

**Planning & Development Report to
SPC on Planning and Urban Development
2020 April 01**

**ISC: UNRESTRICTED
PUD2020-0272**

New Policy: Providence Area Structure Plan, POL2020-0002 (Ward 13)

EXECUTIVE SUMMARY

The original *Providence Area Structure Plan* (ASP) which was approved by Council on 2015 December 7 was struck down by the Court of Queen's Bench due to a legal challenge regarding Section 633(2)(a)(iv) of the Municipal Government Act (MGA) on 2019 February 22. This Section of the MGA outlines the requirement that all ASPs must show the general location of future infrastructure and utilities, including those required for stormwater management. At the time of completion of the Providence ASP, the Master Drainage Plan for the area was not yet complete and a map showing the general location of stormwater infrastructure was not included in the 2015 version.

The purpose of this report is to bring forward a revised Providence ASP that satisfies the requirements of the Municipal Government Act and the Court's ruling through the addition of (i) a stormwater management concept map based on the approved Master Drainage Plan, and (ii) minor amendments to the stormwater management policies. Apart from a few additional minor revisions through collaboration with Foothills County, the proposed Providence ASP is otherwise unchanged from the 2015 Council-approved plan.

Given that the original Providence ASP has been struck down by the Court, the amended Providence ASP (subject of this report) requires a Public Hearing and adoption by Council as a new policy plan. As a new statutory policy plan, the Providence ASP must be circulated to the Calgary Metropolitan Region Board prior to second and third readings at Council.

Among other City of Calgary source documents, the Providence ASP is to be read in conjunction with the *Municipal Development Plan (MDP) Volume 2, Part 1: New Community Planning Guidebook*.

ADMINISTRATION RECOMMENDATION:

That the Standing Policy Committee on Planning and Urban Development:

1. Direct Administration to prepare a bylaw as outlined in the proposed Providence Area Structure Plan in Attachment 1.
2. Recommend that Council hold a Public Hearing at the 2020 April 27 Combined Meeting of Council; and
 - a. Give FIRST READING to the proposed bylaw, the proposed Providence Area Structure Plan (Attachment 1);
 - b. WITHHOLD second and third readings of the proposed bylaw until Providence Area Structure Plan has been approved by the Calgary Metropolitan Region Board.

PREVIOUS COUNCIL DIRECTION / POLICY

On 2015 December 7, at the Combined Meeting of Council, Council approved the *Providence Area Structure Plan*.

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On 2013 May 27, at the Regular Meeting of Council, Council adopted the Administration Recommendations contained in Report C2013-0077 and directed Administration to commence work on the Providence Area Structure Plan as a Developer Funded ASP.

BACKGROUND

The Providence ASP policies provide a vision and framework for the long-term future development of approximately 816 hectares (2,016 acres) of greenfield land in southwest Calgary. With an anticipated residential population of 32,000 people and approximately 11,000 jobs, this will meet the *Municipal Development Plan's* (MDP) overall community intensity target of 60 people/jobs per gross developable hectare. Policies found in the Providence ASP support sensitive planning, urban design best practices, and good planning principles to create two communities and 10 distinct neighbourhoods.

The plan area is bound to the east by the future Tsuu T'ina Trail (Southwest Ring Road), to the south by Spruce Meadows Trail SW, to the north by the Tsuu T'ina Nation, and to the west by a future planning area. The Municipal District of Foothills is located to the south of the plan area. The Providence ASP lands are at the boundary between the Fish Creek and Pine Creek watersheds. Topography of the lands has gently rolling slopes with a plateau central to the plan area. Run-off on these lands generally drains to the north towards Fish Creek.

On 2015 December 7, Council approved the Providence ASP. Two years later, two land use amendment and outline plan applications for property within the northern portion of the plan area were submitted to The City - one by Dream Developments on 2017 October 18 and the other by Qualico Communities on 2017 December 11. The combined area of the applications comprises less than one fifth of the total area of the Providence ASP lands. Dream's outline plan was approved by Calgary Planning Commission on 2018 November 29 and the land use amendment was approved by Council on 2019 February 4. Dream submitted a development permit for excavation, stripping and grading of the site on 2018 December 10. This development permit application was approved by Administration on 2020 March 11 following the approval of the Master Drainage Plan.

Qualico's outline plan and land use amendment application is still under review as it is dependent on the re-approval of the Providence ASP. Qualico is aware of the delay as they await the approval of the revised Providence ASP.

The 2015 Providence ASP was struck down in 2019 by the Court of Queen's Bench due to a legal challenge regarding Section 633(2)(a)(iv) of the Municipal Government Act (MGA). This MGA Section outlines the requirement that all ASPs must show the general location of future infrastructure and utilities, including those required for stormwater management. At the time of completion of the Providence ASP however, the Master Drainage Plan for the area was not yet complete and a map showing the general location of stormwater infrastructure was not included in the 2015 version of the Providence ASP. On 2016 February 18, a third party brought this forward through a legal challenge to the Court of Queen's Bench on the grounds that the Providence ASP did not include a conceptual stormwater management map. The legal challenge was upheld on 2019 February 22 and the Council-approved 2015 Providence ASP has been quashed, and thus there is no policy plan in effect for these lands.

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INVESTIGATION: ALTERNATIVES AND ANALYSIS

The Providence ASP proposes significant employment and business industrial areas, in addition to residential land uses, to create two complete communities. The employment and business industrial areas on the east side of the plan area will provide for a wide range of uses to be accommodated and will complement the residential land uses on the west side. Two Community Activity Centres will be anchored at both ends of 162 Avenue SW and both will be surrounded by Transit Station Planning Areas and linked together by a Neighbourhood Corridor. 162 Avenue SW will be the gateway to Providence and the spine of the two communities. It will accommodate a Transitway, in the form of dedicated bus lanes, in the median of the street and will provide for mixed uses with an active public realm. Each community will be interconnected with a gridded transportation network and multi-use pathway connections as well as provide for a Community Association Site, Community Retail Centre, Neighbourhood Activity Centres, and Joint Use Sites. A Regional Athletic Park, Emergency Response Station, and High School have also been strategically located in the plan area. The land use policies and land use concept that were approved in the Providence ASP by Council in December 2015 still apply and will remain the same as part of the new proposed Providence ASP.

Over the last year, Administration has been working on finalizing the Master Drainage Plan. Administration accepted and approved the Providence Master Drainage Plan on 2020 February 4. The changes proposed as a result of the completion of the Providence Master Drainage Plan include the incorporation of the stormwater concept map as well as minor updates to the stormwater management policies (pages 31 and 32 of Attachment 1), which are based on the accepted Providence Master Drainage Plan. The inclusion of the stormwater management concept map in the Providence ASP satisfies both requirements of the MGA and the Court of Queen's Bench ruling.

The Providence Master Drainage Plan identifies the capital investment for drainage infrastructure. The City-funded stormwater infrastructure conveying runoff to Fish Creek will consist of a storm trunk (Providence Trunk) and a new outfall to Fish Creek. This infrastructure is expected to be designed in 2020 and built in 2022 by The City. The storm trunk alignment is planned along and within the west side of the Southwest Ring Road (Transportation Utility Corridor) with an outfall to Fish Creek west of the Ring Road. It is noted that ministerial letter of consent will be required from Alberta Transportation to allow for the storm trunk alignment within the Transportation Utility Corridor extended from the Providence ASP lands to the outfall at Fish Creek.

Land use amendment and outline plan applications will be subject to an approved Staged Master Drainage Plan that complies with the Providence Master Drainage Plan, as stated in the Providence ASP stormwater management policies.

Stakeholder Engagement, Research and Communication

In keeping with Administration's standard practices, key stakeholders were circulated information about the new proposed Providence ASP. Two primary landowners within the Providence ASP plan area, Dream and Qualico, were engaged through regular on-ongoing

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meetings throughout the preparation of the Providence Master Drainage Plan and ASP policies. Administration also held meetings with an adjacent landowner over the last year.

As part of the circulation of the ASP to Foothills County, the County requested some minor changes to the ASP. The changes are in regard to the County's name change as well as the addition of two minor policies that speak to collaboration between The City and the County. These changes have been incorporated by Administration in the proposed ASP.

Administration hosted two events with key stakeholders. The first event was a workshop session on 2020 February 13 with Tsuu T'ina Nation Administration, as well as Nation residents who live adjacent to the plan area along 146 Avenue SW. City Administration gave a presentation on the update to the Providence ASP and recent background, including information on stormwater management. Nation Administration and residents did not express any concerns with the Providence ASP regarding stormwater management and were very appreciative of The City taking time to meet with them.

The second event Administration hosted was an information session on 2020 March 3 with landowners within and adjacent to the plan area. There were 14 people who attended the session and conversations mostly focused on Administration giving an update on the recent history of the Providence ASP as well as outlining the next steps and anticipated timelines in the approval process. Many participants were eager to see the Providence ASP approved.

Strategic Alignment

The Providence ASP is to be read in conjunction with the *Municipal Development Plan New Community Planning Guidebook*, the *Calgary Transportation Plan*, the *South Saskatchewan Regional Plan* and other City of Calgary policy and guiding documents. Land within the Providence ASP will be aligned with the Comprehensive Citywide Growth Strategy, which considers the municipal budgeting process for new community growth.

South Saskatchewan Regional Plan (Statutory, 2014)

The Providence ASP is located within the 'City, Town' area as identified on Schedule C: South Saskatchewan Regional Plan Map in the *South Saskatchewan Regional Plan (SSRP)*. While the SSRP makes no specific reference to these sites, the proposal is consistent with policies on Land Use Patterns.

Intermunicipal Development Plan (IDP) for the Municipal District of Foothills and the City of Calgary (Statutory, 2017)

Roughly one quarter of the ASP area falls within the Map 2 Interface Area of the IDP along the southern boundary of the ASP. The purpose of the Interface Area policies of the IDP is to identify cross boundary land use impacts through the development process. The proposed Providence ASP is consistent with the policies identified within the overall IDP.

Municipal Development Plan (MDP) (Statutory, 2009)

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The Providence ASP is identified as a Future Greenfield on Map 1: Urban Structure in the MDP. The MDP provides guidance for the development of new communities through the policies found in the Guidebook. The MDP's overall Community typology sets a minimum density target of 20 units per developable hectare and an intensity target of 60 people/jobs per gross developable hectare. Communities should have distinct neighbourhoods that are developed to provide opportunities for people to live, work, and recreate.

Southwest Regional Policy Plan (Non-statutory, 2006)

The *Southwest Regional Policy Plan* directs lands within its plan area to be planned and developed through the creation of area structure plans that refine The City's broader policy objectives to ensure the development of comprehensively planned residential communities.

Interim Growth Plan (2018)

The Calgary Metropolitan Region Board (the Board) is a provincially legislated entity comprised of elected officials representing The City of Calgary and nine surrounding municipalities. The Board has prepared the Interim Growth Plan and the Interim Regional Evaluation Framework; these documents were approved by Ministerial Order on 2018 December 13 and enable the Board to approve or refuse new statutory plans or plan amendments. The Interim Growth Plan provides planning direction and guidance on certain areas of regional significance related to population and employment growth, land use, infrastructure and services. The recommendation aligns with the policy direction of the Interim Growth Plan. The Providence ASP builds on the principles of the Interim Growth Plan by means of promoting efficient use of land, regional infrastructure, and establishing strong, sustainable communities.

The Interim Regional Evaluation Framework provides member municipalities with criteria to determine when new municipal statutory plans and amendments to existing statutory plans shall be submitted to the Board for approval. As a new statutory policy plan, the Providence ASP must be circulated to the Board for approval following first reading from Council. The anticipated timeline for review and decision by the Board is approximately two months which has been reflected in the project schedule and communicated to the landowner group. After a decision by the Board, the Providence ASP will return to Council for second and third readings.

Social, Environmental, Economic (External)

Social

The Providence ASP aims to create a diverse, inclusive, and comprehensively designed community with opportunities for all people to live, work and recreate. Each of the two communities within the Providence ASP will be interconnected with a gridded transportation network and multi-use pathway connections as well as provide for a Community Association Site, Community Retail Centre, Neighbourhood Activity Centres, and Joint Use Sites. Other social benefits will include a Regional Athletic Park, Emergency Response Station, and High School which have been strategically located in the plan area.

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Economic

The Providence ASP provides long term policy direction that is aligned with The City's New Community Growth Strategy, which seeks to enable strategic growth in new community areas by aligning planning policy, market demand, infrastructure and servicing needs, and City capital and operating budgets. Through the future Community Retail Centres, Community Activity Centres and Employment and Business Industrial Areas, approximately 11,000 jobs are anticipated to be created as part of this plan.

Environmental

The Providence ASP follows climate change principles by planning for walkable, mixed use complete communities that will be served by primary transit. The Environmental Open Space Study Area shown in the proposed Providence ASP illustrates environmentally significant lands which will require further study at the Outline Plan/Land Use Amendment stage. The environmentally significant lands include wetlands, riparian areas, forests, shrublands, and seepage areas (as identified in the Biophysical Inventory completed in 2015).

Financial Capacity

Current and Future Operating Budget:

There are no impacts to the current and future operating budget as a result of this report. There will be impacts to future operating budgets as development progresses. These impacts will be brought forward to Council as part of the comprehensive growth strategy and budget process.

Current and Future Capital Budget:

There are no impacts to the current and future operating budget as a result of this report. Future utility and transportation capital investment will be required to facilitate the buildout of the Providence ASP area. The future capital budget impact will be brought forward to Council as part of the comprehensive growth strategy and budget process.

Risk Assessment

If the Providence ASP is not approved, the future development of the subject lands could be inhibited. As a result, City-funded infrastructure to service the plan area that is planned for construction within the next year could be under-utilized. In addition, future development permit applications for the land owned by Dream Developments, which has already received land use amendment and outline plan approval, would have no statutory local area plan to guide Administration's review of the applications.

Approval of the Providence ASP will allow Administration to complete the review of an existing outline plan and land use amendment application, which is in alignment with the Providence ASP, and bring forward a recommendation to Calgary Planning Commission.

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REASON(S) FOR RECOMMENDATION(S):

The Providence Area Structure Plan aligns with the *Municipal Development Plan* and *Calgary Transportation Plan*. The Providence Area Structure Plan carries the same vision and policies that were originally approved by Council in December 2015, with the additional elements related to stormwater management that will satisfy both the requirements of the *Municipal Government Act* and the Court of Queen's Bench ruling.

ATTACHMENT(S)

1. Proposed Providence Area Structure Plan