

BRIEFING

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Planning & Development Briefing to
SPC on Planning and Urban Development
2020 December 02

ISC: UNRESTRICTED
PUD2020-1310

Response to Motion Arising regarding Land Use Amendment in Alpine Park (Ward 13) at 5315 - 146 Avenue SW, LOC2017-0378

PURPOSE OF BRIEFING

Administration is responding to a motion arising during the 2020 September 14 public hearing on the Land Use Amendment in Alpine Park for Qualico Communities' development (LOC2017-0378). Four specific areas of concern were raised through the motion arising and Administration was directed to explain how the "issues and concerns can be addressed to improve internal processes while being more amenable to doing business with key external stakeholders in a timely, efficient and cost effective manner". This briefing note will address each concern in three ways: a brief description of what transpired during the application process, an explanation of Administration's position on the issue, and if applicable how the process will change in the near future with planned initiatives.

SUPPORTING INFORMATION

Background

Qualico Communities has endeavoured to obtain approval to develop land in the Providence area for several years. They were engaged in the developer funded Area Structure Plan (ASP) process for Providence, a growth management overlay removal and subsequently an outline plan and land use amendment. Qualico faced numerous challenges navigating these processes and the area Councillor put forward a motion arising asking Administration to address some of the key challenges.

1. Time and money that has been invested by Qualico in the [ASP] process.

Situation: Concerns were raised regarding the costs associated with the developer funded ASP process, the ultimate judicial rescindment of the ASP on technical deficiencies and the associated delays.

Explanation: The developer funded ASP process was instituted to significantly advance policy planning in areas where The City did not have immediate plans to invest in policy. To secure these advancements in timing, landowners within these policy areas accepted that they would pay for the plan's development. They also acknowledged the risks in bringing forward a plan that is not guaranteed to be approved and can be appealed.

The landowner group was made aware of the risks of moving forward with a plan lacking some of the technical data, specifically the stormwater designs. It was agreed to move the plan forward to Council with the intention of supplementing the plan in the future when the technical data was available. That a court quashed the ASP on appeal from a neighbouring landowner was an unfortunate result for Qualico and The City.

Areas for Improvement: In general, the Developer Funded ASP process achieved the development industry's goal of advancing policy planning years, and sometimes decades, ahead of City initiated planning. That being said, Administration has learned valuable lessons from the judicial ruling with respect to interpretation of the MGA's requirements and will ensure we do not

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bring forward an ASP contrary to that interpretation. Seasonal monitoring activities (such as stormwater monitoring and biophysical assessments) are now better aligned with ASP timing to ensure a complete plan is presented to Council for approval.

2. Outline plan and land use application costs

Situation: There are concerns regarding the costs associated with the Outline Plan application fees and the associating Growth Management Overlay (GMO) removal.

Explanation: At the time this outline plan was submitted the GMO was still in place. The development industry and Administration agreed to institute a cost-recovery fee schedule and structure for these outline plan applications, recognizing the risk that Council may not remove the GMO thus making the application unviable. The New Community Growth Strategy process was well understood at the time and was the new 'gate' for growth funding replacing the ASP. A business case for removal of the GMO was required for the GMO removal which ran concurrently with the Outline Plan review.

Areas for Improvement: During a recent fee review the cost-recovery model was eliminated for all outline plan applications with a GMO area, reverting the fee schedule to that of a regular application, potentially reducing costs, and reducing administrative tasks. This move was praised by industry. The New Community Growth Strategy business case review is still operating with no fee associated, and is a foundational tool to ensure infrastructure investments coincide with development.

3. Detailed team review process the Corporate Planning Application Group (CPAG) uses to review outline plan applications

Situation: Various concerns were raised about the review process and conflicting policy that Qualico had to navigate to ultimately gain approval of their application.

Explanation: This was admittedly a challenging application on both Administration and the applicant's side. Issues relating to a lack of consistent, high quality and timely communication including through the detailed team review, hindered the application. It should be noted that while this application was 'in the system' for approximately 2.5 years, 70% of that time (663 days) the file was in the hands of the applicant team. Long delays in responding to comments, which may be impacted by the quality of the issued detailed team review, disrupt the efficiency of the review process as staff have numerous applications and need to refamiliarize themselves with the plan. Additionally, a developer-initiated redesign occurred part way through the review process requiring significant discussions and issue resolution akin to reviewing a new application in some respects.

Administration did struggle with the quality of the plan as Qualico was insistent on reducing publicly dedicated land to the MGA public land dedication threshold of 30%. This resulted in extensive negotiations to produce a supportable plan. That being said, Qualico raises valid points about decision making authority and siloed thinking that can occur within CPAG.

Areas for Improvement: Three significant projects are underway to fundamentally change the way CPAG operates, which will address a number of concerns around the process, decision making challenges, and conflicting policy issues on this file. The Digital Collaboration project will dramatically improve how Administration and applicants collaborate and communicate on files. The Rethinking CPAG project will fundamentally change the decision making process and authority on files, with a goal of reducing siloed thinking and focusing on the best possible planning outcomes. This is supported by innovative technical solutions. Lastly, Administration and BILD have begun work on a project focused on reducing policy conflicts, improving development yield, and ensuring value is achieved when implementing policy.

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4. Engagement with the Tsuut'ina Nation, including the future of 146th Avenue

Situation: Concerns were raised about Administration's level of support regarding Tsuut'ina Nation engagement between the ASP and Outline Plans. Additionally, the long term design of the boundary road between the City and the Nation (146 Ave) is unresolved.

Explanation: There is a fundamental difference in ASP and Outline Plan responsibility regarding engagement. The ASP is a City-led policy document, where engagement with citizens and neighbours is also City-led. The Outline Plan is an applicant-led development plan, where the responsibility for engaging neighbours shifts to the applicant.

It is acknowledged that the interface with Tsuut'ina is an important and sensitive matter that The City must resolve with the Nation. Indications from the Nation suggest that they do not want major improvements on the road and value their privacy and have trespassing concerns. As such the road was not contemplated as a community access and serves mainly as an emergency access for the Providence area.

Areas for Improvement: Administration can be clearer with applicants on roles and responsibilities related to engagement as they navigate the land development continuum. Administration agrees that a final design for 146 Ave is needed. While these negotiations with the Nation likely will not be led by CPAG, Administration will identify a lead for these discussions and move the issue forward.

ATTACHMENTS

Attachment 1 – Background and Previous Council Direction

Attachment 2 – Application Timeline Overview