



# PRAIRIE CREEK

## BUSINESS PARK OUTLINE PLAN

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**Prepared for:**

Regional Municipality  
of Wood Buffalo

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# PLANNING HISTORY & PROCESS

## Planning History and Process

Planning for Prairie Creek Business Park (PCBP) was initiated with the release of the subject property by the Government of Alberta in January 2011 and its subsequent sale to Pacific Investments and Development Ltd (hereinafter referred to as the developer) in early December 2011. The subject property, situated approximately 3.3 kilometers (2 miles) south the existing urban area of Fort McMurray, contains approximately 396.79 hectares (980.51 acres), and is bounded by Highway 63 to the west and Prairie Creek to the east.

The planning process leading to the final approval of this outline plan has been in collaboration with the Regional Municipality of Wood Buffalo (RMWB) and involved the following key milestones:

|   |                              |
|---|------------------------------|
| • Government of Alberta Tender Award            | January 2011                 |
| • Initial RMWB Engagement                       | February 2011                |
| • Biophysical and Geotechnical Assessments      | March – June 2011            |
| • Market Research and Analysis                  | April – May 2011             |
| • Preliminary Land Use Concept and Design       | May – June 2011              |
| • RMWB Workshop Session                         | June 2011                    |
| • Transportation and Servicing Strategy         | June – August 2011           |
| • Draft Plan Development                        | June – August 2011           |
| • Outline Plan Submission #1 to RMWB            | August 2011                  |
| • RMWB Plan Review and Feedback                 | September 2011               |
| • Outline Plan Conditional Approval             | October 2011                 |
| • RMWB Engagement on Conditions of Approval     | November 2011                |
| • Outline Plan Submission #2 to RMWB            | December 2011                |
| • RMWB Engagement on Revised Plan               | February 2012 – October 2012 |
| • Outline Plan Submission #3 to RMWB            | November 2012                |
| • RMWB Engagement on Revised Plan               | December 2012 – January 2013 |
| • Outline Plan Submission # 4 to RMWB           | March 2013                   |
| • RMWB Engagement on Revised Plan               | March 2013 – April 2013      |
| • Outline Plan Original Approval Issued by RMWB | June 2013                    |
| • Outline Plan Amended Approval Issued by RMWB  | June 2015                    |

# SITE CONTEXT

## Site Context

### *Outline Plan Requirements*

The Regional Municipality of Wood Buffalo (RMWB) requires developers to prepare and submit outline plans for review and approval prior to consideration of land use redesignation and subdivision applications. While not considered a statutory plan under the Municipal Government Act, outline plans provide an effective framework to evaluate development proposals compliance with key planning policy, and provide a guiding framework to support the evaluation of land use and subdivision applications. This outline plan has been prepared in accordance with the requirements as outlined by the RMWB's terms of reference as well as the provisions outlined in the Highway 63/881 Corridor Area Structure Plan.

As development of the PCBP proceeds, amendments to this outline plan may be triggered by major variances requested at the time a redesignation and subdivision application is filed with the RMWB. When major variances are requested to the outline plan, the developer shall submit a rationale for the variance requested concurrent with a land use and redesignation application and submit an updated outline document reflective of the requested variance.

### *Introduction and Overview*

The proposed Prairie Creek Business Park is situated consists of approximately 396.79 hectares (980.51 acres). As a result of recent amendments to the RMWB's Municipal Development Plan and Highway 63/881 Corridor Area Structure Plan, the subject property has been identified to accommodate future employment lands consisting of commercial and industrial development. Further, as part of the Municipal Development Plan review, the subject property was identified for inclusion in the Fort McMurray urban service area. Prairie Creek Business Park was included within the expansion of the Urban Service Area Boundary in 2014. Recent amendments to the Highway 63/881 area structure plan have also identified the land for future industrial and commercial development purposes.

The subject property is bounded by Highway 63 to the west, and situated approximately 100 metres west of Prairie Creek, with an existing partially developed statutory road allowance along the southern boundary. Significant amounts of crown land are situated in proximity to all boundaries of the subject property. There are two intervening, undeveloped government road allowances that also cross the subject property that have been considered in the development of this outline plan.

Given the subject property's large area, its strategic location, and direct highway access, it is anticipated that the property will accommodate a variety of highway commercial and light industrial uses including but not limited to: restaurants, hotels, office space, local and bulk fuel sales, warehousing, food services, logistics & cartage, equipment and freight yards, etcetera. The land use and development patterns envisioned for the site are consistent with the RMWB Municipal Development Plan and Highway 63/881 Corridor Area Structure Plan which has identified strategic locations along the Highway 63 corridor to accommodate commercial and business industrial type land uses. The land uses and development envisioned for the property is in general accordance with existing Highway Commercial (C4) and Business Industrial (BI) land use districts as contained within the RMWB land use bylaw.

The outline plan identifies key sensitive features on the site which are incorporated with the proposed land development patterns where possible. Key elements of the plan consistent with this direction include wetland and riparian preservation, stormwater management, pedestrian linkages and amenities, bio swales, and the accommodation of future transit stops and connections.

In support of the proposed PCBP, water mains will be extended from existing urban area to the subject lands in accordance with the Regional Municipality of Wood Buffalo Water Master Plan. It is proposed that a water main be constructed to the plan area and that an on site reservoir, pump house and truck fill be constructed when required. The sizing and construction of the reservoir and water distribution system will be based on the proposed land uses detailed in the outline plan and in conjunction with the water network analysis as development on the property proceeds.

The permanent sanitary sewer system in support of PCBP will consist of a piped system through the Saline Creek Plateau, which will ultimately include a centralized collection system onsite and a wetwell, lift station and forcemain offsite. Until the forcemain is constructed, the first phases of development for Prairie Creek Business Park (anticipated to begin in 2014 with flows in 2016), sanitary flow could be handled in holding tanks (scalable) with pumpouts for several years. Alternatively, should a new wastewater treatment plant (WWTP) proposed to be located near the RMWB landfill site, north of Prairie Creek Business Park along Highway 63 be completed prior to the construction of the permanent forcemain to Saline Creek Plateau, the Prairie Creek flows could be pumped via forcemain (or possibly flow by gravity) to this WWTP. This could occur if the proposed WWTP is operational within the next 3-5 years.

Storm water management within the development will be handled primarily by way of low impact development methods, such as overland conveyance systems, bio swales, constructed storm ponds and existing wetland features. Preliminary stormwater analysis on the plan area has identified the location of two ultimate and one temporary stormwater management facilities. Proposed passive recreational improvements shall be accommodated in these locations in addition to the required stormwater features.

A full engineering design brief on storm, water and sanitary and transportation servicing has been completed in support of this outline plan. This plan identifies the overall transportation requirements and road network necessary to support development throughout the plan area. As Alberta Transportation is completing a functional study/plan on Highway 63 bordering the subject property, the Traffic Impact Assessment portion of the design brief as completed by Bunt and Associates has not been approved and will require revisions and approval from Alberta Transportation and the RMWB upon completion of the Highway 63 functional plan. Since approval of this Outline Plan, Alberta Transportation has initiated the Highway 63 functional plan, but has yet to finalize the plan at the time amendments to the outline plan were initiated.

The project team seeks the support of administration on this new and exciting development venture in the RMWB.

### *Location*

The subject property is situated approximately three (3) kilometers from the existing urban area of Fort McMurray and is bounded by Highway 63 and Prairie Creek. There is a significant amount of crown land that borders the property. See Figure 1: Location Plan.

### *Legal Description, Area and Ownership*

The legal description of the subject property is as follows:

- Plan 1025452  
Block 1  
Lot 1

The total area for the subject site is 396.79 hectares (980.51 acres). The property is bisected by the following right of way plans:

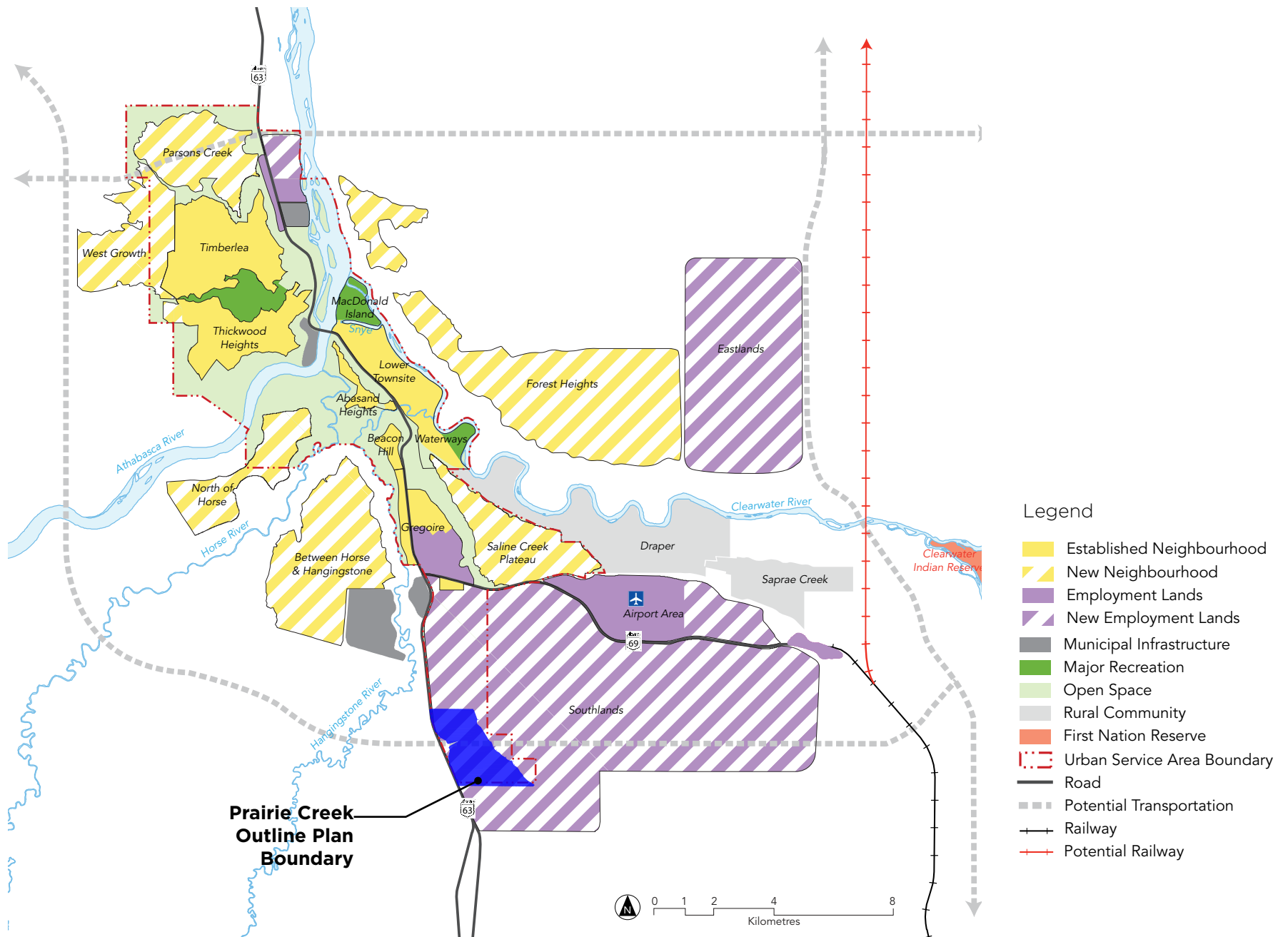
- Right of Way Plan 9923526 (+/- 35 metres)
- Right of Way Plan 1025454 (+/- 30 metres)
- Right of Way Plan 1124327 (+/- 18 metres)
- Right of Way Plan 1124250 (+/- 20 metres)

The property is currently held in title by the Pacific Investments GP Ltd. (Certificate of Title 112 387 563). The following are the existing encumbrances registered on title:

- 102311686 Caveat Re: Utility Right of Way
- 102341687 Caveat Re: Utility Right of Way
- 102377993 Caveat Re: Utility Right of Way
- 112031364 Utility Right of Way
- 102269660 Utility Right of Way

Please refer to the appendix for a copy of the current title, existing encumbrances on the subject property, and letter of authorization from Pacific Investments and Development Ltd. to file an outline plan submission with the RMWB.





**Figure 1**  
**Location Map**

# EXISTING FEATURES & CONSTRAINTS

## Existing Features & Site Constraints

### *Existing Conditions Overview*

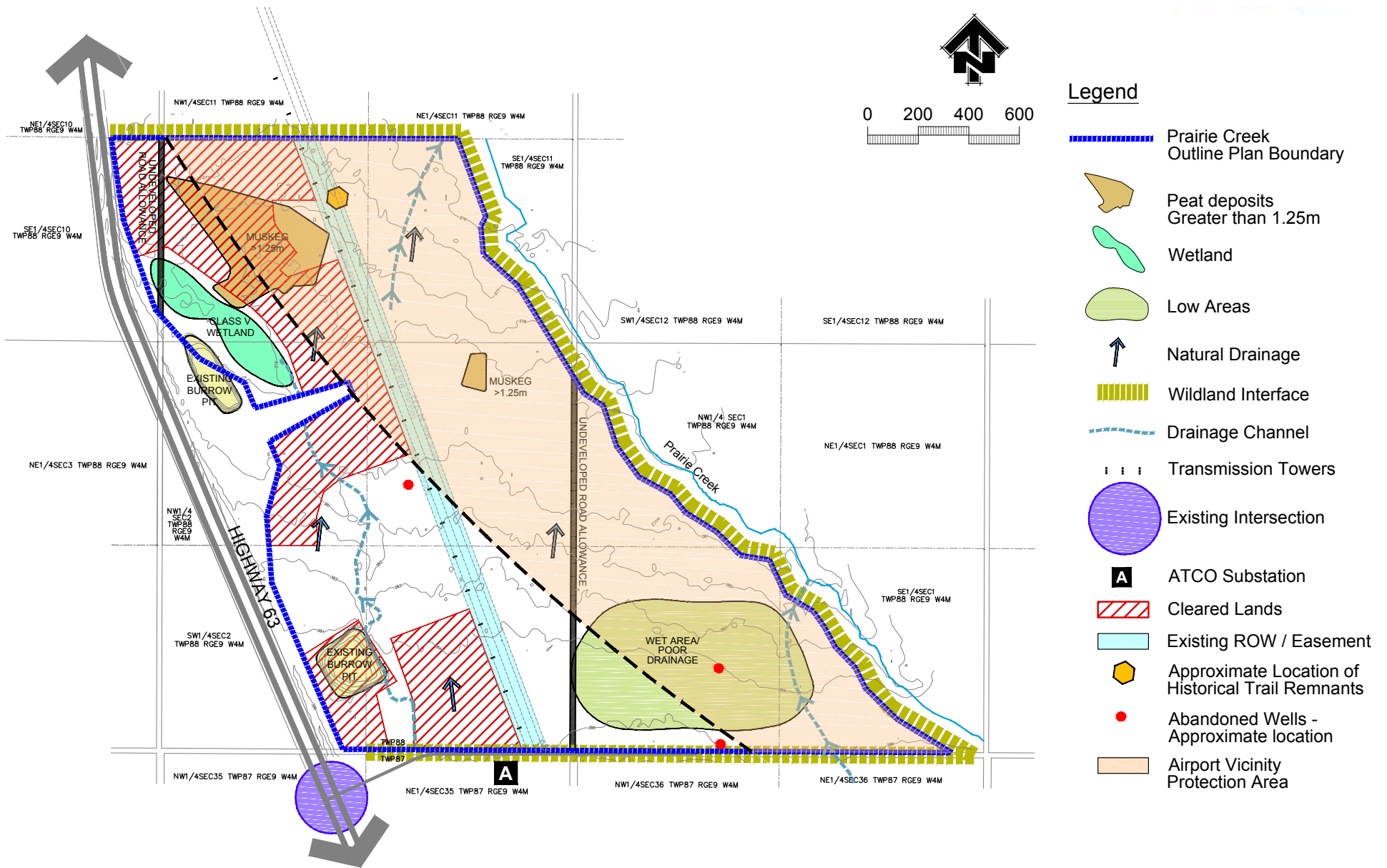
The subject property consists of approximately 396.79 hectares of land with varying conditions which have shaped the outline plan and land use concept. The following is a general summary of existing conditions on the property as detailed in the technical assessments as completed by the project team:

- Portions of the site are vegetated with varying forest cover;
- Existing areas of disturbance include right of ways, dug outs, existing burrow pits and recently cleared lands;
- Topographical variation of approximately 9 metres over 2400 metres;
- Predominant drainage patterns are from south to north;
- Three, poorly defined watercourses are situated on the subject property;
- Class V wetland situated in northwest portion of plan area;
- Low, poorly drained area in southeast portion of plan area;
- Two undeveloped road allowances bisect property;
- There are three (3) abandoned wells on the subject property;
- Portions of the subject property are impacted by the Airport Vicinity Protection Area Boundary;

The completion of initial technical reporting and analysis of the property has yielded a number of constraints that have been taken into consideration in the development of this outline plan. For a summary of existing conditions and constraints please see Figure 2: Site Constraints/Existing Conditions.

### *Environmentally Sensitive Areas*

There are no identified environmentally sensitive areas situated on the subject property. Based on consideration of the Alberta Conservative Information Management System and a detailed site investigation, a biophysical assessment of the subject property has documented and reviewed prevailing site conditions and natural features in relation to the outline plan. The biophysical assessment has documented the location and extent of vegetative patterns and noted the presence of three poorly defined watercourses and a Class V wetland. At the time the biophysical assessment was completed, approximately 87% of the site remained in a natural state. Since this time, the western portion of the property has been cleared and pre development activities have taken place. The outline plan and supportive stormwater management plan have been prepared in consideration of the features identified in the biophysical assessment.



**Figure 2**  
**Site Constraints/Existing Conditions**

### *Geotechnical Conditions*

A comprehensive geotechnical assessment has been completed on the subject property and documented the suitability of the property to support typical commercial and industrial development as envisioned for the site. The assessment has concluded that the subsurface conditions on the property remain suitable for typical commercial and industrial development. The assessment noted that the primary geotechnical conditions beyond peat deposits include silty clay and stiff till which remain suitable for conventional or pile foundations.

A constraint identified by the geotechnical investigation includes groundwater levels and the depth of peat deposits on portions of the subject property. Groundwater conditions will warrant special consideration during construction activities. Peat deposits on the site have been delineated on the property of up to 2.25 metres in depth in isolated locations situated in the northwest portion of the plan area. While isolated in nature, peat deposits of this depth will require special consideration during construction activities. In addition to peat deposits, the initial environmental and geotechnical assessment has noted poor drainage conditions in the southeast portion of the property stemming from off site drainage from south of the subject property. This will require consideration as part of stormwater management for the subject property.

As development of the PCBP proceeds, it is recognized that site specific geotechnical investigations may be required by the RMWB at the time a land use redesignation and subdivision application is filed. As development proceeds on the subject property, the developer shall work with the RMWB on economically feasible and appropriate on site and off site peat disposal options. On site peat management options may include the use of excess peat for berming, the filling of burrow pits, landscaping, and/or to support active recreational purposes to support the identified ATV/Snowmobile recreational area. The developer shall work with the RMWB and the Government of Alberta on the exploration of off site peat disposal options.

### *Rights of Ways and Pipeline Facilities*

The subject property is currently bisected by four utility rights of way that constitute a defining feature and have structured the land use and development concept contained in this outline plan. The existing rights of way, rights of way widths and function are briefly summarized below:

**Utility Right of Way 9923526:** This is an approximately 35 metre pipeline right of way registered in favor of Enbridge Pipelines (Athabasca) Inc. The right of way currently contains two pipelines operated by Enbridge under license numbers 31611 and 51919. The pipelines are currently conveying CO<sub>2</sub>; HV; LV substances as defined by the ERCB. Pipeline license number 51919 contains an H<sub>2</sub>S concentration of .07 which is considered minimal. Based on a review of the pipeline information and assessment provided by the Energy Resources Conservation Board, there are no development constraints presented by this pipeline facility beyond that of respecting the existing right of way and any applicable emergency planning zones established by the pipeline operator.

**Utility Right of Way 1025454:** This is an approximately 30 metre utility right of way registered in favor of the Government of Alberta. This utility right of way plan was registered concurrently with the creation of the subject property's title for the purpose of accommodating electrical transmission lines and other potential utilities to meet the needs for the Fort McMurray urban service area and the region.

**Utility Right of Way Plan 1124327:** This is an approximately 18 metre right of way registered in favor of Enbridge Pipelines (Athabasca) Inc. to accommodate potential pipeline improvements. At present, there are no pipelines facilities constructed within this right of way plan.

**Utility Right of Way Plan 1124250:** This is an approximately 20 metre right of way plan registered in favor of ATCO electric to protect recently constructed transmission towers and overhead transmission lines. The outline plan has considered the existing location of transmission towers within this right of way to ensure the appropriate arrangement of local road crossings.

Based on a review of the accompanying rights of way agreement(s), there are no development constraints presented by the rights of way beyond that of development respecting the existing rights of way restrictions. The location and function of these rights of way has limited the number of road crossings contained within the outline plan. All crossings shall require appropriate crossing agreements executed with the holder of the encumbrance. The developer shall work with the utility and pipeline company to ensure that utility/pipeline construction within the rights of way does not impede the development of the subject property. Since initial approval of this outline plan, the RMWB has initiated planning for the development of a regional utility corridor from Fort McMurray to Anzac. Pacific Investments has commenced discussions with the RMWB with respect to this requirement and is currently assessing potential routing alternatives through Prairie Creek Business Park. There are no known well facilities or other pipelines in the immediate vicinity of the subject property that pose any additional constraints on the proposed development.

#### *Fort McMurray Airport and Airport Vicinity Protection Area Boundary*

The Fort McMurray Airport is situated approximately 2.4 kilometers (1.5 miles) northeast of the subject property's most north easterly boundary. A review of the existing zoning around the airport, and the Fort McMurray Airport Area Structure Plan has been completed. Based on the alignment of take off/approach surfaces and NEF areas from the airport, no impacts on existing or future airport operations are anticipated by the proposed development.

Notwithstanding, based on recent discussions and updated mapping provided by the RMWB in April 2013 portions of the property have been identified as contained within the Airport Vicinity Protection Area boundary. While no impacts are anticipated from development, future subdivision and/or development application on those portions of the property which fall within this boundary may be circulated by the subdivision and/or development authority to the Fort McMurray Airport Authority for review and comment.

### *Abandoned Wells*

As part of the application preparation process, the ERCB web viewer was used to determine the presence of abandoned wells on the subject property. Based on this review, three (3) wells were identified on the existing subject property. These are summarized below:

| <b>License Number</b> | <b>Licensee Name</b>           | <b>Status</b> |
|-----------------------|--------------------------------|---------------|
| Y0001168              | Imperial Oil Resources Limited | RecExempt     |
| 0320467               | Value Creation Inc.            | Abandoned     |
| 0320468               | Value Creation Inc             | Abandoned     |

Under the ERCB Directive 79, the minimum development setback from an abandoned well is five (5) metres in order to preserve a working area should the abandoned well require servicing. As redesignation and subdivision applications proceed on the subject property, these shall be prepared in accordance with the direction and intent of ERCB Directive 79.

### *Watercourses and Wetlands*

Enviro Mak Inc. was retained to conduct a Biophysical Impact Assessment/Wetland Study (BIA) for the subject lands. This study was based on current land uses, historical data, and information gathered during site reconnaissance visits by Enviro Mak. The assessment has identified three, intermittent, poorly defined watercourses that transect the property, and a Class V wetland. The outline plan proposes to protect the existing wetland complex as a guiding feature in the structure of the land use and development concept. In support of this, the land use and development concept has identified the dedication of 30 meters of environmental reserve adjacent to the high water mark of the wetland complex.

The two watercourses situated on the eastern portion of the property have been regarded as intermittent with no discernible bed and shore based on field investigations. The flow of watercourse on the west side of the subject property has been interrupted by the construction of the road allowance on the southern edge of the property and the recent development of the ATCO substation. The watercourses are proposed to be integrated with the development in accordance with the stormwater management and dewatering plan as submitted by IBI under separate cover.

### *Historical Resources*

A historical resources overview and historical resources impact assessment has been completed in support of this project by Altamira Consulting Ltd. The historical resources overview identified portions of a historical trail situated in the northern portion of the subject property that at one time linked Lac La Biche to Fort McMurray. The approximate location of this historical resource has been identified on Figure 2: Site Constraints/Existing Conditions. Due to the identification of this historical feature, a historical resources impact assessment was completed and submitted to the Government of Alberta. A Historical Resources Act clearance was issued by Alberta Culture and Community Services to Pacific Investments on October 26, 2011 (See Appendix). In commemoration of this trail and historical resource, the plan has identified the approximate siting and location of heritage commemoration signage feature that will be developed to identify and signify the role, function and importance of this heritage resource. This signage would be situated in proximity to planned municipal reserve dedication in proximity to proposed stormwater management facilities situated within the northern portion of the plan area.

### *Access*

The primary access to the subject property is via Highway 63. Concurrent with the registration of the subject property, the Government of Alberta registered road plan 1025453 providing right of way adjacent to the western boundary of the subject property. This right of way dedication has defined the location of the future primary access to the subject property. This road plan provides sufficient land base to accommodate an ultimate access requirement to support the development of the subject property and additional lands in this area. It is anticipated that a future east-west connection could cross Prairie Creek and connect with this access location providing secondary access to the subject property. The alignment of this future east-west connection shall remain subject to future transportation planning initiatives involving Alberta Transportation and the Regional Municipality of Wood Buffalo.

The outline plan also provides for future east-west and north-south transportation connections to tie into the expansion of the local road network as urban expansion advances south of Highway 69. The plan also proposes to utilize two additional access points to Highway 63. These include utilizing portions of the existing southerly road allowance to tie into the existing access and intersection with Highway 63. An additional access is proposed in the north portion of the plan area. The conceptual alignment of these access points is detailed in the outline plan. The exact right of way dedication requirements, and roadway configurations shall remain subject to final review and acceptance of the traffic impact assessment accompanying this application in addition to supplementary traffic impact assessments submitted concurrently with zoning and subdivision applications as development in the PCBP moves forward. A Memorandum of Agreement (MOA) was executed on October 27, 2014 between Pacific Investments and the Minister of Transportation (see appendix). Under the terms of the Memorandum of Agreement, Stage 1 and Stage 2 of PCBP are conditionally approved by Alberta Transportation and allow for the development of up to 450 acres of land with two (2) at grade intersections at Government Road and Crown Avenue. The extent, location and design of the access points with Highway 63 are subject to future transportation planning initiatives involving Alberta Transportation and the RMWB.



### *Adjacent Land Uses and Development*

The subject property is surrounded primarily by undeveloped, undisturbed vegetated crown land. As per the RMWB Municipal Development Plan, the subject property is situated on lands identified as new employment lands and future urban expansion. The property is in proximity to an existing trout pond/day use recreation area which is situated to the southwest of the subject property across Highway 63. Approximately 2.4 kilometers (1.5 miles) north of the subject property is situated an old peat mining operation, and about 3.2 kilometers (2 miles) to the northwest of the subject property is the existing RMWB landfill operation. The subdivision and development regulations specify minimum distance separations from landfills for certain land uses of 450 metres from an operating landfill. The subject property exceeds this setback requirement and thus there is no impact is anticipated.

### *Crown Land*

The plan areas relationship with adjacent crown land was requested to be considered as part of the outline plan preparation. The significant amount of vegetated crown land adjacent to the subject property presents a potential fire risk to future development of the property. The outline plan has been prepared in consideration of FireSmart principles, existing projects/approaches in the Fort McMurray area and Government of Alberta Sustainable Resources ASRD guidelines. To address concern over the risk of fire, the plan has identified the development of a FireSmart Zone on the north, east, and southern boundaries of the plan area. The creation of a FireSmart zone in conjunction with the existing natural break provided by the Highway 63 road right of way is intended to mitigate the risk presented by wildfire in the area.

### *Emergency Services Requirements*

In initial consultation with the RMWB, the potential requirement for the siting and location of an additional fire hall in the subject property was discussed due to potential concerns over response times from the existing fire hall to the PCBP. At present, there are currently four fire halls in the urban service area of Fort McMurray. The Fire Department follows standards for safety code officers and utilizes a response time/zone standard of 8 minutes for medical calls and 10 minutes for fire response. The closest fire hall to the subject property is situated at 200 Airport Road in the southern portion of the urban service area. To support the evaluation of response times, a time over distance analysis has been completed by Brown and Associates Planning Group. Based on the results of this analysis, additional emergency services facility in the plan area is not warranted at this time.

# POLICY & REGULATORY FRAMEWORK

## Policy and Regulatory Framework

### *Municipal Development Plan (MDP)*

The Municipal Development Plan (Bylaw 11/027) establishes a high level planning framework to guide growth and development throughout the RMWB. In support of this, the Municipal Development Plan has identified a number of land use policy areas intended to guide the use of lands within the Municipality. Densities and uses of lands are further refined by Area Structure Plans, with the Land Use Bylaw outlining permitted and discretionary uses of land. The generalized land use concept of the Municipal Development Plan has identified the subject property as new employment lands. The proposed land use and development concept for the subject property is consistent with the growth management strategy and land use concept as envisioned in the RMWB Municipal Development Plan. Future zoning of the subject property shall be in accordance with the Municipal Development Plan.

### *Highway 63/881 Area Structure Plan*

The Highway 63/881 area structure plan was initiated by the RMWB to provide for planned and orderly development of the corridor south of Fort McMurray in response to pressures for industrial, commercial, recreational, and tourism growth in the region. As a result of a recently approved bylaw amendment (12/041), the area structure plan has identified the subject lands as a future development area to accommodate a range of commercial and industrial uses.

Under the Municipal Government Act, there is a consistency requirement for statutory plans. The outline plan has detailed a land use pattern that is consistent with the direction and intent of the newly adopted Municipal Development Plan and recently amended Highway 63/881 Area Structure Plan. See Figure 3: Area Structure Plan Policy Context. Future zoning of the subject property shall be in accordance with the Highway 63/881 area structure plan. Prairie Creek Business Park has also been identified within the proposed boundaries of the Southgate Area Structure Plan. The planning process for the Southgate Area Structure has been initiated and a draft plan has yet to be completed.

### U.1.4

### *Promote concentration of Employment Lands*

*Employment Lands refer to areas suitable for employment concentration. As Fort McMurray grows, the Municipality will establish these areas to accommodate major industrial developments, industrial and business parks, and commercial development, while large format retail will be considered where appropriate. Public sector and institutional uses as well as small scale retail development will be limited in these areas and instead be directed to locate in or near the City Centre or in neighborhoods. Employment lands will promote the development of green technologies, eco-industrial parks, and be well serviced with transit. "Opportunities exist to promote off-grid pilot projects that demonstrate energy efficiency and green building technologies."*

*Source: RMWB Municipal Development Plan (Bylaw 11/027)*

## Bylaw 12/041 Schedule B



Figure 3  
Area Structure Plan Policy Context

### *Land Use By-Law*

The land use bylaw is the final regulatory tool that establishes a framework to evaluate and render decisions on subdivision and development permit applications. This is accomplished through a land use zoning mechanism which outlines permitted and discretionary uses of land and specifies relevant development standards. The subject property is currently zoned Rural District (RD) under the RMWB Land Use Bylaw. This district is predominantly a holding district in the land use bylaw that is applied to a large majority of the land base outside of the existing urban area of Fort McMurray and existing hamlets. Based on review and discussions with administration, development of the Prairie Creek Business Park will be supported by the following land use districts:

- Highway Commercial District (C4)
- Business Industrial District (BI)
- Environmental Preservation District (EP)
- Public Services District (PS)
- Parks and Recreation District (PR)

Upon final approval of the outline plan, land use bylaw amendment and subdivision applications shall be submitted on a phased basis to advance development of the subject property. As the RMWB undertakes its land use bylaw review, the developer shall work with the RMWB to discuss the land use districts which in the future may be applied to the subject property. Future zoning applications for the subject property shall be developed in accordance with the direction and intent of the Municipal Development Plan and the Highway 63/881 Area Structure Plan.



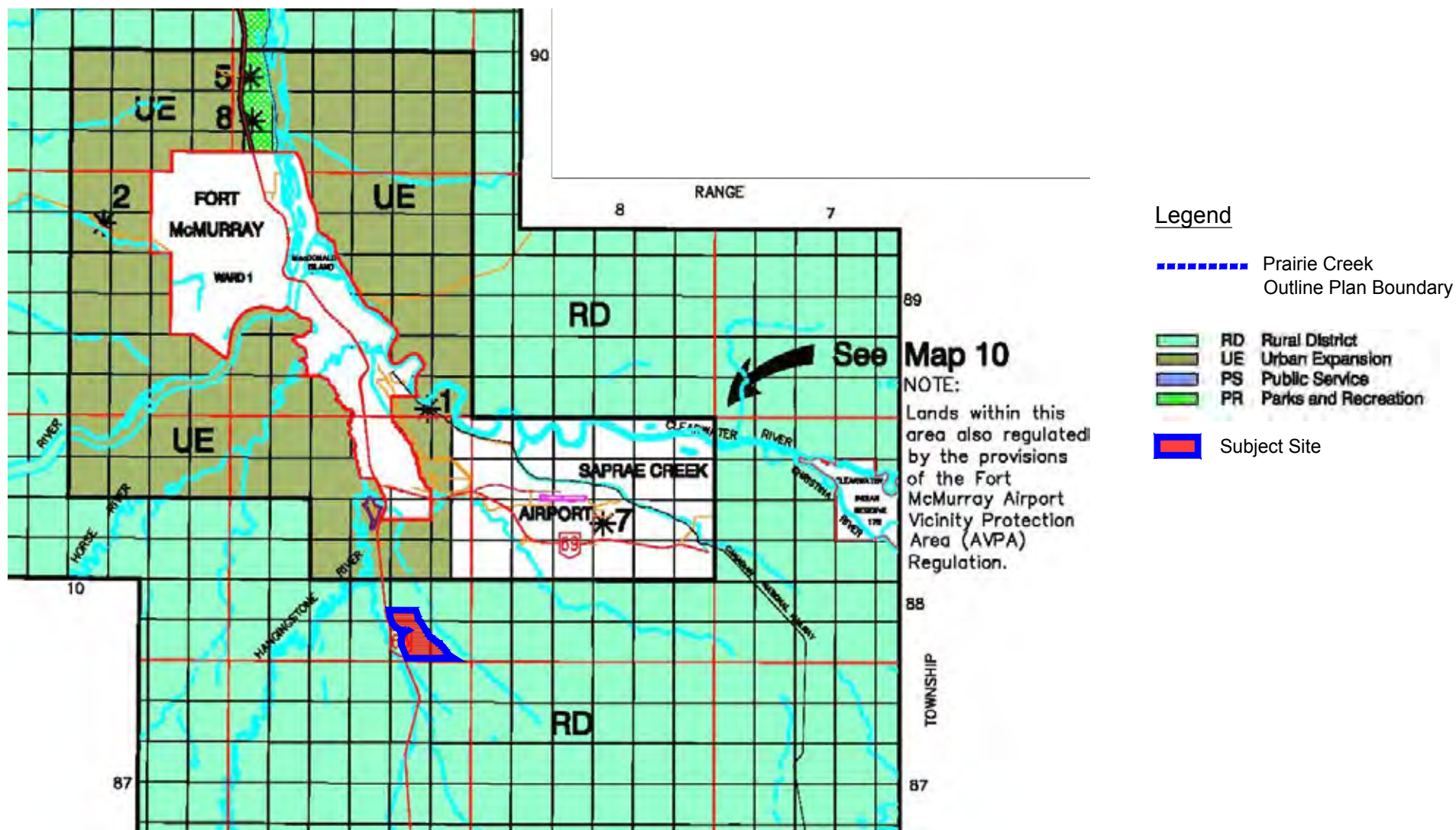


Figure 4  
Existing Zoning



# SUSTAINABILITY PRINCIPLES



## **Sustainability Principles**

The following are key sustainability principles that are addressed in the Prairie Creek Business Park Outline Plan.

### *Land Use Diversity*

- A diversity of highway commercial and business industrial uses shall be accommodated throughout the proposed PCBP. The distribution of land uses shall be primarily structured by access and visibility to Highway 63 and major arterial roadways. Where appropriate, highway commercial uses shall be situated at key intersection locations throughout the plan area. Business Industrial uses shall occupy the balance of the subject property. The extent and scope of land uses for the property shall be in accordance with the Municipal Development Plan and the Highway 63/881 Area Structure Plan.
- Land identified for reserve dedication may support passive recreational opportunities including pathways/ and amenity areas as identified throughout the plan area. These amenity areas include picnic/rest areas as well as an ATV /Snowmobile staging area situated in the southeast portion of the plan area. The open space system shall provide employees and visitors to the business park an opportunity to engage with the natural environment.

### *Compact Development*

- The land use configuration of the outline plan concentrates highway commercial and more intensive land uses in proximity to the proposed ultimate access locations to Highway 63. The conceptual location of future transit stops and connections has been proposed to support this land use pattern.
- The proposed land use configuration has been undertaken in consideration of research undertaken with the RMWB economic development services and local realtors to assess the needs and requirements of potential occupants of the business park. The land use concept may be subject to further refinement at the time of redesignation and subdivision to respond to market demands and end user requirements.

### *Attractive Gateway Design*

- The PCBP will be an attractive development through attention to building design, building orientation, site layout, entryway features, landscaping, signage, and fencing. In support of the desire to implement attractive gateway development, the plan has identified portions of the property as “gateway lands.” Future development permit applications on these lands shall be subject to careful review of the development authority to ensure overall compliance with the development standards of the land use bylaw.

### *Transportation Options*

- The outline plan has proposed a conceptual framework to accommodate transit service to the subject property.
- The road network has been designed to ensure ensures east-west and north-south connectivity of the major streets. The road network provides opportunities to connect with future adjacent developments. Preliminary road cross sections to accommodate the ultimate development of PCBP have been included within this outline plan and the engineering design brief. Road cross sections have been developed to support pedestrian circulation throughout the subject property.

### *Connectivity and Circulation*

- Connectivity of all modes of transportation ensures a more effective and efficient transportation system for people, goods and services. The subject property is very suitable to accommodate a range of goods movement industries and/or industrial type development due to its proximity to Highway 63 and potential connection to Highway 69. The outline plan has accommodated transportation connections throughout the site to facilitate proper circulation. Phased improvements from the local road network to Highway 63 are proposed in accordance with the traffic impact assessment and the Memorandum of Agreement with Alberta Transportation. Additional access locations to Highway 63 are proposed along the southern portion of the plan area utilizing the existing road allowance and along the north portion of the plan area. The design and configuration of these proposed access points to Highway 63 shall remain subject to the review and acceptance of the traffic impact assessments by the approving authority (Alberta Transportation) at the time of zoning and subdivision approval and in accordance with the Memorandum of Agreement.
- The proposed road network allows for direct connection to Highway 63 and accommodates a future major east – west road connection. In addition to these major transportation connections, the plan accommodates north-south road connections for tie in to future development.

### *Open Space Preservation and Environmental Protection*

- The biophysical assessment has identified watercourses and a wetland complex within the subject property. The proposed outline plan maintains the wetland feature in its natural state in the western portion of the plan area while enhancing public access for future passive recreational use. The outline plan identifies the future dedication of environmental reserve in proximity to the existing wetland.
- Bio swales shall be utilized in conjunction with stormwater ponds to capture, treat and convey stormwater. The stormwater management plan shall determine catchment areas, pond locations and means of drainage conveyance.

### *Pedestrian Environments*

- The PCBP will support pedestrian and cycling circulation. This shall be accomplished through pathway development and pedestrian infrastructure within the proposed road network.

### *Heritage Commemoration*

- The historical resources overview and historical resources impact assessment has identified the location of remnants of historical trail that once connected Lac La Biche to Fort McMurray. The plan commemorates this unique component of regional heritage by identifying the location of future commemorative signage in proximity to planned stormwater management facilities situated in the northern portion of the plan area.

# LAND USE CONCEPT

## Land Use Concept

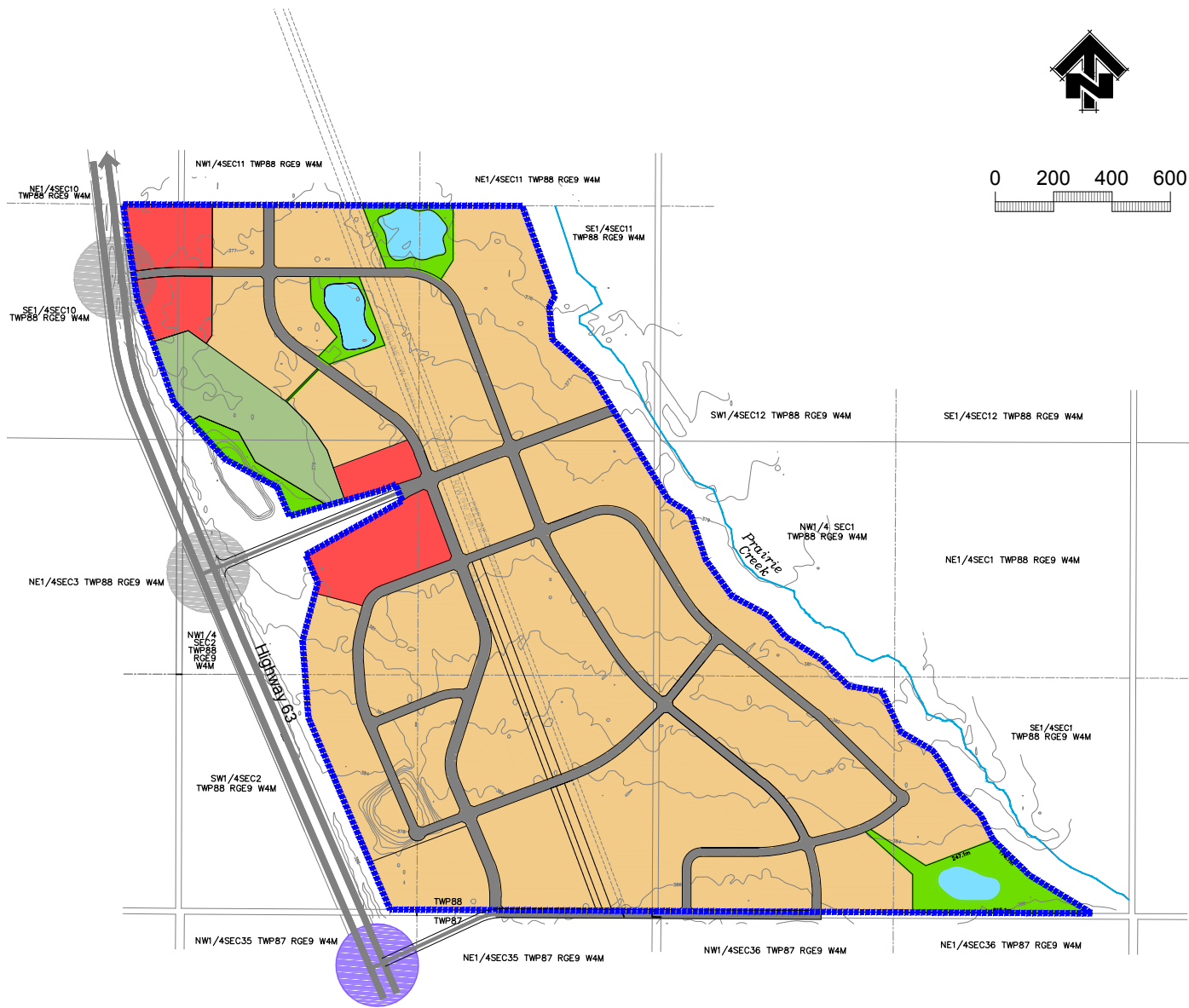
### Overview

Based on consideration of site opportunities and constraints, as well as the technical evaluations completed to date the following table presents a summary of the land use configuration for the proposed Prairie Creek Business Park. See Figure 5: Land Use Plan.

**Table 1: Land Use Allocation of Prairie Creek Business Park**

| Land Use                        | Hectares      | Acres           | % Plan Area    |
|---------------------------------|---------------|-----------------|----------------|
| Highway Commercial (C4)         | 25.41         | 62.80           | 6.3%           |
| Business Industrial (BI)        | 287.82        | 711.21          | 71.7%          |
| Environmental Preservation (EP) | 14.86         | 36.72           | 3.7%           |
| Parks and Recreation (PR)       | 16.21         | 40.06           | 4.0%           |
| Public Services (PS)            | 7.86          | 19.43           | 2.0%           |
| Roads                           | 49.44         | 122.16          | 12.3%          |
| <b>Total</b>                    | <b>401.61</b> | <b>**992.38</b> | <b>100.00%</b> |

*\*\*Note: The total land use allocation exceeds the area of the subject property currently held in title (980.51 acres) as the undeveloped road allowances situated within the property have been identified for future closure and consolidation within the development of the Prairie Creek Business Park. The proposed closure of undeveloped road allowances shall be in accordance with the provisions of the Municipal Government Act.*



### Legend

- ▬▬▬▬▬▬ Prairie Creek Outline Plan Boundary
- Gateway Commercial District (GC)
- Business Industrial District (BI)
- Environmental Preservation District (EP)
- Parks and Recreation District (PR)
- Public Services District (PS)
- Roads
- Future Intersections
- Existing Intersection

\* Land Use boundaries are approximate and subject to minor changes at the time of redesignation and subdivision.

**Figure 5**  
**Proposed Land Use Concept**

### Parcel Configuration and Anticipated Sizes

The configuration of future parcels of land on the subject property shall be in accordance with the zoning and standards in place at the time a subdivision application is filed with the RMWB. Based on consideration of existing market information the following table provides a summary of anticipated parcel sizes associated with future Highway Commercial and Business Industrial development identified for the subject property.

**Table 2:** Prairie Creek Business Park Anticipated Parcel Size Range

| Land Use                        | Parcel Size Range (acres) | Estimated % of Land Use Area |
|---------------------------------|---------------------------|------------------------------|
| <b>Highway Commercial (C4)</b>  | 0 - 2.0 acres             | 25 %                         |
|                                 | 2.1 - 5.0 acres           | 40 %                         |
|                                 | 5.1 - 10 acres            | 25 %                         |
|                                 | > 10 acres                | 10 %                         |
| <b>Business Industrial (BI)</b> | 0 - 2.0 acres             | 10 %                         |
|                                 | 2.1 - 5.0 acres           | 30 %                         |
|                                 | 5.1 - 10.0 acres          | 40 %                         |
|                                 | 10.1 - 20 acres           | 10 %                         |
|                                 | > 20.1 acres              | 5 %                          |

*\*\*Note: The following table is provided as reference only and is based on existing market information obtained by Pacific Investments and Development. The final size, distribution and configuration of parcel sizes shall be detailed at the time of zoning and subdivision applications accompanying each phase of development.*

#### *Highway Commercial (C4)*

Approximately 25.41 hectares (62.80 acres) have been identified for future commercial development within the PCBP. The siting and location of these lands seeks to utilize the strategic advantage of proposed major transportation connections and proximity to Highway 63. These lands shall accommodate a range of commercial uses including but not limited to hotels, office space, retail, vehicle dealerships, signage and service station uses. The ultimate subdivision and parcel yield of the commercial area shall be in accordance with the site provisions of the land use bylaw.

#### *Business Industrial (BI)*

This land use district provides for a wide range of generally compatible commercial business and general industrial uses that do not impact surrounding land uses through the generation of emissions, noise, odors, vibrations, heat, bright light or dust. Approximately 287.8 hectares (711.21 acres) have been identified for future Business Industrial development within the PCBP. The ultimate subdivision and parcel yield of the business industrial area shall be in accordance with the site provisions of the land use bylaw.

#### *Environmental Preservation (EP)*

The purpose of this district is to provide for the preservation of natural open space and the protection of environmentally sensitive lands from incompatible development. Approximately 14.86 hectares (36.72 acres) have been identified for long term environmental preservation. Based on the results of the biophysical assessment the Class V wetland situated in the western portion of the plan area has been earmarked for protection through the application of this district.



### *Parks and Recreation District (PR)*

The purpose of this district is to provide for the development of land for parks and recreational facilities intended for the use and enjoyment of the public at large. The outline plan has identified approximately 16.21 hectares (40.06 acres) for the application of this district. Municipal reserve dedication is proposed adjacent to the environmental reserve surrounding the wetland complex, and in proximity to planned stormwater facilities. Municipal reserve shall be used for the following purposes within the PCBP:

- Pathways to support pedestrian and bicycle circulation on identified reserve parcels
- Amenity space adjacent to the environmental reserve dedication around the existing wetland
- Amenity space adjacent to proposed stormwater facilities
- Accommodation of an ATV/Snowmobile staging area located in the southeastern portion of the plan area
- Siting and location of a heritage commemorative feature

As the proposed development is commercial/industrial in nature, there is no reserve proposed or identified to accommodate school purposes within the plan area. The balance of municipal reserve owing on the subject property is proposed to be provided as cash in lieu. As per discussions with the RMWB, credit for improvements situated within reserve lands serving a broad public benefit (i.e. pathways, signage, rest area etc.) shall be negotiated at the development agreement stage.

### *Public Services District (PS)*

The purpose of this district is to provide for the development of buildings and uses for the delivery of educational, health, government, and other institutional services. Approximately three (3) stormwater facilities have been identified to accommodate the phased development of the subject property. In accordance with the stormwater management plan, one (1) the proposed stormwater management facility in the southeast portion of the plan area may be temporary in nature. The outline plan has identified approximately 7.86 hectares (19.43 acres) for the application of this district. Additional public utility lots may be defined at the zoning and subdivision stage as detailed design for water and sanitary improvements is finalized and the preferred locations for a future water reservoir/pump house location and centralized sanitary collection point is determined.

# OUTLINE PLAN SPECIAL CONSIDERATIONS

## Outline Plan Special Considerations

### Watercourse Treatment

The biophysical assessment on the subject property has identified the location of watercourses and a Class V wetland on the subject property. The Class V wetland situated in the western portion of the plan is proposed for permanent protection. A 30 metre environmental reserve buffer shall be established to protect this natural feature. The intermittent watercourses are proposed to be integrated into the development of the subject property and are addressed as part of the stormwater management plan. See Figure 6: Natural Features/Biophysical Conditions

### Municipal Reserve Dedication

The Municipal Government Act requires 10% municipal reserve dedication of the gross area of a subject property less any land provided for environmental reserve or environmental reserve easement purposes. The RMWB has indicated a preference to receive cash in lieu of municipal reserve contribution. The following table details the approach to municipal reserve on the subject property:

**Table 2:** Municipal Reserve Calculation

| Description  | Hectares | Acres  |
|--|----------|--------|
| Gross Area of Subject Property ***                   | 401.61   | 992.38 |
| Less Environmental Protection Lands (ER)             | 14.86    | 36.72  |
| Net Area of Subject Property for Reserve Calculation | 386.75   | 955.68 |
| Municipal Reserve Owing (10% of net area)            | 38.68    | 95.57  |
| Municipal Reserve to be Provided as Land             | 16.24    | 40.13  |
| Municipal Reserve to be Provided as Cash in Lieu     | 22.44    | 55.44  |

\*\*\* Note - For the purposes of calculating municipal reserve owing, we have assumed that the closure of undeveloped road allowances in the property would be approved and consolidated with the property thus resulting in an increase in the gross area of the subject property from 980.51 acres (which is currently held in title) to 992.38 acres. We have calculated municipal reserve based on this assumption. The closure and transfer of undeveloped road allowances to the subject property shall be in accordance with the provisions of the Municipal Government Act.

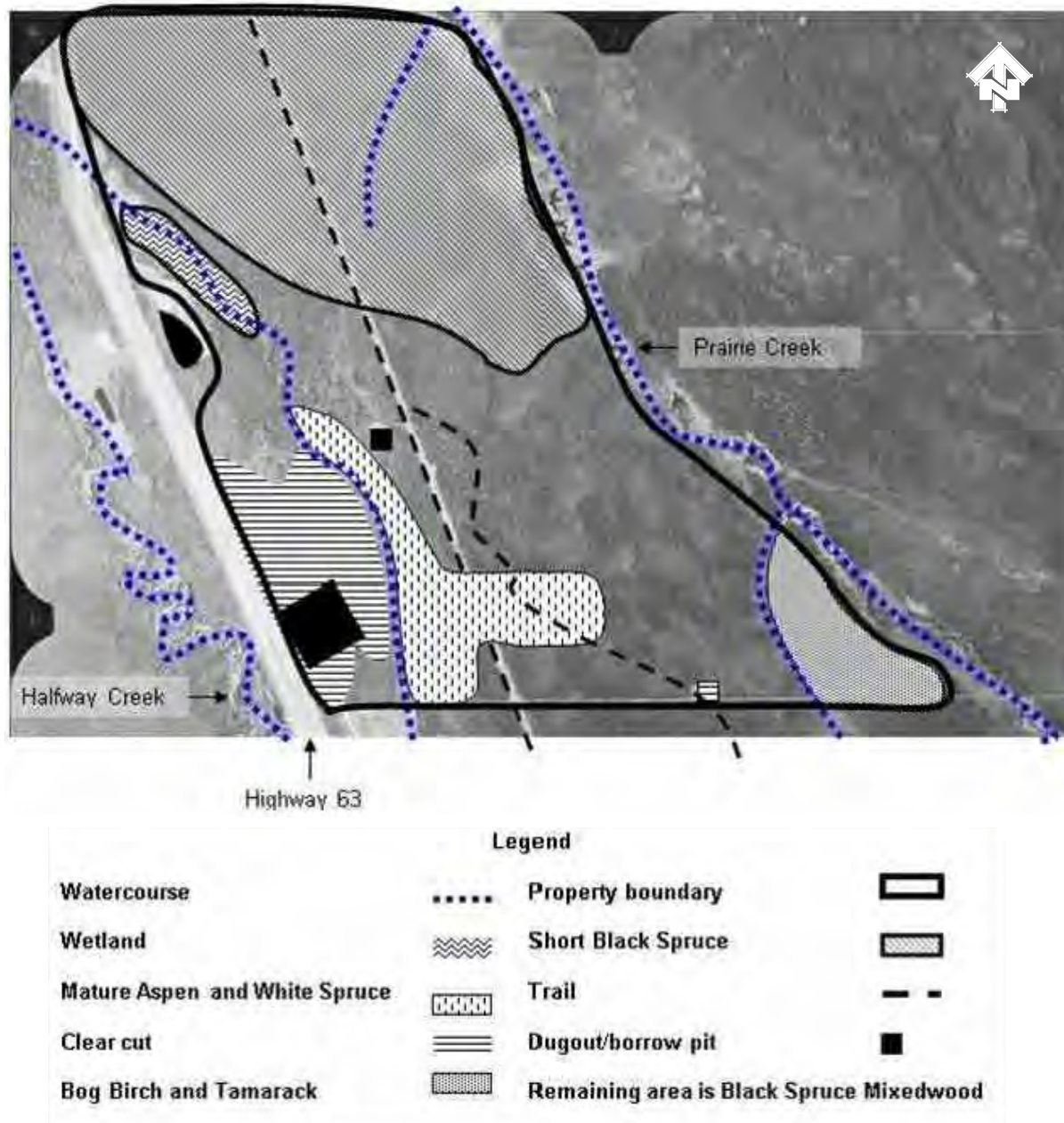


Figure 6  
Natural Features/  
Biophysical Conditions

The location and extent of municipal/environmental reserve is detailed in Figure 7: Open Space Network, Recreation Amenities and Gateway Signage. The provision of land/cash in lieu of municipal reserve shall coincide with the phased development of the subject property, and administered through the land use and subdivision process. Credits for public amenities provided during each phase of subdivision shall be detailed in development agreements negotiated between the developer and the RMWB at the time of subdivision.

#### *Municipal Reserve Treatment – Pathways and Passive Recreation Amenity Space*

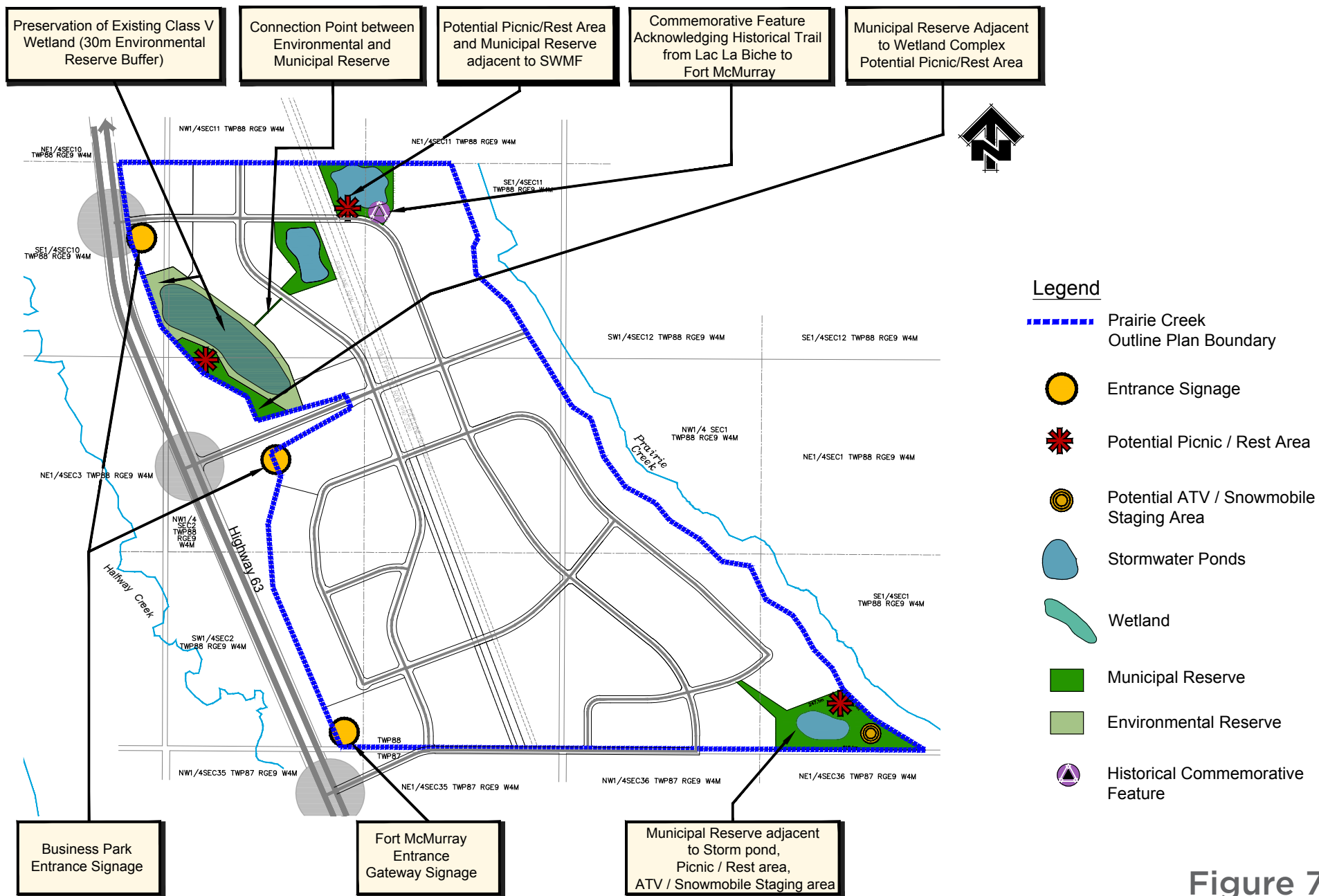
As noted in the land use plan, municipal reserve has been allocated in strategic locations throughout the plan area to support the following functions:

- Development of recreational amenity space and opportunities in proximity to environmental reserve dedication;
- Development of recreational amenity space and opportunities in proximity to planned stormwater facilities;

A conceptual overview of the proposed treatment of municipal reserve lands is detailed in the Pathways/Circulation Plan. As an outline plan, this proposed treatment is currently conceptual and subject to refinement and additional detail as the initial phases of land use and subdivision are proposed and detailed plans and specifications are submitted for review and approval of the RMWB. As per ongoing discussions with the RMWB, Pacific Investments shall not seek municipal reserve dedication for those lands currently encumbered by utility right of way plans.

#### *Municipal Reserve Treatment – ATV and Snowmobile Staging Area*

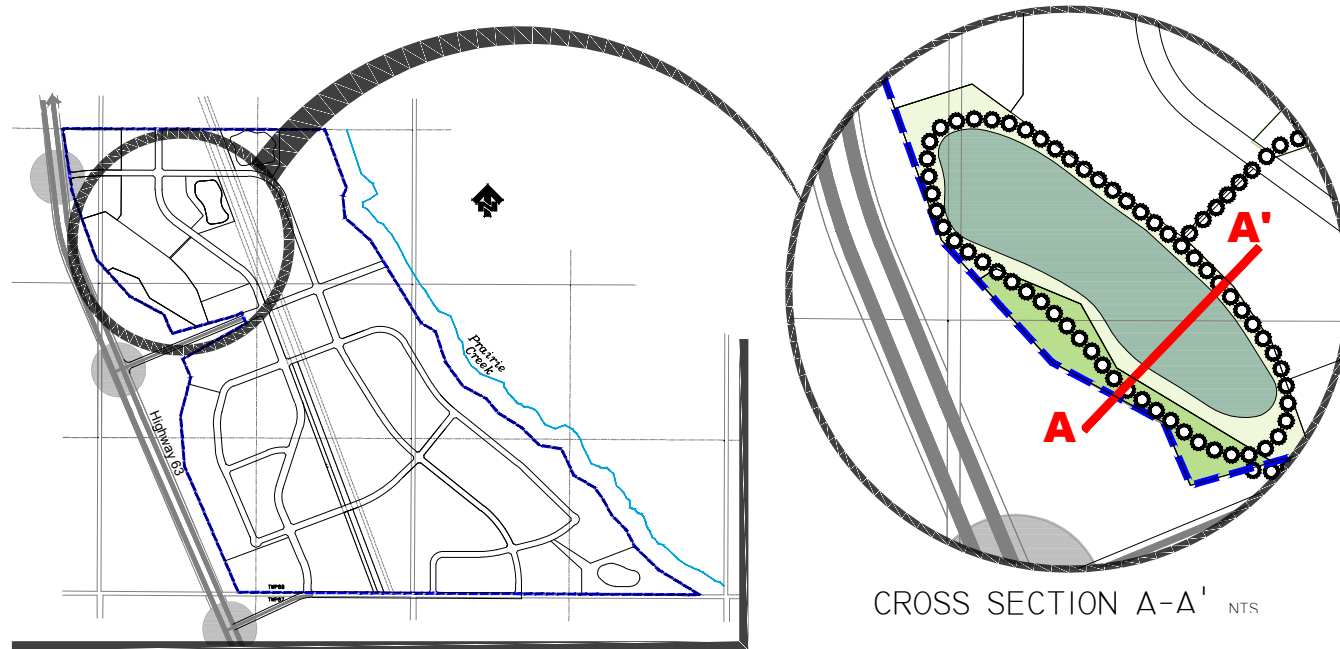
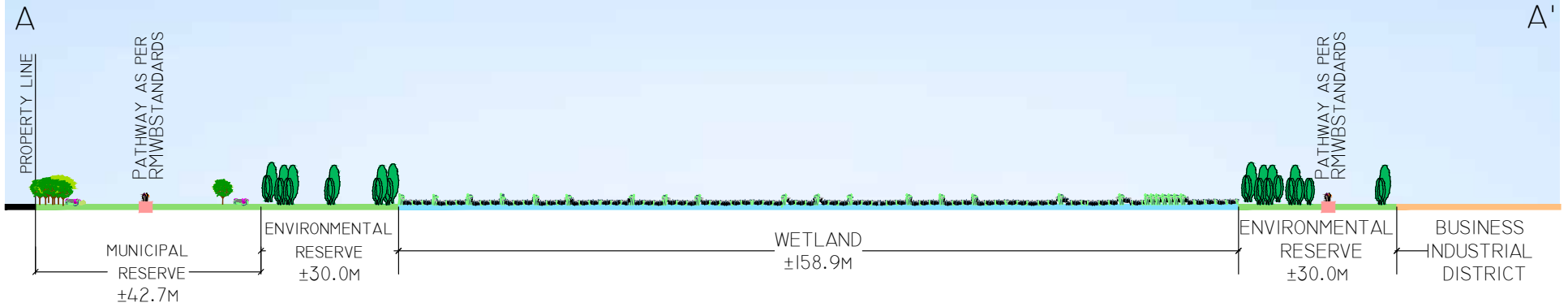
In addition to providing a range of pathways and passive recreational spaces, the plan has identified the location of a future ATV/Snowmobile staging area situated in the southeast portion of the plan area. This area will provide a structured staging area of regional significance to allow for the loading, unloading and staging of ATV/Snowmobile activities in proximity to existing crown land. Dedication of this area in the form of municipal reserve shall be at the discretion of the RMWB based on review and consideration of the initial phases of subdivision. See Figure 7: Open Space Network, Recreational Amenities and Gateway Signage.



**Figure 7**  
**Open Space Network, Recreation Amenities & Gateway Signage**

# CROSS SECTION A-A'

SCALE  
0 10 20M



## Legend

- Prairie Creek
- Outline Plan Boundary

**Figure 8**  
**Reserve Treatment**  
**Adjacent to Existing**  
**Wetland Complex**



### *Entrance Way Features*

In addition to accommodating a wide range of commercial and industrial development opportunities, the subject property also offers a strategic opportunity to develop and implement entranceway features announcing ones arrival to Fort McMurray and the PCBP. The future design, location, and placement of entranceway features would be undertaken in accordance with the relevant provisions of both the land use and sign bylaw. The location and design of these features shall be undertaken and in consultation with the RMWB recognizing the southern gateway function of Highway 63 to the urban service area. The potential location of entranceway features for branding the gateway to Fort McMurray and the Prairie Creek Business Park are shown on Figure 7: Open Space Network, Recreational Amenities and Gateway Signage.



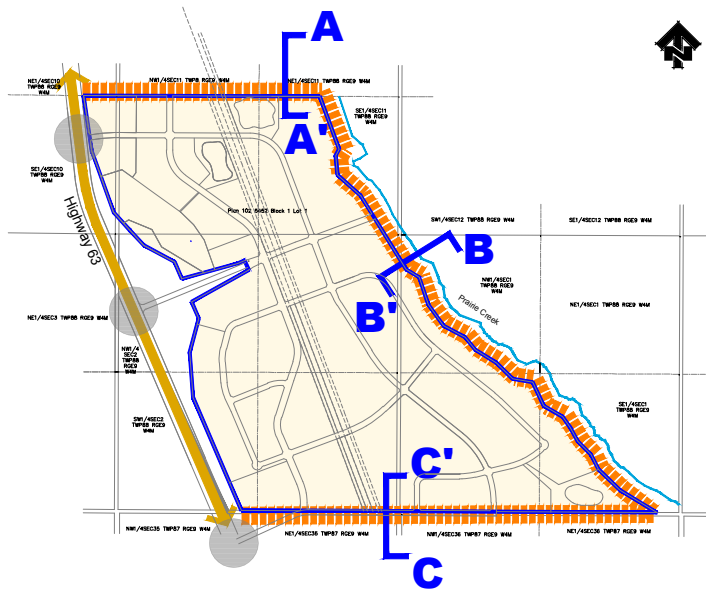


### *FireSmart Zone and Development Standards*

The outline plan has identified the location for the development of a FireSmart zone along the north, east and southern boundaries of the subject property. Permanent structures adjacent to the FireSmart Zone will be required to maintain a 30 meter setback. This development setback shall be implemented with one or more of the following tools:

- Drafting and registration of a restrictive covenant on lots bordering the FireSmart zone;
- An amendment to the proposed land use districts applied in Prairie Creek Business Park or,
- An amendment to the general regulations of the land use bylaw to detail FireSmart requirements.

The proposed FireSmart Zone shall work in conjunction with the existing Highway 63 alignment to provide fire protection for the plan area. At such time as urban development proceeds on lands adjacent to one of the FireSmart zones then the requirement for an increased development setback would no longer apply and standard setback provisions of the land use district would be required. See Figure 9: Proposed Fire Smart Zone.

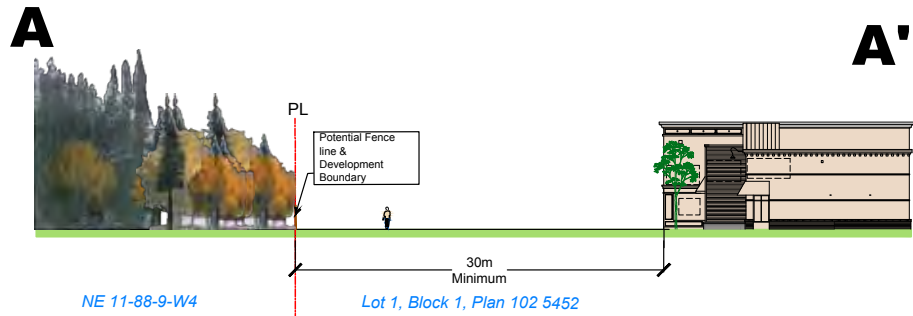


#### Legend

- Prairie Creek Outline Plan Boundary
- Fire Break By Highway 63
- ||||| Proposed FireSmart Zone

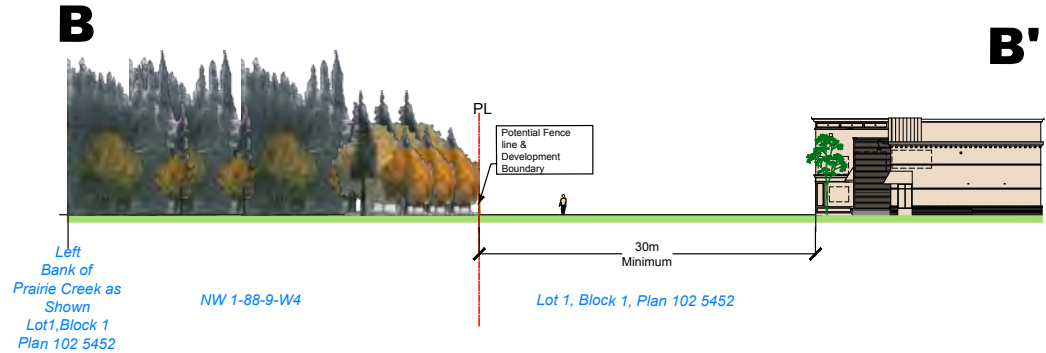
### North Boundary

Cross section A-A' - Proposed FireSmart Zone



### East Boundary

Cross section B-B' - Proposed FireSmart Zone



### South Boundary

Cross section C-C' - Proposed FireSmart Zone

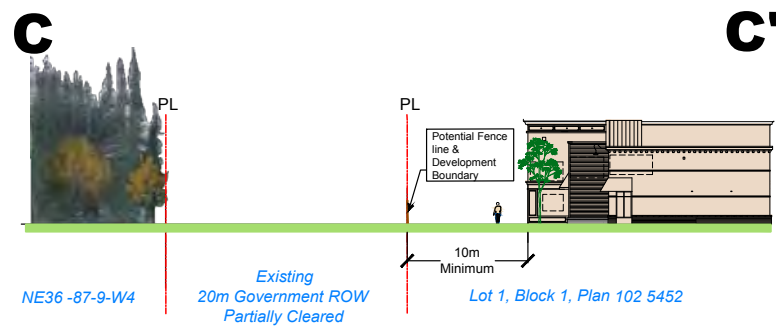


Figure 9

## Proposed FireSmart Zone

### *Road Closure Requirements*

Due to the location of ultimate access to Highway 63, and the current constraints on the property, the outline plan has identified a road network that does not utilize the majority of the existing statutory road allowances that cross the subject property. Undeveloped road allowances contained within the subject property have been closed via Bylaw No. 14/003 which was approved by RMWB Council on February 11, 2014. The transfer of closed roads to the developer shall be in accordance with the provisions of the Municipal Government Act. The amount of road closure lands-amounts to approximately 4.8 hectares (11.87 acres). See Figure 10: Required Road Closure Lands. The amount of road dedication as detailed in the conceptual land use plan amounts to approximately 122.16 acres (49.14 hectares).

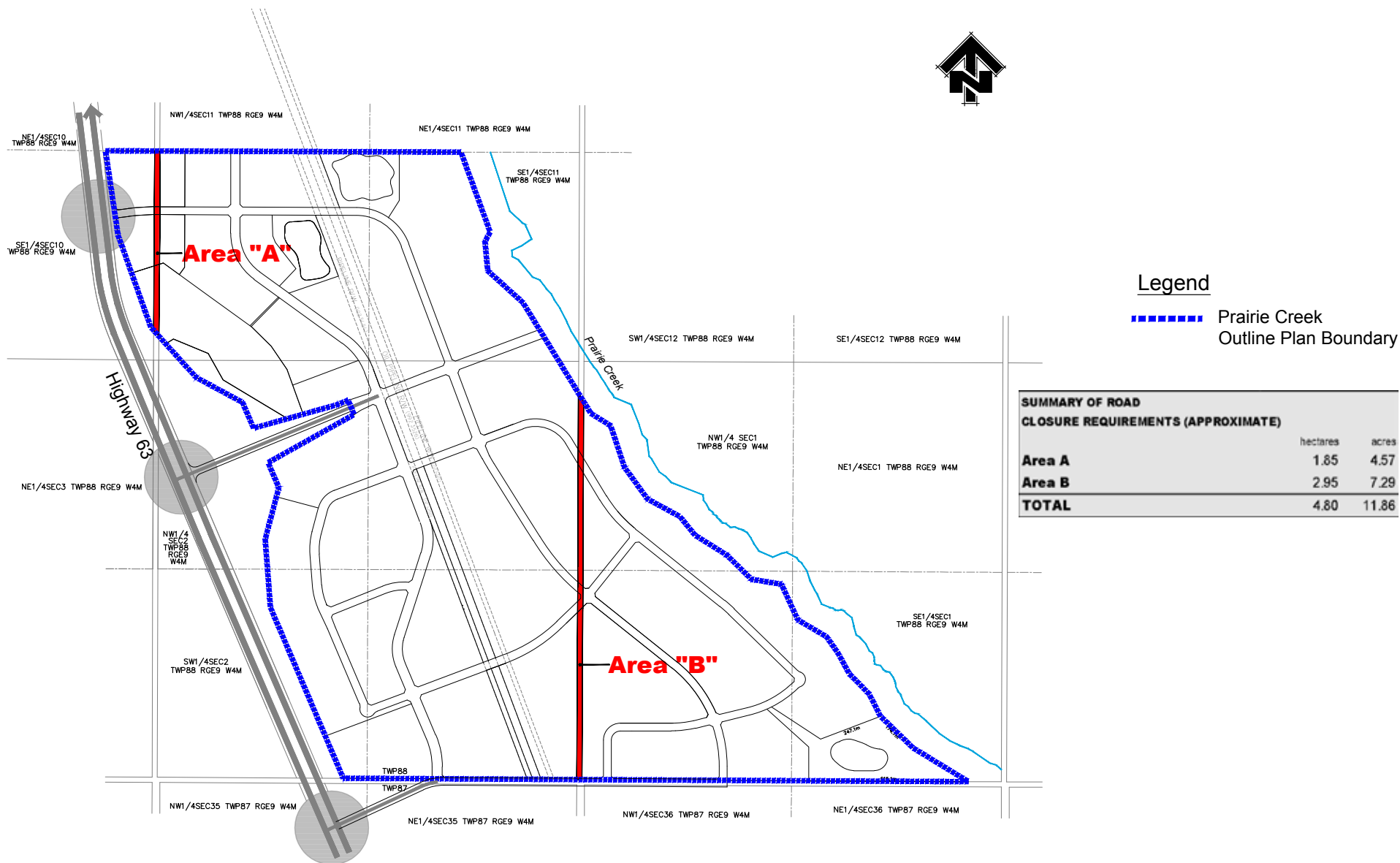


Figure 10  
Required Road Closure Lands

### *Gateway Lands*

Lands adjacent to Highway 63 and portions of the east – west arterial roadway have been identified as “gateway lands” (See Figure 11: Prairie Creek Business Park Gateway Lands). Due to the proximity and visibility of these lands to Highway 63 and the proposed major east west arterial, the development approving authority shall exercise significant discretion in the review and approval of all development permit applications on these lands. Special consideration shall be given to site organization, building arrangements, façade treatments, parking, storage areas, fencing, landscaping, and signage at the time of development permit review to ensure that the development of these lands provides an appropriate entrance into Fort McMurray urban service area

To support and guide the development of the identified gateway lands, the developer shall work with the RMWB on its pending review of the land use bylaw which will be assessing both the Highway Commercial (C4) and Business Industrial (BI) land use districts. In addition, as part of the muskeg/peat management approach for the subject property, the developer may explore the development of a linear, landscaped berm straddling the western boundary of the subject property and the Highway 63 right of way to provide a consistent, attractive, landscaped edge to the subject property. The decision on whether to implement the berm shall be made at the time of a land use and subdivision application is filed based on discussions with RMWB staff and Alberta Transportation officials.





# TRANSPORTATION & CIRCULATION



## Transportation & Circulation

### *Functional Planning Considerations*

Alberta Transportation has recently indicated that it will be completing functional planning on Highway 63 adjacent to the subject property within the next two (2) to three (3) years. As the activities and results stemming from this study may impact planning for the subject property, future refinements to the outline plan may be required to reflect the ultimate access locations to Highway 63 as agreed to by Alberta Transportation through its functional planning process. In addition to outline plan refinements, revisions and approval of the overall traffic impact assessment prepared in support of this outline plan may be required upon completion of the Highway 63 functional plan. Until such time as the functional plan is completed, the existing overall TIA forming part of the design brief accompanying this submission has been “parked” by Alberta Transportation and the RMWB and is not approved. Notwithstanding the following matter, Pacific Investments and Alberta Transportation have established a Memorandum of Agreement (MOA) relative to future access to Prairie Creek Business Park. The MOA establishes a framework for the future staging of development and access requirements to Highway 63.

### *External/Internal Road Network*

Primary access to the subject property shall be provided via three (3) access locations to Highway 63. Direct access to the subject property will be initially via Highway 63. At the primary access point located at the center of the subject property, the plan has identified a primary east west road to connect with Highway 63. It is anticipated that if development proceeds on the east side of Prairie Creek that this east west connection could be extended to the east and north with a potential connection Highway 69. The balance of the local road network will support development within the subject property by providing internal access facilitating access to the various parcels. Based on the results of the traffic impact assessment (TIA) forming part of the accompanying design brief, the following right of way requirements that have been identified to accommodate anticipated transportation needs:

- |                                   |                           |
|-----------------------------------|---------------------------|
| • Four (4) Lane Divided Arterial  | +/- 46 meter right of way |
| • Two (2) Lane Undivided Arterial | +/- 39 meter right of way |
| • Two (2) Lane Collector          | +/- 33 meter right of way |

A summary of the proposed road hierarchy is shown on Figure 12: Road Network Hierarchy.

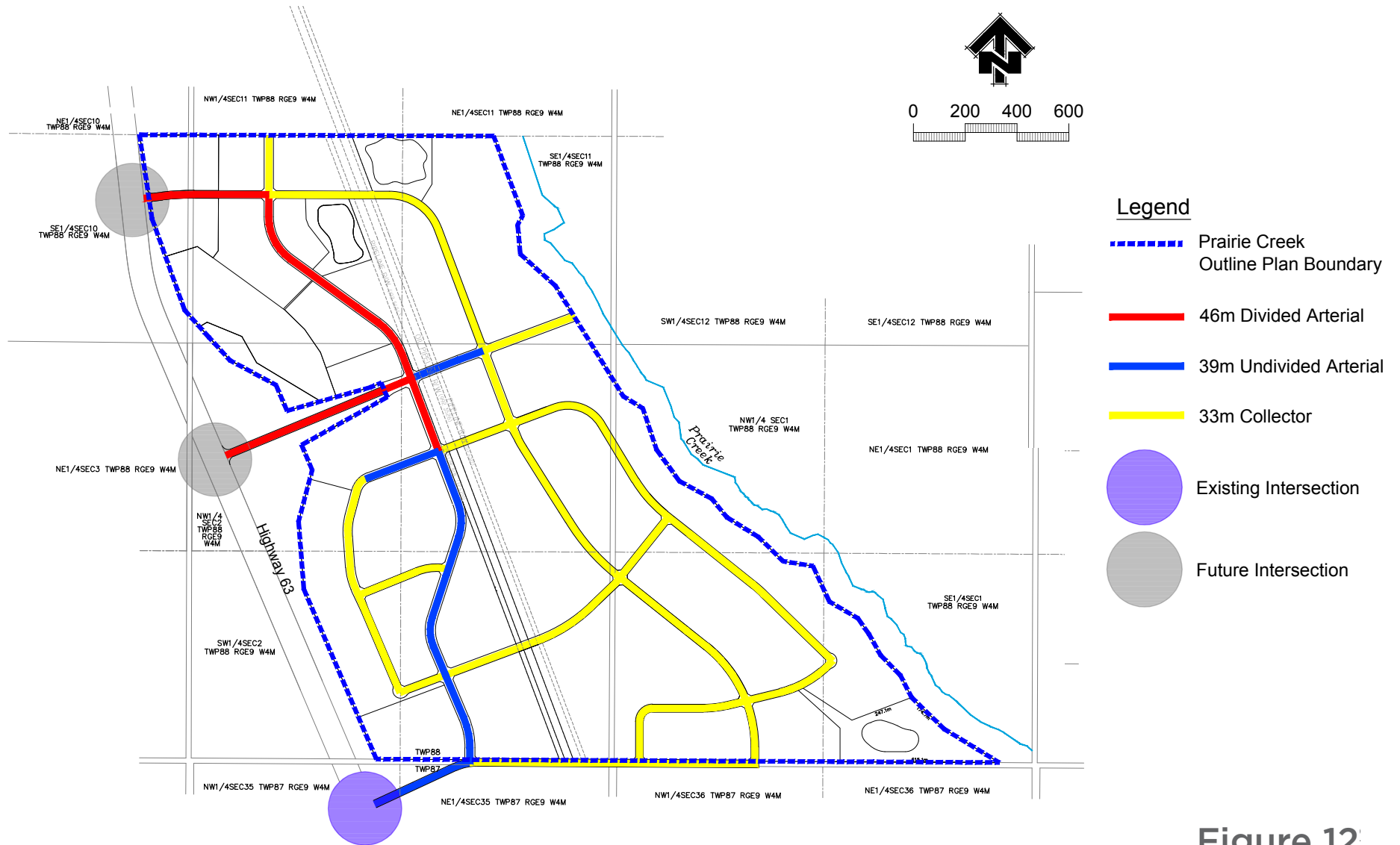


Figure 12  
Proposed Road Network Hierarchy

In support of the proposed outline plan, preliminary road cross sections have been prepared by Stantec and are shown on Figure 14a-c: Road Network Hierarchy Plans and Section Drawings. These sections have been developed to accommodate the identified required transportation needs, stormwater/drainage requirements and support required pedestrian circulation where required throughout the subject property. The review and acceptance of these cross sections shall be subject to detailed engineering design review concurrent with initial phases of land use and subdivision approval.

### *Traffic Impact Assessment and Highway 63 Functional Plan*

In support of this outline plan, Alberta Transportation and the RMWB has requested the submission of a traffic impact assessment as part of the design brief submission. A traffic impact assessment has been submitted to Alberta Transportation and the RMWB concurrent with the submission of this outline plan. The TIA has assessed transportation improvements required to support the ultimate development of the PCBP. As Alberta Transportation is nearing completion of additional functional planning of Highway 63 adjacent to the subject property, review and acceptance of this overall traffic impact assessment has been placed on hold until such time as this functional planning is completed. As such, the traffic impact assessment has been “parked” by Alberta Transportation and RMWB until such time as this function plan is completed and is considered not approved at this point in time. Notwithstanding, Pacific Investments and Alberta Transportation have recently entered into a Memorandum of Agreement respecting future access to Prairie Creek Business Park from Highway 63. As development within the park proceeds, Pacific Investments shall adhere to the requirements and expectations of the MOA.

### *Phase 1 and Required Highway 63 Intersectional Improvements*

Notwithstanding the deferral of the overall traffic impact assessment, Alberta Transportation and the RMWB have agreed to allow development to proceed on a phase by phase basis utilizing the centrally located and southerly access locations as shown on Figure 12. As part of ongoing discussions with Alberta Transportation regarding highway access and intersectional improvements, the developer has agreed to construct a dual southbound to eastbound slotted turn bay and associated median improvements at the intersection of Government Road and Highway 63 concurrently with Phase 1 of development. The slotted turn bay is conceptually illustrated as Exhibit 5-4 of the Bunt and Associates traffic impact assessment forming part of the design brief submission. It is understood that this intersection upgrade requirement will form part of a conditional subdivision approval associated with Phase 1 of the Prairie Creek Business Park.

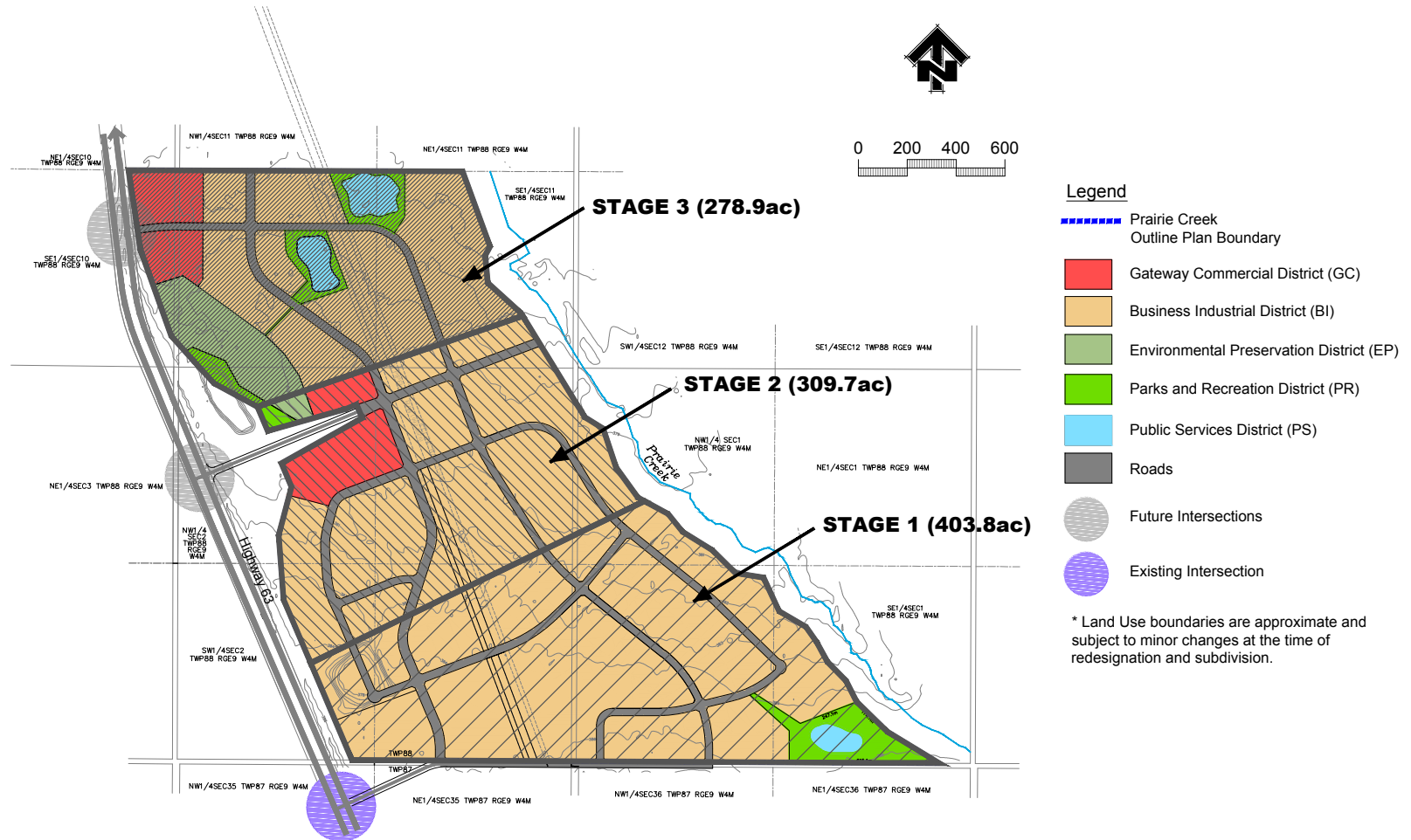


Figure 13  
Memorandum of Understanding -  
Stage Boundaries

### *Future Phases of Development and Highway 63 Intersectional Improvements*

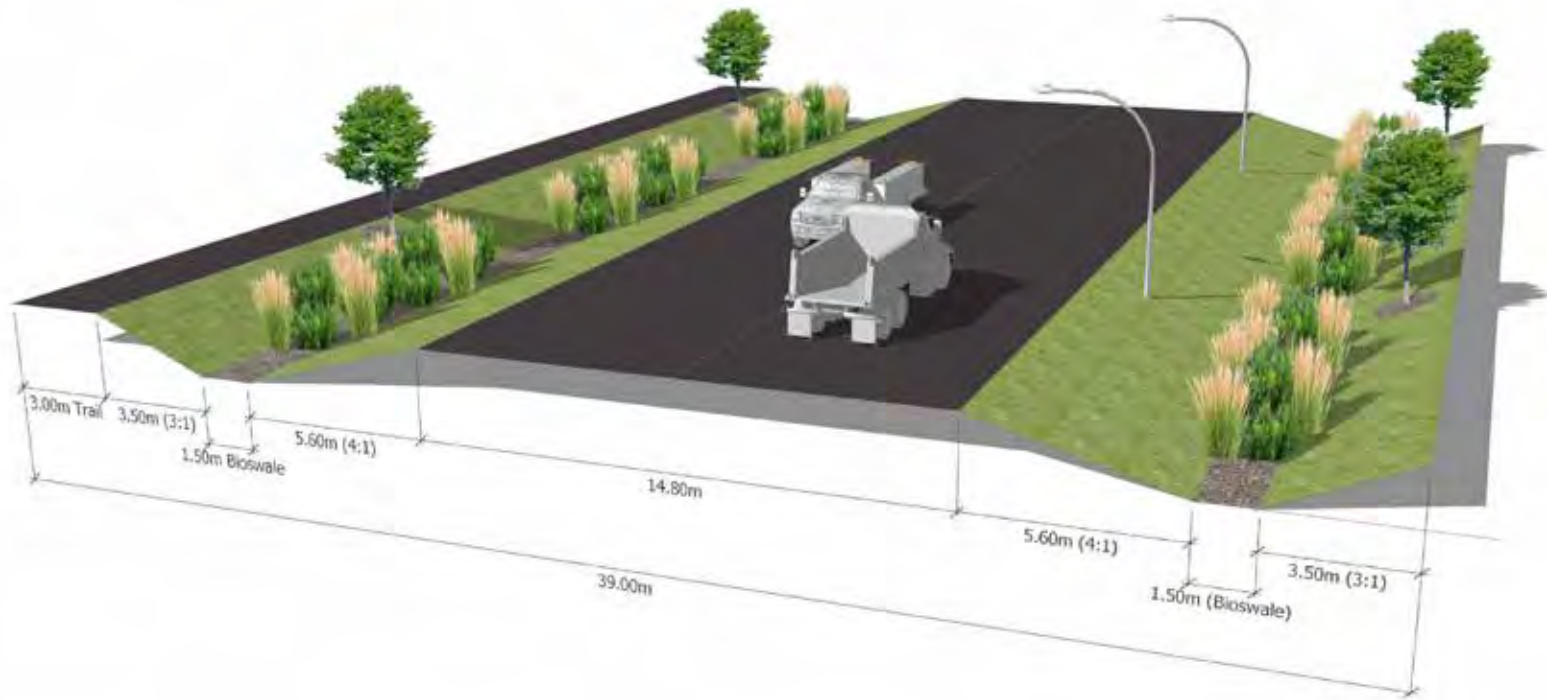
As land use and subdivision applications are submitted for each subsequent phase of development, traffic impact assessments outlining required transportation improvements for each phase of development may be required by the RMWB and Alberta Transportation. Unless there are clearly defined development plans as prepared by a professional engineer or professionally certified equivalent (i.e. registered professional planner, registered professional architect, registered professional landscape architect etc...) for a parcel of land or portion thereof, which have been detailed through a development permit application submitted to the RMWB to determine corresponding employee levels, all future traffic impact assessments submitted to the RMWB shall calculate trip generation utilizing the Institute of Transportation Engineers (ITE) Trip Generation Manual (most recent addition) and the corresponding trip generation factors by proposed land use. Based on the results of subsequent traffic impact assessments, the construction of transportation improvements shall be staged allowing for the construction of transportation improvements which are reflective of the intensity of development associated with each phase of subdivision.

### *Highway 63 Intersection Improvements – Benefiting Area and Recoverable Costs*

As the build out of PCBP may warrant ultimate intersection configurations at Highway 63 which would serve to benefit not only the subject property but a larger benefiting area, an approach whereby the cost of these improvements is prorated and equitably shared by the entire benefiting area is proposed. As reviewed with the RMWB, the benefiting area shall include those lands whose primary means of access is via the proposed intersections with Highway 63 adjacent to the subject property. This shall be evaluated by the RMWB as part of the review of traffic impact assessments submitted in support of the development of adjacent lands. Contributions to the cost of construction borne by Pacific Investments and Development Ltd for Highway 63 intersection improvements that benefit adjacent lands shall be administered by the RMWB through the negotiation of development agreements.



**Figure 14a**  
**Road Network Hierarchy Plans and Section Drawings**  
**Divided Arterial**



**Figure 14b**  
**Road Network Hierarchy Plans and Section Drawings**  
**Undivided Arterial**





**Figure 14c**  
**Road Network Hierarchy Plans and Section Drawings**  
**Collector**



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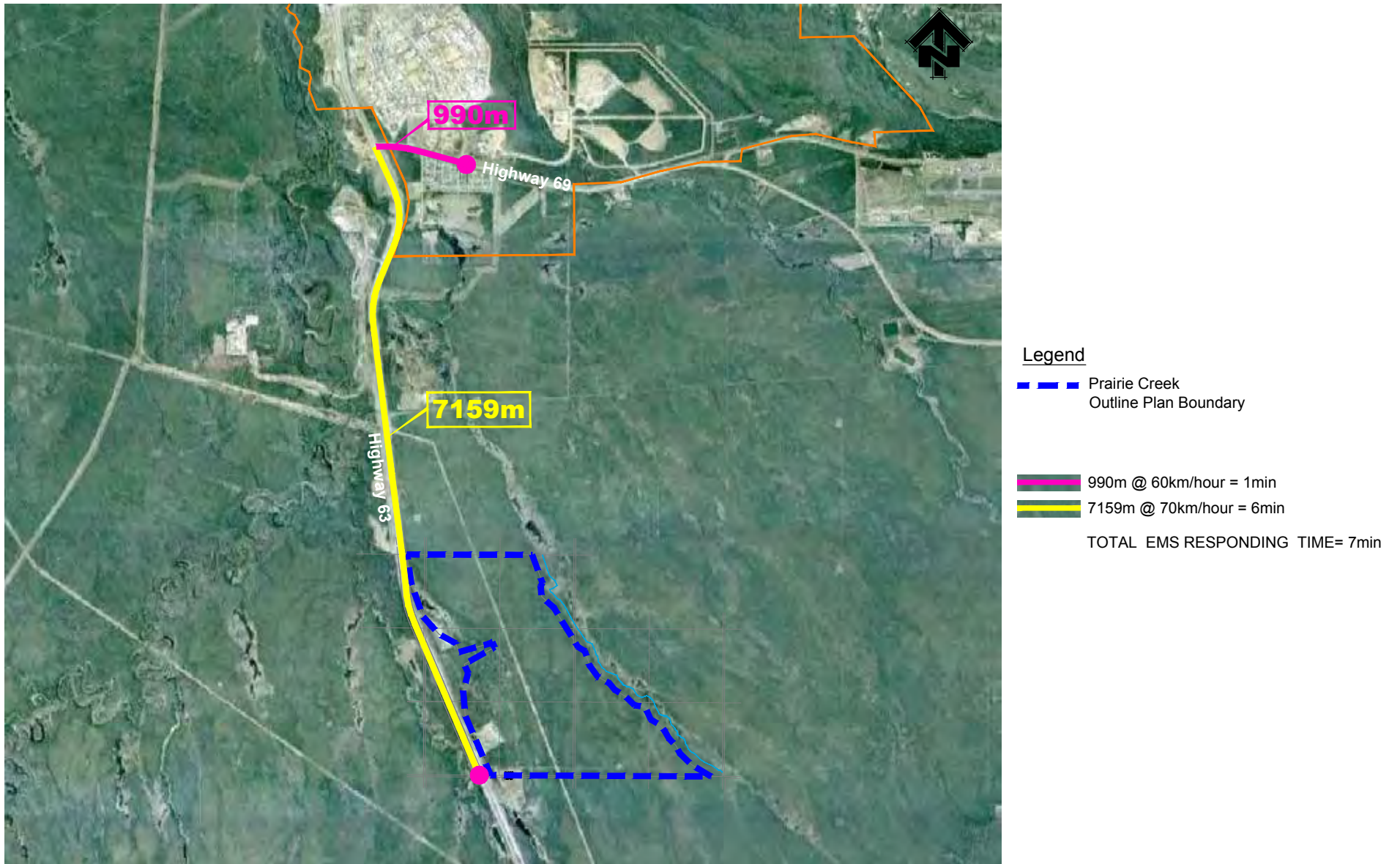
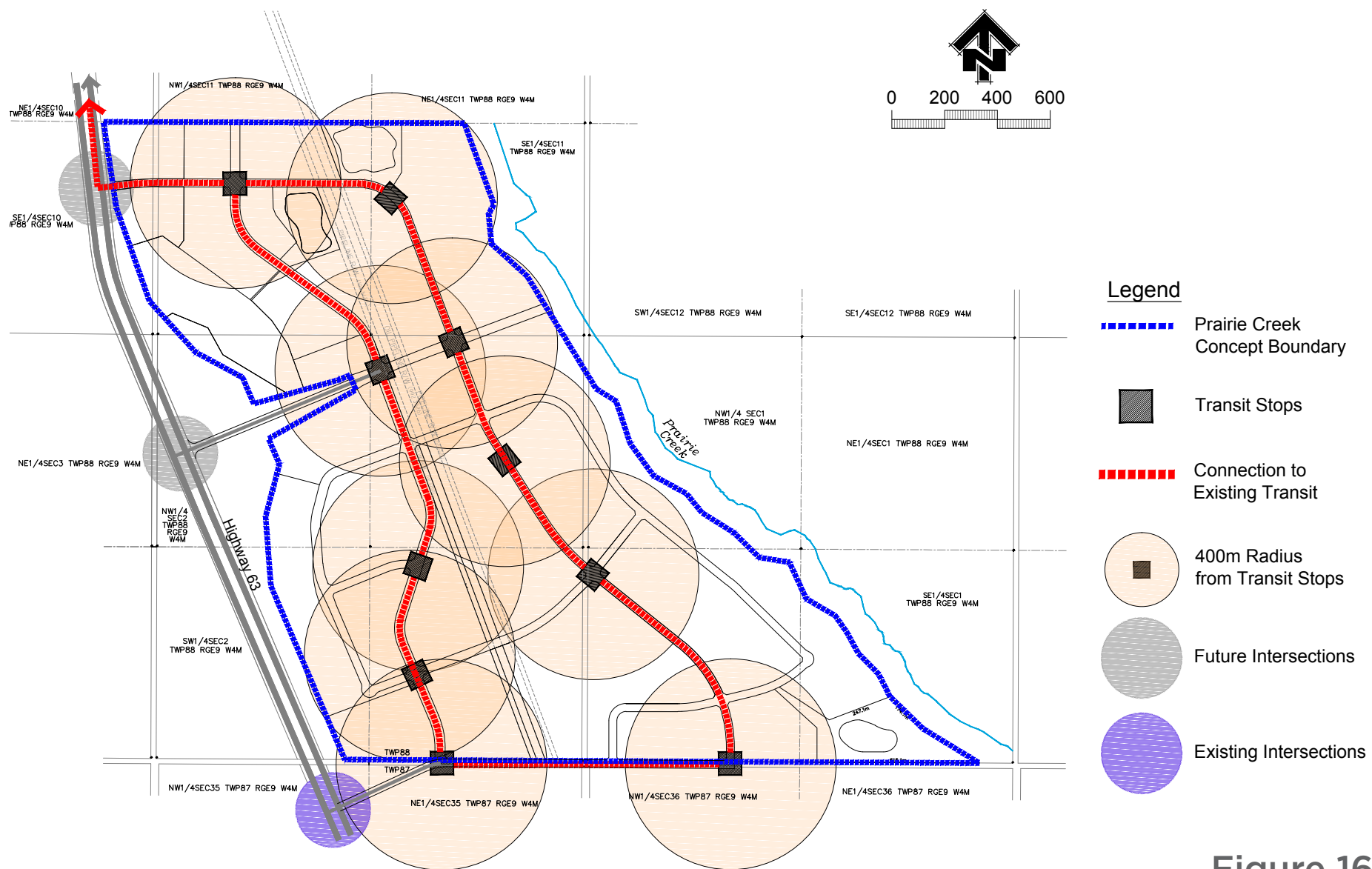


Figure 15  
Time Over Distance and EMS Requirements

### *Time Over Distance Analysis and Emergency Service Requirements*

A time over distance analysis of response times from the existing fire hall situated at 200 Airport Road to the plan area has been completed. The results of this analysis are outlined in Figure 15: Time Over Distance Analysis. The results of the analysis indicate that the total travel distance from the existing fire hall to the most southerly access location is approximately 7.9 km. Based on the completion of the time over distance analysis, an average response time of approximately seven (7) minutes is forecast assuming an average travel speed of 60 km/hr east along Highway 69 and average travel speed of 70 km/hr south along Highway 63 to the most southerly access location.

Based on the results of this analysis and a desired emergency level of service of eight (8) minutes for medical calls and ten (10) minutes for fire calls, an additional emergency management facility in the plan area is not warranted. As adjustments to the existing transportation system are ongoing which may impact response times at a later date, an updated time over distance analysis shall be submitted when significant adjustments to the external highway network have taken place. These updated analyses shall be used to determine if an additional emergency facility is warranted. The proposed zoning for the property can accommodate an emergency service site if required. See Figure 15: Time Over Distance Analysis and Emergency Service Requirements.



### *Transit Service*

Existing transit service to the southern portion of Fort McMurray urban area is provided by the following routes:

- Gregoire Industrial – Route 10 A/B
- Industrial Special A

The southern limit of these existing routes is approximately Highway 69 with an average transit service in this area of one bus per hour. The subject property is not currently serviced by any transit service. The outline plan has identified the conceptual routing and location of future transit stops that would provide adequate service to the PCBP. The road network, reserve allocations and pathway development will support pedestrian connections to future transit stops. See Figure 16: Proposed Transit Service.

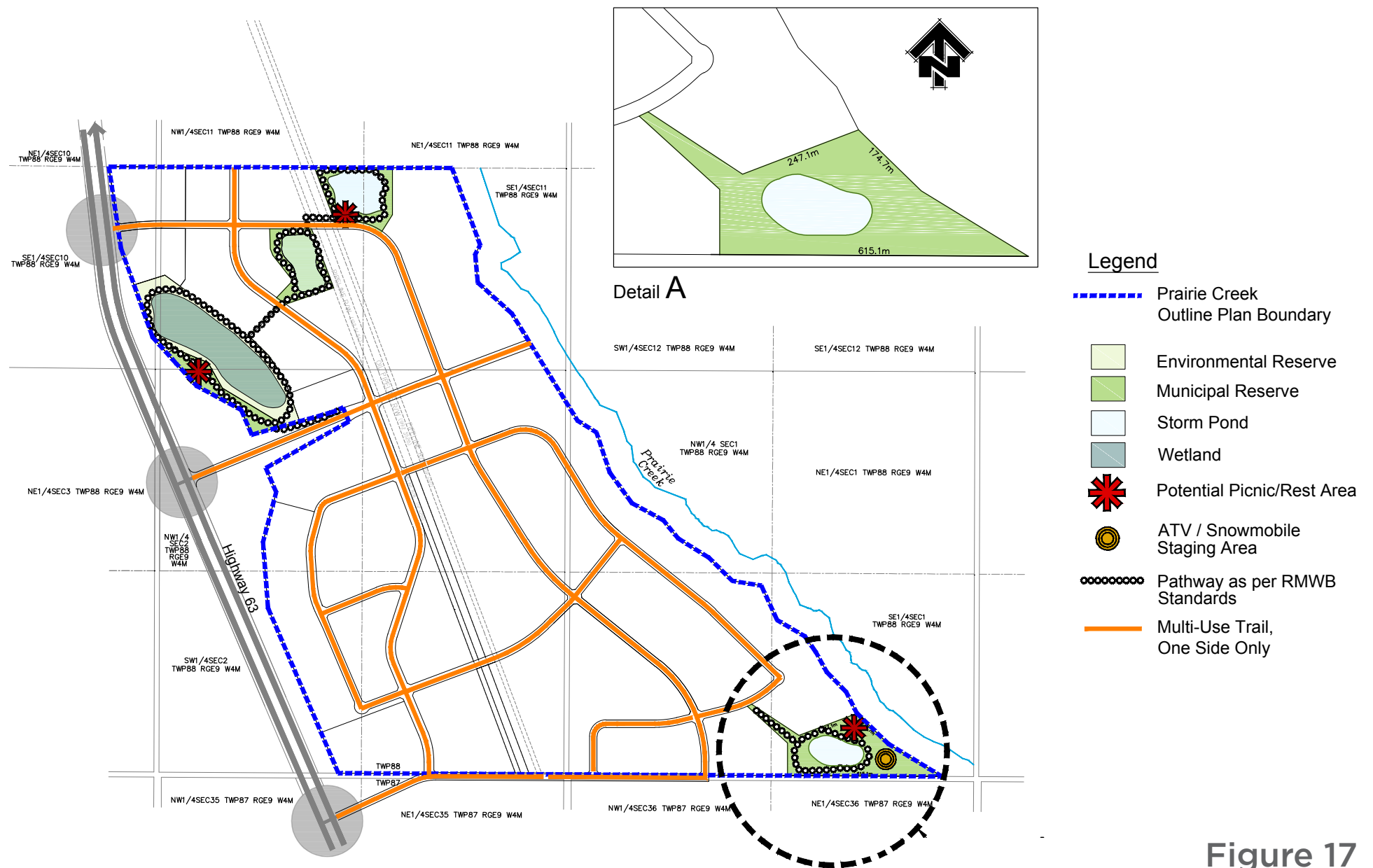


Figure 17  
Pathways/Circulation Plan

### *Pathways/Pedestrian Circulation*

The outline plan has identified a pathway network to support circulation between identified municipal reserve parcels in the subject property. The proposed pathway network includes a multi use trail (one side only) incorporated within the road right of ways as shown on Figures 14a - 14c.

Picnic/rest area locations have been identified within the reserve network to accommodate passive recreational opportunities for employees or visitors to PCBP and/or tourists en route to the Fort McMurray or other destinations in the RMWB. These areas may accommodate minor improvements including but not limited to picnic tables, benches, recycling kiosk, waste receptacles, viewing areas and interpretive signage.

Pathways shall be accommodated within reserve lands that have been identified in the conceptual land use plan. These pathways will provide convenient access to natural amenities including the existing Class V wetland, and planned storm water facilities. All pathways shall be developed in accordance with RMWB standards. An overview of the proposed pathway and circulation plan on the subject property is detailed in Figure 17.

# SERVICING & UTILITIES



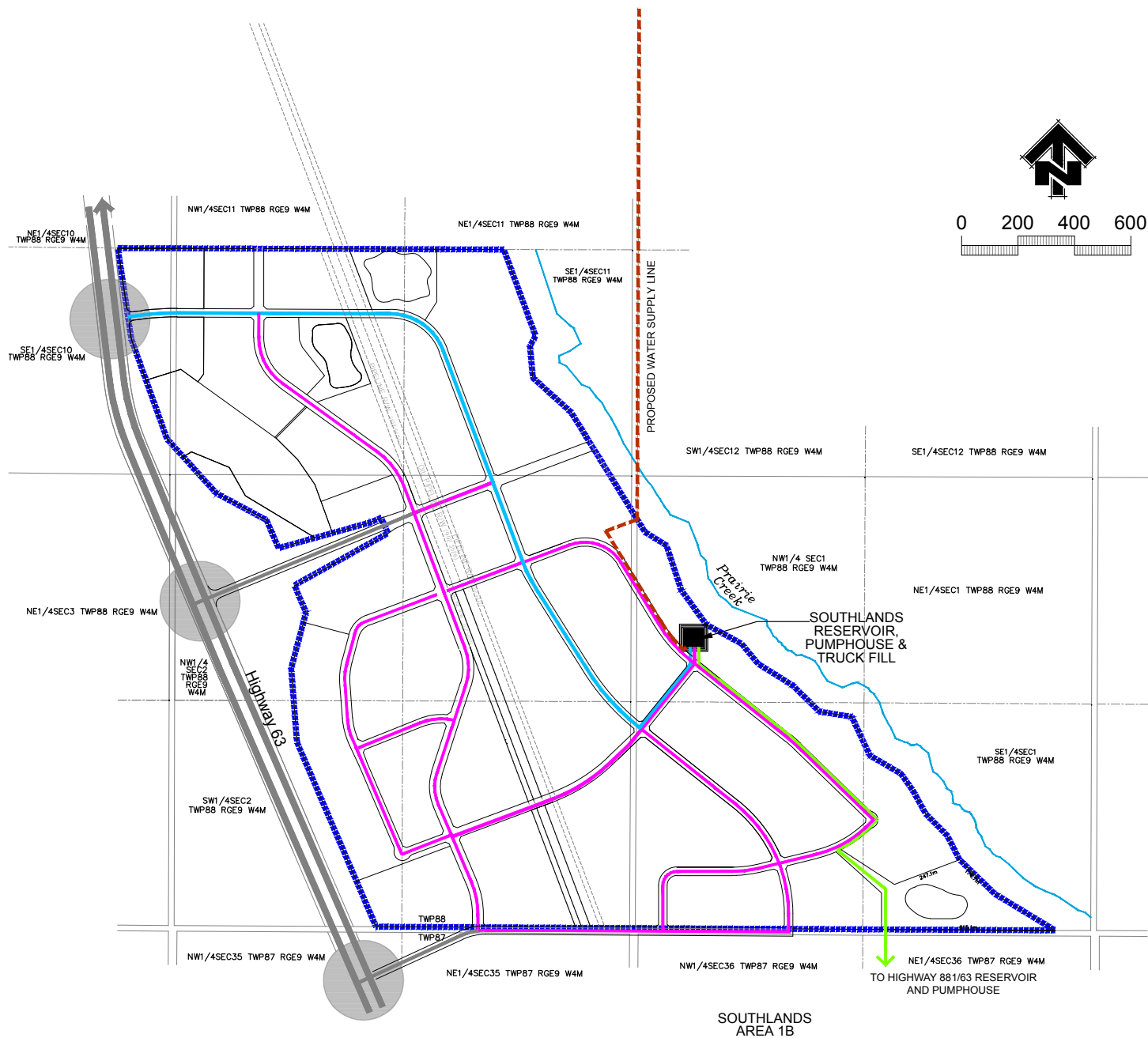
## **Servicing & Utilities**

### *Water Servicing*

Water servicing infrastructure is currently located in the vicinity of the Highway 63/69 junction. Water servicing to the subject property is proposed via utilization of the existing water distribution and treatment system that currently services the urban area of Fort McMurray. Water service to the area is proposed via connection to the existing water main in current proximity to Highway 69 and construction of a dedicated water main to the subject property. To support the water supply, emergency storage and fire suppression requirements for the plan area, a water reservoir, pump house and truck fill station shall be situated in the central portion of the plan area. This reservoir may ultimately service a larger benefitting area. From the water reservoir, a water distribution system shall be constructed throughout the plan area to meet the land use requirements outlined in the land use plan. A detailed overview of the water servicing plan is contained within the water network analysis prepared by Associated Engineering as contained within engineering design brief submitted under separate cover. Further updates to the servicing strategy for Prairie Creek Business Park were completed by Stantec in 2014. See Figure 18: Water Servicing Plan which provides a summary of anticipated off site and on site improvements to support the delivery of water to Prairie Creek Business Park.

### *Sanitary Servicing*

The permanent sanitary sewer system in support of PCBP will consist of a piped system through the Saline Creek Plateau, which will ultimately include a centralized collection system onsite and a wetwell, lift station and forcemain offsite. Until the forcemain is constructed, the first phases of development for Prairie Creek Business Park could be handled via holding tanks (scalable) with pumpouts for several years. Alternatively, should a new wastewater treatment plant (WWTP) proposed to be located near the RMWB landfill site, be completed prior to the construction of the permanent forcemain to Saline Creek Plateau, the Prairie Creek flows could be pumped via forcemain (or possibly flow by gravity) to this WWTP. This could occur if the proposed WWTP is operational in 3-5 years. An overview of the sanitary servicing plan is contained within the engineering design brief as submitted under separate cover. This concept was further updated by Stantec in 2014. Please See Figure 19: Sanitary/Stormwater Servicing Plan.



### Legend

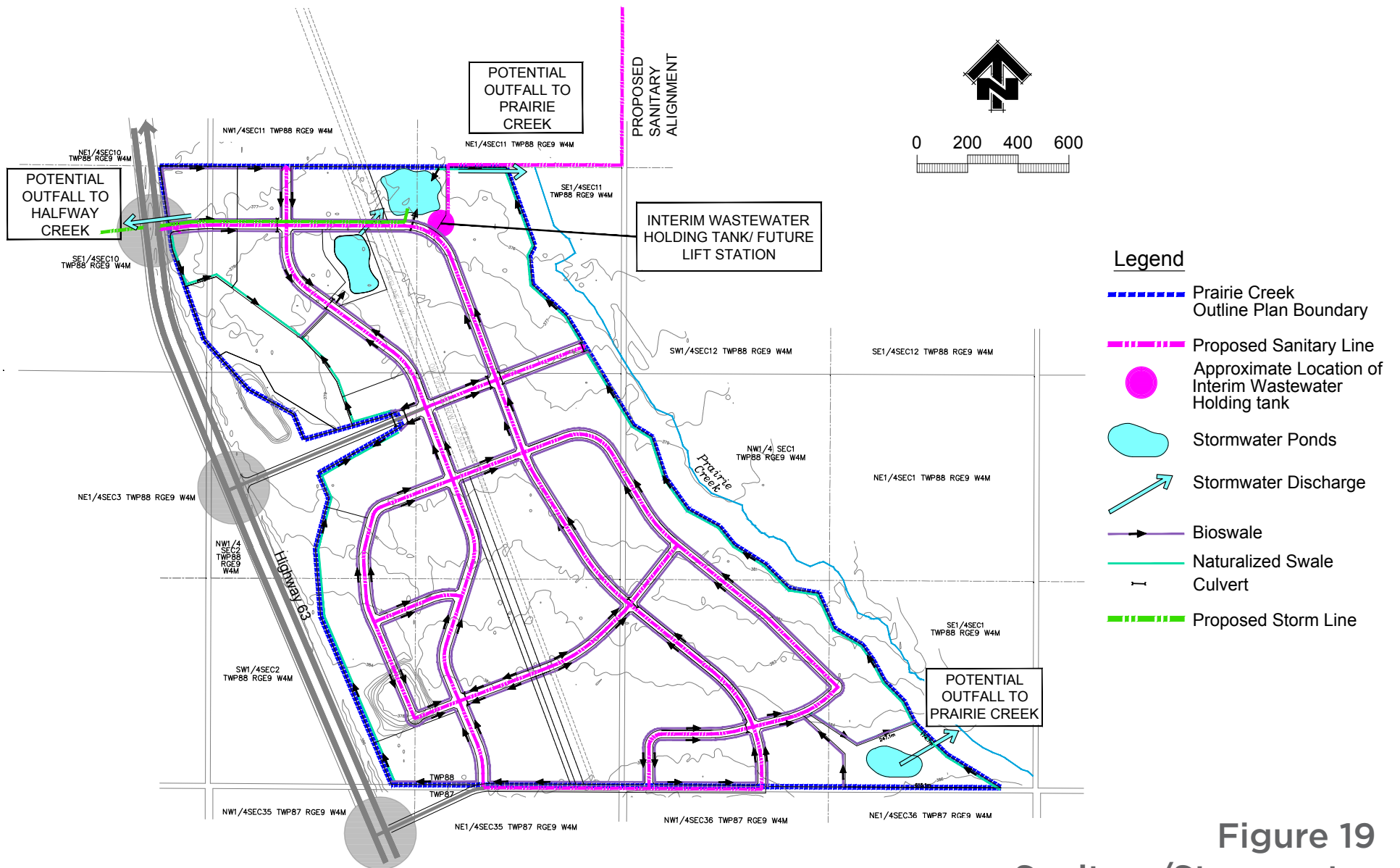
- Prairie Creek Outline Plan Boundary
- Pump house/Reservoir Location (approximate)
- Proposed 300mm  $\phi$  watermain
- Proposed 400mm  $\phi$  watermain
- Proposed 600mm  $\phi$  watermain
- - - - - Proposed water supply line

**Figure 18**  
**Water Servicing**

### ***Stormwater Management***

The conceptual location of stormwater management facilities has been based on existing topographical conditions, the proposed road network and the desire to accommodate a number of facilities to support the phased development of the subject property. The site currently contains 9 meters of grade from south to north, and is currently crowned on the utility right of way with drainage flowing to the northwest and northeast respectively.

Within the subject property, stormwater will be managed primarily by swales and bioswales which will convey stormwater to the proposed stormwater management facilities. Minor Catchment Areas will drain overland to swale systems located along the back of lots and bioswales within the road right of way. This captured flow will then be directed to the identified stormwater management facilities which will handle stormwater storage for the 1:100 year design storm event. Discharge from two of the proposed stormwater ponds will be directed to Halfway Creek connecting with the Hangingstone River. There may be opportunity to discharge stormwater from the easterly ponds directly to Prairie Creek. The proposed stormwater facility in the southeast portion of the plan area will discharge to Prairie Creek. This is an interim pond intended to provide temporary storage for an interceptor ditch that will be incorporated along the south edge of the site. The purpose of the interceptor ditch is to divert the overland flow from lands to the south (Southlands 1B) towards Prairie Creek on an interim basis. It is anticipated that once the lands in Southlands 1B are developed, flow will be managed onsite and the interceptor ditch and third stormwater management pond will no longer be required. See Figure 19: Sanitary/Stormwater Servicing Plan.



**Figure 19**  
**Sanitary/Stormwater**  
**Servicing Plan**

### *Service Connections*

Service connections shall be extended from the water and sanitary servicing mains to the proposed lots as per the provisions established within the design brief. The design, approval and construction of service connections shall be determined at the development agreement stage following subdivision approval. Service connections shall be in accordance with the RMWB servicing standards.

### *Shallow Utilities*

The existing shallow utility network is currently extended to the southern portion of the Fort McMurray urban area. Subsequent to discussions regarding the current capacity/alignment of existing franchise utilities. Utilities shall be extended to the subject property to support the development of the PCBP. Utilities shall include gas, power, telephone, and cable. The design, approval and construction of the utility network shall be undertaken in cooperation between the developer and the franchise utility company concurrently with initial phases of land use and subdivision approval. Utility alignments and location shall be in accordance with the RMWB servicing standards.

# IMPLEMENTATION FRAMEWORK

## Implementation Framework

The PCBP outline plan has provided a high level planning framework to guide and structure the development of the subject property into an integrated fully serviced business park providing a range of commercial and industrial development opportunities to meet the needs of the RMWB. This plan has been developed based on full consideration of the terms of reference for outline plans, as well as administrative comments and requirements of the initial outline plan conditional approval. The following section establishes an implementation framework for the development of the PCBP. Key components of implementation include:

- Development Phasing
- Interim Development Area
- Anticipated Next Steps

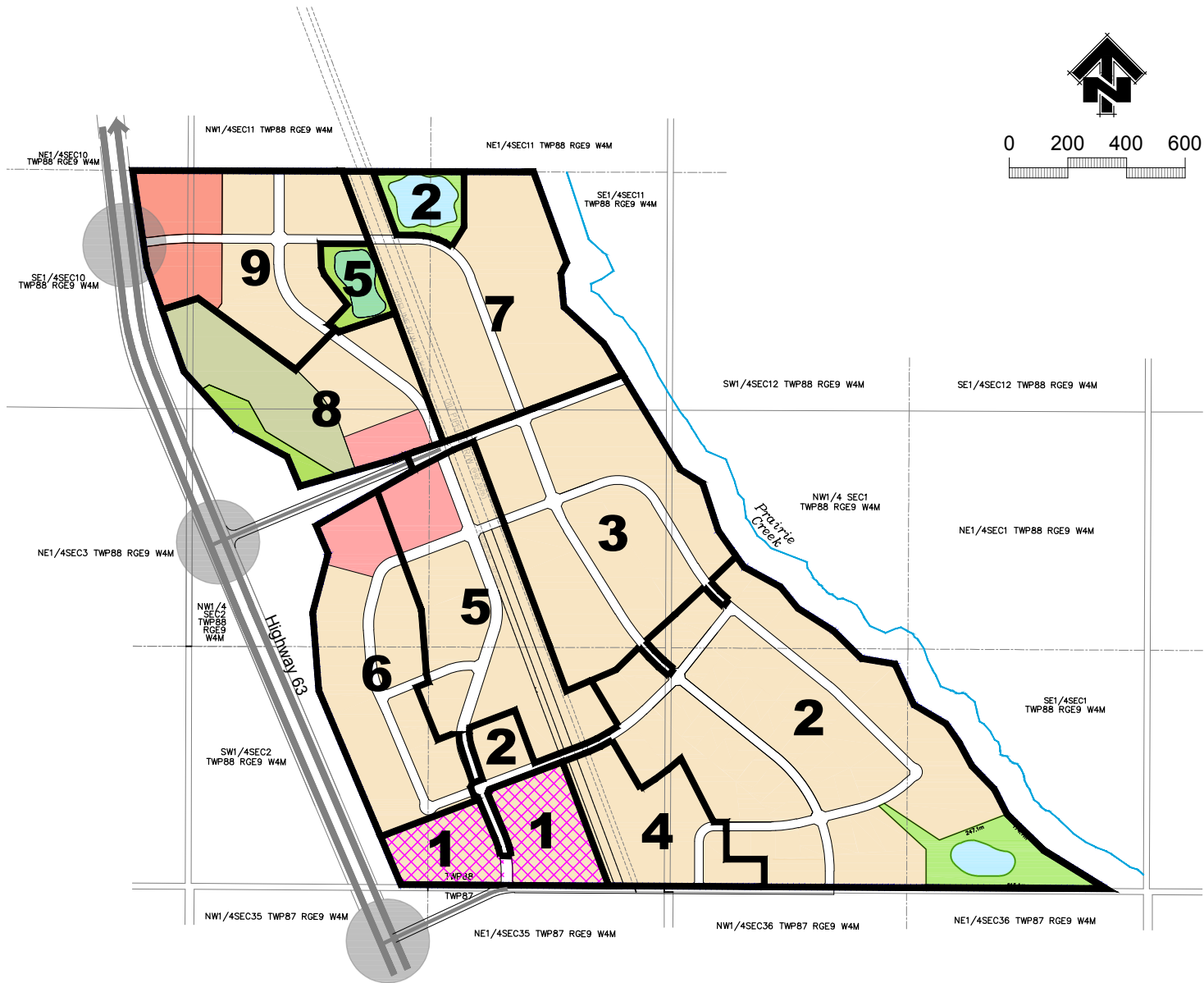
### *Development Phasing*

The development of the PCBP is anticipated to occur over a period of ten to fifteen years and will be driven by market demand and economic conditions. Based on existing access to Highway 63, the proposed servicing strategy, and need to undertake significant off-site improvements to service the development. Development will commence in the southwest portion of the plan area and advance northward from that location. It is understood that as the phased development of the property proceeds, that adequate servicing will need to be demonstrated by the developer. The proposed phasing plan is conceptual in nature and not intended to specify or restrict sequencing of development. See Figure 20: Phasing Plan.

### *Interim Development Area*

As part of the overall phasing plan, an interim development area (Phase 1) of approximately 49.09 acres (19.87 ha) has been identified to accommodate immediate business industrial development demand in the southern portion of the subject property. The anticipated yield of this interim development area is two (2) parcels of land.

The interim development area will obtain physical and legal access through the existing southerly intersection with Highway 63 via Government Road. On an interim basis, water and sanitary services to this area shall consist of on site private servicing. Stormwater management shall be conveyed to the existing burrow pit situated in the south portion of the plan area. The extent of required improvements to support the development of this interim development area shall be detailed through technical reports and/or engineering plans submitted at the time of subdivision. Resubdivision or further expansion of the interim development area shall not be considered by the RMWB until such time as the extension of full municipal services to the interim development area has been completed and/or is proposed by the developer.



### Legend

- Prairie Creek Outline Plan Boundary
- Phasing Boundary
- Interim Development Area

\*Phasing is contingent on market demand, and economic conditions, servicing, and transportation constraints. Phasing may not represent exact sequencing.

**Figure 20**  
**Phasing and**  
**Implementation**



### *Anticipated Land Use Designations*

All lands within the outline plan area shall require a redesignation to an appropriate land use designation as provided by the RMWB Land Use Bylaw prior to being considered for subdivision and development for business purposes. In some cases, where the Municipality's Land Use Bylaw is not able to accommodate a specific land consideration within the outline plan, the developer may propose either a Direct Control Bylaw or a new land use district.

### *Road Closure*

The outline plan has identified the closure of two undeveloped road allowances which bisect the property. Upon approval of this outline plan and concurrent with initial phases of land use and subdivision approval, a formal road closure request shall be submitted to the RMWB for review and consideration. The closure and sale of undeveloped road allowances shall be in accordance with the provisions of the Municipal Government Act.

### *Subdivision & Road Naming*

An application for Subdivision & Road Naming will be submitted concurrent with each phase of land use and subdivision applications. Naming of roads within each phase of development is expected to follow standard naming conventions as required by the RMWB.

### *Next Steps in Planning Process*

Based on the following implementation framework the following are anticipated as the next steps in the development of the Prairie Creek Business Park.

- Drafting, submission and processing of Phase 1a subdivision - interim development area
- Drafting and submission of road closure request
- Drafting and submission of Phase 1 Rezoning Application
- Consideration of Road Closure request by Council
- Consideration of Phase 1 Rezoning Application by Council
- Submission and Processing of Phase 1 Subdivision Application
- Consideration of Subdivision Application by Planning Authority
- Meeting Conditions of Subdivision Approval
- Negotiation and Execution of Development Agreement
- Registration of Subdivision with Land Titles Office
- Construction and Inspection of Subdivision in Accordance with Development Agreement
- Filing and Issuance of development and building permits for construction on lots

# PUBLIC CONSULTATION & ENGAGEMENT

## **Public Consultation & Engagement**

Throughout the outline plan preparation process, the proponents of the Plan have endeavored to maintain open and transparent communication with local stakeholders including:

- Adjacent landowners
- Alberta Environment
- Sustainable Resources Development
- Alberta Transportation
- RMWB Administration
- Encana
- Enbridge
- Atco

On October 11, 2012 an Open House was convened at the Radisson Hotel in Fort McMurray to present and discuss proposed amendments to the Highway 63/881 Area Structure Plan and the draft outline plan with the community. The session was advertised for two (2) consecutive weeks. The information session was only attended by two (2) guests registered on a sign-in sheet. Each attendee was asked to complete a comment sheet in order to solicit general community feedback regarding the project including ways to improve it. While no comment sheets were submitted, both individuals who attended the session expressed support for the project. The outline plan has been prepared in consideration of their feedback at this session as well as the ongoing dialogue with government and agency partners throughout the plan preparation process.

# SUPPORTIVE STUDIES & TECHNICAL ASSESSMENTS

## Supportive Studies & Technical Assessments

### *Reports Submitted*

The following reports have been completed and submitted in support of this outline plan:

- Historical Resources Overview
- Historical Resources Impact Assessment
- Geotechnical Assessment
- Biophysical Assessment
- Engineering Design Brief Light
- Full Engineering Design Brief
- Traffic Impact Assessment

Since the initial approval of the outline plan (June, 2013), the following additional technical reports have been provided:

- Phase 1 Geotechnical Assessment
- Phase 1 Servicing, Roadways, Grading Brief
- Phase 1 Stormwater Management Plan
- Phase 1 Traffic Impact Assessment
- Phase 2 Geotechnical Assessment
- Phase 2 Servicing Design Brief
- Phase 2 Traffic Impact Assessment

Collectively, the completion of the technical reports during the initial outline plan approval process and the subsequent technical reports submitted in support of Phase 1 and Phase 2 development applications have informed amendments to the outline plan.

# APPENDIX A

## **Letter of Authorization**

BAPG from Pacific  
Investments and  
Development Ltd.



**Pacific Investments  
& Development Ltd.**

August 8, 2011

Regional Municipality of Wood Buffalo  
Claire Woodside, Planning and Development Services  
9909 Franking Avenue  
Fort McMurray, Alberta  
T9H 2K4

**Attention:** Claire Woodside, Planner 1/Development Officer

**RE:** Pacific Investments and Development Ltd  
Outline Plan Submission  
Prairie Creek Business Park  
Plan 1025452 Block 1 Lot 1

This letter authorizes Brown & Associates Planning Group to proceed with the above referenced outline plan application/submission seeking approval of a proposed highway commercial/industrial business park on the above references subject property. Pacific Investments and Development Ltd. (PIDL) have entered into a conditional purchase agreement of the subject property with the Government of Alberta.

Robert Honsberger, Development Director, shall serve as PIDL's representative and primary contact in regards to this submission. Should you have any questions in this regard, Robert can be reached at 403-540-1816.

Thank you.

**Dennis Doherty, President  
Pacific Investments and Development Ltd.**

Canada  
Pacific Investments & Development Ltd.  
P.O. Box 2892, Stn. M., Calgary, AB, Canada T2P 3C3  
225, 17th Avenue S.E., Calgary, AB, Canada T2G 1H5  
Bus. (403) 246-7250 Fax: (403) 246-7250  
Email: [pacific@pacdev.com](mailto:pacific@pacdev.com) Website: [www.pacdev.com](http://www.pacdev.com)

Panama  
Panama Pacific Investment & Development Ltd.  
Ultramar Plaza, Apartamento 15 A  
Calle 47, Marbella  
Panama, Rep. de Panama  
Tel/Fax. (507) 399-8800

United States  
Pacific Development International Corp.  
P.O. Box 8411  
Scottsdale, Arizona  
U.S.A., 85252-8411

001/001

08/03/2011 WED 15:34 FAX 403 246 7260 Pacific Investments

# APPENDIX B

## **Titles & Encumbrances**

- 112387563 Certificate of Title
- 102341686 Caveat Re: Utility Right of Way
- 102341687 Caveat Re: Utility Right of Way
- 112031364 Utility Right of Way
- 102377993 Caveat Re: Utility Right of Way
- 102269660 Utility Right of Way





LAND TITLE CERTIFICATE

|              |             |              |
|--------------|-------------|--------------|
| S            |             |              |
| LINC         | SHORT LEGAL | TITLE NUMBER |
| 0034 500 307 | 1025452;1;1 | 112 387 563  |

LEGAL DESCRIPTION

PLAN 1025452  
BLOCK 1  
LOT 1  
CONTAINING 431 HECTARES (1065.02 ACRES) MORE OR LESS  
EXCEPTING THEREOUT:

|                        | HECTARES | (ACRES) | MORE OR LESS |
|------------------------|----------|---------|--------------|
| A) PLAN 1025453 - ROAD | 34.2     | 84.51   |              |

EXCEPTING THEREOUT ALL MINES AND MINERALS

ATS REFERENCE: 4;9;88;1;S  
ATS REFERENCE: 4;9;88;1;NW  
ATS REFERENCE: 4;9;88;2  
ATS REFERENCE: 4;9;88;3;NE  
ATS REFERENCE: 4;9;88;10;SE  
ATS REFERENCE: 4;9;88;11;S  
ESTATE: FEE SIMPLE

MUNICIPALITY: REGIONAL MUNICIPALITY OF WOOD BUFFALO

REFERENCE NUMBER: 102 341 697

| REGISTERED OWNER(S) |            |                  |              |               |
|---------------------|------------|------------------|--------------|---------------|
| REGISTRATION        | DATE(DMY)  | DOCUMENT TYPE    | VALUE        | CONSIDERATION |
| 112 387 563         | 01/12/2011 | TRANSFER OF LAND | \$35,000,000 | \$35,000,000  |

OWNERS

PACIFIC INVESTMENTS GP LTD..  
OF 225-17TH AVE SE  
CALGARY  
ALBERTA T2G 1H5

( CONTINUED )

-----  
ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

# 112 387 563

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

-----

|             |            |   |
|-------------|------------|---|
| 102 341 686 | 27/09/2010 | CAVEAT<br>RE : UTILITY RIGHT OF WAY<br>CAVEATOR - ATCO ELECTRIC LTD..<br>10035-105 STREET<br>EDMONTON<br><br>ALBERTA T5J2V6<br>AGENT - SHAR SCHAMEHORN              |
| 102 341 687 | 27/09/2010 | CAVEAT<br>RE : UTILITY RIGHT OF WAY<br>CAVEATOR - ATCO ELECTRIC LTD..<br>10035-105 STREET<br>EDMONTON<br>ALBERTA T5J2V6<br>AGENT - SHAR SCHAMEHON                   |
| 102 377 993 | 26/10/2010 | CAVEAT<br>RE : UTILITY RIGHT OF WAY<br>CAVEATOR - ENBRIDGE PIPELINES (ATHABASCA) INC..<br>10201 JASPER AVE<br>EDMONTON<br>ALBERTA T5J3N7<br>AGENT - LAURA SPOLETINI |
| 112 031 364 | 02/02/2011 | UTILITY RIGHT OF WAY<br>GRANTEE - HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA<br>AS REPRESENTED BY THE MINISTER OF INFRASTRUCTURE                                     |
| 102 269 660 | 04/08/2010 | UTILITY RIGHT OF WAY<br>GRANTEE - ENBRIDGE PIPELINES (ATHABASCA) INC..<br>AS TO PORTION OR PLAN:9923526<br>"ENDORSED BY 112286353 ON 20110912"                      |

TOTAL INSTRUMENTS: 005

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE  
REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED  
HEREIN THIS 15 DAY OF DECEMBER, 2011 AT 12:00 P.M.

ORDER NUMBER:20291294

CUSTOMER FILE NUMBER: 1339



\*END OF CERTIFICATE\*

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THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE  
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LAND TITLES OFFICE**

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C A V E A T

TO THE REGISTRAR OF THE NORTH ALBERTA LAND REGISTRATION DISTRICT:

TAKE NOTICE that WE, ATCO Electric Ltd., a body Corporate with its Head Office at 10035 - 105 Street, of the CITY OF EDMONTON, in the PROVINCE OF ALBERTA,

claim an interest therein as Grantee, under and by virtue of an unregistered distribution right of way agreement in writing, dated the 21 day of August, 2010 made between Her Majesty the Queen, in Right of the Province of Alberta represented herein by the Minister of Forestry, Lands and Wildlife, of the said Province therein as Grantor, and ourselves therein as Grantee, referring to:

~~(NW-2-88-9-W4M)~~  
~~(SW-2-88-9-W4M)~~  
~~(NE-3-88-9-W4M)~~  
~~(NE-10-88-9-W4M)~~  
~~(SE-10-88-9-W4M)~~ } Lot 1 (in 3 parts), Block 1, Plan 102 5452

being the lands described in Certificate of Title No. \_\_\_\_\_ and \_\_\_\_\_ and \_\_\_\_\_ and \_\_\_\_\_ in the registered name of Her Majesty the Queen, in Right of the Province of Alberta represented herein by the Minister of Sustainable Resource Development and I forbid the registration of any person as transferee or owner of, or of any instrument affecting the said estate or interest, unless the instrument of title, as the case may be, is expressed to be subject to my claim.

I APPOINT 10035 - 105 STREET, at the CITY OF EDMONTON, in the PROVINCE OF ALBERTA, T5J 2V6, Attention: Land & Properties, as the place at which notices and proceedings relating hereto may be served.

DATED this 15 day of July A.D. 2010.

ATCO ELECTRIC LTD.

S. Schamehorn  
Signature of the Agent

|                     |   |  |
|---------------------|---|--|
| CANADA              | ) | I, Shar Schamehorn                       |
| PROVINCE OF ALBERTA | ) | of the CITY OF EDMONTON, in the PROVINCE |
| TO WIT:             | ) | OF ALBERTA                               |
|                     | ) | make oath and say:                       |

1. THAT I am agent for the above-named Caveator.
2. THAT I believe that the said Caveator has a good and valid claim upon the said lands and I say that this Caveat is not being filed for the purpose of delaying or embarrassing any person interested in or proposing to deal therewith.

SWORN before me at the CITY OF EDMONTON )  
in the PROVINCE OF ALBERTA )  
this 15 day of July A.D. 2010 )

Cameron M. Fehr  
A Commissioner for Oaths in and for  
the Province of Alberta  
CAMERON M. FEHR  
A Commissioner for Oaths in and for  
the Province of Alberta  
My Commission Expires Mar. 18, 2012

S. Schamehorn

W.O. D05040 0698/ss

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## C A V E A T

TO THE REGISTRAR OF THE NORTH ALBERTA LAND REGISTRATION DISTRICT:

TAKE NOTICE that WE, ATCO Electric Ltd., a body Corporate with its Head Office at 10035 - 105 Street, of the CITY OF EDMONTON, in the PROVINCE OF ALBERTA,

claim an interest therein as Grantee, under and by virtue of an unregistered distribution right of way agreement in writing, dated the 4 day of December, 2006 made between Her Majesty the Queen in right of the Province of Alberta, as represented herein by the Department of Sustainable Resource Development, of the said Province therein as Grantor, and ourselves therein as Grantee, referring to:

SE 35-87-9-W4M  
 NW 35-87-9-W4M  
 NE 35-87-9-W4M  
 (SW 2-88-9-W4M)  
 (NW 2-88-9-W4M)  
 (SE 10-88-9-W4M)  
 (SW 11-88-9-W4M) Lot 1 (in 3 parts), Block 1, Plan 102-5452

being the lands described in Certificate of Title No. \_\_\_\_\_ and \_\_\_\_\_ and \_\_\_\_\_ and \_\_\_\_\_ in the registered name of Her Majesty the Queen in right of the Province of Alberta, as represented herein by the Department of Sustainable Resource Development and I forbid the registration of any person as transferee or owner of, or of any instrument affecting the said estate or interest, unless the instrument of title, as the case may be, is expressed to be subject to my claim.

I APPOINT 10035 - 105 STREET, at the CITY OF EDMONTON, in the PROVINCE OF ALBERTA, T5J 2V6, Attention: Land & Properties, as the place at which notices and proceedings relating hereto may be served.

DATED this 13 day of July A.D. 2010.

ATCO ELECTRIC LTD.

S. Schamehorn  
 Signature of the Agent

|                     |   |  |
|---------------------|---|--|
| CANADA              | ) | I, Shar Schamehorn                       |
| PROVINCE OF ALBERTA | ) | of the CITY OF EDMONTON, in the PROVINCE |
| TO WIT:             | ) | OF ALBERTA                               |
|                     | ) | make oath and say:                       |

1. THAT I am agent for the above-named Caveator.

2. THAT I believe that the said Caveator has a good and valid claim upon the said lands and I say that this Caveat is not being filed for the purpose of delaying or embarrassing any person interested in or proposing to deal therewith.

SWORN before me at the CITY OF EDMONTON )  
 in the PROVINCE OF ALBERTA )  
 this 13 day of July A.D. 2010 )

Patricia Lamoureux  
 A Commissioner for Oaths in and for  
 the Province of Alberta

150.

S. Schamehorn  
 PATRICIA LAMOUREUX  
 A Commissioner for Oaths in and for  
 the Province of Alberta  
 My Commission Expires Apr. 1, 2013

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## CAVEAT FORBIDDING REGISTRATION

Form 26

Land Titles Act, Section 130

CAV-1

Take notice that I (We), ENBRIDGE PIPELINES (ATHABASCA) INC OF 10201 JASPER AVE, the caveator,claim an interest as RIGHTS GRANTED UNDER A UTILITY RIGHT OF WAY  
(SPECIFY NATURE OF ESTATE OR INTEREST CLAIMED)pursuant to PIPELINE AGREEMENT DATED JULY 26, 2010 BETWEEN ENBRIDGE  
(SPECIFY GROUNDS ON WHICH THE CLAIM IS FOUNDED)  
PIPELINES (ATHABASCA) INC AND HER MAJESTY THE QUEEN, IN RIGHT OF  
THE PROVINCE OF ALBERTA AS REPRESENTED BY THE DEPARTMENT OF  
in the land(s) described as follows: SUSTAINABLE  
RESOURCE DEVELOPMENTLOT 1 (in three parts)  
BLOCK 1  
PLAN 1025452standing in the register in the name(s) of HER MAJESTY THE QUEEN, AS REPRESENTED BY  
THE MINISTER OF INFRASTRUCTURE

and I forbid the registration of any person as transferee or owner of, or of any instrument affecting that estate or interest, unless the certificate of title is expressed to be subject to my claim.

I designate the following address as the place at which notices and proceedings relating hereto may be served:

ENBRIDGE PIPELINES (ATHABASCA) INC.  
10201 JASPER AVENUE  
EDMONTON, AB T5J 3N7.In witness whereof, I have hereunto subscribed my name this 14<sup>th</sup> DAY OF OCTOBER, 2010R Spelini  
(SIGNATURE OF CAVEATOR OR HIS AGENT)

(SIGNATURE OF CAVEATOR OR HIS AGENT)

## AFFIDAVIT IN SUPPORT OF CAVEAT

Form 27

Land Titles Act, Section 131

I, LAURA SPOLETINI  
(THE CAVEATOR OR HIS AGENT)

make oath and say (or solemnly declare) as follows:

1. I am the within named caveator (or agent for the caveator).
2. I believe that I have (or the caveator has) a good and valid claim on the land (mortgage or encumbrance), and I say that this caveat is not being filed for the purpose of delaying or embarrassing any person interested in or proposing to deal with it.

SWORN before me at Calgaryin the Province of Albertathis 14<sup>th</sup> day of October, 2010  
(DATE)R Spelini  
(SIGNATURE)Breanne Florio  
A COMMISSIONER, ETC. (OR AS THE CASE MAY BE)BREANNE FLORIO  
A Commissioner for Oaths  
in and for the Province of Alberta  
My Commission Expires May 13, 2012

**ALBERTA GOVERNMENT SERVICES  
LAND TITLES OFFICE**

IMAGE OF DOCUMENT REGISTERED AS:

**112031364**

**ADVISORY**

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**UTILITY RIGHT OF WAY**

**Section 69 Land Titles Act**

HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA,  
AS REPRESENTED BY THE MINISTER OF INFRASTRUCTURE

(the "**Grantor**")

OF THE FIRST PART

- and -

HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA  
AS REPRESENTED BY THE MINISTER OF INFRASTRUCTURE

(the "**Grantee**")

The Grantor being the registered owner of lands legally described in Schedule "A" (the "Lands") in consideration of ONE (1.00) DOLLAR paid to the Grantor by the Grantee, the receipt sufficiency of which is hereby acknowledged, and in consideration of the terms and conditions set out in this agreement, HEREBY GRANTS to the Grantee a utility right

of way, pursuant to Section 69 of the *Land Titles Act* Alberta (the "Act"), over the portion of the Lands shown on a plan registered in the Land Titles Office as Plan No. 1025454 (the "**Right of Way**"). The Right of Way is granted for the subject matter contained in the Act and for the construction, operation, maintenance, inspection, removal, replacement and repair of the subject matter and for those specific stations, structures, valves, fittings, meters and other equipment and appurtenances required thereto (the "**Works**").

1. The Grantor hereby acknowledges that the Grantee may transfer the Right of Way in whole or part to a third party or parties, as the case may be. The Grantor consents to the Grantee transferring in whole or part the Right of Way to a third party or parties. The Grantor releases the Grantee from any claims for damages sustained by the Grantor arising from the transfer in whole or part of the Right of Way.
2. Further to the Right of Way the Grantee shall have the right to do whatever may be reasonably required to exercise the rights herein granted including the trimming and removal of all trees.
3. In accordance with applicable laws, the Grantee may enter upon and occupy the Right of Way with its agents, employees and contractors, and with or without vehicles, machinery and equipment, for the purposes set out in this agreement.
4. The Grantee shall compensate the Grantor and other interested parties, as their respective interests from time to time may appear, for damage done to buildings, fences, structures, improvements (including, without limiting the generality thereof,

any sidewalks, curbs, gutters, paving, fences or service or utility lines), crops, pasture, livestock or shelter belts on the Lands by reason of the exercise of the rights granted herein.

5. The Grantee will not fence the Right of Way except with the express written consent of the Grantor.
6. The Grantee shall, upon request by the Grantor, strip the topsoil from the Right of Way prior to any laying down, construction, maintenance, inspection, removal, replacement, reconstruction or repair of the Works ("Construction or Repair Work") that may require the removal of topsoil and replace it as near as possible to its original condition following the Construction or Repair Work. In any event, in carrying out any Construction or Repair Work the Grantee shall, at its sole cost and expense and to the satisfaction of the Grantor, reclaim and restore the Right of Way to the equivalent land capability (as defined by the Conservation and Reclamation Regulation, Alberta Regulation 115/93 as amended or revised from time to time) that existed prior to the Construction or Repair Work. Only environmentally clean soil may be used in any land reclamation. Reclamation efforts shall be in accordance with the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 (the "Environmental Protection and Enhancement Act"), as amended or revised from time to time.
7. Except for the Grantor's negligence, the Grantee will at all times indemnify and keep the Grantor indemnified against all actions, claims, and demands that may be lawfully brought or made against the Grantor by reason of anything done by

the Grantee, its agents, employees or contractors, or any other person for whom the Grantee is legally responsible, in the exercise of the rights hereby granted. The foregoing indemnification shall survive termination of this Utility right of Way and any discharge of same from the Lands.

8. The Grantee or any person, firm or corporation acting on the Grantee's behalf will operate the Works in a proper and workmanlike manner in accordance with good engineering practice and will, as soon as weather and soil conditions permit, bury and maintain, where applicable, all of the Works so as not to unreasonably interfere with the drainage or ordinary cultivation of the Lands, except for such parts which are required and permitted by the Grantor to project above the ground.

9. In this agreement:

- (a) (i) "Contaminant" includes but is not limited to, biological materials and agents (whether or not hazardous, in fact), petroleum products and by-products, any contaminants, pollutants, dangerous substances, hauled liquid wastes, toxic substances, industrial wastes, hazardous wastes, hazardous materials, hazardous chemicals, and hazardous substances as defined in any federal, provincial or municipal legislation; and
- (ii) "Release" has the same meaning as the word "release" in the Environmental Protection and Enhancement Act.
- (b) (i) The Grantee shall, in respect of the Grantee's use of the Right of Way under this agreement, comply with all applicable laws relating to any

Contaminant and the protection of the environment at the Right of Way, the Lands and neighbouring lands.

- (ii) The Grantee shall, in respect of the Grantee's use of the Right of Way under this agreement, conduct its operations in a manner which will:
  - (A) protect the Right of Way, the Lands and neighbouring lands from a Contaminant;
  - (B) avoid situations hazardous to the health of individuals at the Right of Way, the Lands and neighbouring lands with respect to the Release of a Contaminant; and
  - (C) comply with the Environmental Protection and Enhancement Act and any other legislation in force in Alberta and pertaining to the environment (the "Environmental Legislation").
- (iii) The Grantee will not permit the Release of any Contaminant at the Right of Way in contravention of the Environmental Legislation.
- (iv) The Grantee is responsible, at its sole cost, for the full cleanup of the Right of Way, the Lands and any neighbouring lands affected by any Contaminant Release at the Right of Way by the Grantee or those for whom the Grantee is by law responsible, to the satisfaction of Alberta Environment or its successor, and such obligation will survive termination of this agreement.

10/10/17

(c) (i) The Grantee shall indemnify and hold harmless each of the Grantor and any other third party with an interest in the Lands through the Grantor and their respective employees and agents from any and all claims, demands, actions and costs whatsoever that may arise, directly or indirectly, out of the Release of any Contaminant at the Right of Way by the Grantee or those for whom the Grantee is by law responsible, or any actions by the Grantee or those for whom the Grantee is by law responsible which are otherwise not in compliance with any Environmental Legislation.

(ii) Such indemnification shall survive the termination of this agreement.

10. The Grantee, performing and observing the covenants and conditions on its part to be performed and observed, shall and may peaceably hold the easement and rights hereby granted without hindrance, molestation or interruption on the part of the Grantor or of any person, firm or corporation claiming by, through, under or in trust for the Grantor, subject to the terms of this agreement.



11. All notices to be given may be given by registered letter addressed to the Grantor at the Director, Land Services, Properties Division, Alberta Infrastructure, 3<sup>rd</sup> Floor, 6950 – 113<sup>th</sup> Street, Edmonton, Alberta T6H 5V7, and to the Grantee at the Director, Land Services, Properties Division, Alberta Infrastructure, 3<sup>rd</sup> Floor, 6950 – 113<sup>th</sup> Street, Edmonton, Alberta, T6H 5V7, or such other address as the Grantor and the Grantee may respectively from time to time appoint in writing, and any such notice shall be deemed to be given to and received by the addressee seven days after the mailing thereof, postage prepaid.
12. This Utility Right of Way is of the same force and effect as a covenant running with the land, shall extend to, be binding upon and enure to the benefit of the heirs, executors, administrators, successors and assigns of the Grantor and Grantee respectively.
13. Wherever the singular or masculine is used the same shall be construed as meaning the plural or feminine or a body corporate, where the context or the parties so requires.
14. The Grantee shall pay to the Grantor at the times required by the applicable legislation all goods and services taxes ("GST") payable, if any, under Part IX of the *Excise Tax Act*, R.S.C. 1985, c. E-15 as amended or revised from time to time. The amount of any payment set forth in this agreement does not include GST unless specifically stated to the contrary herein.

15. The Grantee shall not suffer or permit any builder's lien(s) to be filed against title to the Lands. Any builder's lien filed shall be removed from title to the Lands by the Grantee within 20 days following receipt of written notice from the Grantor to the Grantee of the existence of the builder's lien.
16. The Grantee shall comply with all applicable laws in respect of the exercise of the Grantee's right under this agreement.

Signed by the parties this 25<sup>TH</sup> day of JANUARY, 20 11.

GRANTOR:

HER MAJESTY THE QUEEN, in right of Alberta, as  
represented by the Minister of Infrastructure

Signed by the Minister of Infrastructure  
of the Province of Alberta, or his duly  
authorized representative and sealed  
with his Seal of Office.

  
\_\_\_\_\_  
DIRECTOR, LAND SERVICES  
PROPERTIES DIVISION

GRANTEE:

HER MAJESTY THE QUEEN in right of Alberta as  
represented by the Minister of Infrastructure

Signed by the Minister of Infrastructure  
of the Province of Alberta, or his duly  
authorized representative and sealed

  
\_\_\_\_\_  
MIKE MAGATHAN  
ACTING EXECUTIVE DIRECTOR  
REALTY SERVICES



Schedule A

LAND TITLE CERTIFICATE

|              |             |              |
|--------------|-------------|--------------|
| S            |             |              |
| LINC         | SHORT LEGAL | TITLE NUMBER |
| 0034 500 307 | 1025452;1;1 | 102 341 697  |

LEGAL DESCRIPTION

PLAN 1025452  
BLOCK 1  
LOT 1  
CONTAINING 431 HECTARES (1065.02 ACRES) MORE OR LESS  
EXCEPTING THEREOUT:

|                        | HECTARES | (ACRES) | MORE OR LESS |
|------------------------|----------|---------|--------------|
| A) PLAN 1025453 - ROAD | 34.2     | 84.51   |              |

EXCEPTING THEREOUT ALL MINES AND MINERALS

ATS REFERENCE: 4;9;88;1;S  
ATS REFERENCE: 4;9;88;1;NW  
ATS REFERENCE: 4;9;88;2  
ATS REFERENCE: 4;9;88;3;NE  
ATS REFERENCE: 4;9;88;10;SE  
ATS REFERENCE: 4;9;88;11;S  
ESTATE: FEE SIMPLE

MUNICIPALITY: REGIONAL MUNICIPALITY OF WOOD BUFFALO

REFERENCE NUMBER: 102 341 695

| REGISTERED OWNER(S) |            |               |       |               |
|---------------------|------------|---------------|-------|---------------|
| REGISTRATION        | DATE (DMY) | DOCUMENT TYPE | VALUE | CONSIDERATION |
| 102 341 697         | 27/09/2010 | ROAD PLAN     |       |               |

OWNERS

HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA  
AS REPRESENTED BY THE MINISTER OF INFRASTRUCTURE  
OF 6950-113 ST  
EDMONTON  
ALBERTA T6H 5V7

( CONTINUED )

-----  
ENCUMBRANCES, LIENS & INTERESTS

PAGE 2  
# 102 341 697

REGISTRATION  
NUMBER DATE (D/M/Y) PARTICULARS  
-----

102 341 686 27/09/2010 CAVEAT  
RE : UTILITY RIGHT OF WAY  
CAVEATOR - ATCO ELECTRIC LTD..  
10035-105 STREET  
EDMONTON  
ALBERTA T5J2V6  
AGENT - SHAR SCHAMEHORN

102 341 687 27/09/2010 CAVEAT  
RE : UTILITY RIGHT OF WAY  
CAVEATOR - ATCO ELECTRIC LTD..  
10035-105 STREET  
EDMONTON  
ALBERTA T5J2V6  
AGENT - SHAR SCHAMEHON

102 377 993 26/10/2010 CAVEAT  
RE : UTILITY RIGHT OF WAY  
CAVEATOR - ENBRIDGE PIPELINES (ATHABASCA) INC..  
10201 JASPER AVE  
EDMONTON  
ALBERTA T5J3N7  
AGENT - LAURA SPOLETINI

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE  
REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED  
HEREIN THIS 5 DAY OF JANUARY, 2011 AT 11:19 A.M.

ORDER NUMBER:18075205

CUSTOMER FILE NUMBER:



\*END OF CERTIFICATE\*

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE  
SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS  
SET OUT IN THE PARAGRAPH BELOW.

( CONTINUED )

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

# APPENDIX C

## **Historical Resources Act Clearance Letter**

(October 23, 2011)

**Government of Alberta** ■  
Culture and Community Services

Heritage Division  
Old St. Stephen's College  
8820 - 112 Street  
Edmonton, Alberta T6G 2P8  
Canada  
Telephone: 780-431-2300  
[www.culture.alberta.ca/hm](http://www.culture.alberta.ca/hm)

October 26, 2011

Our File(s): 4668-11-0002; 2011-158

Mr. Robb Honsberger  
Pacific Investments and Development Ltd.  
225 - 17<sup>th</sup> Avenue SE  
Calgary, Alberta  
T2G 1H5

Dear Mr. Honsberger:

**SUBJECT:** PACIFIC INVESTMENTS AND DEVELOPMENT LTD.  
FORT MCMURRAY BUSINESS LANDS PROJECT  
SOUTHLANDS 1A INDUSTRIAL DEVELOPMENT  
SECTIONS 1, 2, 3, 10 & 11, TOWNSHIP 88, RANGE 9, W4M  
HISTORIC RESOURCES IMPACT ASSESSMENT  
FINAL REPORT, ARCHAEOLOGICAL RESEARCH PERMIT 2011-158

Staff of the Historic Resources Management Branch (HRMB) of Alberta Culture and Community Services have reviewed a final report prepared by Altamira Consulting Ltd. discussing the results of the Historic Resources Impact Assessment that they have completed for the captioned project.

No new historic resource sites were recorded in the course of this assessment. One previously recorded site (HdOt-1) was revisited. Based on the information provided in this report, staff of the HRMB have indicated that there are no further requirements for this site (HRV 0) and have recommended *Historical Resources Act* clearance for this project.

***HISTORICAL RESOURCES ACT REQUIREMENTS/CLEARANCE***

Pacific Investments and Development Ltd. is granted *Historical Resources Act* clearance to proceed with the development of this project as outlined in this report. However, pursuant to Section 31 of the *Historical Resources Act*, should any archaeological resources, palaeontological resources, Aboriginal traditional use sites and/or historic period sites be encountered during any activities associated with land surface disturbance operations, the HRMB must be contacted immediately. It may then be necessary to issue further instructions regarding the management of these resources.

Should you require additional information or have any questions concerning the above, please contact Dean Wetzel (Land Use Planner, Land Use Planning, Historic Resources Management Branch, 8820 - 112 Street, Edmonton, Alberta, T6G 2P8); at 780-431-2332, fax 780-422-3106 or e-mail [dean.wetzel@gov.ab.ca](mailto:dean.wetzel@gov.ab.ca).

...cont.

*Alberta* ■

**Government of Alberta** ■  
Culture and Community Services

Heritage Division  
Old St. Stephen's College  
8820 - 112 Street  
Edmonton, Alberta T6G 2P8  
Canada  
Telephone: 780-431-2300  
[www.culture.alberta.ca/hm](http://www.culture.alberta.ca/hm)

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SECTIONS 1, 2, 3, 10 & 11, TOWNSHIP 88, RANGE 9, W4M  
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...cont.

*Alberta* ■



# APPENDIX D

## **Memorandum of Agreement Alberta Transportation**

(October 27, 2014)

**MEMORANDUM OF AGREEMENT**

BETWEEN:

**PACIFIC INVESTMENT GP LTD.**

(hereinafter described as "Pacific")

-and-

**HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA  
as represented by the MINISTER OF TRANSPORTATION**

(hereinafter described as "the Minister")

**BACKGROUND**

**WHEREAS** pursuant to Section 2(2) of the *Highways Development and Protection Act*, R.S.A. 2004, title to all provincial highways is vested in the Crown in Right of Alberta;

**AND WHEREAS** pursuant to Section 3 of the *Highways Development and Protection Act*, all provincial highways in the Province of Alberta are subject to the direction, control and management of the Minister, including the north-south highway in northern Alberta known as Provincial Highway No. 63 ("Highway 63");

**AND WHEREAS**, Pacific is the registered owner of certain lands located within the Regional Municipality of Wood Buffalo in the Province of Alberta and intends to proceed with the development of those lands as a commercial development to be known as the Prairie Creek Business Park, which borders Highway 63;

**AND WHEREAS** the proposed Prairie Creek Business Park is a "development" requiring a permit from the Minister pursuant to Section 4 of the *Highways Development and Protection Regulation*, Alta. Reg. 326/2009;

**AND WHEREAS** the Minister is willing to provide Pacific with the required authorizations and permits subject to the terms and conditions as set forth in this Agreement;

**AND WHEREAS**, the parties have determined that proper access to the Prairie Creek Business Park will require the construction of points of access located at Government Road Allowance, Crown Avenue and King Way to ensure proper access and to ensure the safe operation of Highway 63 for the protection of the travelling public;

**NOW THEREFORE**, in consideration of the following terms and conditions, the Minister and Pacific agree as follows:

**1. Definitions and Interpretation**

In this Agreement the following terms shall have the following meanings, respectively:

“Agreement” means this agreement including Schedule “A”, which is attached and forms part of this agreement;

“Access” means the access to and from the Development from Highway 63 to be located at Government Road Allowance, Crown Avenue and King Way;

“Approved Methodologies” means professionally developed and industry approved methodologies and related technical information set out in the Traffic Impact Assessments that have been provided to the Minister, all as updated by Pacific from time to time, in addition to any new Traffic Impact Assessments that may be prepared by Pacific and delivered to the Minister;

“Development” means the Prairie Creek Business Park located on the Lands comprising approximately 780 developable acres;

“Effective Date” means the effective date of this Agreement, which is the date this Agreement is executed by the Minister;

“HDP Regulation” means the *Highways Development and Protection Regulation*, Alta. Reg. 326/2009;

“Lands” means the lands described as Plan 1025452, Block 1, Lot 1, containing 431 Hectares (1,065.02 acres) More or Less, Excepting thereout: Road Plan 1025453- 34.2 Hectares (84.51);

“Parties” or “Party” mean the Minister and Pacific or either of them;

“Specifications” means all specifications and requirements imposed or required by the Minister with respect to transportation improvements and include, but are not limited to,

- (i) Standard Specifications for Highway Construction—Edition 15, 2013 as supplemented by Specification Amendments for Highway and Bridge Construction—Edition 14, 2010,
- (ii) Specifications for Bridge Construction, Edition 15, 2013,
- (iii) Engineering Consultant Guidelines for Highway and Bridge Projects, Transportation—Volume 1, 2011 and Volume 2, 2013,
- (iv) Environmental Construction Operations Plan (ECO Plan) Framework, May 2005,



- (v) Design Guidelines For Erosion and Sediment Control for Highways, March 2003 (Revised May 2003),
- (vi) Traffic Accommodation in Work Zones – Edition 1, 2008,
- (vii) Alberta Transportation Design and Construction Bulletins,
- (viii) Alberta Transportation Highway Geometric Design Guide,
- (ix) Alberta Transportation Roadside Design Guide, November 2007, and
- (x) Highway Capacity Manual (HCM), 2000;

“Stage 1 and Stage 2” means the development of that part of the Lands identified in Schedule “A”;

“Stage 1 and Stage 2 Development Permit” means a development permit issued by the Minister pursuant to the HDP Regulation for the development of Stage 1 and Stage 2;

“Stage 3” means the development of all or part of the remaining part of the Lands following completion of Stage 1 and Stage 2, as identified in Schedule “A”;

“Stage 3 Development Permit” means a development permit issued by the Minister pursuant to the HDP Regulation for the development of all or part of Stage 3.

## **2. Stage 1 and Stage 2 Development**

2.1 The Minister hereby authorizes the construction of Stage 1 and Stage 2 of the Development as a “development” pursuant to Section 4 of the HDP Regulation. The Minister shall provide the Stage 1 and Stage 2 Development Permit to Pacific following receipt and approval of the design and construction schedule for the Access at Government Road Allowance and at Crown Avenue.

2.2 Upon issuance of the Stage 1 and 2 Development Permit, Pacific may commence Stage 1 and Stage 2 of the Development and proceed to develop the maximum number of acres identified in Schedule “A” pursuant to the conditions of the Stage 1 and 2 Development Permit.

2.3 The Parties acknowledge and agree that the Stage 1 and 2 Development Permit applies to Stage 1 and Stage 2 only and to the maximum number of acres identified in Schedule “A” and that Pacific must apply for separate development permits for Stage 3 of the Development.

2.4 Pacific shall be responsible at its sole cost for the construction and installation of the Access to be located at Government Road Allowance and Crown Avenue to provide access to Stage 1 and Stage 2.

2.5 The Government Road Allowance and Crown Avenue Access shall be designed, installed and constructed in accordance with the Specifications.

### **3. Stage 3 Development**

3.1 Pacific may apply at any time for a Stage 3 Development Permit, provided that it is acknowledged and agreed that the Minister shall issue a Stage 3 Development Permit only after being reasonably satisfied that the following requirements have been met:

- (a) Pacific has provided to the Minister all relevant technical information developed in accordance with the Approved Methodologies, including the design and construction schedule for the Access proposed to accommodate Stage 3;
- (b) the Access proposed to accommodate Stage 3 is consistent with the Approved Methodologies and the Specifications; and
- (c) the King Way Access, together with the Crown Avenue Access and the Government Road Allowance Access, provides access to the Development consistent with the Approved Methodologies for a period of 20 years from the issuance of the final Stage 3 Development Permit.

3.2 In the event the proposal for Access does not meet the requirements set out in Section 3.1, following consultation with Pacific, the Minister may issue a Stage 3 Development Permit for a lesser area of developable acres such that the Stage 3 of the Development complies with the requirements set out in Section 3.1.

3.3 In the event the Minister issues a Stage 3 Development Permit under Section 3.2, Pacific may apply at any time for a Stage 3 Development Permit for the remainder of the Development, provided that the requirements set out in Section 3.1 are met.

### **4. King Way Access**

4.1 Pacific will be responsible at its sole cost for the design, construction and installation of the King Way Access to provide access to the Development.

4.2 The King Way Access will be designed, installed and constructed in accordance with the Specifications.

4.3 The King Way Access may be completed any time after the Stage 3 Development Permit has been issued by the Minister, provided that the Access is designed, installed and constructed in accordance with the Specifications.

### **5. General Terms and Conditions**

5.1 Each Party (each a "Recipient") shall maintain in confidence any confidential information provided by or on behalf of the other Party (the "Disclosing Party") in the course of the performance of this Agreement. The Recipient shall not disclose any such confidential information to any third party nor use such confidential information for any purpose other than the purpose for which it was provided or the performance of the Recipient's obligations hereunder, without the prior written consent of the Disclosing Party. For certainty, when used herein, "confidential information" shall not include any information: (a) known to the Recipient prior to it being provided by or on behalf of the Disclosing Party; (b) which, at the time of

disclosure, is in the public domain; or (c) obtained by the Recipient from a third party who did not receive it in confidence directly or indirectly from the Disclosing Party or its representatives. In the event that Recipient is required to disclose the Disclosing Party's confidential information pursuant to any Applicable Law or an order from a court of competent jurisdiction, Recipient shall only disclose such portion of the confidential information that it is legally required to disclose, and shall use all reasonable efforts to obtain confidential treatment for any confidential information so disclosed. Recipient shall promptly notify the Disclosing Party of the required disclosure and any relevant information in respect thereto so that the Disclosing Party may take appropriate steps to protect such confidential information from such disclosure.

5.2 Either Party may, by notice in writing, appoint a representative to act on its behalf in matters pertaining to this Agreement.

Notices or communications required or desired to be given pursuant to this Agreement may be given to the Minister by delivery to or by mail addressed:

**Regional Director, Fort McMurray Region  
Alberta Transportation  
3rd Floor, Twin Atria Building  
4999 – 98 Avenue  
Edmonton, Alberta, T6B 2X3**

Notices or communications required or desired to be given pursuant to this Agreement may be given to Pacific by delivery to or by mail addressed:

**President  
Pacific Investments & Development Ltd.  
223- 17<sup>th</sup> Avenue S.E.  
Calgary, AB T2G 1H5**

Either party may change its address by advising the other party in writing.

Proof of the giving of any notice not sent by registered mail shall be on the party giving the same. Notices mailed shall be deemed to have been given at the time they would be delivered in the ordinary course of mailing.

5.3 The Parties agree to give this Agreement a fair and reasonable interpretation and application and, when required, to negotiate with fairness and candor for any modifications or alterations thereof for the purpose of carrying out the intent of this Agreement and rectifying any omission in any of these provisions.

5.4 This Agreement contains the entire agreement of the Parties concerning the subject matter of this Agreement and no other understandings or agreements verbal or otherwise exist between the Parties.

5.5 No waiver of any breach of a covenant or provision of this Agreement shall take effect or be binding upon a Party unless it is expressed in writing. A waiver by a Party of any breach shall not limit or affect that party's rights with respect to other or future breach.



5.6 Each Party agrees to from time to time and at all times hereafter, without further consideration, do and perform all such further acts and execute and deliver all such further assignments, notices, release and other documents and instruments as may reasonably be required to more fully effect or assure the rights and obligations of the parties as provided herein.

5.7 Pacific shall not be an agent of the Minister for any purpose and have no authority to bind the Minister in any manner. The Minister shall not be an agent of Pacific for any purpose and have no authority to bind Pacific in any manner.

5.8 Pacific shall not assign, transfer or dispose, in whole or in part, of this Agreement or any of the rights and privileges conferred hereby without first obtaining the written consent of the Minister, which consent may not be unreasonably withheld.

5.9 Pacific acknowledges and agrees that at any time prior to the completion of the Interchange if Pacific transfers its interest in the Development to a third party, Pacific will notify the Minister no less than 30 days prior to such transfer taking effect and will assign this Agreement to the transferee of Pacific's interest.

5.10 This Agreement may be executed in counterparts, in which case the Parties acknowledge and agree that (i) the counterparts together shall constitute one Agreement; and (ii) communication of execution by fax transmission or e-mailed in PDF format shall constitute good delivery.

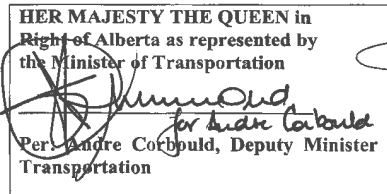

#### 6. Term and Termination

6.1 The term of this Agreement shall be from the Effective Date and will expire upon the completion of the Access, unless the Agreement is terminated sooner.

6.2 Either party may terminate this Agreement by notice in writing to the other party providing no less than six months' notice.

6.3 Termination of this Agreement shall not affect any permit that may have been issued by the Minister pursuant to the HDP Regulation.

IN WITNESS WHEREOF the Parties hereto have executed this Agreement on the 27 day of OCTOBER, 2014.

|   |  |
|---|--|
| HER MAJESTY THE QUEEN in<br>Right of Alberta as represented by<br>the Minister of Transportation<br><br>Per: Andre Corbould, Deputy Minister of<br>Transportation | PACIFIC INVESTMENT GP LIMITED<br><br>Name:<br>Authorized Representative: |
|---|--|



# SCHEDULE "A"

to the Memorandum of Agreement

