Use Bylaw 1P2007. In addition to the requirements set out in the Special Purpose – Transportation and Utility Corridor (S-TUC) District, the following policies will be considered by the Development Authority when evaluating discretionary development applications for secondary uses within the Transportation and Utility Corridor.

3.1 Land Use

- 3.1.1 A **primary** use should be defined as a use where the purpose is to provide for provincial transportation facilities and linear utilities that the Transportation and Utility Corridor is planned to accommodate. These uses include Ring Roads and associated interchanges, stormwater management facilities, pipelines, major power lines and municipal services. Primary uses are subject to rules under the province's Restricted Development Area (RDA) regulations.
- 3.1.2 A **secondary** use should be defined as a use in the Transportation and Utility Corridor that:
- a) is ancillary or complementary to adjacent land uses and is compatible with primary uses;
 - b) is temporary and removable (e.g. can be removed within a short period of time);
 - c) is not constructed on a permanent foundation; and
 - d) has approved access.
- 3.1.3 Secondary uses are appropriate in the Transportation and Utility Corridor in accordance with The City of Calgary's Land Use Bylaw 1P2007. A secondary use should

be compatible with and not detrimental to adjacent land uses.

- 3.1.4 Proposed secondary uses should also be ancillary or complementary to adjacent uses, existing or planned, across municipal boundaries where applicable.

3.2 Transportation

- 3.2.1 Development proposing a secondary use should not impede the long-term primary function of the Transportation and Utility Corridor.
- 3.2.2 A secondary use should not gain access through residential streets unless otherwise agreed upon by The City and Alberta Infrastructure.
- 3.2.3 A secondary use should not gain access directly from the Transportation and Utility Corridor unless otherwise agreed upon by The City and Alberta Infrastructure.
- 3.2.4 The adjacent municipality should be considered a stakeholder in the City's development planning process where access for a secondary use is proposed through that municipality.
- 3.2.5 Potential upgrades to roads and utilities required to facilitate development should be negotiated with the applicant at that time of application in consultation with Alberta Infrastructure.

3.3 Development Guidelines

Secondary uses approved within the Transportation and Utility Corridor may exist for a considerable period of time. Therefore, landscaping, screening, setbacks, and design requirements should be required to lessen the impact of development on adjacent areas.

A. Site and Building Guidelines

- 3.3.1 The location and design of buildings and sites containing secondary uses should not create negative impacts on residential areas.
- 3.3.2 Environmental and nuisance impacts of developments or uses should be managed on site.

B. Setbacks

- 3.3.3 To control negative impacts, additional setbacks may be required for sites containing a vehicle storage or storage yard use to the satisfaction of the Development Authority.

C. Landscaping

- 3.3.4 The Development Authority should use discretion to determine the amount and type of landscaping required based on the context of the secondary use.
- 3.3.5 Construction should be conducted to minimize disturbance to existing vegetation. Existing mature trees should be retained wherever possible.

D. Screening

- 3.3.6 To mitigate negative impacts, parcels containing a storage yard or vehicle storage use visible from a residential area should be screened.
- 3.3.7 Roof or ground mounted mechanical equipment, with the exception of solar collectors, should be screened from public view and should be architecturally compatible with other on-site development in terms of colors, materials, and architectural style.

E. Development Permit

- 3.3.8 As per Land Use Bylaw, 1P2007, a development permit for a discretionary use should have a time limitation of no more than five years with the possibility of renewal at the discretion of the Development Authority.

- 3.3.9 Applications for a secondary use could be renewed at the discretion of the Development Authority in consultation with Alberta Infrastructure.

F. Redesignation

- 3.3.10 A redesignation application to add or remove parcels from the Transportation and Utility Corridor will be submitted by Alberta Infrastructure or the purchasing land owner, where appropriate.

3.4 Amendments

The City and the Province will commit to maintaining this document in a current fashion which may be amended from time to time subject to the approval of City Council.



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LAND USE PLANNING & POLICY