

May 17, 2021 Special Council Meeting

'Closed Session Item'

(M-1)

Calgary Metropolitan Region Board: Regional Growth and Servicing Plans

(Legislative Services)

"Kent Robinson"

Kent Robinson, A/Chief Administrative Officer

This is a confidential item.

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CONFIDENTIAL RVC2021-06



LEGISLATIVE SERVICES

TO: Council

DATE: May 17, 2021 **DIVISION:** All

FILE: RVC2021-06 APPLICATION: N/A

SUBJECT: Calgary Metropolitan Region Board: Regional Growth and Servicing Plans

EXECUTIVE SUMMARY:

The Calgary Metropolitan Region Board must complete the Regional Growth Plan, supported by a Regional Servicing Plan and a Regional Evaluation Framework, by June 1, 2021. After adoption of the Regional Growth Plan, Rocky View County will be required to prepare all statutory plans in accordance with the new growth plan.

The purpose of this report is to provide Council with an analysis of the potential impacts of the proposed Regional Growth Plan on Rocky View County, so Council can advise the Reeve, as the County's Board representative, for voting on the Regional Growth Plan, Regional Servicing Plan, and Regional Evaluation Framework. Voting on the final plans will begin on May 21, 2021, and conclude on May 28, 2021. For a more detailed overview on the Regional Growth Plan and information on the growth plan process, please refer to Council report *F1: Presentation of Calgary Metropolitan Region Board Draft Growth and Servicing Plans*.

BACKGROUND:

This report provides an analysis of potential impacts of the Growth Plan from Rocky View County's perspective. Since the inception of the CMRB, Rocky View County Council has consistently opposed mandatory membership based on these key principles:

- Reduction in autonomy of member municipalities;
- The MGA already has regional tools such as Intermunicipal Development Plans (IDP), Intermunicipal Collaboration Frameworks (ICF), and the ability to appeal statutory plans considered detrimental to another municipality; and
- The City of Calgary must give approval for all future land use planning in the County, due to the voting model of 2/3 of members and 2/3 of population for approval.

However, despite Council's opposition to being mandated into a Growth Management Board, Rocky View County has participated in good faith in the process to develop the Regional Growth Plan, and continually advocated for the County's long-term interests.

Growth Plan Overview

The Growth Plan is a strategy for managing growth in the Calgary Metropolitan Region. It is focused on accommodating the next one million people and 600,000 jobs, and identifies population and job forecasts for each municipality. Rocky View County is forecasted to have 71,439 people by 2053, and to create an additional 69,010 jobs by 2048. The projected employment growth for the County is 13.9% of the total regional forecast.



Location of Development in the Region

The draft Growth Plan directs new residential and employment growth in the region to Preferred Growth Areas. All Urban Municipalities are identified as Preferred Growth Areas. In the Counties, Preferred Growth areas are identified in Joint Planning Areas and Hamlet Growth Areas (Attachment A); growth must be directed to these specific areas and is limited in all other parts of the County. As identified in the Regional Plan, Rocky View County can have residential and employment growth in the following areas:

- Three Hamlet Growth Areas Bragg Creek, Harmony, and Langdon;
- Two Joint Planning Areas (JPAs):
 - JPA 1 north Calgary, south Airdrie, and Rocky View County: east and west Balzac.
 - JPA 2 east Calgary, portions of Chestermere, and Rocky View County: Conrich, Omni, and Janet.
 - JPAs are intended to be guided by Context Studies, which are to be prepared jointly by the three parties in the JPA. They are intended to address shared servicing opportunities, transit and transportation, cost/benefit sharing, and sequencing of land use.
 - Existing ASPs can continue in a JPA, regardless of status of the Context Study. For Rocky View County, most of the JPA areas already have existing ASPs: Balzac West, Balzac East, Omni, Conrich, and Janet.
- Existing Area Structure Plans if not identified as a Preferred Growth Area, existing plans can
 continue as currently adopted. However, if they are amended, ASPs must conform to the
 Growth Plan, which provides limited opportunities if they are not Preferred Growth Areas. This
 impacts the following plans in Rocky View County: Central Springbank, North Springbank,
 Cochrane North, Bearspaw, Glenbow Ranch, Dalroy, Delacour, Indus, and North Central
 Industrial (Joint with Crossfield).

There are policies within the plan that allow the County to propose additional employment areas, Hamlet Growth Areas, and Joint Planning Areas, but these must meet specific criteria and be approved by the Board.

Types of Development

In addition to directing growth to specific areas, another key feature of the plan is identifying which forms of growth, or placetypes, are desired. A placetype generally describes, at a regional scale, the land uses and density of a certain type of development. The six placetypes in the region are:

- 1. Infill and Redevelopment;
- 2. Masterplan Communities;
- 3. Mixed-Use / Transit Oriented Development;
- 4. Residential Communities;
- 5. Employment Areas; and
- 6. Rural and Country Cluster Communities.

The Growth Plan outlines minimum and/or maximum densities for each placetype. The first three placetypes are "Preferred Placetypes"; the majority of new residential growth in the region should conform to one of these preferred placetypes. The Growth Plan provides some flexibility to each municipality to determine the appropriate mix of placetypes in a given area. Generally, the placetypes encourage higher densities, mixed use, and consideration of transit.



With the exception of Rural and Country Cluster, the Growth Plan restricts these placetypes in the Counties to Preferred Growth Areas, which are JPAs, and Growth Hamlets. Only the Rural and Country Cluster placetype can be used in other areas of the County. Employment Areas, unless already identified in an existing ASP, must be located in JPAs and Growth Hamlets.

The Growth Hamlets (Bragg Creek, Langdon, and Harmony) will be encouraged to have higher densities, starting at a minimum of five units per acre. Langdon is currently an average of four units per acre. Harmony is around five units per acre and would be considered a Masterplan Community. These could have Employment Areas.

Servicing Plan Overview

As per the CMRB Regulation, the Regional Growth Plan must be supported by a Servicing Plan and a Regional Evaluation Framework (REF). A brief overview of these two documents is provided here.

The Servicing Plan outlines how the planning and coordination of regional servicing will support the implementation of the Growth Plan. The Servicing Plan identifies servicing priorities, and mandates cooperation through working groups and evidence-based decision-making to achieve regional servicing efficiencies in the future.

The Servicing Plan identifies five areas, each with priorities, and each with actions necessary to achieve completion of the priorities. These five priority areas include:

- 1. Transportation and Transit;
- 2. Long-Term Water Strategy;
- 3. Water and Wastewater Servicing;
- 4. Stormwater Management; and
- Recreation.

The primary function of the Servicing Plan is to identify future work necessary to fully implement the servicing plan. It is a 'plan to plan' and will result in additional work commitments, especially with respect to the joint planning areas.

Regional Evaluation Framework (REF) Overview

The purpose of the REF is to:

- (i) provide criteria to determine which new or amended statutory plan is to be submitted to the CMRB for approval;
- (ii) outline procedures for submission of plans; and
- (iii) provide direction on how the CMRB Administration and Board Members will review and approve statutory plans to ensure they are consistent with the Regional Growth Plan.

The REF is based on the policies of the Growth Plan. Administration has limited concerns with the proposed REF, with the exception of:

- Definition of 'Regional Significance': broad definition most County statutory plans will have to be submitted to the Board. One aspect of the definitions is "affecting two or more neighbouring municipalities'. Given the number of neighbours Rocky View County has, most plans will be deemed regionally significant due to proximity of a neighbour.
- Meaning and use of the term 'Natural Systems': the reference to natural systems is broad, and may capture features that are not regionally significant.



DISCUSSION:

Throughout the process of developing the Growth Plan, the County has continued to advocate for flexibility and recognition of the County's existing growth areas, future development potential in all areas of the County, and continued economic sustainability. There have been a number of changes made over the various iterations of the plan to provide opportunities to the County (Attachment B). However, there are major concerns still outstanding, primarily that the plan is focused on directing the majority of growth to Cities and Towns, with only specific areas of the Counties allowed to have any significant development. Where the Counties are allowed to develop, it will be mainly under the supervision of their urban neighbours in Joint Planning Areas.

Ongoing discussion at both the Board and Administrative levels seems to indicate that the urban municipalities are of the opinion that the Counties have ample opportunity in the new plan to accommodate the growth that has been allocated to them. It should be noted that there are no policies in the plan limiting future annexation for urban growth to expand existing Towns and Cities.

Attachment C provides a detailed analysis of the key components of the Regional Growth Plan from the perspective of potential impacts to Rocky View County. The analysis focuses on the Growth Plan and does not address the County's long-standing concern with the CMRB regulation, the mandatory requirement for participation in the CMRB, or the CMRB voting structure.

From an overall perspective, the major impact of the Growth Plan on Rocky View County is the restrictions on the locations for growth. The placetypes themselves are achievable for Rocky View County and represent the type of development that the County has been promoting: higher densities, mixed use, and more compact. However, the plan limits the areas of the County that can be developed to these placetypes. Small, isolated business areas of less than 10 or 20 acres and country residential development are the only development allowed outside of the Preferred Growth Areas.

Of particular impact to the County is the limited ability to amend ASPs that are not located within the Preferred Growth Areas. A specific example is the Springbank Airport area; the Board has acknowledged that the airport is regionally important, but is not comfortable with identifying it as an employment centre in the Growth Plan to allow the County to proceed with amending the Springbank ASPs. The plan does provide some flexibility to the rural municipalities to add new growth hamlets, employment centres, and joint planning areas, but only if stringent criteria are met, and only with Board approval and oversight. This is not the case for the urban centres as they are considered Preferred Growth Areas in their entirety.

In addition to the Growth and Servicing Plans, the transition to the Growth Plan and CMRB dispute resolution are important aspects for Council's consideration and are reviewed below.

Transition from Interim Growth Plan to Growth Plan

Currently, all plans submitted to the CMRB by member municipalities are evaluated under the Interim Regional Evaluation Framework (IREF). At the May 6, 2021, CMRB meeting, the Board approved a process for the transition from the IREF to the Regional Evaluation Framework (REF). The Counties of Rocky View, Foothills, and Wheatland voted against the transition process due to concerns that it does not comply with the process for implementing the Growth Plan, which is clearly outlined in the *Municipal Government Act* (section 708.1(1) and 708.11). The preferred outcome for the rural municipalities was that the Board would continue to evaluate land use plans according to the Interim Growth Plan until such time as the Minister approved the Growth Plan and set out a date upon which it takes effect, as per the MGA.

The process approved by the CMRB on May 6, 2021, would ensure that statutory plans are reviewed and approved under the Interim Growth Plan until the final Growth Plan is approved by the Minister. However, the Board set a date to require that statutory plans approved after June 1, 2021, will have to be revised to align with the Growth Plan by June 1, 2022. This effectively means that Plans approved



in this interim period will immediately have to be redone to conform to a Growth Plan that was not in effect during their development and approval. The risk is that this may create considerable confusion for the development industry, especially if the Minister makes substantive changes to the Growth Plan before approving it. It also adds significant costs and political risks for existing plans, some of which have been underway for several years and have received second reading from the County. These plans likely will not comply with the new Regional Growth Plan, which means drastic revisions would be required.

Dispute Resolution

An ongoing concern of the County has been that the CMRB did not have a dispute resolution mechanism to resolve issues, such as the refusal of a member's statutory plan. The Governance Committee has developed a proposed dispute resolution mechanism that, at the time this report was written, was set to be considered at the May 14, 2021, CMRB meeting.

The proposed dispute resolution / appeal bylaw provides a two-track mechanism for dispute resolution. Dispute resolution for most Board decisions will take the form of facilitated discussion followed by mediation. Most importantly, the REF appeal mechanism allows municipalities to appeal the approval or rejection of statutory plans to the newly formed Land and Property Rights Tribunal (formerly the Municipal Government Board).

Municipalities disputing a Board decision on a statutory plan must proceed through facilitated discussion and mediation, but do have recourse to a neutral, third-party body for final decision on approval of statutory plans. This will add upwards of 180 days to the process, but provides recourse to a municipality if a plan is refused.

NEXT STEPS:

The Board will begin voting on the Regional Growth Plan on May 21, 2021. If not completed on May 21, voting will continue on May 28, 2021. If the Board directs any further changes or amendments, they will be made between May 22 and 31, 2021. The Plan will be submitted to the Minister of Municipal Affairs by June 1, 2021. The timeframe for the Minister to approve the plan is unknown, but Government of Alberta representatives have indicated that it will not likely occur until after the Municipal Elections in October 2021.

CONCLUSION AND SUGGESTIONS FOR COUNCIL:

This report has outlined the potential impacts, both positive and negative, of the Regional Growth Plan on Rocky View County. Overall, it is an urban focused plan that constrains independent decision making of rural municipalities. There are policies that will allow the County to bring forward other growth areas, but this will be subject to Board approval. As written, the plan will support Rocky View County development in the Balzac area, the Conrich and Janet area, Harmony, Langdon, and Bragg Creek. Existing ASPs can proceed as currently approved.

Council must now decide how to vote on the Growth Plan, Servicing Plan, and Regional Evaluation Framework. Administration has prepared several options for Council's consideration. Council can:

- Vote in favour of the Growth Plan;
- Vote in opposition to the Growth Plan;
- Propose further amendments to the Growth Plan.

Should Council choose to oppose the plan, Administration has drafted a resolution for Council's consideration, outlining the reasons for the County's opposition. Administration can make any changes to the resolution that Council wishes. If Council chooses to oppose, it is advised to also oppose the Servicing Plan and Regional Evaluation Framework since they are intended to support the Growth Plan.



It is Administration's assessment that proposing additional amendments will have minimal effect. The County, along with Foothills and Wheatland, has proposed amendments continually throughout the process. It is unlikely that the Board will consider further amendments that would satisfy the County. Should Council choose to propose additional amendments for Reeve Henn to bring forward, Council can provide further direction.

OPTIONS:

Option #1 THAT Council direct the County's Calgary Metropolitan Region Board representative, Reeve Henn, to vote in favour of the Regional Growth Plan as presented.

Option #2 **WHEREAS** the Regional Growth Plan directs growth primarily to urban municipalities and restricts rural growth except in limited areas under the supervision of urban neighbours and the oversight of the Calgary Metropolitan Region Board; and

WHEREAS the majority of growth can freely occur in the urban municipalities with limited Board oversight; and

WHEREAS the Regional Growth Plan limits the opportunity for rural municipalities to create new employment areas to support municipal sustainability, economic activity, and jobs for Albertans; and

WHEREAS the Regional Growth Plan impacts the agriculture industry by removing the rural municipalities' authority to create the tax base to fund infrastructure required by agriculture; and

WHEREAS the Regional Growth Plan prevents rural municipalities from implementing best rural planning practices for economically viable cluster residential development; and

WHEREAS the Regional Growth Plan and the provisions therein significantly increase red tape and expenses for municipalities, which is contrary to the Provincial mandate; and

WHEREAS the Regional Growth Plan fails to speak to the need to restrict expansion of urban boundaries; and

WHEREAS the Regional Growth Plan fails to respect the consensus-based approach and mandate to sustain economic growth outlined in the Calgary Metropolitan Region Board Regulation; and

WHEREAS the effective date for approved plans to come into alignment with the growth plan will jeopardize plans adopted under the Interim Growth Plan;

NOW THEREFORE BE IT RESOLVED THAT Rocky View County Council direct the County's Calgary Metropolitan Region Board representative, Reeve Henn, to vote against the approval of the Regional Growth Plan, Regional Servicing Plan, and Regional Evaluation Framework, as presented.

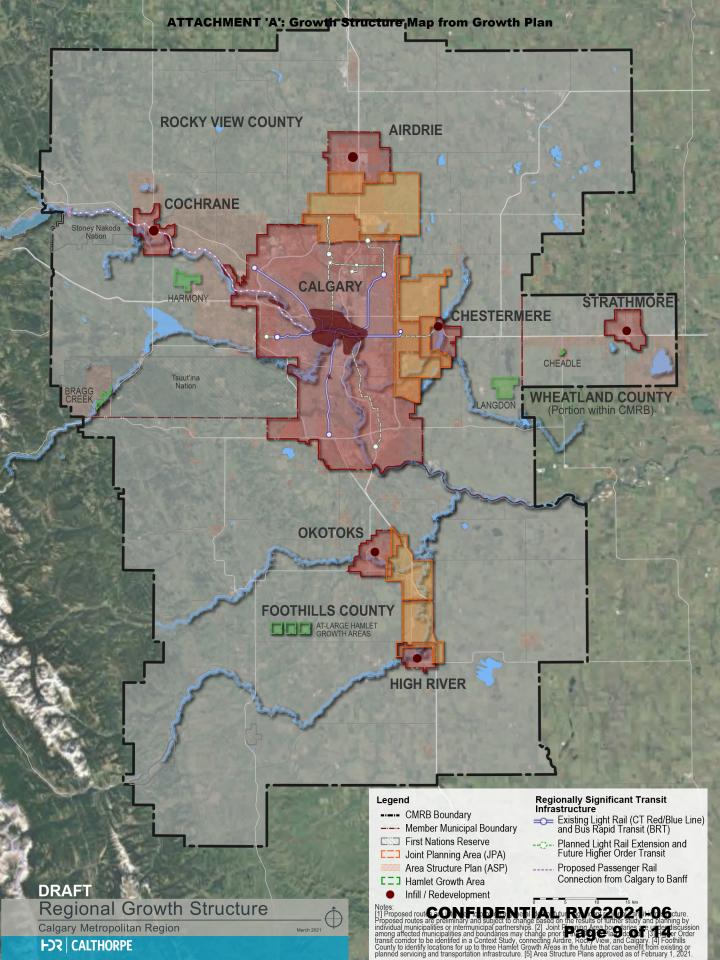
Option #3 THAT alternative direction be provided.



Respectfully submitted,	Concurrence,
"Amy Zaluski"	"Kent Robinson"
Director Legislative Services	Acting Chief Administrative Officer
BM/rp	
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ATTACHMENTS:

Attachment 'A' – Growth Structure Map from Growth Plan Attachment 'B' – Overview of advocated changes to Growth Plan Attachment 'C' – Analysis of Impacts to Rocky View County





Attachment 'B' - Overview of Advocated Changes to Growth Plan

Since the first iteration of the Plan, there have been a number of changes made to it in response to repeated advocacy from the Counties of Rocky View, Foothills, and Wheatland. These changes increase flexibility and provide more opportunity than previously considered.

- Identification of Harmony as a growth hamlet;
- Expansion of Joint Planning Area 2 to include the Omni ASP;
- Expansion of the Bragg Creek Hamlet Boundary;
- Policy allowing for new Joint Planning Areas to be considered;
- Policy allowing consideration of new Hamlet Growth Areas, plus the guarantee that Foothills can have three Growth Hamlets;
- Policy allowing the consideration of Employment Areas outside of the Preferred Growth Areas;
 i.e.:in rural areas;
- Policy allowing for the expansion of existing Growth Hamlets; and
- Requirement that all municipalities, not just the Counties, consider the negative impact of development on agriculture and how these impacts can be mitigated.



Attachment 'C' - Analysis of Impacts of Regional Growth Plan to Rocky View County

Growth Plan Item/Consideration	Opportunity/Strength	Risk/Limitation
New statutory plans must be reviewed and approved by the CMRB		 Loss of independence and local autonomy – residents no longer have final say through their elected official. Risk of refusal on political grounds.
Directing growth to Preferred Growth Areas	 Clear understanding of where growth will happen. Can increase ability for servicing efficiencies and less fragmentation of land. Existing residential ASPs (Hamlets and Country Residential) may continue to develop as per their ASP. Residential land in JPA 1 and JPA 2, if built at Growth Plan densities, has the potential for over 120,000 residents. 	 Limits growth in rural municipalities to specific areas; Joint Planning Areas, Growth Hamlets, and existing ASPs. Approval of growth beyond identified areas is unlikely, unless it can be demonstrated through appeal process. Development on Highway 8 is limited to cluster development or making a case for a new hamlet Does not identify many of the County's proposed APS including Shepard, Glenmore Trail East, and Highway 1 East. No locational criteria for growth in urban municipalities – unfair. No constraints on urban annexation.
Policy for New Growth Areas	Rural municipalities can propose new: • JPAs; • Growth Hamlets; • Employment Areas.	 New areas are subject to CMRB Board approval, which will be a challenge. New areas must meet a series of criteria, which includes justification for why a new area is needed.



Growth Plan Item/Consideration	Opportunity/Strength	Risk/Limitation
Amendments to existing Area Structure Plans • It will be possible to amend existing ASPs – if unlikely due to political nature of the CMRB.	 Amendments to an ASP, if determined to be regionally significant, must conform to the new growth plan and be approved by the CMRB. The Central Springbank, North 	
		Springbank, and Bearspaw ASPs, if amended, could only allow for the Rural and Country Cluster placetype because they are not identified as Preferred Growth Areas. These plans cannot be amended to have employment areas greater than 10-20 acres, masterplanned communities, or higher density.
Joint Planning Areas (JPA)	confirmation of Rocky View County's right to develop in the JPA the same as an urban municipality. • The existing ASPs within the	context studies.Mechanism for creating and implementing context studies is
	 JPAs are grandfathered. New ASPs can be created in these areas in accordance with the Growth Plan. Provides significant land within these areas for County development. 	 Orderstanding of what relationship the context studies have to the current ASPs is still unclear. Significantly more work for those party to a JPA; the County has two.
Context Study in JPA	 May result in servicing efficiencies. Outcomes apply equally to all members in the JPA, not just the County. Outcomes and timing do not affect growth and development if contained within an existing ASP. 	 Preparation will be costly in terms of time, money, and administrative resources. Most planning has already occurred in the County's JPA areas. As most of the County's lands within the JPAs have existing plans, the benefit of Context Studies is still unclear. Urban municipalities may attempt to dictate sequencing of development in JPAs and impose cost / revenue sharing arrangements.



Growth Plan Item/Consideration	Opportunity/Strength	Risk/Limitation
Hamlets	 Allows continued growth in all hamlets as per their ASP. Provides a path forward for expansion of three Growth Hamlets: Bragg Creek, Harmony, and Langdon. 	 Approval of new Growth Hamlets is unlikely given overall planned residential development in the County. Criteria for new Growth Hamlets limits the size to 640 acres.
Traditional Country Residential and Cluster Residential	 Allowed in most areas of the County, except Preferred Growth Areas. Promotes cluster country residential, which is best practice for this placetype over traditional 2 and 4 acre lots. 	 As currently written, the country cluster placetype is not viable as the overall densities are too low. The County has been advocating for slightly higher densities, in areas such as Springbank and Bearspaw, to incentivize the form, which is best practice for Country Residential. The densities proposed are not high enough to economically achieve piped or communal services, which is necessary to promote cluster. Population increase in existing Country Residential ASPs is limited to 25% of the existing planned population. This will limit the ability of existing ASPs such as Springbank and Bearspaw to densify.
Employment Areas	 Rocky View County's primary employment areas (East Balzac and Conrich) are unaffected and are recognized as part of the JPA. Employment areas within approved ASP areas are unaffected. Rocky View County forecasted to account for 13.9% of the region's employment growth. Agriculture, energy, home based, and small business are not impacted by the Plan. 	 The County cannot create new employment areas outside of the Preferred Growth Areas unless the proposal meets the criteria of the policy. Approval of new Employment Areas is unlikely given overall employment population growth forecast for Rocky View County. Existing ASPs cannot be amended to include new employment areas greater than a certain size. The Board is still debating if that should be 10 acres or 20 acres. Small employment areas cannot be created within 2 kms of an urban municipality.

ROCKY VIEW COUNTY

Growth Plan Item/Consideration	Opportunity/Strength	Risk/Limitation
		The Springbank Airport area may not be recognized as an employment area, which will severely limit the ability to amend the existing ASP to accommodate further employment growth around the airport.