

North Saskatchewan River Valley System (L. Sloan)

Recommendation:

That the May 25, 2011, Planning and Development Department report 2011PPP007, be received for information.

Report Summary

This report discusses policy that impacts the assembly of civic land for parks and drainage purposes along the top-of-bank; and, identifies some potential changes that would promote greater flexibility in locating civic lands along the top-of-bank.

Previous Council/Committee Action

At the July 21, 2010, City Council meeting, Councillor L. Sloan made the following Inquiry:

I would appreciate receiving information outlining the specific policy barriers that prevent civic departments (Parks and Drainage specifically) from aligning civic land allocations along the top of bank or prominent natural vistas.

Please also provide alternative approaches, plan or policy amendments that could be considered to enhance the City's capacity to maximize and preserve the public ownership of lands adjoining the North Saskatchewan River Valley system.

Report

This report is being advanced concurrent with two related reports

being 2011PPP0115 - Review of City Policy C542, Development Setbacks from Valley and Ravine Crests, and 2011PCP002 - Top-of-Bank Follow-up.

The lands along the top-of-bank are located where the table lands abut the North Saskatchewan River Valley and Ravine System. Civic lands located along the top-of-bank serve a number of public good purposes, including:

- the protection of urban development from environmental hazards
- protection of valley slopes from urban development
- passive recreation
- park access through roads and trails, provision/maintenance of views and vistas to the River Valley and Ravine System
- protection of wildlife corridors and natural systems connectivity
- geotechnical monitoring and repair;
- emergency and fire fighting access, drainage control
- additional means of dealing with private encroachment

Civic lands along the top-of-bank in developing portions of the city are acquired by dedication and purchase. Dedicated lands, include Environmental and Municipal Reserve, Public Utility Lots, and road rights-of-way and are provided to the City through the subdivision process.

In the case of top-of-bank lands:

- Environmental Reserve is generally comprised of lowlands subject to flooding, valley slopes and (at times) the lands immediately upland of the top-of-bank crest – the latter at times containing a top-of-bank walkway.
- Municipal Reserve can accommodate active or passive

parkland, greenways, and natural areas.

- Public Utility Lots can accommodate pipelines, power-lines, utility lines and stormwater management facilities.
- Road rights-of-way contain top-of-bank roads and walkways.

Land purchases facilitate the acquisition of river valley parkland and natural areas not meeting the criteria for Environmental Reserve, or that are in excess of the City's Municipal Reserve entitlement.

Provincial Legislation, and City policies and guidelines that provide direction on the extent and location of civic lands dedicated through subdivision include:

- *Municipal Government Act*
- Urban Parks Management Plan
- Natural Area Systems Policy C531
- Stormwater Management Facilities Guidelines
- Development Setbacks from River Valley/Ravine Crests Policy C542

The *Municipal Government Act* specifies the parameters by which lands are dedicated to municipalities as follows:

- Environmental Reserve is generally comprised of lowlands subject to flooding, valley slopes and the lands immediately upland of the top-of-bank crest - there is no specified minimum or maximum amount municipalities may acquire
- Municipal Reserve is provided in an amount equal to ten percent of the lands being subdivided – municipalities are not limited as to its location
- Lands for utilities and roads may be provided up to a maximum of 30 percent of the lands being subdivided - municipalities are

expected to only take lands that can be reasonably justified for the purposes of utilities, road or both.

Among other things, the above policies and guidelines are:

- based on a number of practical considerations that point to public lands being in locations other than along the top-of-bank
- intended to balance the City's public good objectives with the interests of landowners to provide balance between public and private lands along the top-of-bank

A large portion of the City's Municipal Reserve entitlement is required to assemble school/park sites, recreation facilities and community league license areas which are generally located central to a neighbourhood or group of neighbourhoods, and along an arterial or collector roadway for appropriate access.

Stormwater management ponds (wet and dry) are generally best placed in low lying areas, thus taking advantage of topography to perform their function and to minimize costs associated with moving earth and grading. This consideration does not prevent wet and dry ponds being located along low lying portions of the top-of-bank. However, geotechnical conditions in certain locations may prevent stormwater ponds (as with swimming pools) being located along the top-of-bank.

Attachments 1 and 2 contain a summary of legislative and policy direction that impact the extent to which civic lands may be located along the top-of-bank. Both attachments suggest potential changes to provide the City greater flexibility in acquiring civic lands along the top-of-bank.

Policy

This report relates to the following City plans and policy:

- Urban Parks Management Plan
- Natural Area Systems Policy C531
- Stormwater Management Facilities Guidelines
- Development Setbacks From River Valley/Ravine Crests Policy C542

Corporate Outcomes

The Way Ahead, Edmonton's Strategic Plan 2009-2018:

- Preserve and Sustain Edmonton's Environment
- Improve Edmonton's Liveability
- Transform Edmonton's Urban Form

Attachments

1. City Policy and Guidelines Providing Direction on the Extent and Location of Civic Lands Along the Top-of-Bank
2. Provincial Legislation Providing Direction on the Extent and Location of Civic Lands Along the Top-of-Bank

Others Reviewing this Report

- M. Koziol, Acting General Manager, Asset Management and Public Works Department
- R. Boutilier, General Manager, Transportation Department
- D. H. Edey, General Manager, Corporate Services Department

City Policy and Guidelines Providing Direction on the Extent and Location of Civic Lands Along the Top-of-Bank

Policy	Issue	Remedies
1. Urban Parks Management Plan (UPMP)	(a) The Urban Parks Management Plan establishes a parkland classification system to guide the future planning and distribution of Municipal Reserve within a neighbourhood. Under this classification system, 10% Municipal Reserve dedication is used to assemble school and park sites above the top-of-bank.	(i) City Council could direct Administration to assemble parkland in excess of the 10% Municipal Reserve entitlement along the top-of-bank in certain situations. The acquisition of additional lands could be funded through a special reserve fund for this purpose in the 2012-2014 Capital Priorities Plan.
	(b) The Urban Parks Management Plan locational guidelines and access requirements for district activity parks, neighbourhood urban village parks, neighbourhood school and park sites point to locations central to a neighbourhood or group of neighbourhoods and along higher order roadways (arterials and collectors).	(i) Administration could amend Urban Parks Management Plan guidelines such that urban village parks be located either central to a neighbourhood or along top-of-bank areas to meet specific public good objectives. (ii) Administration could amend the Urban Parks Management Plan such that pocket parks along the top-of-bank are identified at the Area Structure Plan stage.
2. Policy C531 – Natural Area Systems	(a) The variety and quantity of natural areas has been significantly expanded in this recently approved policy. Assembly of civic lands and connected natural area systems along the top-of-bank must be coordinated and integrated while balancing recreation and natural area conservation interests.	(i) Continue to identify and acquire private land holdings within Edmonton's River Valley and Ravine System for recreation and conservation purposes. (ii) Assemble parkland using other means than Municipal Reserve, including, but not limited to provincial claims, charitable donations and gifting, non-credit Municipal Reserve, Environmental Reserve easements, land trusts and civic purchase. Natural areas Reserve can also be used to purchase lands where no Area Structure Plan is approved.
3. Stormwater Management Facilities Guidelines	(a) The Stormwater Management Facilities Guidelines do not specifically identify the top-of-bank as being among preferred locations for stormwater management facilities. The location of these facilities and other water features within the vicinity of the top-of-bank pose an increased geotechnical hazard and risk to slope stability.	(i) Continue to require documented engineering analyses for proposed stormwater management facility locations that define slope stability, confirm acceptable level of risk, and provide geotechnical recommendation for City approval.

Policy	Issue	Remedies
<p>4. Policy C542 - Development Setbacks From River Valley/Ravine Crests</p>	<p>(a) Top-of-bank roadway can be dedicated in two formats:</p> <ol style="list-style-type: none"> 1. Traditional – roadway abutting (or nearly abutting) the actual top-of-bank; or 2. Modified - roadway abutting an MR lot that abuts the actual top-of-bank. <p>A roadway is to be provided for a minimum of 30% (and up to a maximum of 50%) of the top-of-bank. Under the modified (second) format the length of the road credited toward the minimum 30% is measured via the length of the top-of-bank on the opposite side of the MR lot.</p> <p>Recent proposed Neighbourhood Structure Plans and subdivisions indicate the development industry strongly prefers dedicating top-of-bank roadway in the modified or second format. Further, MR lots are commonly configured to maximize the property line abutting the top-of-bank while minimizing the property line abutting the roadway. This results in small fan shaped MR lots and small segments of top-of-bank road such that the MR lots have limited public access and on street parking availability and the abutting roadway is “chopped” up along the length of the abutting river bank/ravine. Small parks and short roadway segment prevent longer stretches of top-of-bank road with better physical access and broader views and vistas into the river valley and ravine system.</p> <p>The above discourages Administration from accepting MR lots based on the second format.</p>	<p>(i) City Council could direct Administration to amend the means to measure the top-of-bank roadway and to provide direction to provide longer segments of roadway.</p>
	<p>(b) Compensation for providing public access along the top-of-bank by roadway is provided by excluding the area of top-of-bank roadway and any residual land between it and the Urban Development Line from the Gross Area at the time of subdivision. This reduces the total amount of Municipal Reserve entitlement acquired at the neighbourhood level further limiting civic land assembly, allocation, and alignment along the top-of-bank.</p>	<p>(i) City Council could direct Administration to amend Policy C542 to revise top-of-bank roadway compensation to further maximize and preserve the public ownership of lands along the top-of-bank.</p>

Policy	Issue	Remedies
4. Policy C542 - Development Setbacks From River Valley/Ravine Crests (continued)	(c) Prominent natural vistas located on steep slopes are highly desirable for both public lands and private lots. Where associated higher environmental hazard risk exists, top-of-bank setbacks and roadways should buffer land uses as well as the River Valley and Ravine System.	(i) Administration may define design criteria for viewpoint and public parks along the top-of-bank, and storm water management facilities in relation to the degree of environmental hazard risk respectively.
	(d) Policy C542 directs that a roadway be provided along the top-of-bank (in traditional or modified format) for at least 30% of the length of the top-of-bank. Application of the policy indicates developers are often unwilling to contribute more than the minimum. This creates additional demands on the allocation of Municipal Reserve entitlements.	(i) City Council could direct Administration to review options to amend Policy C542 to maximize civic lands and access along the top-of-bank including, but not limited to increasing developer minimum contributions by amending or removing the top-of-bank roadway modified format (i.e. remove municipal lands from Top-of-Bank roadway frontage measurement and calculations).

Provincial Legislation Providing Direction on the Extent and Location of Civic Lands Along the Top-of-Bank

Policy	Issue	Remedies
1. Municipal Government Act (MGA)	(a) While Environmental Reserve is defined under Section 664 of the MGA, it is subject to interpretation between the City and developers, and sometimes results in disputes over the developability of terraces on river valley and ravine slopes.	<p>(i) City Council could direct Administration to advocate and request that the definition of Environmental Reserve under Section 664 be clarified.</p> <p>(ii) Council could direct Administration to establish policy direction for the taking of Environmental Reserve.</p> <p>(iii) Continue to interpret and apply section 664 of the MGA such that terraces on slopes below the top-of-bank are considered Environmental Reserve.</p>
	(b) A municipality is required to provide at least one means of legal right-of-way access from a lot to a road. Historically, remnant private land holdings within the River Valley and Ravine System have posed questions around interim and future land use, legal requirements for access, liability and compensation.	<p>(i) Provide minimum legal access while working to transition remnant private lands to future civic uses.</p> <p>(ii) Continue to identify and acquire private land holdings within and adjacent to Edmonton's River Valley and Ravine System with the mandate of providing additional Top-of-Bank lands.</p> <p>(iii) Review opportunities to close undeveloped road right-of-ways adjacent to existing and future natural areas or parkland.</p>