

Clarifications of NELS' Recommendations to Council
Regarding the Siting of a new Disc Golf course in Ghost Lake Village

September 04, 2021

	NELS Concerns	Mayor & Council Response	Clarification
1.	<p><i>To: SVGL Residents From: NELS Committee</i></p> <p>(direct communication between NELS and Villagers via Ghostlake@live.ca) 29 July 2021</p>	<p><i>“In the future we hope that you will endeavour to have appropriate discussions with council <u>instead of using social media.</u>”</i></p> <p><i>“We have responded directly to the Chair of the NELS committee requesting that they <u>address the misinformation</u> and consider printing an apology along with amended statement.”</i></p> <div data-bbox="730 878 1150 1239" style="border: 1px solid black; padding: 5px; transform: rotate(-15deg); text-align: center;"> <p>DRAFT document – For Discussion Purposes NELS Committee Meeting, 04 September 2021</p> </div>	<p>The NELS Chair first learned about the installation of Disc Golf facilities on the north park in mid-June, 2021, having been told of the installation by an upset Villager.</p> <p>The Mayor and Council did not see fit to make the NELS Committee aware of their intention to install the course in the north park. NELS should have been advised of Council’s intention and given an opportunity to assess potential impacts, alternative locations, and present a recommendation to Council as per the NELS Bylaw 217, which states:</p> <p style="padding-left: 40px;"><i>“3.b) The Committee is <u>established to advise Council</u> in pursuing and implementing natural environment programs and services . . .”</i></p> <p style="padding-left: 40px;"><i>“3.c) The Committee shall act in an advisory capacity to the Council in relation to matters relating to the development and <u>use of the natural environment</u> and Lake . . .”</i></p> <p style="padding-left: 40px;"><i>“3.f) The Committee may identify the need for new or expanded facilities or equipment and <u>shall make recommendations to Council as to the location and type.</u> Alternatively, it may recommend the <u>alteration or discontinued use of existing facilities or equipment.</u>”</i></p>

<p>1.</p>		<p>In this situation, the Mayor and Council <u>did not</u> act in accordance with Bylaw 217.</p> <p>Prior to sending an information update to village residents, the NELS Chair had an email exchange (June 16, 2021) with the Mayor about NELS’ concern over the locating of the Disc Golf course. The Mayor invited The NELS Chair to walk the course with its designer. The NELS Chair then took the initiative to invite Norine Ambrose, Executive Director with <i>Cows and Fish</i>, an Alberta organization that undertakes ecological and riparian assessments, to walk the disc golf course and share her observations with those present. The NELS Chair invited all members of Council and they attended, with other interested Villagers. The NELS Chair then met with Mayor and Council on July 21, 2021 to convey NELS’ concerns, with a recommendation to “pause” use of the course until a proper assessment and public engagement could take place. Council chose not to pause anything.</p> <p>The <u>communication with village residents was entirely appropriate and consistent</u> with NELS responsibilities, as established in NELS Bylaw 217, including:</p> <p><i>“3.a)(i) The Committee will be responsible for developing a greater awareness among Villagers of the features, ecological systems and <u>conservation requirements of the natural areas and processes within and impacting the Summer Village.</u>”</i></p> <p><i>“3.a)(iii) . . . Educating Villagers on the function and value of the natural environment in the Summer Village and cultivating an attitude of environmental respect, stewardship and appreciation.”</i></p> <p>The Mayor and Council have requested that NELS provide a clarification of the contents of its letter to the Villagers – this is what NELS is intending to do in the near future.</p>
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1.			<p>Having met with Council on July 21, 2021, it was entirely appropriate to use social media (e.g. Ghostlake@live.ca ; Facebook, and other means) to communicate most broadly <u>with Villagers</u>.</p> <p>Posting the NELS letter to Ghostlake@live.ca was <u>not</u> an attempt to have discussions with Council – those were had in earlier conversations, emails and presentations to the Mayor and Council directly. The Ghostlake@live.ca letter was designed to communicate with Villagers, consistent with Bylaw 217.</p>
2.	<p>“Recently a Disc Golf course was installed on the North escarpment and slope (near the 1A) in a designated parkland area. The NELS Committee and villagers were not consulted on this location.”</p>	<p><i>“Our model of governance does not include consulting NELS or having a public survey or referendum for all decisions made by council. It is within the mandate of council to make those decisions representing what they feel are the best interests of the community.”</i></p>	<p>Neither the NELS Committee nor the Villagers were consulted prior to the Mayor and Council’s decision to install the disc golf course in the north park “Undeveloped Lands”, <u>essentially changing the use and intensity of use of those lands</u>. In NELS’ view, the failure to communicate with Villagers on a matter of this importance was clearly an error in judgement on the part of the Mayor and Council. But there is a larger issue . . .</p> <p>The introduction of a disc golf facility in the north parklands can be argued to (1) be contrary to the Goals of the MDP, and (2) essentially making an <u>amendment</u> to the <i>Municipal Development Plan</i>, without going through proper Public Hearing process or actually amending the Plan formally. This is why:</p> <p>(1) The <i>Municipal Development Plan</i> (Figure 3, p.11) categorizes the north park area as “<u>Undeveloped</u>”, as distinct from the Village’s Golf Course, which IS developed and categorized as “Parks, Recreation, Arts, Leisure”. The MDP’s Goal #3 (p.9) states:</p>

2.		<p><i>“ To preserve the <u>undeveloped</u>, municipally-owned land in a <u>natural state</u> . . .”</i></p> <p>This activity, like a golf course, <u>does not</u> preserve the land in a natural state.</p> <p>(2) In addition, the <i>Municipal Development Plan</i> (Figure 4, p.15), shows the north area as a “Protected Area – Limited Development”. The MDP’s “Recreation and Open Space” policies (p.14) identify the intention of a “<i>Protected Area</i>” – “<i>to be used for casual recreation activities such as walking, with an effort made to <u>limit</u> development and <u>land disturbance</u>” and again on p.16, “<i>While the lands shown as Protected Area are generally intended to be kept in a natural state for informal recreational purposes such as walking and cross country skiing . . .”</i></i></p> <p>By introducing a disc golf course into the Protected Area, it can be argued that that essentially changes Figure 4, removing the disc golf lands from being a “Protected Area” to reflecting the use identified for the other golf course, that being a “Recreational Activity Area”.</p> <p>The Mayor and Council’s actions appear to be inconsistent with the Goals of the MDP and its policy intentions for “Undeveloped Lands” and, without formally doing so, essentially change the categorization of lands shown in Figure 4. Either of these changes, without proper Public Hearing process, are inappropriate and may be inconsistent with provisions in the <i>Municipal Government Act</i>, which requires a Public Hearing when amending a statutory plan (the Municipal Development Plan).</p> <p>Finally, it is likely that approval and installation of the Disc Golf course should have required a Development Permit from the Village’s permit approving authority as it involves a substantial change of land use and intensity. The Municipal Government Act clearly defines what constitutes “development” as:</p>
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2.			<p>616 (b) “Development” means:</p> <p><i>(iii) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or</i></p> <p><i>(iv) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;</i></p> <p>(MGA, Part 17; Planning and Development Definitions)</p>
3.	<p>There is no mention of this intention in the public record (Council’s Agendas or Minutes since summer 2020).</p>	<p><i>“This issue has been discussed at numerous council meetings since the Town of Cochrane donated the disc golf baskets to SVGL, 9 months ago The council minutes are a public record, but not a verbatim transcription of everything that occurs at a council meeting (it is not expected to be that detailed).”</i></p>	<p>It is good and essential governance for purposeful Council decisions to be recorded in the Public Record of Council Minutes. Council decisions should not happen through informal conversation around issues or actions – for governance to be transparent and accountable it must be visible and recorded properly.</p> <p>Did Council actually make a proper decision about the disc golf course installation? It was never included as an Agenda item nor recorded as an “Item Added” to the Minutes of any formal Council meeting in 2020 or 2021.</p> <p>Council’s way of communicating what is happening at Council meetings should be through Agenda’s prior to each meeting and sufficiently informative Minutes following each meeting – that is normal practice for municipal councils and, in this instance, council’s records clearly fall short of informing villagers of this important matter.</p> <p>Verbatim transcriptions would be an extreme practice for a small village (and not one that NELS has ever suggested). The decision about the disc golf course location is, as the Mayor</p>

3.			<p>and Council note on page 2 of their response, a “policy decision”. If discussed at council at all, new and/or amended policies of the village ought to be included in Agendas and Minutes – those should be a matter of public record.</p> <p>This policy decision is probably more important to villagers than “volunteers required to help empty the dog waste bins and beach garbage cans” and “wheels need to be removed from new garbage receptacles” – a discussion that Council clearly saw as being of such significance as to be fully recorded in the Council minutes of April 26, 2021.</p>
4.	<p>NELS has sent a recommendation to Council to place a pause on playing this course until a public engagement can take place as dictated by our Municipal Plan.</p>	<p><i>“The Municipal plan <u>does not dictate</u> that public engagement is necessary.”</i></p>	<p>Acknowledged, the Village’s MDP does not “dictate” when or how public engagement should take place. The Village’s <i>Sustainability Plan</i>, on the other hand, places a very high expectation on Council’s communication with Villagers and the importance of proper engagement around plans and issues that may emerge. For example:</p> <p><i>“(c.) Ensure the Village has clear procedures in place to support effective Council decision-making, transparency and accountability” (p.33)</i></p> <p><i>“(g) Ensure effective, timely, accessible and understandable communications from Council and its Administrator for ensuring Villagers’ awareness of Council decisions and upcoming issues of concern to Villagers” (p.33)</i></p> <p><i>“(l.) Encourage active participation from a majority of Villagers” (p.33)</i></p> <p>What may be more troubling though, is that while the Village’s MDP does not dictate how engagement should occur, Alberta’s <i>Municipal Government Act</i> (June 17, 2021) is very</p>

4.			<p>specific about the <u>requirements for a formal Public Hearing should a Council wish to consider an amendment (a change) to an existing Municipal Development Plan.</u> (MGA 692(1)(f).</p>
5.	<p>“In 2012, the SVGL Sustainability Plan was generated with the input of the village residents. This plan differentiates between four “active recreation areas” and “the treed and grassy areas”, which the majority of people wanted to be left in a natural state.”</p>	<p><i>“Council has yet to receive a (3 year) Action Plan from the committee”.</i></p>	<p>NELS’ concern here is that council, as a “policy decision”, has quietly converted one of the village’s remaining “treed and grassy areas” into an “active recreation area” for Disc Golf without requesting or requiring public consultation. In NELS’ view, this is a significant and inappropriate action on Council’s part as it deviates from the village’s intentions described in the SVGL Sustainability Plan and the expectation for open, transparent and accountable governance.</p> <p>Council’s comment that a 3 year Action Plan has yet to be developed by the NELS committee is accurate but is irrelevant to this issue wherein council has chosen, without community consultation, to make a significant departure from the village’s Sustainability Plan and perhaps even implement a quiet amendment to the MDP without consultation or public record.</p>
6.	<p>“We did a plant inventory over the North escarpment with the help of Gus Yaki, a native plant expert, and discovered that the area has many native plants representative of a natural grassland. . . . Right in our backyard we have an example of a native prairie ecosystem!”</p>	<p><i>“Council has reviewed the “plant inventory” and there are no endangered / at risk or otherwise rare plants native to this area identified upon it . . . our goal is not to isolate the villagers from nature but to try and educate them and promote <u>responsible use and enjoyment of our natural spaces</u>”</i></p>	<p>In NELS view, the significance of this natural area is not that it has endangered/at risk or otherwise rare plants present – it probably doesn’t – it’s natural value lies in parts of the area supporting “a native prairie ecosystem”, right here within our village. The <i>Municipal Development Plan</i> recognizes this natural environment and functioning of this important hillside:</p> <p><i>“On the northern edge, next to Highway 1A, is a rolling area used by wildlife, notably deer, with some unique flora such as a hawthorn tree and native rose bushes”. (MDP, p.14)</i></p>

6.			<p>While council wishes to “promote responsible use” of the area, the best advice NELS has received from both Gus Yaki and Norine Ambrose (<i>Cows and Fish</i>), is that physically walking across natural ecosystems and vegetation in the random patterns required of Disc Golf (to walk directly to wherever the disc landed from the last throw) can only do harm to the natural ecosystems (plants, animals, drainage) and that, with greater use, we should expect greater harm.</p> <p>NELS’ view would be that the most “responsible use” of that land would be to leave it in its natural state, impacted only by the occasional, passive use identified in the SVGL Sustainability Plan and Municipal Development Plan.</p>
7.	<p>“The course does involve up and down movement over the slope and the discs land in a wide spread over the land. Thus, especially on the slope, there will be more disturbance and there is risk of erosion when the native plants are ground down.”</p>	<p><i>“Council is considering seasonal closure of some holes . . . additionally council is considering potentially locating some of the disc golf baskets (particularly in the areas identified) and is open to other suggestions that can help mitigate any impacts”.</i></p> <p><i>“One of their suggestions was to relocate to the peninsula of land owned by TransAlta, SW of the Village.”</i></p> <p><i>“The NELS Committee has not provided any viable options”</i></p>	<p>Council’s comments here could be seen as encouraging – that where there are problems that can be avoided council might choose to manage the course wisely and even move some of the holes/baskets from the more sensitive areas next year.</p> <p>NELS’ view on this matter is that the disc golf course is simply <u>in the wrong place</u> and needs to find a new home on Village lands already in a “disturbed” condition – i.e. parkland with non-native grasses.</p> <p>NELS’ view is that the community needs to have an open and informed discussion of this disc golf course and provide council with perspectives on whether the course should be relocated to one of the “less natural” open areas in the village. If, following meaningful engagement, council then chooses to keep the course in its present location, notwithstanding the Sustainability Plan and MDP provisions, all efforts to redesign and mitigate higher impacts on the landscape should be pursued.</p>

7.			<p>This was the intention in NELS recommending “a pause” in using the course, with whatever damage might result, until such time as a proper community consultation can occur.</p> <p>NELS Committee has never suggested that the course be related to the peninsula of land owned by TransAlta, SW of the Village.</p> <p>The NELS Committee has not provided Council with a list of viable options for relocating the disc golf site. The Committee has recommended there be a community engagement process to discuss the current location and identify sites for relocation.</p>
8.	<p><i>“There is intrinsic value in leaving our natural areas intact. After all, we have hardly any left in the Village”.</i></p>	<p><i>“The statement that we have hardly any left in our village is incorrect, the Municipality of SVGL has over 50% of its area designated as P-1.”</i></p>	<p>This statement from the Mayor and Council is entirely misleading.</p> <p>Where NELS is referring to “natural areas” the Mayor and Council are comparing that to all P-1 lands which include the Golf Course, the Sports Court, the boat launch loading areas, and multiple grassland parks that, in some years, are cropped by the First Nations farmers. None of these are “natural areas”.</p>
9.	<p><i>“The NELS Committee feels that a dangerous precedent has been set by installing this Disc Golf without proper consultation.”</i></p>	<p><i>“Council feels that a much more dangerous precedent would be to allow an advisory committee to meet behind closed doors, without a council representative present and then try to dictate public policy either directly thru their demands or indirectly via social media”.</i></p>	<p>The committee has made every effort to invite the Council representative over the past years and sometimes, like most Committee members, they may or may not be available to attend.</p> <p>NELS Committee is not trying “to dictate public policy” but simply doing what it was directed to do in Bylaw 217 – that is, to provide its best advice and recommendations to the Mayor and Council who are clearly the decision-makers on behalf of the Village.</p>