



Official Community Plan Amendment - Harbour Landing West - PL201900072

Date	October 6, 2021
To	Regina Planning Commission
From	City Planning & Community Development
Service Area	Planning & Development Services
Item No.	RPC21-59

RECOMMENDATION

1. Deny the applications by Dream Development, relating to their properties located at NE 3-Twp17-Rge20-W2M and a portion of SE 3-Twp17-Rge20-W2M, to:
 - a) Amend *Design Regina: The Official Community Plan Bylaw No 2013-48* by removing these properties from the Special Study Area and redesignating them as Phase One land.
 - b) Obtain concept plan and rezoning approval.
2. Approve amendments to *Design Regina: The Official Community Plan Bylaw No 2013-48*, as described in Appendix C of this report, to:
 - a) Facilitate the development of a school site.
 - b) Update the policy section respecting Special Study Area requirements.
3. Instruct the City Solicitor to prepare the necessary bylaw(s) to give effect to the recommendations, to be brought forward to the meeting of City Council following the required public notice.
4. Approve these recommendations at its meeting on October 13, 2021.

ISSUE

The applicant, Dream Development (Applicant), proposes to amend *Design Regina: The Official Community Plan Bylaw No 2013-48* (OCP) by revising the Phasing Plan (Map 1b) to accommodate the development of a proposed new residential neighbourhood (Proposed Development) west of Campbell Street, in the SW part of the city (Subject Property – Appendix A). In addition to the OCP amendment, the Applicant is also seeking concurrent concept plan and rezoning approval so that they may proceed with development immediately.

The Applicant is seeking to redesignate the Subject Property from Special Study Area (SSA) to Phase One. For lands designated as SSA, the OCP requires, as a prerequisite for development, that specific criteria be met and that an appropriate phasing designation be assigned. The Phasing Plan in the OCP is intended to support key strategic goals, including orderly growth, efficient servicing and fiscal sustainability; therefore, a proposed amendment must be subject to analysis and stakeholder consultation. Assigning a phasing designation is a decision of City Council and only Council has the authority to approve or deny removal from SSA.

Associated with the Proposed Development is a proposed new joint-use elementary school that is intended to relieve capacity constraints within the existing Harbour Landing school and to also serve the proposed new neighbourhood. The City of Regina (City) works with developers and school authorities, through the neighbourhood plan and concept plan application processes, to examine the need for new schools; however, the provision of new schools is, ultimately, the responsibility of the Government of Saskatchewan and proposed new schools are not exempt from OCP policy.

The applications are being considered pursuant to *The Planning and Development Act, 2007* (Act); the OCP and *Zoning Bylaw 2019-19* (Zoning Bylaw). The processes associated with these applications require review by the Regina Planning Commission (RPC) and approval by City Council. These applications include a public and technical review process in advance of consideration by RPC and Council.

It is the conclusion of Administration that a sufficient level of OCP compliance has not been established to warrant the Proposed Development proceeding, or a phasing designation being assigned to the entire area proposed. The need for a new school is recognized; therefore, the recommendation is that the applications submitted by the Applicant be denied and that a separate OCP amendment, to accommodate a school site, be approved. The recommendation also includes consideration of additional policy changes as housekeeping amendments.

IMPACTS

Financial Impact

The Subject Property does not currently have municipal services to this area. Should City Council support the recommendation, Administration will work with all parties to support the development of a

new school site. As the current recommendation is only for enabling policy changes, a follow up report will be provided to City Council from Administration which outlines any cost share arrangements related to the development of a single school site that the City may need to be party to. Should City Council support option one or option two of this report, the Applicant will be responsible for the cost of any new, or changes to existing, infrastructure that may be required to directly or indirectly support any proposed development that may follow, in accordance with City standards and legal requirements.

Environmental Impact

City Council set a community goal for the City of Regina of achieving net zero emissions and sourcing of net zero renewable energy by 2050. In support of this goal, City Council asked Administration to provide energy and greenhouse gas implications of recommendations so that Council can evaluate the climate impacts of its decisions.

It is recommended through this report that the applications associated with the proposed development (new residential neighbourhood) be denied and that an OCP amendment be approved that would allow a proposed new school to proceed as a single development within the Subject Property.

These recommendations will likely contribute to additional greenhouse gas (GHG) emissions at the construction stage. Producing building materials and the construction process itself are both energy intensive and generate emissions.

However, the recommendations will likely result in a decrease in overall trips from students that live in this neighborhood, since they will likely attend the schools nearby rather than others located in different areas of the City. Also, a site that is within closer proximity may lead to more active modes of transportation. As a result, this will translate into a decrease in GHG emission that would have been generated from additional trips and longer commuting distances.

Policy/Strategic Impacts

The following goals and policies of OCP - Part A impact the OCP amendment application:

- Section C, Goal 4, Policy 2.14: Permit the development of lands designated as SPECIAL STUDY AREAS, as shown on Map 1 – Growth Plan, in accordance with Policy 2.15, where it can be demonstrated, to the City's satisfaction, that:
 - 2.14.1 The extent to which development can proceed using capacity in existing infrastructure without significant upgrades being required;
 - 2.14.2 Any proposed new infrastructure supports planned long-term growth and can be provided in the financial best interest of the City of Regina from a life cycle cost perspective;
 - 2.14.3 Any interim servicing will be fully the responsibility of the developer until infrastructure supporting long-term growth is in place;
 - 2.14.4 The area can be developed in such a way to permit ready integration with future planned development and, where applicable, existing neighbourhoods;
 - 2.14.5 Impacts on the existing community, BUILT OR APPROVED NEIGHBOURHOODS, or other recommended development associated with the 300,000 population are minimal; and
 - 2.14.6 The proposed development conforms to the policies of this Plan.

A sufficient level of compliance with this policy section has not been demonstrated, as discussed in the Discussion Section of this report.

- Section B, Goal 2, Policy 1.4: Develop infrastructure in accordance with the phasing and financing policies adopted in Section E, Goal 5 of this Bylaw and Map 1b - Phasing of New Neighbourhoods.
- Section C, Goal 1, Policy 2.2: Direct future growth as either intensification on or expansion into lands designated to accommodate a population of approximately 300,000, in accordance with Map 1 – Growth Plan.
- Section C, Goal 2, Policy 2.6: Phase and stage development in accordance with the phasing and financing policies adopted in Section E, Goal 5 of this Bylaw and Map 1b - Phasing of New Neighbourhoods.

The Subject Property is in an area identified for phased development. Further, a sufficient level of compliance with Section C, Goal 4, Policy 2.14 has not been demonstrated to warrant Administration's recommendation that a phasing designation be assigned at this time, as discussed in the Discussion Section of this report.

- Section D4, Goal 3, Policy 6.6: Develop infrastructure plans that will:
 - 6.6.1 Address both short- and long-term growth requirements;
 - 6.6.2 Manage the impacts of new development on system-wide services;
 - 6.6.3 Optimize use of existing infrastructure to minimize financial and environmental impacts of growth; and

A sufficient level of compliance with this policy section has not been demonstrated, as discussed in the Discussion Section of this report.

OTHER OPTIONS

Alternative options would be:

1. Approve the applications submitted by the Applicant by approving:
 - a) An amendment to the OCP by assigning a New Neighbourhood (300K) and Phase One designation to the Subject Property.
 - b) The proposed Harbour Landing West Phase 1 Concept Plan (Appendix D).
 - c) The proposed Harbour Landing West Phase 1, Stage 1 rezoning (Appendix E).

Direct the City Solicitor to prepare the necessary bylaw required to give effect to the recommendations, to be brought forward to the meeting of City Council following approval of the recommendations by City Council and the required public notice.

Implications for this option include:

- Additional land (70 hectares) will be added to the Phase One area; therefore, the development of Phase Two and Three areas will be delayed, as an area subject to phasing must be 75 per cent developed before the next phase can proceed;
- Jeopardizes the investments and expectations of developers of Phase One, Two and Three areas due to changes in development location and proximity to planned development.
- Servicing considerations, as noted in the Discussion section of this report.

2. Approve a variation to the applications submitted by the Applicant by approving:

- a) An amendment to the OCP by assigning a New Neighbourhood (300K) and Phase One designation to the Subject Property and by revising the phasing designation of other lands owned by the Applicant, in the Coopertown area to Phase Three, so that there is no net increase in city-wide Phase One, Two or Three land areas.
- b) The proposed Harbour Landing West Phase One Concept Plan (Appendix D).
- c) The proposed Harbour Landing West Phase One, Stage One rezoning (Appendix E).

Direct the City Solicitor to prepare the necessary bylaw required to give effect to the recommendations, to be brought forward to the meeting of City Council following approval of the recommendations by City Council and the required public notice.

Implications for this option include:

- Potentially jeopardizes the investments and expectations of developers of Phase One, Two and Three areas due to changes in development location and proximity to planned development.
- Servicing considerations, as noted in the Discussion section of this report.

3. Deny the applications submitted by the Applicant, as per the recommendation of this report, and deny the recommendation of the Administration to amend the OCP to facilitate the development of a school site within the subject property.

Implications for this option include:

- For a new school to be accommodated in the existing Harbour Landing Neighbourhood, the school authorities will need to identify an alternate location or to maintain, or expand, the existing schools.

4. Refer the application back to Administration. If City Council has specific concerns with the proposal, it may refer the application back to Administration to address or make additional recommendations and direct that the report be reconsidered by Regina Planning Commission or brought directly back to Council following such further review. Referral of the report back to Administration will delay decision rendering until the requested information has been gathered or changes to the proposal have been made.

The Applicant has indicated that they support option one or option two noted above.

COMMUNICATIONS

The Applicant and other interested parties will receive a copy of the report and notification of their right to appear as a delegation at the City Council meeting when the application will be considered. The Applicant will receive written notification of City Council's decision.

DISCUSSION

Proposal

The Applicant has submitted applications for OCP amendment, concept plan approval and rezoning approval to accommodate, at the Subject Property, a proposed new neighbourhood ("Harbour Landing West") consisting of the following:

- Mix of low, medium and high-density housing and a population of, approximately, 3,600.
- Neighbourhood-level park that includes multi-use sports field, basketball courts, play area.
- Commercial or mixed-use neighbourhood hub.
- Joint-use elementary school.
- Linear open space corridor to serve as drainage channel and pathway system.

The intent is to accommodate new residential properties in the SW part of the city, as the Harbour Landing Neighbourhood is almost fully developed. As part of this, a new joint-use elementary school site is intended to form part of the Proposed Development. The school authorities have noted that the current St. Kateri Tekakwitha - École Harbour Landing (Harbour Landing school) is over capacity and that more capacity is required. The proposed new school site would accommodate Harbour Landing as well as the proposed new neighbourhood. The Applicant is seeking to redesignate the Subject Property from Special Study Area to Phase One, which will allow them to proceed with development immediately, subject to concept plan and rezoning approval.

OCP Overview

The Special Study Area (SSA) was included with the original OCP approved by City Council in December 2013 (CR13-112). This designation was added to provide opportunities for potential development outside of the targeted growth areas if prescribed criteria (Policy 2.14) can be met. The intent is that development be limited (120 hectares only) and only allowed where it supports key goals, including: orderly growth, efficient servicing and fiscal sustainability. No detailed phasing plan was included with the original OCP; however, the requirement to prepare a phasing and financing plan, for City Council's consideration, formed part of report CR13-112.

Through a supplemental report (CM13-5) associated with Report CR13-112, City Council approved a scenario where the Subject Property could potentially be removed from the SSA should specified conditions, associated with the SSA policy requirements, be met. The intent was that the assignment of a phasing designation be contingent on further analysis associated with a development proposal.

The current Phasing Plan (Map 1b) was approved as an amendment to the OCP in December 2015 through report CM15-14. The process to develop the Phasing Plan included the preparation of an associated infrastructure investment strategy and involved extensive stakeholder consultation. The implementation of the Phasing Plan did not result in changes to the Subject Property being removed from the SSA, and the assignment of a phasing designation continued to be contingent on further analysis associated with a development proposal.

The Phasing Plan is divided into three phases, which are to be sequentially developed (Phase One followed by Phase Two, etc.). The Phasing Plan is intended to support key strategic goals, including orderly growth, efficient servicing and fiscal sustainability; therefore, any proposed amendment must be subject to analysis and stakeholder consultation. Since the implementation of the Phasing Plan, only one amendment has occurred: Lands adjacent to the SE Bypass were added to the Phase Three area and New Employment area following confirmation of the SE Bypass location, as the SE Bypass location was previously under review.

As the Subject Property is designated as SSA, the criteria of Policy 2.14 (Appendix C) must be met and a phasing designation assigned (Section E, Policy 14.20D.3) as a prerequisite for development proceeding. Assessment of Policy 2.14 requires analysis of potential impacts to the City resulting from a proposed development, including the strategic goals noted above.

OCP Assessment

Administration has assessed the application to amend the OCP (redesignation of Subject Property from SSA to Phase One) from the perspective of Policy 2.14 (SSA Policy) compliance including stakeholder consultation. This assessment included review of the proposed concept plan and associated servicing reports provided by the Applicant, and other considerations. Based on this assessment, it is the position of Administration that the following aspects of Policy 2.14 lack a sufficient level of compliance.

Policy 2.14.1: Development can proceed using capacity in existing infrastructure without significant upgrades being required:

- The Harbour Landing Pump Station (HLPS) has limited capacity and this capacity is often exceeded during rain fall events, as shown during multiple summer 2021 rain fall events. As a response to this constraint, the Applicant has proposed the possible need for additional storage to be accommodated within the proposed infrastructure (in-line storage). While this may serve as a technical solution, the solution conflicts with Policy 2.14.1 by further demonstrating that existing City systems do not have capacity for the full development. An analysis has concluded bringing on just the school site can be accommodated with the existing system.
- The existing storm water system does not have capacity to accommodate flows from the Proposed Development; therefore, the Applicant is proposing a new drainage channel and interim detention facility and pump station. This, too, conflicts with the intent of Policy 2.14.1, which supports development where there is existing capacity.

Policy 2.14.2: Proposed new infrastructure supports planned long-term growth and can be provided in the financial best interest of the City.

- The intent of the proposed wastewater strategy is to connect to a system that already has capacity constraints. Further, the adjacent undeveloped lands form part of future, long-term growth areas that will require a new wastewater system (i.e., pump station and force main), which the Proposed Development will not contribute towards.
- Assigning a Phase One designation to the Subject Property may shift the focus of planned growth by the Applicant to the SW instead of the Coopertown area in the NW, where growth has commenced.
- The intent to employ a privately owned and operated interim storm water system, which includes a pump station, poses a “financial best interest risk” (“fiscally sustainable and cost effective” - OCP Section E, Policy 14.20C) to the City, as failures or default may result in City intervention and a financial burden associated with maintaining, upgrading, purchasing land, or eventually decommissioning. The ultimate storm water system does not need a pump station and would be City owned; however, implementation timing is unknown and is assumed to be at least a decade or more into the future.

While the City has accepted privately owned and operated utility systems associated with other developments, expectations for SSA lands are more rigorous than other areas of the city and such a proposal is deemed to be in conflict with the intent of Section 2.14.

Policy 2.14.5: Impacts on the existing community, built or approved neighbourhoods, or other recommended development associated with the 300,000 population are minimal:

- Neighbourhoods under development made investments based on the current phasing plan; therefore, major adjustments, such as a new neighbourhood, could result in changes to market conditions, which has the potential to jeopardize planned development and associated infrastructure investments. This issue has been raised by landowners currently developing Phase One lands and landowners who own land in future phases.

Regarding SSA Policy 2.14.3: Any interim servicing will be fully the responsibility of the developer until infrastructure supporting long-term growth is in place.

Administration recognizes that the Applicant’s proposal to own and operate an interim storm water facility, as described above, relates to this policy; however, two issues are noted:

- 1) Since the OCP was adopted in 2013 when this policy was introduced, risks associated with privately owned and operated utilities, that provide a service to the public, have become more evident.
- 2) Policy 2.14.3 conflicts with the spirit and intent of Section 2.14, as Section 2.14 emphasizes that development in the SSA must be low risk to City and must only be allowed where it can be accommodated by capacity within existing infrastructure.

Considering the above, Administration recommends that Policy 2.14.3 be removed from the OCP, as described in Appendix C of this report.

Concept Plan/ Rezoning

The proposed concept plan and rezoning proposal (Appendices D and E respectively) have been subject to technical review, including conformity with the OCP Complete Neighbourhood requirements (Section D5, Policy 7.1); the Zoning Bylaw and City's Design Standards, which guide the implementation of new infrastructure.

To date, the Applicant has demonstrated conformity with the Complete Neighbourhood requirements and the proposed storm water and transportation strategies have been deemed acceptable from a technical perspective. The proposed water, wastewater and open space strategies are still under review and the Applicant has indicated that completion of these will depend on the outcome of their applications.

It should be noted that conformity from a technical perspective does not equate to conformity with the SSA Policy 2.14 requirements. The City's Design Standards direct the design of new infrastructure systems, whereas Policy 2.14 focuses on broader impacts and implications.

Proposed New School

A new joint-use elementary school (school) is proposed to be included with the Proposed Development. This new school is being pursued by the Government of Saskatchewan Ministry of Education; Regina Public Schools; Regina Catholic Schools (School Authorities) and is intended to relieve capacity limits with the existing Harbour Landing school and to accommodate the population associated with the Proposed Development. The intent is that the new school will form part of Stage 1 of the Proposed Development and be operational for the 2024 school year. The location of the new school was included in the Applicant's submission and is shown in Appendix D.

The recommendation of this report does not support a Phase One designation being assigned to the Proposed Development, or a concept plan or rezoning being approved as a result; therefore, should this recommendation be approved, the proposed location is not viable. Administration recognizes the need for a new school and suggests that a site, within the Subject Property, that adjoins with existing development and is serviceable, could be considered as appropriate for the following reasons:

- a) Single development only that provides demonstrable benefit to existing residents.
- b) Contiguous with existing development and would not require a concept plan;
- c) No significant issues with the provision of transportation and utility services.

A potential site that meets these criteria corresponds to the northwest quadrant of the Campbell Street – Gordon Road intersection. It should be noted, however, that this site would have only limited physical integration with the Harbour Landing Neighbourhood and will remain within an undeveloped area until the Subject Property is developed as a new neighbourhood. The lands are privately owned and currently unserviced therefore further conversations about potential locations would need to continue.

To implement the recommendation of this report (approval of school site only), this report includes enabling OCP policy amendments (Appendix C). This proposed amendment affects an existing policy (Section E, Policy 14.20E) that accommodates unique, beneficial and serviceable developments on lands that have phasing designations (i.e., future phases) that do not support current development. The proposed amendment would extend this exception to SSA lands.

Engagement

An overview of the applications was distributed to landowners within 75 metres of the Subject Property; potentially affected external agencies; Community Association; RM of Sherwood and landowners that own land in areas subject to the OCP Phasing Plan.

- The submissions of adjacent landowners indicate that, approximately, 50 per cent support the Proposed Development; 40 per cent oppose and 10% had neutral or other comments. A summary of the feedback is provided as Appendix F of this report.
- The RM of Sherwood had comments about access to their property (intersection of Albullet Drive and Campbell Street) and traffic but did not oppose the Proposed Development. Discussion occurred with the RM regarding this issue and ongoing discussions regarding their concerns will continue should development progress.
- Administration did not receive any comments from the Community Association.
- Comments from landowners who own land affected by the OCP Phasing Plan varied:
 - a) Some opposed the Applicant's proposed OCP amendment based on concern that adding additional land could jeopardize their development and investments.
 - b) Some supported the proposed OCP amendments if they, too, could be granted Phase One designation.

Summary

Administration recommends that the Subject Property remain within the SSA; that the proposed concept plan and rezoning applications be denied and that an OCP amendment be approved that will accommodate a school site and a revision to Section 2.14 be supported by Council. Other options, for City Council's consideration, are provided in this report.

DECISION HISTORY

On December 16, 2013 City Council adopted *Design Regina: The Official Community Plan Bylaw* (CR13-112) and associated supplemental report CM13-5.

On December 14, 2015 City Council adopted the *Final Phasing and Financing Plan*, which resulted in an amendment to the OCP by including the current Phasing Plan (CM15-14).

Respectfully Submitted,

Respectfully Submitted,



Autumn Lawson, Director, Planning & Development Services

9/24/2021



Diana Hawryluk, Executive Director, City Planning & Community Dev.

9/29/2021

Prepared by: Jeremy Fenton, Senior City Planner

ATTACHMENTS

Appendix_A
Appendix_B
Appendix_C
Appendix_D
Appendix_E
Appendix_F