



OLDMAN RIVER REGIONAL SERVICES COMMISSION

MEMBER Bulletin

Commentary and Observations on the draft South Saskatchewan Regional Plan (SSRP)

Background

The purpose of this report is to provide some perspective of potential municipal issues on land-use planning in the draft South Saskatchewan Regional Plan released in October, 2013.

The commentary is provided in the capacity of the municipality's land use planner and perceived benefits or impacts to the municipality. The regional plan will impact municipalities differently, as some aspects are very specific to certain land uses or areas of the large region (i.e. forestry and crown lands). There are many issues covered in the SSRP and it is impossible to do an adequate overview of all of them in this report, so some of the main elements that may be of particular interest to municipalities are highlighted. For a quick summary, you may refer to the summarized last two parts ('What does this all mean?' and 'Conclusion') at the end of this report.

The government sought public comment on the draft SSRP this fall through public sessions held across the region. In addition to the public sessions, stakeholders were encouraged to complete individual workbooks. The workbook may be found on the Government of Alberta website under the South Saskatchewan Regional Plan. After consultations are completed in January, a revised draft of the plan will likely be released shortly thereafter and the province has stated it will have a final draft completed by April 1, 2014.

Overall, the general observation on the plan is that it is a very high-level document, broad in scope and policy. The plan attempts to:

- address many diverse issues across the region;
- accommodate economic, environmental, social sectors;
- encourage shared stewardship and promote an integrated approach; and
- provide strategies and outcomes to address land use planning – the strategies describe regulatory and non-regulatory approaches that will be used to achieve each objective.

These are very noble goals and likely no-one would argue about the value of trying to have a more integrated approach to managing land use and development. However, the plan attempts to address many competing issues across a vast region, which is a difficult task to manage.

Council may be reminded that in 2009 The Oldman River Regional Services Commission (ORRSC) prepared a report entitled "*Municipal Perspectives: Position Paper on the South Saskatchewan Regional Plan*" on behalf of southern Alberta municipalities. In June 2011, the ORRSC subsequently prepared a report entitled "*ORRSC Perspectives: General Observations and Potential Issues Regarding the Regional Advisory Council's Advice to the Government of Alberta*." The purpose of the report was to provide a brief overview of the South Saskatchewan Regional Advisory Council's Advice (RAC) to the Government of Alberta, including perspectives of potential municipal issues on land-use planning. (Note: On March 25, 2011 the Alberta Provincial Government released the RAC's document entitled, "*Advice to the Government of Alberta for the South Saskatchewan Regional Plan*" (Advice). The Advice was intended to provide the provincial government with information and direction for preparation of a regional plan for the South Saskatchewan Region (Region). In reviewing that document, it may be noted that the SSRP is very similar to many of the recommendations provided by the RAC, as many topics

are still considered in isolation rather than being fully integrated or connected to primary issues and desired outcomes - the plan is very general and broad in scope. Thus, there are still a number of questions on the implementation and impacts of the SSRP in moving forward, as it still seems there are a number of unknowns on how this will all work and what the full effects to municipalities may be.

SSRP's Primary Municipal Policy Directives

The plan's structure is setup to contain four key components, and while parts of the plan are not intended to have binding legal effect but are statements of provincial policy to 'inform' decision makers (i.e. worded as "shall consider" Strategic plan & Implementation plan components), the "SSRP Regulatory Details Plan" component is binding and is enforceable as law. It is important to note that after the regional plan comes into force (April 1, 2014 target date), municipalities **must** fully comply with the regional plan within 5 years. This is the timeframe afforded municipalities within which land use bylaws, municipal development plans, etc., will need to be updated or revised to conform to the SSRP. Generally, municipal governments will continue to be responsible for local land use planning but plans and decisions have to be in alignment with the regional plan. Government agencies and boards would still make decisions on matters of provincial interest, such as watershed management, forestry and oil and gas.

Key Directions and Regional Outcomes

Basically, the SSRP identifies broad strategic directions and regional outcomes. The plan identifies a number of objectives for each regional outcome and describes what must be done to achieve the outcome (e.g. one of the outcomes is "the region's economy is growing and diversified", so an objective is "the region's agricultural industry is maintained and diversified"). The key question at the local level, is how some of the strategies would be implemented, who is responsible for them, how they may be funded, and how will the municipality know if the outcome has been achieved? Some of the key municipal directions of the SSRP are described as follows:

- The plan states that the majority of population growth in the South Saskatchewan Region is expected to occur in the region's urban areas. To assist in managing the pressures of urban growth, the plan encourages that the management intent focus on supporting local governments in "creating complete and connected communities that provide a diversity of services and housing types, and encourages people to live and work in the community". Encouragement for complete and connected communities includes encouragement of compact forms of development, transit-ready communities, affordable housing, and active living – with implementation left as a municipal responsibility. Growth boundaries are not proposed, but requirements for efficiency in the provision of services and infrastructure are recommended. Reduction of the development footprint both within urban municipalities and in the rural/urban fringe is also encouraged. The plan specifically notes that the Calgary Regional Partnership is to be supported.
- Municipalities are "encouraged" to identify areas where agricultural activities should be the primary land use, to limit fragmentation of land (especially in areas where agriculture is identified as the primary land use), direct non-agricultural development to areas where it will not constrain agriculture or to lower-quality lands, and to minimize land use conflicts between incompatible land uses. The direction also looks to maximize opportunities for value added production in the agricultural sector. These are particularly applicable to a rural municipality. Specific strategies to implement these directions are not included in the plan. However, it is noted that the RAC Advice recommendation for rural municipalities to be required to report the extent of agricultural land conversion to the government on a five-year basis did not make it into the draft SSRP.



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- An important component of the plan is to attempt to address the proper management of headwaters and groundwater, attempt to protect both quantity and quality of water resources. There is not clear information provided regarding water use and allocations and if efficiency savings are made by irrigation districts, if and how it may then be rerouted to value added production. Since the opportunity is referenced, rural municipalities may want to pursue this avenue with Alberta Environment and the districts to determine if there are reasonable ways to obtain water from irrigation districts to enhance rural economic development.
- Municipalities, in collaboration with industry and the provincial government, are “encouraged” to identify areas of existing and future extraction of surface materials (e.g. sand and gravel) and other mineral resources and determine appropriate land use in the vicinity of these. Specifics of how this would be managed and what responsibility lies with the municipality are not included in the plan. Many of our rural municipalities have added new policies regarding protecting surface materials and applying appropriate setbacks to such uses in their new land use bylaws.
- Alberta’s existing Green and White Areas land-use have specific policies. For public native rangelands (White Areas), best management practices will be used and specific policies are provided. On public native rangelands, the “the conversion to arable agriculture or other permanent uses will not be considered.” They suggest “managed livestock grazing will be the primary approach to emulate natural disturbance.” “Integrated land management will be mandatory to reduce linear disturbance and development footprint.” This is not unexpected, as this was a strong suggestion that was put forth in the RAC advice.
- Multi-use corridors (or the co-location of linear infrastructure) are “encouraged” ensuring infrastructure planning, development and servicing align at local and regional scales. The plan recognizes the need to plan and build infrastructure corridors that minimize land fragmentation and impacts to the natural environment.
 - It should be noted that the plan indicates that where it is satisfied that it is in the public interest, the Cabinet may declare any area under its jurisdiction to be part of a multi-use corridor.
 - From a land use and planning perspective, multi-use corridors are an effective method to help limit the fragmentation or sterilization of land; however, local municipalities should be part of the consultation and discussion of where these may be located. Multi-use corridors should respect local plans and development initiatives and take into consideration local communities growth plans so there is no conflict.
 - It is also important that government agencies must be further integrated in decision making for this to be successful, as many of these linear uses are competing against each other and obtain approval from different regulatory bodies.
- The plan states that it will attempt to enhance and increase tourism in the region. Specific tourism and recreation management and development plans will be developed for each recreation and tourism area. At this point in time it is more specific to the Castle, Kananaskis and Badlands areas; however, major tourism areas may significantly impact a local municipality (i.e. roads and services), so it would be hoped that these future tourism plans would be created with some sort of consultation with municipalities and the public.
- A major emphasis is on advancing conservation and integrated management of crown land which largely applies to the eastern slopes. The SSRP strives to create an integrated land management approach to planning for recreation, tourism, access, forestry, watersheds etc.,

and the designation of the Castle Mountain Wilderness Area, which municipalities on the eastern slopes will be more affected by.

- Many of the SSRP strategies are to promote the implementation of conservation and stewardship tools (e.g. economic and market based incentives, voluntary conservation easements, mitigation banking, transferable development credits) which have largely been left as voluntary mechanisms to use and look to be implemented at a local scale. What role a municipal government may play and how this will all be managed and funded is undetermined.
- The plan looks to the establishment of topic specific management plans such as watershed management plans, groundwater management plans, and air shed management plans. Evaluation of the potential impacts to municipalities and the public of such plans will be dependent upon the scope, scale and details of the management plans. The plan does state that it will help develop an air management framework to monitor air quality for various air shed zones and where monitoring shows it is necessary, establish air management plans. If this will be applied to areas of high concentrations of confined feeding operations is unknown, but apparently could be used. The plan states that both regulatory tools and beneficial management practices will be used to address this. The Designated Minister may determine whether a trigger or limit has been exceeded for air or water quality, and may issue a notice of the action to be taken in response – this may apply to the local government or decision maker who is bound by the notice.
- The plans states that municipalities are encouraged to identify and protect historical resources. Many municipalities have recently added policies to their new land use bylaws to accommodate this and it is also a goal of many Integrated Community Sustainability Plans.
- Outcome 5 of the SSRP states “community development needs are anticipated and accommodated” – which speaks to cooperation and coordination among land use planners and decision-makers. One of the strategies is to address common planning issues especially where the effect of development transcends jurisdictional boundaries. To that end, the many municipalities have or are in the process of completing intermunicipal development plans with adjacent municipalities and all of you also are members of regional services commissions (ORRSC, waste commission), as suggested desired strategies.
- In regard to SSRP land use strategies, many municipalities have undertaken new land use bylaws, IDPs, and sustainability plans, that take into consideration a number of the land use patterns encouraged – providing an appropriate mix of agricultural, residential, industrial land uses, etc., allow for mixed-use and cluster development, minimize potential conflict of land use adjacent to area prone to flooding, erosion, or subsidence. Most municipalities should be in conformity with the SSRP on many of these matters.

What Does This All Mean?

The draft plan appears, for the most part, to have left many current land use decision making items with the local municipalities. However, Cabinet or the Designated Minister does have decision making powers in some instances as described. In a number of policy areas the Designated Minister may determine whether a trigger or limit has been exceeded – this is a broad power and it does not provide the parameters of regulatory compliance within which everyone will know the rules. How the actual integration of land use management will be realized is difficult to say, as it is observed that there are still multi-provincial ministries responsible for different components of making decision and implementing the SSRP. Government agencies and boards would still make decisions on matters of provincial interest, such as watershed management, forestry, energy, and crown lands. It is not clear how well “integrated management” will actually occur, for example the NRCB is responsible for issuing permits for confined feeding operations and Alberta Environment and Sustainable Resource Development for issuing water approvals or licenses. How is one approval linked to the other? – if there is no water approval, there should be no permit issued for a new or expanding CFO, but there is no mention of these types of linkages



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being integrated or how it would be addressed. The plan appears to be too large in scope for these types of scenarios to be considered.

The plan encourages municipalities to implement strategies, programs and policies in the SSRP, as referenced in this report. The plan has not provided specific solutions to achieve outcomes or attain identified objectives from the municipal perspective – in other words, the plan often “encourages” municipalities to do something, but gives no clear guidance on how or to what level. There are a few areas that municipalities are required to do (i.e. “municipalities will”), including incorporating measures to minimize hazards such as flooding and erosion, and incorporating measures to mitigate floods through appropriate flood hazard area management in accordance with provincial policy. Municipalities have been attempting to do this and there are new regulations in the many land use bylaws that may be applied to such developments. However, one problem area is that there is a lack of completed mapping or information from the province on flood hazard areas. It would be costly for a municipality to undertake this task.

Good news is that the government is committed to continue to encourage and promote a collaborative approach to land use management. However, the plan does not necessarily provide enough clarity on how it will be managed and implemented. It appears that many topics still have been considered in isolation as individual issues rather than being fully integrated. At the local level, municipalities should continue to update or complete intermunicipal development plans with adjacent municipal neighbors, as that is a practice highly encouraged in the SSRP.

The Regional plan also often refers to future plans to be prepared, or in other words deferring planning or “planning to plan”, once the Regional Plan is approved. The municipalities and public have no knowledge at this time of what will be in these future plans and what the implications or responsibilities might be. It is unknown if these future plans will be prepared with public and municipal review or input. So in a sense, no one quite knows what they may be agreeing to yet, as “more” is to come.

Conclusion

Overall, the SSRP is very broad in scope and attempts to be many things to many people. The intent is to ensure that land is well-managed, important aspects protected, and land use conflicts are minimized into the future. The difficulties in creating a regional plan are readily apparent given the region’s great diversity. This seems to highlight the need for sub-regional plans. (There is reference to supporting the Calgary Regional Partnership, but there is little mention or support for other sub-regional plans.)

After the regional plan comes into force (April 1, 2014), municipalities must comply with the regional plan within 5 years. There may be a subsequent cost to municipalities associated with the implementation of the SSRP, as municipalities will need to update or revise land use bylaws, municipal development plans, intermunicipal municipal development plans etc., as they will need to conform to the SSRP. At this point, it is undetermined how extensive that may be. However, it preliminarily appears that there would only need to be some minor revisions to most of our municipalities’ municipal development plans and land use bylaws. That may change with some of the more specific provincial management plans yet to be approved. Currently, many of the community land use strategies referenced have been considered in some fashion by our municipalities over the past few years with more managed growth policies and recent bylaw revisions.

There is no clear indication in the SSRP of what the consequences would be if a decision making party did not adhere to the policies of the plan. And, if a party was found to be in non-

compliance, there is no reference to any type of petition or appeal process to resolve any such claims brought forward or to resolve differences of interpretation or application of policy areas. The Alberta Land Stewardship Act, however, addresses compliance requirements.

Until a final regional plan is presented and the details of implementation are established, it will be difficult to determine exactly how or to what degree it will affect municipalities. It is noted that the government has indicated that an integration team will be put together to help implement the Regional Plan. It has been observed by many at the stakeholder open houses that the draft SSRP is difficult to follow, vague in policy areas, and much of the information is disjointed in its presentation. A more integrated approach to managing land use and development is desirable, but the draft SSRP appears to raise as many or more questions than it addresses.

To participate further, a workbook may be submitted by February 28, 2014 which may be found on the Government of Alberta website under the South Saskatchewan Regional Plan.

Inquiries may be directed to:

Lenze Kuiper
Director
Oldman River Regional Services Commission
(403) 329-1344
lkorrsc@telus.net

Mike Burla
Senior Planner
Oldman River Regional Services Commission
(403) 329-1344
mborrsc@telus.net

Steve Harty
Senior Planner
Oldman River Regional Services Commission
(403) 329-1344
sphorrsc@telus.net