



Southern Alberta Land Trust Society

Comments on the Draft Land Use Framework

June 20, 2008

The Alberta Government released the draft Land-use Framework, commonly referred to as the LUF, in May of 2008. The stated goal of this framework is “to sustain our growing economy, but balance this with Albertans’ social and environmental goals”.

The Southern Alberta Land Trust Society (SALTS) appreciates the opportunity to provide these very cursory comments on the LUF with the hope that it will contribute to an improved land-use process and outcome.

First, we would like to congratulate the author(s) of the draft LUF on a clear and well organized booklet. Land-use is a difficult and complex process. Keeping the document short and focused is testament to the amount of work expended in its preparation. In reply we will do likewise and keep our comments short and specific.

Vision

We agree with the vision statement in that the land is the foundation of our economic, environmental and social well-being. There is in this statement, however, a fundamental flaw which, like a Freudian slip, reveals an unfortunate underlying attitude. It should read that the land is the foundation of our social, environmental and economic well-being. The ordering of the words, as in the later stated Outcomes, is a small but very important point. Our economic life should serve our social happiness. In short, we should work to live, not live to work.

Guiding Principles

It is noted that these are very similar to the principles developed in the ILM process. If there is one principle that should be added from the ILM work it is that of the work being “clearly communicated to all stakeholders and the public on a timely basis.” We are pleased that the work to date is well communicated through the website, but also believe that this principle of clarity and full disclosure should be entrenched in the principles.



In addition, we are curious that the principle of using cumulative effects analysis as a part of land-use planning, while mentioned elsewhere, is not part of the guiding principles. The term cumulative effects is properly defined in the Glossary, and we see a place for such a principle in this document.

Strategies

We are in agreement with five of the six strategies laid down in the draft LUF. Strategy Two, which deals with a governance structure, presents more of a problem. While we agree with the need for “strong provincial leadership”, we also believe that land-use planning should be separated to the greatest degree possible from the political process. That is, an efficient and clear set of guidelines for land-use decisions is preferable to a committee structure controlled ultimately by the provincial government cabinet.

It appears to us that the suggested committee structure, secretariat and regional advisory boards, all filled with appointed people, is neither democratic nor efficient. In fact it carries the danger of a large and growing bureaucracy with its power and real decision making centralized in Edmonton, and ultimately under political control.

We hope that this suggested structure would be reconsidered, or evolve quickly into a more democratic, decentralized and locally sensitive governance structure working under a clear and place-based set of provincial guidelines.

Much land-use planning is governed by the Municipal Government Act (MGA) which was re-written in the 90’s to be a very pro-development document. Many local councilors have expressed a concern that the MGA makes it very hard to turn down development even if it appears to be less than optimal for the local community. As part of a governance review, this act needs to be reviewed and changed to be more balanced, and to support the principles and outcomes of the draft LUF.

Provincial Outcomes

We take these outcomes to be a key part of the LUF document. General statements of vision, strategies and principles are important, but it is the specific outcomes which define the direction and the path forward. The stated outcomes sound good, but their tone and content carry the message, in our opinion, of an attitude of business as usual with some mitigation of the negative affects.

SALTS has always held the belief that the most effective and lasting conservation solutions both originate and are maintained at the community level through empowering individuals with the necessary tools and vision. We believe this also applies to business and social issues as well. That is, by helping to create communities of creative, healthy, well-educated, and motivated people, supported by a good infrastructure, business will prosper and the environment will be protected.

We would suggest that the outcomes should be in the following order:



- **Vibrant and productive communities** - ‘liveable’ communities sounds like a lowest-common denominator – accepting a minimum standard – why can’t we set our sights higher? Indeed, we need to redefine what it means to be a member of such a community and define specific elements of land-use planning that will support such a vision. The detail subheadings in the document are pretty thin stuff. For example, where is the specific outcome that good land-use planning should support living in energy efficient communities?
- **Healthy ecosystems and environment** – the detail outcomes are reasonably well stated and valid. We support these detail outcomes.
- **Sustainable prosperity supported by our land and natural resources** – placing this outcome last reinforces the concept that the economy should serve the community. We understand that prosperity now mostly comes from something grown on, or extracted from under, the ground. In the twenty-first century, however, prosperity also comes from intellectual products created by well educated and creative people who can sell their skills and knowledge products around the world. How do we attract these types of people to Alberta and keep them here? I would suggest it is not by allowing uncontrolled development and growth that damages our environment. This attitude is reflected in the LUF general statements, but does not seem to be particularly reflected in this outcome. Another question is that of agriculture – there is no mention here of how agriculture can provide a sustainable prosperity. We see this as a significant shortcoming and are curious as to why a major industry such as agriculture doesn’t count for more. The last serious shortcoming here is the first statement of optimizing value for the “broadest number of Albertans” which again suggests that local communities will have some say but little real power in decision making about how their local landscape is used to benefit their community. This is also a dangerous statement if value itself is not defined. Is value purely economic and does this economic value for the “broadest number” take precedence over the health and well being of small communities?

Conservation and Stewardship

We would like to applaud the author(s) in recognizing in this section the importance of stewardship and in opening the door to a variety of tools that will help to balance the need for conservation with the rights of property owners.

At the same time we would like to state that the land-use tools mentioned need to be constrained by clear guidelines that ensure their use in an appropriate way. Some possible guidelines are explored below.

Transfer of Development Credits (TDC) is a land-use planning tool which may or may not have a conservation element. We would suggest that guidelines for the application of a TDC program should include:



1. The ‘sending area’ must have a higher environmental value in meeting the goals of the TDC system than the ‘receiving area’. Also, the ‘sending area’ must have an existing lower density of development than the ‘receiving area’. In Alberta, areas which are worthy of protection as a ‘sending area’ include large, unfragmented agricultural lands, native grasslands, wildlife habitat, ecologically significant sites, wetlands and scenic vistas. Unfortunately areas of high conservation value are also those areas highly desirable for rural residential development which provides an impetus to reverse the direction of the development density transfer. To maximize the benefit of the TDC planning tool, this type of abuse must be avoided. To this end a well defined conservation easement held by a conservation land trust must be placed on the sending area.
2. The ‘receiving area’ and associated increased density should be located adjacent to or within existing or planned towns or cities. The location for the development must integrate with regional planning criteria. Adequate infrastructure, including a defined, secure water supply, is critical to defining the ‘receiving area’. By comparison, ‘clustered’ development is often no more than a way of creating a recreational area adjacent to a housing development and used by the occupants. As such it may result in a degraded wildlife habitat and wetland environment, thus negating the original purpose. In addition, clustered developments seldom have significant employment opportunities and this creates a cluster of commuters rather than a true community.
3. The ‘TDC program’ must be developed by the local government in a comprehensive manner that is understood and supported by the community. The program should be structured to allow participation by numerous landowners in the area and it should involve a conservation land trust organization. It must ensure that a market exists for the ‘development credits’ created under a TDC policy. If no market exists, or the transaction costs are too high, then the value of the credits to the person on the ‘sending’ side is significantly reduced. The TDC plan should be structured as an incentive system. A TDC system which is viewed as confiscatory would invite court challenges and not gain the support of rural landowners.

The ‘Tradable Disturbance Rights’ (TDR) concept is similar in concept to the TDC and needs to be constrained by guidelines similar to those described above for a TDC program. The ‘Land Conservation Offsets’ concept is another similar tool which also needs to be constrained by similar guidelines.

These tools, which are sometimes discussed under the banner of a ‘no net loss’ program, can be very useful. They can also open the door to development in areas where development should not occur (under any circumstances), by offering the excuse that the overall environment will benefit. It also opens the door to the argument that a particular development can proceed so long as the proponent can afford to ‘buy’ the required remediation/improvement/offset in some other location. It can create the opportunity to



open up areas for development which to this point have been off-limits for very good environmental reasons. In short, they can be very useful to good land-use planning, but are also subject to significant abuse, especially when decision making power is centralized in political hands.

We support the move to investigate market-based incentives and tools. We need to harness the creative energy of the entrepreneur in finding new solutions to protecting the environment and the ecological goods and services that a healthy environment generates. Our society needs to understand that our prosperity flows from such assets and that the protection of them will ensure prosperity far into the future. We need to adopt the long-term view. To this end, SALTS in partnership with the Manning Centre is investigating market-based conservation (MBC) tools which dovetail well with the LUF.

Timeframe

There are two comments we would like to make on the schedule outlined in the draft LUF document. First, we would like to see a faster implementation to avoid a long period of uncertainty. Business and landowners need to know the rules as soon as possible.

Second, some form of ‘hold’ or moratorium on subdivision of agricultural land should be put in place until the rules are agreed and adopted. Without such a hold, there will be a rush to subdivide small parcels (we are starting to see it already) prior to the new land-use planning regime. This preventive action is seen as very important in the interim and will help to create pressure to determine and adopt the rules as soon as possible.

Thank you for this opportunity to participate.

Southern Alberta Land Trust Society

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