Planning & Development Report to
Priorities and Finance Committee
2017 June 6

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STRATEGIC GROWTH AND OUTLINE PLAN APPLICATIONS IN DEVELOPING AREAS

EXECUTIVE SUMMARY

The City has a number of policies and tools available to help facilitate logical, strategic and efficient growth in new communities. Strategic growth policy, infrastructure planning, and the decisions in the capital and operating budgets guide development in a way that is financially sustainable and helps achieve the goals of the Municipal Development Plan.

Through several initiatives in the Industry/City Work Plan directed by Council in 2016 January, Administration has worked with the development and building industry to clarify how strategic growth and infrastructure funding issues are considered in the planning process. A number of developers have shown strong interest in continuing to invest in Calgary, and have expressed concern that current processes for advancing planning do not allow them to achieve this goal.

In order to provide more detailed information about proposed development patterns and required servicing, Industry has indicated a preference to have combined Outline Plan and Land Use applications received earlier in the process, ahead of the resolution of infrastructure and service issues,. The potential for greater clarity and process efficiency exists if the submission of combined Outline Plan and Land Use applications are allowed prior to resolution of infrastructure funding solutions. Provided these solutions are approved by Council prior to Administration's recommendation to Calgary Planning Commission on the Outline Plan/Land Use application, risks associated with an earlier intake of applications are reduced. However, if infrastructure funding issues are not resolved, or if applications do not align with strategic growth policy, Administration will recommend refusal of these applications. Council remains the final decision maker on strategic growth, City financial matters and land use approval.

This report outlines a recommendation to amend policy language in the Municipal Development Plan. As a result, developers in all Area Structure Plans would have the ability to submit combined Outline Plan and Land Use applications. Administration reviews applications and considers infrastructure requirements, budget availability, and strategic growth alignment in making Outline Plan, Land Use and financial recommendations to Council. This work forms part of broader efforts to improve The City's strategic growth decision-making processes.

Administration is also seeking direction to work with Industry to ensure combined Outline Plan and Land Use application fees are based on full cost recovery, in order to mitigate the City resources employed on the reviews.

ADMINISTRATION RECOMMENDATION(S)

Administration recommends that the Priorities and Finance Committee:

1. Forward this report directly to the July 31 Combined meeting of Council, and that Council:

    a. Hold a public hearing on the proposed bylaw set out in Attachment 6;

    b. Give three readings to the proposed bylaw; and

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    c. Direct Administration to continue working with Industry on developing process for strategic growth analysis and decisions, and bring an update report to the Priorities and Finance Committee no later than 2018 Q1; and

2. Direct Administration to develop, working with Industry, a proposed full cost recovery fee for combined Outline Plan and Land Use applications, and bring forward a supplementary report to the July 31 meeting of Council.

RECOMMENDATIONS OF THE PRIORITIES AND FINANCE COMMITTEE, DATED 2017 JUNE 06:

That Council:

1. Hold a public hearing on the proposed bylaw **31P2017** as set out in Attachment 6;

2. Give three readings to the proposed bylaw **31P2017**;

3. Direct Administration to continue working with Industry on developing process for strategic growth analysis and decisions, and bring an update report to the Priorities and Finance Committee no later than 2018 Q1.

Excerpts from the Minutes of the Regular Meeting of the Priorities and Finance Committee, held 2017 June 06:

"CLERICAL CORRECTIONS

Clerical Corrections were noted in Report PFC2017-0480, and the distributed revised Page 1, as follows:

• By deleting the word "Recommendation 1", wherever it occurs in the Report and substitute the words "Recommendation 1a";
• By deleting the words "Recommendation 2", wherever it occurs in the Report and substitute the words "Recommendation 1b";
• By deleting the words "Recommendation 3", wherever it occurs in the Report and substitute the words "Recommendation 2"; and
• By deleting the words "Recommendation 4", wherever it occurs in the Report and substitute the words "Recommendation 1c"."

"DISTRIBUTION

At the request of Administration and with the concurrence of the Mayor, the Acting City Clerk distributed copies of the following document, with respect to Report PFC2017-0480:

• A revised Page 1 to Report PFC2017-0480"

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PREVIOUS COUNCIL DIRECTION / POLICY
In 2012, Council approved the use of Growth Management Overlays (Overlay) in individual Area Structure Plans (ASP) in order to manage a number of issues, including growth related funding gaps and strategic alignment with Council priorities.

In 2013, through the C2013-0057 New Area Structure Plan Process report, Council endorsed the continued use of Overlays and identified the need to resolve infrastructure funding gaps prior to making a recommendation on the merits of a combined Outline Plan and Land Use (OP/LU) application to Calgary Planning Commission. A review process based on this principle was approved by Council in Attachment 4 of that report.

Between 2012 and 2017, Council approved ten Area Structure Plans with Growth Management Overlays – Keystone Hills (15P2012), Belvedere (2P2013), South Shepard (10P2013), Rangeview (26P2014), Cornerstone (28P2014), Haskayne (27P2015), Nose Creek (46P2015), Providence (48P2015), Glacier Ridge (49P2015) and East Stoney (23P2017). All or a portion of the Overlay has subsequently been removed in the Keystone Hills, Cornerstone, and Rangeview ASPs. The different implementations of the Overlay are described in Attachment 1 and provided in a map as Attachment 2.

On 2013 December 2, Council approved amending the Municipal Development Plan (MDP) to include the New Community Planning Guidebook. Section 4.3 of the New Community Planning Guidebook provides the Urban Growth Policies for all ASPs approved after 2013, with the exception of East Stoney, where the policy is guided by NM2016-09, approved by Council on 2016 March 7.

On 2016 January 11, as part of C2016-0023 Off-site Levy Bylaw report, Council directed Administration to "implement the key deliverables of the 2016 work plan to address issues that arose through this process".

BACKGROUND
Urban Growth Policy in Area Structure Plans
ASPs are initiated and ultimately must be approved by Council to provide a policy foundation for development in planning areas within the city. Historically, these plans were funded by The City, and the rationale for initiating an ASP was a function of planned land supply in new communities, funding status of required capital and operating expenses, and availability of City resources for Plan development. Prior to 2012 when the first Overlay was approved for the Keystone Hills ASP, there was no explicit policy included to link the submission of OP/LU applications to financial capacity, though reviewing OP/LU submissions in areas without ASPs was cautioned by Administration given the lack of local area planning. This report refers to these ASPs as "pre-2012 ASPs", and the West Macleod ASP is an example.

In 2012, the Growth Management Overlay was introduced and included in newly approved ASPs to help manage resolution of strategic growth and infrastructure funding considerations, and as part of the process leading to development in ASP areas. An Overlay is in place for unserviced or pre-development lands when required City funded infrastructure or servicing is not included in Council approved budgets. For lands with an Overlay, a developer can submit a

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Growth Management Analysis/Business Case that demonstrates how unfunded infrastructure and services can be delivered through a developer supported funding agreement and/or servicing proposal, and how the development is aligned with strategic growth policy. Attachment 1 describes how the Overlay has been implemented in approved ASPs.

For ASPs approved in 2012 and 2013, the presence of an Overlay meant that OP/LU applications could be received by The City, however, the policy provided that land use could be approved subsequent to the removal of the Overlay. The Overlay removal is achieved through an amendment to the ASP. Three ASPs fall within this grouping, being Keystone Hills, Belvedere, and South Shepard. This report refers to these three ASPs as "pre-developer funded ASPs".

In 2013, Council's approval of C2013-0057, New Area Structure Plan Process, set in motion the developer funded ASP model. This report added a process element associated with Council's decision-making purview over strategic growth and financial considerations. A developer could seek to have an Overlay removed by bringing forward a Growth Management Analysis with a funding proposal for unfunded City infrastructure and services. The submission is reviewed by Administration, and a recommendation made to the Priorities and Finance Committee (PFC). The PFC makes a recommendation to Council, resulting in an ASP amendment decision to remove, or not to remove, the Overlay. Once an Overlay is removed, the OP/LU can proceed into review and to Council via Calgary Planning Commission. The requirements for Overlay removal, to be addressed through a Growth Management Analysis, are described in Volume 2: Part 1, Section 4.3.1(d) of the New Community Planning Guidebook in the MDP. These policies are also appended to this report as Attachment 3. This process aligns with language in Part 5.2.5 of the MDP that indicates "as the land use approving authority, The City has an obligation to provide essential infrastructure when it grants land use approvals for new developments, including core services such as water, wastewater, roads and fire and police services".

Between 2014 and 2016, Council approved six ASPs with Overlay policy direction that requires the portion of the Overlay that applies to the site be removed prior to receiving an OP/LU application for that site. Administration's review would then occur once the Overlay is removed. This grouping of ASPs includes Rangeview, Cornerstone, Haskayne, Nose Creek, Providence, and Glacier Ridge. The policy resides in the New Community Guidebook, which is a part of the MDP, and is referenced in each ASP. This report refers to these six ASPs as "developer funded ASPs".

Whereas the three pre-developer funded ASPs permitted OP/LU applications to be submitted in advance of Overlay removal, the six developer funded ASPs require OP/LU applications to be submitted after Overlay removal.

When an OP/LU application is received, a fee is assessed based largely on the number of hectares included in the subject lands. The fee is a combination of the Land Use component, the Outline Plan component, and frequently a Road Closure component, plus advertising and processing fees. OP/LU application sizes in a greenfield area can vary widely, however a typical application for one quarter section of land (~65 hectares) would result in a fee of $60,000 to

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$65,000. The area of the OP/LU application does not directly indicate the amount of effort or time that is required by Administration to process the application.

Through two of the Industry/City Work Plan initiatives, Phasing Growth and Funding Growth, Administration has been working with Industry members since early 2016 to establish a process that provides a growth analysis review for developers who wish to present their lands for strategic investment. This work also includes evaluating alternate funding mechanisms for both required capital and operating costs that are not included in approved City budgets.

In the fall of 2016, Administration invited developers in areas with Overlays to submit business cases. A developer's purpose in submitting a business case is to seek City funding or propose funding solutions for outstanding infrastructure that could result in Overlay removal and allow development to proceed. Administration's goal through this work is to better understand the specific development opportunities, and review required infrastructure and servicing needs with each developer. Since the initiation, Administration has received eight business cases submitted by developers in seven different ASPs. Each business case includes a pre-Outline Plan level of infrastructure analysis and a capital/operating funding proposal. Also included are an economic benefit summary and an explanation of how the development would help achieve the goals of the MDP and Calgary Transportation Plan (CTP).

Administration has established a framework to review these business cases. This process has provided valuable information about the types of funding proposals for infrastructure that The City is likely to receive with OP/LU applications, though there are a number of process issues still to resolve. Prior to completing this work, BILD Calgary Region submitted a letter requesting a review of the Overlay policy. Since the request was received, Administration has continued to evaluate the business case submissions and work with developers to clarify their proposals.

BILD Calgary Region Letter
In 2017 March, BILD Calgary Region submitted a letter (Attachment 4) to Administration requesting a review of the Overlay policy as it pertains to developer funded ASPs, as the current policy does not allow submission of OP/LU applications prior to Overlay removal. The letter requested that The City consider receiving OP/LU applications in ASPs ahead of Overlay removal. Several Industry concerns were identified in the letter, including seeking additional clarity on a path forward for developers who wish to invest in community development and a desire for planning work to proceed and be positioned to respond to changes in City budgets or market conditions. There was also a question about how the business case process, initiated by Administration in late 2016, would factor in decisions.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Review of BILD Letter and Request
Administration thoughtfully considered the request from BILD Calgary Region. Administration understands the request to be that the policy in the New Community Guidebook in the MDP be amended to allow submission of OP/LU applications in the five developer funded ASP areas that have a full or partial Overlay in place. (The Cornerstone ASP, also a developer funded ASP, has already had its Overlay fully removed.) This amendment would allow developers in

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any existing ASPs to submit an OP/LU application, and the Overlay removal would occur prior to land use approval.

Two alternatives were identified after consideration of the concerns outlined in the letter and following engagement through the Industry/City Work Plan. Attachment 5 illustrates the differences between the two options. The analysis focuses on the developer funded ASP approach, as the recommended amendment to the MDP only affects those ASPs that adopt the Guidebook policies. If the amendment to the MDP is approved, the three pre-developer funded and the five remaining developer funded ASPs would all include policy that would allow developers to submit an OP/LU application prior to the Overlay being removed.

Option 1: Require Overlay Removal <u>Prior to Receiving</u> Combined Outline Plan/Land Use Application (Status Quo)
This is the existing process, and is described in the Background section and in Attachment 1. Overlay removal is required prior to approval of OP/LU application for some ASPs, but in developer funded ASPs that adopt the MDP Guidebook policies, Overlay removal is required prior to receiving OP/LU applications.

Option 2: Require Overlay Removal <u>Prior to Approval</u> of Combined Outline Plan/Land Use Application
This option would allow OP/LU applications to be submitted by developers prior to resolving required infrastructure and services funding issues, and prior to decision-making on strategic growth. The removal of the Overlay shifts from prior to receiving an OP/LU application submission to prior to approval of an OP/LU for developer funded ASPs. In this option, OP/LU applications could proceed and the Overlay removal would continue to be contingent on resolving all infrastructure and servicing issues, and on articulating strategic growth merits to the satisfaction of Council.

Analysis and Conclusion
The developer funded ASP process set up a new framework whereby developers could self-fund the development of an ASP. As a new framework, it is natural for there to be some learnings as the framework is implemented. Administration, and in particular the Calgary Growth Strategies team, the Directors' Integrated Growth Committee (DIGC), and the General Managers' Strategic Growth Committee (GMSGC), have given due attention to, and consideration of, the BILD request.

Administration's analysis concluded that Option 2 – *require Overlay Removal Prior to Approval of Combined Outline Plan/Land Use Application* – should be recommended to Council, through the Priorities and Finance Committee, for consideration. The reasons for, and benefits of, Administration's recommendation are:

- Supports continued planning for newly developing areas, which is aligned with the developer-funded ASP model, while maintaining Council's authority over strategic growth area decision-making, and the complementary decision-making for infrastructure, services and associated funding.

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- At the level of detail provided by the OP/LU review process, developers have the opportunity to present their lands as strategic growth and to make proposals for addressing unfunded City infrastructure and services. This may also address a concern that the high level approach of the business case process has not yet been able to resolve infrastructure capacity questions fully.
- For both the developer and The City, a greater level of detail in the Outline Plan process provides improved information sharing between the infrastructure analysis (for Overlay removal) and planning review (for OP/LU approval).
- Existing business case and pre-application processes are expected to continue to be used, and complement this recommendation.
- Consistency with the pre-developer funded model, and thereby adopting a single practice for ASPs with Overlays.
- Supports development industry work during a difficult economic period.
- Responsive to a request from industry and customers.

There were factors Administration considered that did not favour this recommendation. There is a concern that application reviews could commence, leading to raised expectations that the applications represent strategic growth and that funding issues are resolvable, and therefore can be approved, when in fact financial practices and policy alignment may not show this to be case. Further, that the additional work required to process these applications might compete with existing priorities.

Administration believes the benefits outweigh these factors and risks, and hence Administration is recommending that the five remaining developer-funded ASPs be subject to the provision that Overlay removal is required prior to OP/LU approval, as compared to prior to receiving an application. This recommendation would be effected through Recommendations 1 **a.** and **1 b.** of this report, whereby the proposed bylaw in Attachment 6 would amend MDP Volume 2: Part 1, 4.3.1 (d). To allow sufficient time for advertising to support a public hearing on the matter, this report would need to be considered at the July 31 Combined Meeting of Council.

Administration believes there should also be mitigation for the factors identified above, and has two proposals in this regard.

First, Administration plans to work with Industry to ensure enhanced communication is a priority at the "pre-Outline Plan" stage. It will be important for developers to be made aware of infrastructure and servicing hurdles prior to submission. In this way, developers can make informed decisions about submitting OP/LU applications. Through the Industry/City work plan initiatives, Administration will work to augment the pre-application process to include strategic growth and infrastructure reviews beyond the current practice, and provide written communication to developers on the likelihood of Administrative support.

Second, Administration is proposing a full cost recovery fee for OP/LU applications. The intent of the fee would be to support any applicant in their consideration of the investment and risks associated with an OP/LU application, and as well to ensure Administration has sufficient resources to conduct both current work, and the potential for an increased number of OP/LU

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applications, and the associated workloads. A cost recovery model would likely be consistent with the approach taken for developer-funded ASPs.

One factor to consider regarding a full cost recovery fee structure is whether it would apply to all combined OP/LU applications, including for those areas without Overlays or which have Overlays but are currently subject to the requirement for Overlay removal prior to OP/LU application submission. Administration would consider this issue as part of the supplementary report, referenced in recommendation **2**.

Should the Priorities and Finance Committee concur with the Recommendation **2.** in this report, Administration would engage with Industry to develop a proposed fee, and submit a supplementary report to this report, at the July 31 Council meeting.

Additional Technical Matter
A recent issue that has arisen is that of areas where there is both a current development and an Overlay in place for the site, and an applicant who wishes to submit an OP/LU application that would not have an infrastructure or servicing impact. Administration believes the Overlay was not intended to limit consideration or approval of applications in this circumstance, and has consequently included an additional amendment to address this as part of the proposed bylaw in Attachment 6. The amendment would allow OP/LU applications that do not trigger an infrastructure servicing impact to proceed without Overlay removal. The Overlay would remain in place until fully serviced urban development is proposed.

Continuing to Work Toward Improved Strategic Growth Analysis and Decision Making
Together, the MDP, its policies and the Overlay process are intended to improve strategic growth analysis and decision-making. As noted earlier in this report, Industry and Administration have been conducting considerable work toward establishing improved processes, information and communications, and expectations. Growth considerations affect The City's ability to implement planning policy, deliver on budget expectations, and maintain financial sustainability. A more robust framework and process can be established.

As the framework and process is expected to include Council, from the perspective of receiving information and decision-making, Administration is proposing an additional recommendation to this report – one that confirms strategic growth analysis and decision-making work between Industry and Administration should continue – and that Council receive an update on this work by 2018 Q1. Administration is proposing that the Priorities and Finance Committee, and Council, confirm this direction through Recommendation **1 c**. to this report.

Stakeholder Engagement, Research and Communication
As this topic is a key focus of the Phasing Growth initiative of the Industry/City Work Plan, extensive engagement was carried out. A group of Industry representatives and City staff have met biweekly for over a year discussing concerns and evaluating options.

Within Administration, this topic has been discussed a number of times with cross-corporate teams including the Directors Integrated Growth Committee (DIGC) and the General Managers Strategic Growth Committee (GMSGC).

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If Council chooses to support these recommendations, a significant change management effort and communication plan will be necessary. This plan would engage both developers and landowners as well as to Administration. The current policy and practices are well ingrained and it will be important to communicate to stakeholders what is changing and the benefit of these changes.

Strategic Alignment
The proposed amendment will better align Council direction to guide the review of OP/LU applications with Overlays.

In Part 5 of the MDP, there is language calling for The City to provide essential infrastructure when granting land use for new developments, as well, that "municipal capacity to finance growth shall be priority consideration in growth and change decisions including ... major land use applications". The proposed amendment remains aligned with this by requiring that Council removed the Overlay prior to land use approval.

Strategic alignment will be a key consideration in the review of OP/LU applications and Growth Management Analysis and Business Case reviews. Recommendations will be made to Council in alignment with the MDP, CTP and relevant ASP policy.

Social, Environmental, Economic (External)

Social
There are no social impacts directly arising from this report.

Environmental
There are no environmental impacts directly arising from this report.

Economic (External)
Industry has indicated that the current policy is deterring private investment in developing communities. Therefore, the recommended policy change should be expected to help retain or increase investment in planning work and result in greater investment of private capital.

Financial Capacity
 Current and Future Operating Budget:
The recommended policy change is likely to lead to an increase in volume of combined Outline Plan and Land Use applications. While these applications are subject to a fee, this fee is a function of the area of the application and not the City resources applied. In order to mitigate this, Administration is recommending a full cost recovery fee be developed in consultation with Industry and brought forward as part of a supplementary report to the July 31 meeting of Council for consideration.

 Current and Future Capital Budget:
There are no impacts to current and future budgets as a result of this report. Capital budget decisions will continue to be made using current methods. The amendments recommended through this report should not bind The City to fund infrastructure or servicing in any application

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area. Funding decisions will be made as applications come forward to Council, or through future budget and service plans.

Risk Assessment

- **Managing expectations** A developer's decision to make an OP/LU application is a significant investment. There is a risk of increased developer expectation for approvals. As strategic growth and infrastructure funding issues are significant hurdles, Administration will work to communicate the likelihood of approval before and during any reviews in order to manage expectations. Recommendation **1 c.** is intended to address this.
- **Facilitating OP/LU applications without infrastructure servicing impacts** If the MDP is not amended, the inability to facilitate OP/LU applications that do not trigger servicing impacts remains.
- **Cumulative effects** As OP/LU applications with Overlays will proceed to Council one by one there is a risk that growth decisions will be made in isolation. It will be important to track and report to Council on the cumulative impact to City finances and strategic growth goals.
- **Decision making** An OP/LU application with an Overlay has strategic growth, financial and planning components proceeding concurrently. It is important to separate the decisions related to the Overlay removal and the planning merits related to the Outline plan and Land Use. There is a risk that all of these components will merge towards the end of the review, affecting the ability to make distinct decisions.
- **Outdated OP/LU application reviews** This amendment raises the possibility that an OP/LU application could be received but the Overlay is not removed for financial or strategic growth reasons and the OP/LU cannot be approved. At this point, significant work and expense will have occurred on the part of both the developer and The City. The OP/LU proposals may become outdated as standards and market trends change, resulting in a requirement for the work to either be redone or reviewed a second time.
- **City Resourcing of OP/LU Reviews** Typically, outline plan and land use reviews are a low volume yet complex process that involve multiple Corporate Planning Applications Group (CPAG) and agency generalists and specialists, and require considerable developer investment of effort and resources. To address Administration's readiness for additional outline application reviews, while maintaining efforts on other planning priorities, Administration anticipates needing to increase its outline plan capacity and capability, throughout the CPAG team. Administration is in the early stages of implementing a plan, including staff training, to address this issue. Implementation of this plan will be underway in parallel with the anticipated receipt of OP/LU applications, starting in August, and will continue for some months thereafter. Administration will work with industry on outline plan review process effectiveness and efficiency, and expectations.

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REASON(S) FOR RECOMMENDATION(S):
It is important for developers to have an opportunity to pursue development of their lands, and receiving OP/LU applications is aligned with this objective. This approach is supported by Industry as it provides greater flexibility on receiving applications. As Council remains the decision maker on strategic growth, financial, and planning matters, reviewing applications with a cost recovery fee structure reduces the risk for The City and creates an added benefit to Industry. Through the Industry/City Work Plan, work will continue to proceed concerning cost recovery for applications, and strategic growth analysis and decision-making.

ATTACHMENT(S)
Attachment 1: Comparison Analysis of Growth Management Overlays
Attachment 2: Map of Area Structure Plans with Growth Management Overlays
Attachment 3: New Community Planning Guidebook MDP Volume 2: Part 1, 4.3
Attachment 4: Letter from BILD Calgary Region, March 10 2017 (Revised May 3 2017)
Attachment 5: Options Analysis
Attachment 6: Proposed Bylaw **31P2017**