

Natural Environment and Lake Stewardship (NELS) Committee

Saturday, September 4, 2021

Prepared by Karen Laustsen, Chair

NELS Committee Member Attendees:

Karen Laustsen
(Chair)
Connie Beaton

Ade MacDonald-
Smith

Karen Foudy
(Council Rep.)

Regrets:

Debbie Brotzell, Sharon Cockx, Tara Teghtmeyer

There were 21 additional interested Villagers in attendance

Meeting called to order K. Laustsen at 2:00 PM.

1. Agenda

- The purpose of the meeting was to review NELS Committee's draft response to Council's letter of July 30th 2021 and get input from the Committee and other interested Villagers with regard to the installation of the disc golf course.
- At the request of the NELS Committee, Bob Miller, a former Village Mayor and retired Municipal Planner, highlighted those portions of the Village's legislative and governing framework that are, in his opinion, relevant to the location of the disc golf course.
- Highlighted copies of these relevant documents, or excerpts, were printed for those in attendance and are to be attached to the Minutes of the NELS Committee meeting.

2. Approval of Prior Minutes

- Few Committee meetings have been held since Covid restrictions came into effect in 2020, although members of the Committee have stayed in continuous communication as matters requiring Committee attention arose over the past 18 months.

3. Objective: Introduction of the Relevant Legislative and Governing Documents

3a.

The first document that was introduced was the **Municipal Government Act (MGA)**. This is the overarching document that provides the legislative authority and requirements for all municipalities in Alberta. **Please refer to Attachment 1**. This attachment has the pertinent provisions highlighted:

632 (1) Every municipality must approve a *Municipal Development Plan (MDP)*, by bylaw (making it a “Statutory” document, which has implications for the way it has to be approved and/or amended – requiring a formal Public Hearing at Council).

632 (3)(b)(iii) The MDP “may” address “environmental matters”, or it may not, depending on Council’s intention and the rigour of information available to support environmental policies, maps, etc. The SVGL’s MDP has very little environmental information but does have a few key statements pertaining to the Village’s intentions for the lands now accommodating the Disc Golf course.

692 (1)(f) The MGA’s requirement for municipalities to hold a formal Public Hearing whenever they are going to approve or amend a Municipal Development Plan (MDP). (The implication here is that IF the change in purpose/use for the lands now accommodating the Disc Golf course was significant enough to constitute a change of the intention for those lands as described in the MDP, then that change would have been made by Council, or members of Council, without amending the MDP and without holding the required Statutory Hearing.) The Village’s MDP, Land Use Bylaw and Village Sustainability Plan all speak to the Village’s intentions for that land.

230 (1) References the obvious requirement that a Public Hearing to amend a Municipal Development Plan (MDP) must be held before a council votes on the resolution.

616 (b) Definition of “development”, refers to either a (iii) “change of use of land”, or (iv) “a change in the intensity of use of land” – it has been the NELS Committee’s view that changing the use and intensity of use of these lands essentially constitutes development and, as such, ought to require a Development Permit issued by the Village’s Planning Approving Authority.

3b.

- The second document reviewed was the Village’s **Municipal Development Plan (2020)**. This Plan was developed by the Council of the Summer Village of Ghost Lake with the assistance of a consultant (Birch Consulting) and a steering committee of community members. A survey of residents was undertaken in fall, 2018 to solicit Villagers’ perspectives on a variety of topics. **Please refer to Attachment 2**. The attachment has the relevant statements highlighted for quick reference, which include:
 - P.1 MDP must be approved by bylaw, as per MGA requirements
 - P.7 Recognition that the Village’s *Sustainability Plan (2012)* is still important to most villagers and still contains valid policy direction suggestions to “provide context and advice to Council members”. This is again reiterated in policies on P.23, noting “*Because the Sustainability Plan is still seen as relevant in providing policy direction for the community, Council and administration will use it as part of the annual strategic planning and budget preparation process*”.
 - P.8 Villager Survey in 2018 placed “natural areas” as one of the Top 3 things Villagers liked most about the Village

- P.9 (Goals) and Figure 3 (P.11) together identify the “undeveloped” lands now accommodating the Disc Golf course with the Goal “To preserve the undeveloped, municipally-owned land in a natural state . . .”
 - P.14 (Policies for Recreation and Open Spaces) and Figure 4 (P.15) define a Policy for this “Protected Area – to be used for casual recreation activities such as walking, with an effort made to limit development and land disturbance”. Figure 4 (P.15) identifies those specific lands as being part of the “Protected Area”. (Note that the Protected Area is defined as being different from the Village’s Golf Course, which is included in the “Recreational Activity Area” – a golf course is not a protected area – they are different in intention, use and intensity of use.)
 - P.16 has policies that go on to clarify the intent of the “Protected Area” by saying “the lands shown as Protected Area are generally intended to be kept in a natural state for informal recreational purposes such as walking or cross country skiing”.
- There are two key maps within this document that are attached in color that are critical to understanding why the disc golf course is incorrectly placed. See **Attachment 3: Figure 3 Municipal Development Plan Future Land Use, AND Attachment 4: Figure 4, Municipal Development Plan Recreation and Open Spaces**

3c.

- The Third document is the Village’s **Sustainability Plan** (2012). **Refer to Attachment 5.** This was a document that was developed with extensive SVGL public input and was utilized in the formation of the Village’s Municipal Development Plan and it is still considered a key document by Council and SVGL residents. Please note that the highlighted sections represent key points in the NELS Committee’s quest to ensure the Village’s Goals and policies to protect the North escarpment are respected by Council.
 - P.4, 2012 – a plan “by the Village, for the Village” – extensive Villager involvement
 - P.5 & P.17 Village Values – “environmental stewardship” and “local governance”
 - P.5 & P. 17 Vision – “has local governance with open communication, active participation and strong ethics” AND “Actively protects and minimizes impact on the lake and the environment around us”.
 - P.7 and P.27 - Priority Initiatives – “increase Council communication and transparency”; and “proactively seek citizen input into decisions”
 - P.7 and P.24 – Priority Initiatives – “Develop a natural area strategy to learn about and preserve our natural environment” AND “Council could hire an expert/naturalist to assess baseline” (never happened) AND “Volunteer groups could inventory what SVGL has and what is threatened or needs protection” (NELS has engaged at least two naturalist experts to assess baselines, but only on a voluntary (unpaid) basis.)
 - P.18/19 AND Map 5 (Village Land Use Elements) (Please see coloured version of Map 5 in APPENDIX 6). Map 5 identifies “Treed Areas” (“substantial clusters of trees and bushes in a predominantly natural state”) AND “Grassy Areas” (“include a combination of “natural prairie grasslands” and village-maintained grassy open space areas for passive recreation or visual amenity. Areas of slope have been identified very generally as “natural escarpments”, contributing important ecological environments as well as visual amenity for villagers.”

- **Map 5 Village Land Use Elements. Refer to Attachment 6.** Map 5 (P. 18) is very specific in identifying those lands recently converted to a Disc Golf course as “Treed Areas”, “Grassy Areas” and “Natural Escarpments” – all intended for environmental protection and passive use by Villagers, not an active space such as a Disc Golf course.

3d.

- **Bylaw 217** (Establishing the Natural Environment and Lake Stewardship Committee), **(Please refer to Attachment 7)** - sets up the NELS mandate for protection and consultation with regard to the natural areas within the Village. The Bylaw requires that NELS provide advice to Council on environmental matters and projects (advice which was not requested by Council in this instance) and directs NELS to communicate freely with Villagers to keep them aware of environmental conditions, threats and matters within the Village.
- **Bylaw 195 (Land Use Bylaw)** provides a legal and specific framework of rules and processes to control the use and development of land and buildings within the Village. **(See Attachment 8)**. It is neither a perfect nor up-to-date planning instrument.
 - 3.1.3 States that *“the Development Officer shall not allow the use of land or a building not listed as a “Permitted Use” or “Discretionary Use” in the district in which the building or land is situated”*. This is where we come to see how crude and blunt the Land Use Bylaw can be, for while a “Golf Course” IS listed as a Permitted use, an “Undeveloped” or “Protected” natural area is not. In this instance, while the Golf Course use is permitted in the *P-1 Public Service District* zone, the placement of that zone is clearly not reflective of the obvious intentions of the Municipal Development Plan for this location. This may be a problem for the Development Officer who appears to be given conflicting instructions by the Land Use Bylaw, namely . . . ,
 - 3.1.4 *“The Development Officer shall not approve an application for a Development Permit that is not in conformity with the Summer Village of Ghost Lake’s statutory plans” (i.e. the Municipal Development Plan).* It is unclear how the Village’s Development Officer might have resolved this dilemma since it is not known whether Council even applied for (or received) a Development Permit to install the Disc Golf course, which Council clearly should have done . . .
 - 4.1.1 *“Except as otherwise provided in this Bylaw, no person shall undertake any development unless (a) a Development Permit has been first issued pursuant to this Bylaw”*. IF Council viewed this development as a “Golf Course”, notwithstanding its apparent inconsistency with the intentions in the Municipal Development Plan, Council was required to obtain a Development Permit since a golf course is NOT listed (in 4.2.0) as a type of development that would not require a development permit and, as such, a Development Permit likely had to be obtained before installation of the Disc Golf course.

4 Objective: Discussion of the NELS Committee's Response to Council's letter of July 30, 2021

- A Table was generated to facilitate the explanation (clarification of the relevant facts) of the NELS' response to Council, as requested by Council in that letter. In the NELS Committee meeting each point was discussed and changes were made where clarifications could be improved. **Please refer to Attachment 9** for the tabular result "**Clarifications of NELS' Recommendation to Council Regarding the Siting of a New Disc Golf Course in Ghost Lake Village**". This table represents the detailed and specific response to Council on behalf of the NELS Committee.
- The NELS Committee is obligated to forge ahead in a fact-based approach to do the job that they were mandated to do under Bylaw 217. NELS knows that this north escarpment has already been compromised from the installation and several months' use. (Please see recent photos in **Attachment #10**). The sooner that the course is removed the better the chance that this area will recover.
- It was suggested that there should be a synopsis page to advise Council of the NELS' Committee's Conclusion and Recommendation. (**Attachment #11**)
- It was also suggested that there be further education surrounding the native grassland ecosystem and the recommended care going forward. NELS is prepared to provide this via the Newsletter, GhostLake@Live.ca and through information sessions with experts. We would request that Council allocate sufficient funds to engage a professional naturalist expert to create a proper ecological baseline for the Village, as recommended in 2012 in the Sustainability Plan (P.24).
- The question of utilizing public media to inform residents of current issues was discussed and it was generally concluded that NELS had few other options for a timely notification of the disc golf installation. It was felt, more generally by those in attendance, that the GhostLake@Live.ca medium was an effective, responsible and appropriate tool for NELS' communications directly with Villagers.

5 Wrap-up

- NELS will submit the Minutes of its September 4, 2021 Committee meeting (with Attachments) to the Administrator for posting on the Village website immediately. Further, NELS will ask that Council review them as a matter of urgency and arrange for a public Council meeting on this matter in the very near future.
- In addition, the NELS Committee requests that Council be prepared to consider and respond to NELS' three specific calls for action at that meeting, namely:
 - i. To announce an immediate moratorium on use of the disc golf course in its current location;
 - ii. As soon as possible, for Council to host a formal public discussion** of this issue with the active participation of the broader GLV community; it may be worthwhile to survey Villagers prior to a public discussion with questions agreed upon by both Council and the NELS Committee; and
 - iii. To move the disk golf course entirely off of the protected north escarpment to a more appropriate location in the village.

** As a point of clarification, it is the NELS Committee's view that should Council choose to not relocate the disc golf course from the north escarpment, it must then proceed immediately with a proposed amendment to the Municipal Development Plan (MDP), with the required Statutory Public Hearing.

5b. Adjournment

- Meeting adjourned at 4:00 PM

Certified by the Secretary of NELS this ____ day of _____, 2021.

Karen Laustsen

ATTACHMENTS TO THE MINUTES:

- Attachment 1: *Municipal Government Act* (MGA) excerpts.
- Attachment 2: *SVGL Municipal Development Plan* (MDP) (viewable on SVGL website)
- Attachment 3: Figure 3, MDP, Future Land Use (coloured)
- Attachment 4: Figure 4, MDP, Recreation and Open Spaces (coloured)
- Attachment 5: *SVGL Sustainability Plan* (2012) (viewable on SVGL website)
- Attachment 6: Map 5, Village Land Use Elements, from *SVGL Sustainability Plan* (2012)
- Attachment 7: SVGL Bylaw 217, To Establish A Natural Environment and Lake Stewardship (NELS) Committee.
- Attachment 8: SVGL Bylaw 195, SVGL Land Use Bylaw 195
- Attachment 9: Clarification of NELS' Recommendations to Council Regarding the Siting of a new Disc Golf course in Ghost Lake Village
- Attachment 10: Photos taken 4 September 2021 of Current Conditions and Environmental Disturbance on the Disc Golf Course
- Attachment 11: Summary of NELS' Concerns Regarding Disc Golf Installation