



CITY OF ST. ALBERT ADMINISTRATIVE BACKGROUNDER

TITLE: ASP Process

On June 26, 2017, Council approved the following motion:

(CM-17-065)

That the applicable policies and procedures are prepared for Council consideration that new ASP developments and/or major ASP revisions are presented to Council at the beginning of the development approval process for Council discussion of whether the City would want to purchase land within the ASP discussion lands for City purposes, such as larger school sites, additional park space or City facility needs by the end of Q1 2018.

BACKGROUND:

Building on concerns raised regarding Municipal Reserve dedication, Council directed Administration in 2017 to investigate opportunities for Council to provide comments on proposed Area Structure Plans (ASP). Administration's understanding of the rationale for this motion was to provide an opportunity for Council to identify future civic land requirements prior to approval of an ASP and its associated land use designations.

Based on this Council Motion, Administration conducted a review of the current ASP procedure. This report identifies opportunities for Council to provide insight into the land use concept proposal prior to the Public Hearing. Administration limited this investigation to new ASP development and to major ASP amendments. The definition of "major amendments" will follow the criteria as outline by the Edmonton Metropolitan Region Board.

The Current Procedure:

The *Municipal Government Act* ("MGA") requires that a Municipal Development Plan ("MDP") address, among other matters, future land development and use within the municipality, and must contain policies respecting the provision of municipal, school or municipal, and school reserves. The MDP, ASPs, Master Plans, City Policy (e.g. City Land Strategy), Agreements (e.g. School Site Allocation Agreement), and Administrative Documents (e.g. ASP Terms of Reference, *attached*) all influence the siting & configuration of school sites, parks, and the overall approach to development within the City with respect to land and facility needs. The MDP in general provides the foundational basis for the subsequent documents, as it attempts to clearly identify a vision for future development, as well as principles and policies to achieve the vision. The MDP is the highest level opportunity in the

planning hierarchy for Council and the public to provide input into the City's overall facility and land needs. The MDP identifies locations for future land uses, and can identify future school sites, district parks, land for conservation, and any additional lands for municipal needs.

The Administrative ASP Terms of Reference (TOR), a document based on the MDP, is provided to all prospective ASP proponents. The TOR specifies that 10% of the gross land (gross land being the land less any Environmental Reserve component), must be provided per ASP; one school site a minimum of 3.6 Ha in size must be provided per ASP, and one neighbourhood park a minimum of 0.5 Ha sited adjacent to the school site is required. The TOR also provides guidelines for park & trail size, location, distribution, etc. (see attachment – ASP Review Process). The TOR are currently being revised to reflect new Edmonton Metropolitan Region Growth Plan 2.0 policy direction.

Prior to the formal public hearing/bylaw approval stage, Council has the opportunity to review the land use concept for a proposed ASP at the required Public Open House meeting during the Pre-Application Stage, or after the formal ASP application has been submitted to the City (see attachment, ASP Review Process).

Under the current process, an ASP proponent hosts a Public Open House meeting, with Council being notified of the meeting beforehand by Administration. The role of the meeting is to provide the public with information regarding the application, and for the proponent to gather feedback regarding the proposal. Members of Administration attend the Open House meeting; however, Administration's role is to gain information regarding the proposal, and explain the approval process. Administration does not provide any comment on the proposal (at the Open House). Members of Council can attend the Public Open House and provide individual input to the proponent, should they so choose.

Once an ASP proponent submits a complete ASP application, Council is informed via Council Advisory Notification (see attachment, ASP Review Process). Council then has the opportunity to review hard copies of the submitted documents in-person at the Planning & Development department, and may ask Administration questions regarding the proposal. If an ASP application/amendment is controversial (or significant changes have occurred throughout the application process), the proponent may be required to host a second Public Open House meeting. If a second meeting occurs, Administration will provide Council with an Advisory Notice. The Advisory Notice will detail the proposal and highlight any changes that have occurred during the Application Stage.

In the Bylaw process stage, Council may ask questions of the developer, and consider the comments from the Public and Administration. Based on the information received within the Public Hearing, Council can require amendments to the proposal to mitigate concerns raised. A decision is then rendered on the proposed Area Structure Plan.

Procedural evaluation of the current process:

The current ASP review process works well when the MDP accurately reflects the strategic direction of the municipality. The MDP identifies the needs of the City, and the development community must plan for, accommodate, and comply with these MDP policies. If the MDP lacks clarity in direction, it is challenging for the City of St. Albert to request additional requirements, or to proactively identify needs to the ASP proponent early in the process.

The existing MDP, and its corresponding vision for growth, was developed almost 20 years ago. The density requirements within the plan are no longer consistent with Edmonton Metropolitan Region Growth Plan requirements. Administration believes that an update to the MDP would better reflect the City's current context and strategic direction. If Council feels that clarity is needed regarding school site, additional park space, or city facility needs, Administration recommends that Council prioritize and fund a full review of the existing MDP to ensure that the MDP more accurately reflects the current context and needs of the City. A rewrite of the MDP can provide more current direction regarding the municipality's needs within public policy, and inform the City's strategic planning, by estimating how much land can be encompassed as Municipal Reserve and how much land (and the estimated costs) the City will need to purchase to accommodate these activities. An MDP update will provide both the development community and Council with the parameters to identify land uses within the ASPs that reflect the City needs. With respect to the ASP procedure itself, Administration has outlined possible options below.

Procedure Option 1 - Pre-application Presentation to Governance, Priorities, & Finance Committee

As Council requested additional opportunities to provide input on ASP development, Administration reviewed the administrative procedures to determine the most advantageous opportunity. This procedural change builds on the Current Procedure previously described. Under this option, Administration would present to Council at the Governance, Priorities, and Finance Committee (GPFC) meeting after the proponent's initial Public Open House meeting during the pre-application stage (see Attachment, ASP Review Process). Administration would share the proponent's land use concept proposal, and provide any initial feedback gathered at the Public Open House (a court reporter is present at the meeting and a transcript could be provided at this stage, however waiting for the transcript to be prepared would add time to the ASP application process). It should be noted that Administrative input from a technical basis would be limited at this time, as the proponents final technical documents have generally not been submitted and fully reviewed yet. Committee feedback on the development concept presented at the GPFC meeting would then be relayed back to the proponent (developer) through Administration's comments. The proponent could then consider the input and choose how to address it within their application (based upon their development aspirations).

Procedural evaluation of Option 1:

As the pre-application presentation would take place at a Committee meeting, Council would not be able to make formal decisions regarding the application. The

meeting would enable an additional information sharing opportunity beyond the proponent's initial Public Open House meeting and would provide a format for the Committee to discuss the proponent's proposal. As this meeting would occur after the Public Open House, Council would be able to discuss the concerns raised at the Public Open House meeting. The pre-application presentation to Council would serve to better inform all parties for the future Public Hearing process, but it would not enable Council to render a decision. This procedural change would add up to three months to the Pre-Application Stage.

Procedure:

- Public open house held by proponent
 - Administration prepares agenda package (land use concept map, brief summary) (~3+ months for preparation and review of the agenda report).
- Administration presentation of land use concept to GPFC
 - Feedback provided to proponent by Administration

Procedure Option 2 - Meeting In-Camera to discuss a Land Matter

An alternative to the pre-application Council presentation would be for Administration to present the item to Council in-camera as a land matter. Similar to the GPFC option, this option would also take place after the proponent's initial Public Open House meeting and would have the same limitation of Administration not having fully reviewed any final technical studies and reports.

Procedural evaluation of Option 2:

This procedural option provides Council the opportunity to have a more candid discussion regarding the City's needs, without potentially harming their potential interest by disclosing in a manner that may weaken the City's position. While this procedure change would enable a candid discussion, direction received from Council is confidential. As outlined on Municipal Affairs' website, in-camera discussion must reflect the subject matter of a land purchase, and not the proposed land uses or land use map. The confidential discussion may result in Administrative challenges regarding the implementation of the direction, as it may disclose the in-camera discussion.

Procedure:

- Public open house held by proponent
 - Administration prepares agenda package (land use concept map, brief summary) (~3+ months for preparation and review of the agenda report).
- Administration presentation of land use concept to Council (in-camera)
 - Feedback provided to proponent

Procedure Option 3 - Council Advisory Notice (Slot Memo) to Council regarding the Open House

An alternative to Option 1 & 2 is to have the Planning Branch provide Council an update on the Open House. This slot memo would include the boards presented at the meeting, the proposed ASP future land use map, details regarding the open house and highlights of any topics that were discussed. This would be a high level summary, but it would provide Council with the context of the upcoming application.

Procedural evaluation of Option 3

This option has the least impact on both Administration's and Council's time. The Planning Branch would incorporate this step within their process and provide the update to Council in a timely manner. This would also not add on any additional time to the developer's approval process.

Procedure:

- Public open house held by proponent
- Administration prepares a Slot Memo to Council regarding the event

City Manager Direction

Administration has provided three options in addition to those currently available to help better identify City needs at the ASP level, in addition to encouraging a full MDP Review, which will take 18 months to draft the policies and will be required by October 2020 to meet Edmonton Metropolitan Region Growth Plan 2.0 requirements.

As this is an administrative procedural change, the City Manager is responsible for enacting this direction. Based upon the Planning Branch's review, the changes within the City Manager's Directives and associated administrative procedures would occur in the Pre-Application phase. The City Manager has directed the Planning Branch to proceed with the implementation of Option 3 - Council Advisory Notice (Slot Memo) to Council regarding the Open House. As this is an Administrative Procedure, this decision is under the purview of the City Manager, and not Council. Rationale for this direction includes a desire to keep approval timelines streamlined, and to ensure efficient use of City Administration resources.

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