

THE DEATH AND LIFE OF REGIONAL PLANNING  
IN THE CALGARY AREA

by

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## **ABSTRACT**

In 1995, with the passage of Alberta's new Municipal Government Act, the formal requirement for legislatively mandated regional planning in Alberta was eliminated. This destroyed a regional planning system that had been held up by planners as a model for the world. The change was a victory for rural politicians disillusioned with regional planning, which they saw as a way for urban officials to block development of businesses -- and the taxes they bring -- in rural areas. Municipal governments in some parts of the province preserved voluntary regional planning. But this did not happen in the Calgary region. There, rural politicians who saw the Calgary Regional Planning Commission as an interfering bureaucracy refused to maintain the commission voluntarily, thus bringing its work to an end. But if historical patterns of economic boom and bust, and the corresponding waxing and waning of interest in regional planning, persist in Alberta, there are grounds to believe regional planning will some day take place again in the Calgary area.

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## CHAPTER I - BOMBSHELL

When Alberta Municipal Affairs Minister Stephen West strode to the podium of the Calgary Convention Centre on Oct. 7, 1993, he was prepared to drop more than a bombshell.<sup>1</sup> West is an imposing and pugnacious man, tall and broad-shouldered, with a mane of silver hair and an icy, glare that says "don't mess with me." He is disinclined to back away from a political brawl or any other kind.<sup>2</sup> In person, West exudes a John Wayne swagger, and after the

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<sup>1</sup>While it draws on newspaper reports and after-the-fact interviews, this description of events at the 1993 annual meeting of the Alberta Urban Municipalities Association is the account of an eyewitness. The author covered the event as the municipal affairs reporter of the *Calgary Herald*, and the *Herald* stories quoted are his own -- rather like a policeman consulting his notes long after the investigation.

<sup>2</sup>On March 20, 1992, after coming under attack for a month for his sometimes violent ways, West rose in the Alberta legislature to attempt to end controversy about his appointment by then-premier Don Getty as solicitor general, the province's chief lawman. According to the lead story in the *Calgary Herald* the next day (Page A1, March 21, 1992), "West has admitted to spending nights in jail prior to getting elected as an MLA in 1986, and to being part of a vigilante group which tried to rid his home town of Vermilion of drug dealers. But he hasn't responded to allegations of bullying and threatening behavior in Edmonton bars two years ago, and to animal cruelty when he worked as a veterinarian in 1969. RCMP confirmed they responded to a midnight call last summer involving a complaint from a neighbor in his home town of Vermilion, who said West trashed a bicycle in the neighbor's backyard but later paid for the damage. In his statement, West didn't directly deny any of the accusations." Nor did he deny a public claim by his ex-wife that he had abused her during their marriage (Don Braid, *Calgary Herald*, Page A3, March 21, 1992). In an unusual statement to the legislature, West conceded that alcohol was a contributing factor in at least some of the situations prompting the accusations. As a result, he said, "today, I make a commitment to the premier, to this Legislative Assembly, and to the people of Alberta that while I am solicitor general or any other minister of the Crown I will refrain from the use of alcohol." There is no evidence West has ever violated his pledge.

election of Premier Ralph Klein's Tory government on June 15, a little more than five months before, he had quickly become the hard-ass point man of the deficit-slashing "Klein Revolution."<sup>3</sup>

But the fall of 1993 was still the early days of the Klein Revolution, and there were many in the audience, and throughout Alberta, who thought the premier and his party didn't really mean what they said about cutting spending, or didn't have the political will to follow through on what they'd promised. West had come to the downtown convention centre, just a long block from Calgary's imposing new blue-glass city hall tower,<sup>4</sup> to set

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<sup>3</sup>"Under the legislature dome, Steve West is the boss from hell," wrote *Calgary Herald* legislative columnist Don Martin (*Herald*, "Alberta is leaning in a West-erly direction," 21 Jan. 1994, p. A3). "Whenever senior bureaucrats gather to commiserate about their political superiors, they console themselves knowing it could be worse; West could be their cabinet minister. ... His ultra-right philosophy is simple: Round-table meetings are for wimps. If it costs money, cut the budget. If staffed by non-essential employees, lay 'em off. When in doubt about the value of a public service, privatize."

<sup>4</sup>Which, despite the fact it contains city council's legislative chamber, is known with a wink and a nudge as "the municipal building," owing to the fact that, in the 1970s, before Klein became mayor of Calgary, voters rejected in a plebiscite a plan to build a new city hall. The scaled-down version of the rejected building was built anyway, but is not called what it really is in tribute to the electorate's thwarted wishes. Calgary's modest old sandstone city hall, an attractive heritage building which has recently undergone extensive renovations, stands on the northwest corner of the block occupied by the municipal building, which dwarfs it. Despite the fact that the elegant old four-storey building does not house council's chamber, for official purposes it is known as City Hall. Thanks to the mis-labelling, before the renovations commenced, a day seldom passed when a confused citizen did not wander into the *Calgary Herald*'s modest fourth-floor bureau at the terminus of the structure's cramped and creaky elevator in search of the fifth floor or above.

them straight. Facing a mostly hostile audience of about 1,000<sup>5</sup> elected officials from small-town Alberta, the minister was loaded for bear. His listeners from the Alberta Urban Municipalities Association were long-time Conservative supporters but they were not overjoyed at the prospect of the minister's message. The veterinarian from Vermilion, a town of 4,000 about 190 kilometres east of Edmonton, was there to cut spending and to cut it big time, and everybody knew it.

West had already announced 20-per-cent cuts in the province's \$104-million municipal assistance grant program -- no-strings-attached money that could be used for any purpose by municipalities<sup>6</sup> -- and indicated he intended to eliminate it completely within three years.<sup>7</sup> (Today, West recalls those funds as "just a slush fund for the municipalities."<sup>8</sup>) Some municipal politicians had been privately briefed about what else was to come.<sup>9</sup> As a result, a sense of foreboding hung over the AUMA's

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<sup>5</sup>*Calgary Herald*, "West takes flak for recent cutbacks," 9 Oct. 1993, p. B3.

<sup>6</sup>*Calgary Sun*, "Municipal officials brace for grant cuts," 5 Oct., 1993, page number not included in *Sun* files.

<sup>7</sup>*Herald*, *loc. cit.*

<sup>8</sup>Interview with Steve West, former solicitor general and municipal affairs minister, then minister of economic development and tourism, now minister of energy, 8 Jan. 1997.

<sup>9</sup>*Ibid.* "The provincial program is cut, cut, cut and ministers have requested an opportunity to meet with municipalities during the AUMA convention," Calgary alderman and conference chairman Ray Clark told the *Sun's* reporter. (*Calgary Sun*, "Municipal officials brace for grant cuts, 5 Oct. 1993, page not available.) Clark

gathering even before West gripped the sides of the podium. The speech was a headline-grabber and above all a message that the Klein government meant what it said. "I am confirming a 20-per-cent firm cut in municipal assistance grants. And a total elimination is possible."<sup>10</sup> He went on from there, mentioning almost in passing that the huge cuts being made in the Municipal Affairs Department would also extend to provincial support of Alberta's powerful regional planning commissions.

In any other circumstance, an announcement the province intended to pull the financial plug on Alberta's venerable and much-lauded<sup>11</sup> system of regional planning would have been big news. The Calgary Regional Planning Commission, for example, had been an important part of the landscape since 1951. But West's brief mention of that intention was lost in the roar of bigger -- if less significant, over the longer term -- oxen gored. The *Calgary Sun* did not mention the implications for regional planning at all in its report of the day's events; the larger *Calgary Herald* passed over the issue lightly by quoting Ivan Robinson, the director of the Calgary Regional Planning Commission.<sup>12</sup> He noted

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added: "I think the bad news is coming."

<sup>10</sup>*Calgary Sun*, "West warns of major cuts in city grants," Oct. 8, 1993.

<sup>11</sup>See Chapter II.

<sup>12</sup>Though let it be noted that that omission was made by the *Herald's* editors and not its reporter, who understood and explained the significance of the decision.

that its \$1.8-million<sup>13</sup> budget "is now half paid by the province. If West follows through on his plan to eliminate provincial support for that body within three years, the planning commission's nearly 30 municipal participants will have to come up with the extra \$900,000," the Herald said.<sup>14</sup>

As delegates broke from their modest cold sandwich lunch,<sup>15</sup> Robinson was still trying to get his thoughts in order about the implications of West's speech for the organization he had headed for 14 years. Erudite and soft-spoken, a man who expressed himself in complete sentences and an accent that recalled his native Northern Ireland, the balding and professorial Robinson was for the record calmly optimistic that ways could be found to preserve regional planning in Alberta, at least in the Calgary area. But there had been many warnings that this would not be an easy task.<sup>16</sup>

In its 41st year of operation, the planning commission prosaically described its mandate as being to "administer the

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<sup>13</sup>The commission's budget was reported consistently throughout 1994 as being \$1.7 million. For example, *Calgary Herald*, "Liberal MLA mourns closure of commission due to funding cuts," 10 Dec. 1994, p. B2.

<sup>14</sup>*Calgary Herald*, Oct. 8, 1993, page B1. The main thrust of this article was contained in its lead: "The cuts announced Thursday by Municipal Affairs Minister Steve West will hit many of Alberta's small towns far harder than the province's big cities."

<sup>15</sup>*Ibid.*

<sup>16</sup>See Chapter III.

Regional Plan; exercise subdivision approving authority where this has not been delegated to municipalities; provide planning advice and assistance to municipal councils; advise on annexations; (and) encourage public participation in planning."<sup>17</sup>

What that really meant for citizens of Calgary and its complex network of surrounding communities, Robinson would explain, was that they had "a forum for inter-municipal decision making -- in order to bring a regional perspective. The growth and development of the Calgary region was grappled with from a broader perspective than could ever be done by individual municipalities negotiating with one another."<sup>18</sup>

This was essential, Robinson argued, because some important issues in the commission's roughly 22,000-square-kilometre area of jurisdiction,<sup>19</sup> such as water quality, inevitably involved more than one of the commission's 28 members<sup>20</sup> -- which included

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<sup>17</sup>Calgary Regional Planning Commission, Annual Report 1989/1990, p. 3.

<sup>18</sup>Interview with Ivan Robinson, now chief executive officer of the Columbia Basin Trust, an agency of the British Columbia government, based in Nakusp, B.C., 13 Jan. 1997.

<sup>19</sup>Calgary Herald, "Approval recommended for regional plan," 9 Oct. 1982, p. D1.

<sup>20</sup>Municipal district of Bighorn, MD of Foothills, MD of Rocky View, county of Wheatland, Irrigation District No. 8, city of Airdrie, village of Beiseker, town of Black Diamond, village of Blackie, city of Calgary, town of Canmore, village of Cayley, summer village of Chestermere Lake (now the Town of Chestermere), village of Cluny, town of Cochrane, town of Crossfield, summer village of Ghost lake, town of Gleichen, town of High River, village of Hussar, village of Irricana, village of Longview, town of Okotoks, village of Rockyford, village of Standard, town of

nine towns, several of them bedroom suburbs for Calgary, nine villages, three summer villages,<sup>21</sup> at least one of which was in truth a suburban bedroom community, three rural municipal districts governing unorganized hamlets, one rural county, an irrigation district and two cities. One of the cities -- Calgary -- had a population that was expected to pass a million early in the next century.<sup>22</sup> Effective planning to avoid or solve problems simply couldn't succeed without input from throughout the region, Robinson said.

"For example," he explained, "the preservation of agricultural land is not an issue that is peculiar to any one municipality if it is to be dealt with effectively. Similarly, any environmental issues which cross municipal boundaries tend not to be resolvable by individual municipalities acting on their own."<sup>23</sup>

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Strathmore, town of Turner Valley and summer village of Waiprour.  
See map in Appendix I.

<sup>21</sup>Under the *old* Municipal Government Act (Revised Statutes of Alberta, 1980, CM-26) -- not to be confused with the Planning Act, the former legislation that governed regional planning commissions -- communities with a *seasonal* population of 300 or more were defined as summer villages. Chestermere Lake east of Calgary, for example, began as a summertime community of cottagers.

<sup>22</sup>Beck, R.A.D., *People and Jobs, the Next 30 Years* (City of Calgary Finance Department, Calgary, 1993). The region's only other city is the bedroom community of Airdrie, population 12,000, a 10-minute drive north of Calgary's northern boundary. Under the Alberta Municipal Government Act, a population of 10,000 is required for a community to be legally a city. (Municipal Government Act, section 82[b]).

<sup>23</sup>*Ibid.*

"You can't resolve the urban growth issues of Calgary without involving all of these municipalities. Bipartisan negotiations just don't cut it. A regional perspective is required."<sup>24</sup>

"The whole thing about the regional planning commission," Robinson would explain on another occasion, "is that it gave urban communities legal sanction to exercise control outside their boundaries. Municipalities had a say in what other municipalities did."<sup>25</sup> The commission's "biggest success," was forcing municipalities in the region around Calgary to adhere to the needs of Calgary's 'uni-city' policy.<sup>26</sup>

But input from the region could be the cause of controversy -- especially from the rural municipal districts, which governed the huge rural areas surrounding Calgary. The MDs, as they are commonly abbreviated in Alberta, were responsible for large areas of real estate, but lacked the richer tax base of their urban neighbors. Increasingly burdened with inefficient country-residential development, often populated by people who demanded city-style services, they had long seen the reluctance of towns, villages and cities to approve developments on the MDs' fringes as a direct threat to the rural municipalities' tax revenues, and little else. When the urban representatives on the commission

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<sup>24</sup>*Ibid.*

<sup>25</sup>Robinson interview, September 1996.

<sup>26</sup>Robinson interview, *op. cit.*

voted against developments in the municipal districts -- as they indeed did, for what seemed like sound reasons from an urban perspective<sup>27</sup> -- it looked to rural politicians like a revenue-grab, pure and simple. Just ask Bob Cameron, long-time councillor and current reeve of the MD of Rocky View, which abuts Calgary on three sides, and other senior Rocky View officials.<sup>28</sup>

"This was completely unfair, given that it was our land they were dealing with," recalled Cameron -- a man who likes to boast, "I was the architect of the planning commission's demise."<sup>29</sup> "People in Vulcan and Bassano<sup>30</sup> had a vote! What did they have to do with us?"<sup>31</sup> (In the last year of its life, the commission's legislative functions were carried out by 21 voting representatives on behalf of 17 member municipalities.<sup>32</sup> All were elected municipal councillors, as required by law, and each was

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<sup>27</sup>See Chapter II

<sup>28</sup>Interview with Bob Cameron, 13 Jan. 1997. Interview with Peter Kivisto, Rocky View municipal manager, 15 Jan. 1997.

<sup>29</sup>This is not strictly true, but an indication of the depth of feelings on the issue.

<sup>30</sup>Two small Prairie towns east and southeast of Calgary. While both are far away from the MD of Rocky View, they were not ideal examples to illustrate Cameron's point, as neither are were in the Calgary Regional Planning Commission's area of responsibility.

<sup>31</sup>Cameron interview, *op. cit.*

<sup>32</sup>City of Airdrie, village of Beiseker, MD of Bighorn, town of Black Diamond, city of Calgary, summer village of Chestermere Lake, town of Canmore, town of Cochrane, town of Crossfield, MD of Foothills, town of High River, village of Irricana, town of Okotoks, MD of Rocky View, town of Strathmore, town of Turner Valley, county of Wheatland.

appointed by his or her council. Most councils had one voting representative, but by ministerial decree the city of Calgary had three and the municipal districts of Rocky View and Foothills had two each.<sup>33</sup> In all, 11 municipalities<sup>34</sup> chose not to send regular representatives to the commission.)

On top of Cameron's concern, as Robinson has boasted, of Alberta's 10 regional planning commissions, the Calgary one was the most vigorous and aggressive in forcing member municipalities -- including the huge rural municipal districts -- to stick to the principles set out in the regional plan.

Alberta's planning commissions also had a more prosaic duty which, proponents say, brought long-term benefits. The commissions' mandate to provide routine subdivision planning to all municipalities across the large region provided a service that would pay off for generations. Robinson asserted: "Service was provided according to need, not according to ability to pay, which meant there was a uniform standard of planning services across the region." That meant, Robinson argued, that places like

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<sup>33</sup>The extra voting representatives were assigned on the basis of population, (Robinson interview, *op. cit.*) according to a formula that gave the Airdrie the right to an extra representative, a privilege that municipality chose to decline.

<sup>34</sup>Village of Blackie, village of Cayley, village of Cluny, summer village of Ghost lake, town of Gleichen, village of Hussar, village of Longview, village of Rockyford, village of Standard, summer village of Waiparous and Irrigation District No. 8.

Chestermere Lake,<sup>35</sup> which had very little money thanks to its small, residential-only tax base, had the benefit of professional planning. "When the city of Calgary annexes Chestermere Lake -- which it inevitably will one day -- they will find that all its subdivisions are planned to the same guidelines as subdivisions in the city."<sup>36</sup>

Now, it is important to note that, under the terms of Alberta's 1977 Planning Act,<sup>37</sup> still in force when Stephen West delivered his speech, the province's regional planning commissions were required to draft binding regional plans. And the act clearly established the regional plan "as the supreme document in a hierarchy of statutory instruments."<sup>38</sup> Furthermore, regional plans reflected *provincial* policy, not policies pulled out of the air by regional planning commissions.<sup>39</sup> (Guidelines published by the government in 1980 and 1981 said, "The process of approving a regional plan provides an opportunity to reflect provincial goals

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<sup>35</sup>A former "summer village" -- defined by its seasonal population, similar to what would be known in Ontario as cottage country -- on an artificial irrigation reservoir just east of the city's boundary along the Trans Canada Highway, which in the 1980s and 1990s turned into a substantial bedroom suburb.

<sup>36</sup>Robinson interview, *op. cit.*

<sup>37</sup>The Planning Act, 1977, Revised Statutes of Alberta, sections 43 to 56.

<sup>38</sup>Cullingworth, Barry J. *Urban and Regional Planning in Canada* (Transaction Books, New Brunswick, N.J., 1987), p.343.

<sup>39</sup>Interview with Karl Nemeth, former CRPC planner and, by 1995, providing contract planning services to the town of High River, Jan. 3, 1997.

and objectives. . . . at a regional level."<sup>40</sup>

It's hard to find observers of politics in Alberta who will challenge Robinson's boast that, when it came to enforcing the principles of the regional plan, "we were the strongest in that area, and the most effective, and did the most good."<sup>41</sup> So it must have been obvious to Robinson in the wake of West's speech that attempts by regional planners "to get people to give up some of their sovereignty so they could act in concert"<sup>42</sup> would worsen the tax-revenue competition that so irritated the rural politicians who ran the MDs. That the commission's powers included a legislated role as a subdivision-approving authority only exacerbated the irritation with the entire planning system in some quarters. And anyone knows that stirring up rural politicians in Alberta was dangerous, no matter how sincerely held or sensible the justification. It is conventional wisdom that the power-base of the province's Conservative government is a rural one, and that the government will do nothing to endanger that support.<sup>43</sup> "Rural areas have the ear of the government,"

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<sup>40</sup>Alberta Planning Board guidelines. Edmonton: Alberta Municipal Affairs, 1980; quoted by Cullingworth, *op. cit.*, pp. 344-345.

<sup>41</sup>Robinson interview, *op. cit.* It is worth noting that on this particular point of comparison with Alberta's nine other regional planning commissions, every single person interviewed for this paper is in agreement.

<sup>42</sup>Robinson interview, *op. cit.*

<sup>43</sup>Again, this was the near-universal opinion of everyone interviewed for this thesis, as, indeed, it is the author's.

says Calgary Alderman David Bronconnier.<sup>44</sup> "And they definitely have more influence than some of the urban municipalities."<sup>45</sup>

Likewise Rocky View's Cameron: "The rural vote is seen as very important to the PCs. There's no question about it -- they're not winning seats in Edmonton."<sup>46</sup>

University of Calgary environmental design professor Philip Elder sees the rural force behind the legislation that would eliminate regional planning commissions in Alberta. "Reduced provincial funding and the need for cost effectiveness . . . helped motivate the new legislation, as, arguably, did the government's desire to respond to concerns of rural voters."<sup>47</sup>

Calgary alderman and former Calgary Regional Planning Commission executive member Bob Hawkesworth agreed: For the Klein government, closing the commission "solved what they perceived as a political problem with their rural constituency, who were

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<sup>44</sup>Interview with David Bronconnier, 12 Jan. 1997. Bronconnier once seemed to be trying to set himself up as urban Alberta's champion in the competition for tax dollars with rural Alberta on such issues as the creation of an expensive rural 9-1-1 telephone system. In early 1997, as he launched a bid to run for the Liberal Party of Canada in the federal riding of Calgary West, a high-stakes game that could see him emerge as a Western Cabinet minister, or a nobody. Thereafter, the astute municipal politician was more cautious in his pronouncements about possible rural perfidy.

<sup>45</sup>Bronconnier interview, *op. cit.*

<sup>46</sup>Cameron interview, *op. cit.*

<sup>47</sup>P.S. Elder, "Alberta's 1995 Planning Legislation," *Journal of Environmental Law and Practice* (Vol. 6, No. 2, 1996), pp. 24-25.

chafing under the restrictions. They felt their interests were being thwarted; they wanted more assessment, they wanted a bigger tax base. And they didn't like being relegated to the role of land bank for the city of Calgary."<sup>48</sup>

And, as we shall see later, even if the government had not been listening to the advice of rural politicians, officials and developers -- Bob Cameron admits to breaking bread with West, but never to have discussed regional planning<sup>49</sup> -- that advice mirrored the government's free-market, pro-development, anti-regulation worldview. The outcome was predictable.

But while these sentiments were well-known to the antagonists in Alberta's long regional planning debate, the municipal affairs minister's announcement nevertheless came unexpectedly. And the end of formal, legislatively mandated regional planning in Alberta -- and of all regional planning around Calgary -- followed swiftly. "We knew about their plans to downsize us," recalls Robinson, "but we didn't know specifically very much before (West's speech)."<sup>50</sup> Indeed, he remembers West's speech was

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<sup>48</sup>Interview with Bob Hawkesworth, 20 Nov. 1996.

<sup>49</sup>Cameron interview, *op. cit.* A March 1994 response by the MD of Rocky View to a consultant given the unenviable task of trying to resuscitate the Calgary regional Planning Commission as a volunteer planning forum reflected almost perfectly the ultimate position taken by West. Who influenced whom the most, however, is likely to remain forever a question of the chicken-and-egg variety.

<sup>50</sup>Robinson interview, 8 Jan. 1997.

unusual in only one regard: "We usually heard about these things from newspaper reports,"<sup>51</sup> from the municipal affairs department grapevine or a legislative tipsheet published out of Edmonton.<sup>52</sup>

Not that anyone facing a budget cut was much consulted by the Klein government in those days. But, delegates to the urban municipalities' association were happy to relate their fury to the news media the next day. "It's outrageous," said Judy Stewart, a councillor from the town of Cochrane 20 minutes west of Calgary. "I'm so angry I could break someone's neck!"<sup>53</sup> "The stuff that (West) announced today will cost the town of Cochrane at least \$100,000 that we've got to find," added town manager Martin Schmitke,<sup>54</sup> noting angrily that, "We weren't asked. We were just told."<sup>55</sup> But according to Steve West, there were considered reasons for the haste. Alberta was broke, West contended on the day after his announcement. He snapped at a hostile question from Ponoka Mayor Sheila Chesney, "I haven't come back here to take abuse. The haste is we're broke!"<sup>56</sup> And he contends so now: "We knew we were broke," he said early in

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<sup>51</sup>Robinson interview, *op. cit.*

<sup>52</sup>Robinson interview, *op. cit.*

<sup>53</sup>*Calgary Herald*, "Towns will feel sting most," 8 Oct. 1993, p. B1.

<sup>54</sup>*Ibid.*

<sup>55</sup>*Ibid.*

<sup>56</sup>*Calgary Herald*, "West takes flak for recent cutbacks," 9 Oct. 1993, p. B3.

1997.<sup>57</sup> It would improve the province's financial health if its citizens heard in no uncertain terms that the time had come, immediately, to return to their fiscal senses, West asserted. "My plan was to send the message as strongly as I could in as short a time as possible."<sup>58</sup>

As for regional planning commissions, West said in comments that reveal much about the Klein government's approach to problem-solving, their fate too was best settled swiftly. "Did we do a lot of consultation? No. There had been lots of studies done, but nobody pays any attention to studies. You had to pull the plug. ... This was part of the restructuring."<sup>59</sup>

"The first mistake you make if you want a change is to study it to death," he stated. A few moments earlier West had observed: "Necessity breeds solutions. You have to force the issue. You have to make it hard to make it better; you have to put duress on the system. ... If (you) don't address the planning boards, the people who do it, and straighten them out first, they'll come out with stacked plans. You'd better destroy some of the system first." And, West concluded, "the bluntest thing you can do to get something done is pull the money."<sup>60</sup>

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<sup>57</sup>West interview, *op. cit.*, 8 Jan. 1997.

<sup>58</sup>West interview, *op. cit.*

<sup>59</sup>West interview, *op. cit.*

<sup>60</sup>West interview, *op. cit.*

That is precisely what he did. With the money pulled -- and the promise that not long thereafter the legal necessity to remain a planning commission member would be gone too -- the Calgary Regional Planning Commission would soon fade away. For a time during 1994, its members -- pushed by the representatives of Calgary, who offered to put up \$300,000 of city taxpayers' money to preserve regional planning,<sup>61</sup> and other urban municipalities -- struggled to create a voluntary, successor organization. Seven of Alberta's 10 regional planning commissions would create voluntary groups fulfilling at least some part of their previous roles.<sup>62</sup> But the MDs, led by Rocky View, were having none of it.

On Friday, 9 Dec. 1994, the commission effectively died. At its last meeting on that date, members had failed to come up with a plan to form a new version of the commission at their own cost. Except for the winding up of its paperwork, the doors that had opened in 1951 had closed. The province's new Municipal Government Act, which formally eliminated the requirement for regional planning in Alberta, received Royal Assent on 17 May 1995. On 30 Sept., Stephen West signed a ministerial order formally "de-establishing" the Calgary Regional Planning

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<sup>61</sup>*Calgary Herald*, 10 June 1994, p. B3.

<sup>62</sup>Interview with Bill Symonds, Senior Planning Advisor, Alberta Municipal Affairs, Nov. 12, 1996. Commissions based in Calgary, Medicine Hat and the South Peace area could not agree upon a format for survival. Others survived as co-operatives or fee-for-service planning agencies.

Commission as a legal entity.<sup>63</sup>

And so, with the new act in place, the regional plan died.<sup>64</sup>

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<sup>63</sup>Symonds interview, 11 Feb. 1997.

<sup>64</sup>Municipal Government Act (MGA), Statutes of Alberta, cM-26.1, 1995.

## CHAPTER II - BOOM AND BUST

Alberta started late, officially becoming a province only on Sept. 1, 1905. And it started small -- relatively speaking, remaining that way. The province "began its existence with some 184,000 inhabitants, of whom some 80,000 were Indians, and its revenues for the first full year were \$2,081,827 of which \$1,030,375 came by subsidy from the federal government, \$175,000 from fees on land transfers and \$131,156 from the sale of butter," observed political historian Ernest Watkins.<sup>1</sup>

A place of such modest scale would seem to have little use for professional planners. Nevertheless, officials of the new province showed an early interest in town planning, setting out their first town planning regulations in 1906, establishing a municipal affairs department in 1911 and enacting the province's first planning legislation in 1913. By the early 1950s, regional planning began to take on a formal, clearly defined, legislative shape. District planning commissions, precursors to the regional planning commissions that existed until the 1990s, were founded in 1950 in Edmonton and 1951 in Calgary.<sup>2</sup> Alberta officials could boast that the province had "one of the longest traditions of

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<sup>1</sup>Watkins, Ernest. *The Golden Province* (Sandstone Publishing Ltd., Calgary, 1980), p. 11.

<sup>2</sup>Burton, Thomas L., *The Roles and Relevance of Alberta's Regional Planning Commissions* (Department of Recreation Administration, University of Alberta, 1981), p. 1.

planning in Canada."<sup>3</sup> But its planners also generated, as we shall see, a pattern of "boom and bust" in interest in and adherence to the principles of urban and regional planning that paralleled the booms and busts of the province's economy.

In the 1970s and 1980s, the high point for planners and their influence in Alberta,<sup>4</sup> government officials and professional planners in Alberta -- often the same people -- understandably took pride in their administrative creation and its accomplishments. "In Alberta, we have at least the framework of a soundly conceived and effective regional planning system," Canadian planning theorist Leonard O. Gertler had observed seven years earlier in *Regional Planning in Canada: a Planner's Testament*.<sup>5</sup> A University of Alberta professor, Thomas L. Burton, noted complacently in 1981 that, "Discussions of the system as a whole have generally supported the principle of a regional planning mechanism and have commented favorably on the Alberta experience."<sup>6</sup> An official with the B.C. government, Graham Dragushan, wrote in his 1972 M.A. thesis, "Planning legislation in Alberta has long been thought to be at the forefront of

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<sup>3</sup>Alberta Municipal Affairs, Inter-agency Planning Branch Planning Services Division, *Planning in Alberta: A Guide and Directory* (Government of Alberta, Edmonton, 1980), p.1.

<sup>4</sup>Robinson interview, October, 1996.

<sup>5</sup>Gertler, L.O. *Regional Planning in Canada: A Planner's Testament* (Harvest House, Montreal, 1972), p. 31.

<sup>6</sup>Burton, *op. cit.*, preface, p. i.

planning efforts in Canada, especially in the area of regional planning."<sup>7</sup> He continued, "Glowing descriptions of Alberta's pioneering efforts to establish urban-centred regional planning authorities appear in the literature from the late 1950s up to the present."<sup>8</sup> A former member of the Calgary regional planning commission, Karl Nemeth, called his organization, "the world model."<sup>9</sup>

Constructing a coherent history of regional planning in Alberta is not easy. As the authors of the Alberta Planning Board's 1978 study<sup>10</sup> observed, "Much of the historical evidence is fragmented and not easily accessible to all but the most dedicated historical researcher. Too, because much of planning is a government activity, and therefore not subject to political and administrative considerations, many of the reasons for particular decisions were never a part of the public domain, and so are lost to posterity."<sup>11</sup> However, the broad outlines necessary for a

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<sup>7</sup>Dragushan, Graham N. G., *Regional Planning in Alberta, the Evolution of Alberta's System of Regional Planning Commissions* (University of British Columbia Masters thesis, Vancouver, 1979), p. 1.

<sup>8</sup>*Ibid.*

<sup>9</sup>Interview with Karl Nemeth, August 1996.

<sup>10</sup>Alberta Planning Board, *Regional Planning System Study*, 1978.

<sup>11</sup>*Ibid.*, Chapter 2.1. (Pages in this document are unnumbered.) This comment, it is fair to observe, says something about the attitudes that would lead Alberta's regional planning system into difficulty not so many years later.

study of this nature are fortunately easy enough to perceive.

Before Alberta became a province, an influx of settlers was brought west by the new railroad. Most, but not all, were farmers. After 1905, the new provincial government provided only rudimentary services suitable for a small farming community -- it had just six departments: agriculture, education, public works, treasury, attorney general and provincial secretary. Inevitably, however municipal governments were formed -- between 1896 and 1914 the population grew from 50,000 to 640,000 people, living in six cities of 2,400 to 72,000 souls and 136 towns and villages -- and the province recognized this trend in 1911 by establishing the Department of Municipal Affairs.<sup>12</sup> Even before that event, the city of Calgary had engaged the services of an English firm to prepare a city plan "in the Old World Tradition."<sup>13</sup> Alas, the firm's dream-like drawings of a Paris on the Prairies, displayed from time to time at city hall, were never made real.

But it was more prosaic concerns that led the province to first enact formal planning legislation in 1913,<sup>14</sup> during one of the first booms that would become typical of the province's boom-and-

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<sup>12</sup>*Ibid.*, 2.2.

<sup>13</sup>*Ibid.*

<sup>14</sup>This was the first planning-specific legislation in Alberta, although before that date the Land Titles Act of 1906 included specifications of allowable widths for streets and lanes. Dragushan, *op. cit.*, p. 32.

bust cycle of economic expansion.<sup>15</sup> "Accompanying the rush of settlers swelling into the province's cities and rural areas was a speculative land boom that sent land values in Edmonton and Calgary skyrocketing," the provincial municipal affairs ministry explained in the introduction to its 1980 directory of Alberta planning officials and services.<sup>16</sup> "By 1912, land in the downtown areas of the two cities was selling for a thousand times what it was originally purchased at less than 20 years earlier. Subdivisions, both legal and illegal, were occurring far beyond the municipal boundaries, and at a startling rate. Finally, in 1913, in an effort to curb the speculation, the Alberta government passed the *Town Planning Act*."<sup>17</sup> Said the 1978 Planning Board study:<sup>18</sup> "There was the speculative land boom of 1906-13, which saw the gross value of building permits issued for Edmonton and Calgary rise from some \$3 million in 1906 to an astonishing \$34.8 million in 1912."<sup>19</sup> Important too, the authors of the study noted, was the vision of Arthur Sifton, premier of the province from 1910 to 1917. Indeed, they called Sifton

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<sup>15</sup>Alberta, and particularly Calgary, is in a boom again as this is written. But history has made Albertans shy of acknowledging the reality of their economy. So, in a front-page story on 24 Jan. 1997, the Calgary Herald reported: "Calgarians haven't seen growth like this in years. Just don't call it a boom. Mention the 'B' word and economists and city officials run for cover. ..." (*Calgary Herald*, "It's bustling, not booming," 24 Jan. 1997, p. A1.)

<sup>16</sup>*Planning in Alberta*, loc. cit.

<sup>17</sup>*Ibid.*

<sup>18</sup>See Note 10, *supra*.

<sup>19</sup>*Regional Planning System Study*, op. cit., 2.2.

"perhaps the principal force at work in bringing about the 1913 act."<sup>20</sup> The philosophy of the act was "primarily . . . a means of bringing order and rationality to an urban environment beset by population and economic growth pressures never before experienced."<sup>21</sup>

The origins of the act, the 1978 study noted, were "a long line of social experiments in the cities of Victorian England, the results of the environmental reform movement and its doctrine of 'utilitarianism.'"<sup>22</sup>

Not surprisingly, the professional planners introducing their directory in 1980 heralded the 1913 act as a measure which allowed municipalities to ensure adequate roadways, sanitary facilities, street lighting and open spaces in new subdivisions<sup>23</sup> Though, in fact, under the act "a town planning scheme was never prepared [or] implemented." In the event, however, as the anonymous authors of the government directory conceded and as has been so often the case in Alberta, order was brought to the

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<sup>20</sup>*Ibid.*

<sup>21</sup>*Ibid.*

<sup>22</sup>*Ibid.*, 2.2. "Out of this philosophy came the Victorian slum clearance schemes, the Garden City concept and similar English town building activities, and the conservation movement in the late 19th century United States. Zoning was adopted from Germany and seen as a 'scientific' tool for improving the quality of the urban environment," said the study.

<sup>23</sup>*Ibid.*

province's burgeoning new urban areas not by the newly adopted principles of town planning, so much as the boom going bust.<sup>24</sup> Said the 1978 study: "[The act's] introduction coincided with a slump in the land boom, and World War I and its aftermath; consequently it was dormant until 1922. ... Some indication of the magnitude of the slump in the land boom can be seen from the drop in Edmonton's population from 72,516 in 1914 to 53,846 in 1916. All of a sudden, subdivisions became unsalable and thousands of lots, many of which remained undeveloped for the next 30 years, reverted to the cities through tax foreclosures. The clouds of war in Europe and the end of European immigration had spelled the boom's end.

Nevertheless, from the point of view of tracing the tradition of regional planning in Alberta, the 1913 act was important in that it provided for intermunicipal planning where urban development spanned more than one municipality.<sup>25</sup> It also introduced another fundamental idea into Alberta law: "The 1913 Town Planning Act can be seen as a clear indication that the province recognized the need to manage urban growth and that this management was a public responsibility."<sup>26</sup> Alberta law would stick with this interpretation of social policy until the middle of the neo-

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<sup>24</sup>*Dragushan, op. cit.*, p. 35.

<sup>25</sup>*Ibid.*

<sup>26</sup>*Ibid.*, p. 36.

conservative '90s. Nevertheless, "there was very little planning activity throughout the 1920s: once the forces of growth and change subsided, the need for planning was perceived to be nonexistent."<sup>27</sup>

Legislation that specifically mentioned the concept of regional planning became law in 1929<sup>28</sup> -- a change wrought partly by women's groups concerned with unsightly billboards along the again-prosperous province's increasingly busy highways. "A movement was begun by the United Farmers' Women of Alberta to preserve the countryside from the spread of billboards," explained the government pamphleteers.<sup>29</sup> "The act was aimed at the problems created by increased use of the automobile and sought to regulate unsightly developments, such as billboards and gas stations, in rural areas."<sup>30</sup> The United Farmers of Alberta had formed the government in 1921, a time when Albertans were increasingly becoming aware of their province as a province. "Public interest in planning and beautification, no less than in industrialization, was running high," wrote sociologist David Bettison of the Human Resources Research Council of Alberta and

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<sup>27</sup>*Regional Planning System Study*, loc. cit. As we shall see, this is a familiar refrain.

<sup>28</sup>Dragushan, loc. cit.

<sup>29</sup>*Planning in Alberta*, loc. cit.

<sup>30</sup>*Regional Planning System Study*, op. cit., 2.2.

his colleagues in 1975.<sup>31</sup> In 1927, the Edmonton Local Council of Women petitioned the city government to appoint a civic planning commission that would devise a scheme of development for the provincial capital<sup>32</sup> -- including the renovation of unsightly buildings in the city centre and creation of "a dignified and attractive approach from the proposed Canadian National Railway Station to Jasper Avenue and the Macdonald Hotel."<sup>33</sup> The next year, Edmonton city council requested a revision of the Town Planning Act. "Something to preserve the beauty of the province was needed."<sup>34</sup> The 1928 and 1929 planning Acts followed quickly.

The 1928 act was combined with revisions from 1922 into the Town Planning and Preservation of Natural Beauty Act of 1929. For the first time, zoning was introduced in Alberta, giving municipalities the power to prescribe building heights, square footage, lot sizes, building densities and allowable land uses within their boundaries.<sup>35</sup> "Provision for town and regional planning commissions was also made. Regional planning commissions could be composed of two or more municipalities formed

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<sup>31</sup>Bettison, David G., John K. Kenward and Larrie Taylor, *Urban Affairs in Alberta* (University of Alberta Press, Edmonton, 1975), p.46.

<sup>32</sup>*Ibid.*, p. 46.

<sup>33</sup>Quoted by Bettison, *Ibid.*

<sup>34</sup>*Ibid.*

<sup>35</sup>Planning in Alberta, *loc. cit.*

together."<sup>36</sup> And the 1928 legislation, incorporated into the 1929 act, was clearly "a measure designed to regulate an activity outside the jurisdiction of towns and cities, namely, the ribbon development characteristic of the time," note Bettison and company.<sup>37</sup> Under the act, two or more municipalities -- urban and rural -- were able to jointly form a regional planning commission with any powers, except where raising money or expropriating land were concerned.<sup>38</sup>

And once again, as had been the case in 1913, Bettison notes, "the provincial government moved to amend town planning legislation in 1929 at precisely the time when the urban economic expansion of 1928-29 was coming to a sudden halt. The 1929 legislation was assented to on March 30, 1929, and the New York Stock Exchange slumped in October 1929, to start the Great Depression of the 1930s."<sup>39</sup> The planning guidebook's official authors dryly summarized the situation. "During the depression of the 1930s, urban planning once again lost importance as the provincial planning branch was disbanded due to 'drastically curtailed revenues.' On the other hand, planning on a regional

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<sup>36</sup>*Ibid.*

<sup>37</sup>Bettison, *op. cit.*, p. 48.

<sup>38</sup>Dragushan, *op. cit.*, p. 37. This, Dragushan notes in the same place, "was consistent with the UFA principle of co-operation, although biased in favor of urban municipalities since they carried weight in proportion to their contributions."

<sup>39</sup>*Ibid.*, pp.47-48.

scale was initiated as landowners went bankrupt and homesteads were deserted, thus requiring the government to acquire and administer large tracts of land."<sup>40</sup> Administration of the Town Planning Act was transferred to the Department of Public Works. But the farmland crisis -- between 1927 and 1938, about 6,000 farms in the driest area east of Castor and Hanna were abandoned -- forced the province to establish a board to administer and redevelop these lands.<sup>41</sup>

As a result of the economic collapse, it is important to note, "the regional planning provisions of . . . the act were not ever used; nowhere in Alberta was a regional planning commission established." The 1978 study noted, "Both municipal and provincial governments were all too ready to abandon the concept of husbandry when economic conditions worsened and the land boom abated."<sup>42</sup>

But the pattern of waning and waxing interest in planning in Alberta resumed with the beginning of the Second World War and the revitalization of the province's economy.<sup>43</sup> While a consolidation of the Town Planning Act in 1942 had temporarily dropped the idea of regional planning, the boom that followed the

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<sup>40</sup>*Planning in Alberta, loc. cit.*

<sup>41</sup>*Regional Planning System Study, op. cit., 2.2.*

<sup>42</sup>*Ibid., pp. 38-39.*

<sup>43</sup>*Ibid.*

discovery of oil at Leduc, just south of Edmonton, on Feb. 13, 1947, "launched Alberta on another round of rapid growth and the major cities, especially, experienced rapid expansion almost beyond their abilities to handle."<sup>44</sup> The discovery of oil "was to be an event of singular significance for the province's prosperity. Its impact, and that of even larger developments which followed, accounted for the burgeoning growth in population, and the shift from a primarily agricultural, resource-based economy to one with considerable manufacturing, processing and tertiary enterprises."<sup>45</sup> Alberta's population would grow from 800,000 in 1941 to 1.63 million in 1971, a rate of 104 per cent, compared with a national rate of 87 per cent in the same period. Rapid growth continued through the '60s and '70s at rates in excess of the national average.<sup>46</sup> "The influx of people created severe pressures in the largest cities."<sup>47</sup>

This led Edmonton to retain as consultants two McGill University professors, Harold Spence-Sales and John Bland, who recommended "the Edmonton District Planning Board with area communities as 'constituent members.'"<sup>48</sup> Professional planners were hired in

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<sup>44</sup>*Planning in Alberta, loc. cit.*

<sup>45</sup>*Regional Planning System Study, op. cit., 2.2.*

<sup>46</sup>*Ibid., 2.3, 2.4.*

<sup>47</sup>*Ibid., 2.3.*

<sup>48</sup>*Dragushan, op. cit., p. 42.*

Edmonton in 1949 and Calgary in 1951.<sup>49</sup> As a result of the report by Bland and Spence-Sales, Edmonton aldermen pressed the province for amendments to provincial planning legislation,<sup>50</sup> resulting in the Town and Rural Planning Act of 1950. The new legislation established district planning commissions -- direct forerunners of Alberta's regional planning commissions.<sup>51</sup>

At the time, the commissions were conceived as only advisory bodies made up of elected politicians from municipalities within the district. But as time went on, the provincial planners dryly noted in their brochure, "it became clear that having only an advisory role did not give the commissions much authority over land use and planning decisions."<sup>52</sup> Indeed. The booming Alberta economy was once again leading to serious problems, especially in the urban fringe around the province's two largest cities. "Their population problems," concluded Bettison and his colleagues, "were a kind that reflected an inadequate control of migration from country to city and from smaller city to metropolis."<sup>53</sup> Population increases on the fringes of the largest cities "were uniformly marked by the lower income status of the residents, the larger size of their families, and their apparent preference for

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<sup>49</sup>*Planning in Alberta, loc. cit.*

<sup>50</sup>Dragushan, *op. cit.*, p. 44.

<sup>51</sup>*Planning in Alberta, op. cit.*, p. 2.

<sup>52</sup>*Ibid.*

<sup>53</sup>Bettison, *op. cit.*, p. 122.

home ownership rather than renting."<sup>54</sup>

They explained the situation in a passage that is long, but worth quoting: "In all these fringe communities, the standard of public services was lower than in the cities and the services were often more expensive. The local councils were in financial difficulties and heavily dependent on provincial grants . . . The fringe areas were different from self-standing towns in Alberta's countryside due to their excessive dependence on residential property as a source of tax revenue, the high proportion of their inhabitants who worked in the city but resided in the fringe area, and the high percentage of consumer good expenditure that took place in the city."<sup>55</sup> A "vicious circle of community degradation" was held off only by provincial grants.<sup>56</sup>

"Though local governments had attempted make construction conform to zoning bylaws and standards, and had attempted to provide what services they could afford by way of water, sewage, garbage disposal, gas, electricity and roads, the direct incentive to the individual home seeker was not derived from local government initiative ... home owners and contractors were permitted to build on unserviced lots, while in the cities they were not so permitted. ... [H]igh monetary returns permitted the quick

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<sup>54</sup>*Ibid.*

<sup>55</sup>*Ibid.*

<sup>56</sup>*Ibid.*, pp. 46-47.

recovery of capital on sub-standard houses."<sup>57</sup>

That general situation, combined with the attempt in 1954 of the Municipal District of Strathcona, on Edmonton's eastern fringe, to build the "new town" of Sherwood Park led to a Royal Commission that would see Alberta's regional planners gain real legislative power. In 1954, Strathcona met determined resistance from the Edmonton District Planning Commission to its plan to create a large new community east of Edmonton that did not conform with the commission's plan. Strathcona petitioned the government to allow it to withdraw from the commission. The attorney-general liberally interpreted the law of the day -- which allowed cabinet to alter the borders of a district planning area -- and let Strathcona pull out. "Strathcona remained outside the commission from August 1954, to August 1956, during which time the municipality secured the approval of their new town of Sherwood Park."<sup>58</sup> As a result of the controversy sparked by Sherwood Park, and the worrisome disorder on the fringe surrounding Calgary and Edmonton, the province in 1954 appointed a Royal Commission on Metropolitan Development in Edmonton and Calgary, which was known as the McNally Commission after its

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<sup>57</sup>*Ibid.*, p. 123.

<sup>58</sup>Dragushan, *op. cit.*, p. 59. It is interesting to note that the residents of Sherwood Park, who today number about 30,000, have from the start resisted any form of municipal government, preferring to remain part of the MD. In 1997, Sherwood Park is a hamlet of 30,000. (Nemeth interview, *op. cit.*)

presiding judge.<sup>59</sup> The commission reported in 1956 that there can be no orderly development in any area where dissent by one member municipality alone could disrupt an entire district plan.<sup>60</sup> It concluded that "the time has come to amend the legislation so as to authorize enforcement of a district general plan."<sup>61</sup> In short, as David Bettison and his co-authors concluded in *Urban Affairs in Alberta*, "the region had to adopt the basic instruments of planning control already used in cities."<sup>62</sup>

In 1957, coincidentally with the maturing of the province's first great oil boom, most of the McNally Commission's recommendations were made law.<sup>63</sup> Municipalities in most parts<sup>64</sup> of the province were *required* to be members of regional planning commissions, whose plans would now have legal clout. The heyday of regional planning in Alberta had commenced. "Commissions containing a municipality in excess of 50,000 population were given the authority to prepare a district general plan governing land use for the entire district. ... no municipality could take actions

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<sup>59</sup>Alberta, *Report of the Royal Commission on the Metropolitan Development of Calgary and Edmonton*, (McNally Commission), 1956.

<sup>60</sup>Paraphrased by Dragushan, *op. cit.*, p. 59.

<sup>61</sup>McNally Commission, 1956, quoted by Bettison, *op. cit.*, p. 135.

<sup>62</sup>Bettison, *op. cit.*, pp. 191-192.

<sup>63</sup>*Ibid.*

<sup>64</sup>Planning for rural northeastern Alberta was throughout this period carried out directly by authorities of the Municipal Affairs Department in Edmonton.

inconsistent with the plan. Authoritative regional planning was thus in place."<sup>65</sup>

In 1963, there was another rewrite of the planning act that simplified the number of bodies required to handle subdivisions, development applications and appeals. Planning decisions at the regional level were furthermore vested entirely in the hands of elected officials, removing civil servants. And regional planning commissions were required to get development controls in place while more comprehensive regional plans were written. A period of minor tinkering followed in 1968 and yearly from 1972 until 1977.<sup>66</sup>

The years leading up to the next major revision of regional planning legislation, the Planning Act of 1977, were again a time of economic boom. "The past 10 years has seen an unprecedented ... increase in activity relative to land use regulation," observed University of Alberta law professor F.A. Laux in his 1979 analysis of the new act.<sup>67</sup> The economic boom, said the government's 1978 Regional Planning System Study, "accentuated the need for planning, and resulted in the further strengthening

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<sup>65</sup>*Planning in Alberta, loc. cit.*

<sup>66</sup>*Ibid.*

<sup>67</sup>Laux, F.A., *The Planning Act, 1977* (Butterworth & Co. [Western Canada], Vancouver, 1979), p. v.

of the system."<sup>68</sup> According to the government, the 1977 Planning Act did "not represent radical new elements by which planning and development will be conducted ... the Planning Act, 1977, is an evolutionary progression in a 65-year tradition of planning."<sup>69</sup> Nevertheless, noted Laux, while "the new act certainly cannot be said to represent a wholesale change in philosophy in respect of land use ... it does constitute a major reworking."<sup>70</sup> Financing for the provinces original eight, later 10, regional planning commissions continued in much the same manner as it had since 1971. From 1963 until that year, planning commissions were financed by contributions from the province and member municipalities. In 1971, amendments created the Alberta Planning Fund, which all municipalities had to contribute to. This money would pay for the operations of the commissions. Money from the fund could also be used for other planning projects and regional studies. The fund continued under the 1977 act little changed.<sup>71</sup>

The 1977 act expressed, in the words of *Planning in Alberta*, five goals:

1. There should be a system for ensuring that land is developed in an orderly fashion.

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<sup>68</sup>*Regional Planning System Study, op. cit.*, 2.4.

<sup>69</sup>*Planning in Alberta, op. cit.*, p. 7.

<sup>70</sup>Laux, *loc. cit.*

<sup>71</sup>Dragushan, *op. cit.*, p. 133.

2. Local autonomy in shaping land development should be preserved and strengthened.
3. The time required to bring land into new use to a minimum [sic].
4. Broad regional and provincial concerns with the process of development should be recognized.
5. The fullest participation of the public in the planning process should be encouraged.<sup>72</sup>

But the major change is that "the 1977 Planning Act clearly establish(ed) the regional plan as the *supreme document* in a hierarchy of statutory instruments."<sup>73</sup> The statute, enacted 64 years after the province's first planning act, thereby rationalized the hierarchy of planning activities in Alberta "from an implied provincial level, to regional plans, municipal general plans, area structure plans, and finally to local land-use bylaws."<sup>74</sup> The act established planning commissions as legal, corporate entities, enabling them "to enforce (their) plans by using legal remedies when the pressures of persuasion fail(ed)."<sup>75</sup> So, now, membership in a regional planning

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<sup>72</sup>*Planning in Alberta, loc. cit.*

<sup>73</sup>Cullingworth, J. Barry. *Urban and Regional Planning in Canada* (Transaction Books, New Brunswick, N.J., 1987), p. 343.

<sup>74</sup>Dragushan, *op. cit.*, p. 129.

<sup>75</sup>*Ibid.*, p. 138.

commission was established by the cabinet<sup>76</sup> and the commission's regulations and rulings had the force of law.

The province, of course, retained the power to supervise and approve regional plans -- a fact often ignored by the opponents of regional planning -- both through the Alberta Planning Board and the cabinet. Section 52 of the 1977 act specified that when a plan was adopted by a regional planning commission, the Alberta Planning Board must approve it and it must be ratified by the minister of municipal affairs.<sup>77</sup> This showed that the province wanted to direct the process at a fundamental level. Guidelines for the drafting of regional plans, issued in 1981, noted that "the process of approving a regional plan provides an opportunity to reflect provincial goals and objectives in a

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<sup>76</sup>The Planning Act, 1977, RSA 1980, Chap. P-9, Section 21. "(1) The Lieutenant Governor in Council may by regulation establish one or more planning commissions.

(2) The Lieutenant Governor in Council may make regulations (a) specifying the name by which each regional planning commission is to be known;

(b) describing the area within which each regional planning commission is to exercise its jurisdiction;

(c) authorizing a regional planning commission to acquire real property and prescribing the purposes for which a regional planning commission may acquire real property;

(d) providing for the disposition of real property acquired pursuant to regulations made under clause (c);

(e) after the establishment of a planning region, changing the area of the planning region.

(3) A regional planning commission established by regulation is a corporation. . . ."

<sup>77</sup>The Planning Act, 1977, Sect 52.

statutory document."<sup>78</sup>

The real power of the provincial government to direct and approve planning documents did not, however, much curtail the ability of individual planning commissions to make decisions that were unpopular with their member municipalities. Since member municipalities each possessed a vote on proposals within each others' boundaries,<sup>79</sup> and since development proposals unavoidably displeased neighboring municipalities from time to time, disputes with winners and losers were inevitable.

These disputes would lead, over time, to the political problems that contributed to the commissions' eventual downfall.

The 1977 planning legislation made membership in the commissions compulsory, obliging councils named as planning commission members to appoint representatives, and made it clear that only elected municipal council members could serve on commissions.<sup>80</sup>

Paradoxically, over time this structure sometimes left both urban

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<sup>78</sup>Alberta Planning Board guidelines, 1981, quoted by Cullingworth, *op. cit.*, p. 344.

<sup>79</sup>Section 22(1)(a) and (b) of the Planning Act specified the voting membership of regional planning commissions.

<sup>80</sup>Laux, *op. cit.*, p. 15. This differed from the previous act, which permitted appointment of civil servants. Laux observes that "it is appropriate that bodies exercising such a legislative function be at least indirectly politically accountable to the electorate."

and rural commission members feeling isolated and outvoted within the regional planning structure. We have heard Reeve Cameron and Municipal Affairs Minister Stephen West on this topic. ("What could rural Alberta do?" West asked at one point: "Secede?") Similarly, during the dying days of the Calgary commission, Calgary alderman and planning commission representative John Schmal told the Calgary Herald that, while it was vital to preserve the Calgary Regional Planning Commission, there was no way Calgary would agree to its representation on any successor body being cut from three members to one. "We're expected to cough up most of the funding." It would be, said Schmal, "a little bit ridiculous" for a city of three quarters of a million people to have the same representation as the village of Blackie, with about 300.<sup>91</sup> In 1979, Laux wrote that big cities worried that "they did not have representation on commissions commensurate with their population. This has been perceived ... as permitting rural members of planning commissions to dominate commission decisions, even where such decisions had a predominantly urban impact."<sup>92</sup> By 1994, of course, the latter part of Laux's statement had come to mirror precisely the view of rural municipalities in the Calgary region about the influence of towns and cities on decisions affecting them.

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<sup>91</sup>Calgary Herald, "Planning proposal under attack," 14 June 1994, Page B5.

<sup>92</sup>Laux, *loc. cit.*

After the economic collapse of 1981, Ivan Robinson recalled in 1996, the provincial planning commissions began to be starved of funds, and their influence declined.<sup>93</sup> In a talk to the Oldman River Regional Planning Commission in 1985, when the commissions were beginning to feel the pinch, he said, "The availability of funds is a determining influence on the extent to which commissions can carry out the roles assigned to them. Is the (Alberta Planning) Board using its authority over the administration of the Alberta Planning Fund to exert undue control on the role of commissions?" He went on, carefully avoiding an answer: "We must appreciate that the board is carrying out an unpopular task under difficult economic circumstances. Nevertheless, the question is worth keeping in mind."<sup>94</sup>

By the mid 1980s, said Cullingworth, "the economic downturn had transformed Alberta's rapid growth into a precarious situation. ... The impact on the planning scene has been significant: planning staffs have been cut; subdivision applications have fallen; funding for regional planning commissions has been reduced; and it is being suggested by Alberta Municipal Affairs that planners should act as 'catalysts' rather than as

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<sup>93</sup>Robinson interview, *op. cit.*

<sup>94</sup>Robinson, Ivan. *The Present and Future Roles of Regional Planning Commissions*, address to the 26th annual workshop of the Oldman River Regional Planning Commission, March 28, 1985.

'regulators.'"<sup>85</sup>

The effect of this trend on the Calgary Regional Planning Commission was dramatic. When municipal affairs minister West announced his intention to cut the provincial government's contribution to the Alberta Planning Fund from approximately \$5 million to zero by the beginning of 1996-97, the Calgary commission had already undergone a long process of paring, wrote commission chairman Fred Ball in 1993. "Since 1982 we have reduced our staff complement by 32 (60 per cent)."<sup>86</sup> Only a month later, the commission reported in its newsletter that that figure had risen to 34 staff or 64 per cent. The province's annual contribution to the planning fund had fallen from more than 80 per cent in the mid-1970s to 51 per cent by the start of 1994.<sup>87</sup>

In conclusion, through the early years of the province, interest in regional planning, and planning in general, followed a boom-and-bust cycle that paralleled the province's economy. When the economy boomed, it brought, first, the problems associated with development, then an interest in planning to avoid them. When the economy went bust, interest in planning waned, along with the economic development that spurred it.

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<sup>85</sup>Cullingworth, *op. cit.*, p. 346.

<sup>86</sup>Correspondence from CRPC chairman Fred Ball to Rocky View municipal councillors, 15 Dec. 1993.

<sup>87</sup>Calgary Regional Planning Commission *Update* (monthly newsletter), January 1994, p. 1.

And while a long period of successful regional planning, at least in the sense of a growing regional-planning bureaucracy, took place through the 1950s, '60s, '70s and early '80s, it can be argued that the waning of interest in regional planning from the mid-1980s on was no more than a return to that historical pattern after the long oil-driven splurge that got under way after Leduc in 1947.

Alberta's boom went bust again in 1981. Not long after, regional planning began to be perceived as a nuisance by tax-shy government officials and by pro-development forces. By the mid-1990s -- with the rise of the neo-conservative Klein government -- such thinking reached its zenith, with the destruction of Alberta's regional-planning mechanism. But it is not unreasonable to argue, as does planner Ivan Robinson, that renewed prosperity will bring a renewed demand among Alberta voters for a re-establishment of some sort of regional planning capability. Had the reduction in funds for regional planning experienced through the 1980s happened during an economic boom instead of a downturn, he argued, "you would see more evidence of a disaster around Calgary."<sup>88</sup> And by late 1996, Calgary if not all of Alberta had clearly swung back from bust to boom.

It is entirely reasonable to predict, in other words, that unregulated urban sprawl on the fringes of Calgary in 1997 will

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<sup>88</sup>Robinson interview, *op. cit.*

prompt the same political demands for action as did unregulated urban sprawl on the fringes of Edmonton in 1912, that unsightly development on the highways of Alberta will spark the same demands as ugly billboards on the same roads did in 1927. The scene is now set for the resumption of boomtime development -- and especially on the rural fringe of Calgary. "You will create a problem that will have to be solved by regional planning, like Toronto in the 1950s," Robinson predicts.<sup>99</sup> Certainly, even if Robinson is only half right, the history of Alberta would suggest that soon there will be increased political pressure for a resumption of regional planning.

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<sup>99</sup>Robinson interview, *op. cit.*

## CHAPTER III - A HOUSE DIVIDED

In late 1979, the association representing Alberta's rural municipal districts and the association representing towns and cities asked their members what they really thought of regional planning.<sup>1</sup> Such planning was becoming a mature, if not venerable, institution, with considerable thought given to its workings and considerable satisfaction in its accomplishments. In terms of its real power and influence, the regional planning system's participants now say, this period at the end of the 1970s and the beginning of the 1980s was the zenith.<sup>2</sup>

But regardless of the favorable reviews by professional planners, there was trouble ahead. For, as the municipalities' purely voluntary poll clearly revealed, rural Albertans were giving regional planning a raspberry. The response to the poll was significant. A total of 76 municipalities responded to a questionnaire devised by members and staff of both organizations, plus provincial representatives.<sup>3</sup> Of those, 59 were urban, 17

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<sup>1</sup>*Municipal Attitudes Towards Regional Planning in Alberta*, Alberta Association of Municipal Districts and Counties and Alberta Urban Municipalities Association, 1980, Introduction, p. x.

<sup>2</sup>Robinson interview, October 1996.

<sup>3</sup>*Municipal Attitudes Towards Regional Planning in Alberta*, op. cit., pp. vii-viii. The members were Les Miller, AAMD&C president and reeve of the County of Parkland; Councillor Bill Boyd, County of Grande Prairie; Jack Edworthy, AAMD&C executive director; Ald. Craig Reid, Calgary; Councillor Kay McKenzie, town of Vegreville; Mayor Ray Bowersock, village of Forestburg; Tom Buchanan, AUMA executive director; Norm Milke, executive assistant AUMA; Al

rural. "While this represents only one quarter of the combined membership of the two associations," the survey's authors wrote, "we nevertheless feel that the results are significant and worthy of attention."<sup>4</sup> Responses from urban municipalities represented 22 per cent of all urban municipalities in Alberta; the rurals had a response rate of 35 per cent.<sup>5</sup> The response rate from municipalities in the Calgary area was above the provincial average.<sup>6</sup> The tone of their comments accompanying the responses -- despite the troubling findings of the survey -- assumed that regional planning was part of Alberta's landscape, and likely to stay that way.<sup>7</sup>

But the findings indicated a clear -- and, for the future of regional planning in the province, dangerous -- division. "The opinions of those rural and urban municipalities responding to the poll differed quite dramatically," the report stated.<sup>8</sup> "While the

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Suelzle, Alberta Planning Board; Graham Murchie, Inter-agency Planning Branch; Peter Ho, Inter-agency Planning Branch.

<sup>4</sup>*Ibid.*, p. viii.

<sup>5</sup>*Ibid.*, p. x.

<sup>6</sup>*Ibid.*, p. 10.

<sup>7</sup>*Ibid.* "Land use planning is a critical area of shared responsibility. The willingness of the minister to assist both associations to present their views is most encouraging, and we look forward to a continued collaboration in the development of solutions that will benefit all participants."

<sup>8</sup>*Ibid.*, p. x.

urban<sup>9</sup> respondents were generally supportive of regional planning, believing it to be doing a good job, the rural respondents were predominantly negative towards it."<sup>10</sup>

"Almost half the comments from the urban respondents viewed regional planning as doing a good job, providing needed advice, encouraging organized regional development ... rural respondents said such things as the regional planning commission is too dictatorial; there is a loss of local autonomy, and there is an urban membership bias on the commission."<sup>11</sup>

Now, the committee behind the survey did not do much more than scratch the surface of the reasons for the dissatisfaction of rural municipalities. Certainly, it lavished no detailed analysis on their unhappiness. Nevertheless, the reasons are clear enough from the text. In the Calgary region, for example, while there was "general agreement that the RPC is doing a good job" -- there were more urban than rural municipalities, after all -- "the most common complaint is that the RPC is too dictatorial, resulting in a loss

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<sup>9</sup>Urban in this context means any with an urban character, including some quite small towns and villages, not just cities and bedroom suburbs.

<sup>10</sup>*Ibid.* Emphasis added.

<sup>11</sup>*Ibid.* Emphasis is the authors'.

of local autonomy."<sup>12</sup> Likewise, "dissatisfaction stems from an urban membership bias which virtually eliminates the approval of rural proposals, and from a RPC (sic) which is too restrictive from the viewpoint of rural members."<sup>13</sup>

"In every region," the authors of the study concluded, "urban municipalities made a substantially greater percentage of positive comments than the rural municipalities, while in every region except one, rural municipalities made a greater percentage of negative comments . . . There is a perceived urban domination in the eyes of the rural municipalities, and a small town-rural bias in the eyes of the larger municipalities."<sup>14</sup>

Comments by regional planning commission members throughout the province suggest rural politicians perceived a bias against development in rural municipalities. And this perception of bias was stronger in the Calgary region than elsewhere. With the benefit of hindsight, it is clear this would ultimately lead to political problems for the regional planning commission. And while at least one observer points to the survey itself as a factor in the eventual demise of regional planning commissions in 1995,<sup>15</sup> it is clear from newspaper and other accounts that friction between urban

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<sup>12</sup>*Ibid.*, p. 10.

<sup>13</sup>*Ibid.* Emphasis added.

<sup>14</sup>*Ibid.*, pp. 21-22.

<sup>15</sup>Nemeth interview, November 1996.

and rural municipalities over the form regional planning should take had been developing for some time in the Calgary area.<sup>16</sup> The reality was that there was a developing fissure between the predominantly urban municipalities and the politically influential rural municipalities -- in which both sometimes perceived themselves as the aggrieved parties -- that would have eventual fatal consequences for the Calgary Regional Planning Commission.

At any rate, in the Calgary region, evidence of the friction between the city and its surrounding municipalities, especially Rocky View, was clear. "Rocky View Council tends to view the urban fringe as a zone under constant attack by the city, which must be fought for at all costs," wrote planning student Jacqueline D. Price in 1986. Rocky View, Price concluded, wanted to prevent the loss through annexation of its most populous and tax-rich areas to Calgary and such other growing urban municipalities as the city of Airdrie and the bedroom communities of Cochrane and Chestermere Lake. She argued that rural politicians feared the loss of these areas would reduce the municipal districts' financial clout and political influence. "By attracting and developing industrial parks, commercial enterprises, institutional facilities, and country-residential development, Rocky View is trying to maintain its jurisdictional control over the land. Urban-oriented uses are being enticed away from the city by the offer of cheaper land and

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<sup>16</sup>Price, Jacqueline D. *The Urban Fringe: People and Politics: A Case Study of Rocky View, Alberta* (University of Calgary masters thesis, Calgary, 1986), pp. 188-205.

lower taxes."<sup>17</sup>

These troubles, too, had begun popping up in the press. On Oct. 9, 1982, the Calgary Herald reported that "rural municipal councils maintained their opposition ... to a plan to regulate development in a 22,000-square-kilometre area in and around Calgary."<sup>18</sup>

The Calgary Regional Planning Commission had previously adopted two preliminary plans. A 1963 version established an extended urban area around Calgary "to provide a protective belt by preserving the rural character of the area (and) maintaining a low population density ... Permitted uses included intensive farming, natural resource extractive industries, institutional and public uses, daily recreational centres, and campgrounds." The commission's 1971 version noted "demands placed on rural land for non-agricultural purposes, eg., urban growth, country residential living, recreation, highways, power and pipelines, resource extraction and other industry."<sup>19</sup>

The 1982 Herald article lays out the developing conflict. Angered by provisions that would restrict development in an eight-kilometre-deep fringe around existing urban areas, the opposition

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<sup>17</sup>*Ibid.*, p. 200.

<sup>18</sup>*Calgary Herald*, "CRPC sends regional plan to Edmonton," 9 Oct. 1982, p. H1.

<sup>19</sup>*Price, op. cit.*, p. 121-122.

to the plan had come from five rural municipalities and the tiny country town of Irricana about 50 kilometres northeast of Calgary. Support came from representatives of Calgary and larger communities such as Airdrie, Okotoks and High River.<sup>20</sup> The commission's regulations, adopted in 1984, defined an urban fringe as all lands within eight kilometres of a city with a population of 100,000 or more; three kilometres from the boundaries of a city, town or village with a population between 1,000 and 100,000; and 1.6 kilometres from the boundaries of a town, village or summer village of less than 1,000.<sup>21</sup>

"Friday's vote was the culmination of about eight years' work prepare a regional plan to replace an outdated 1971 land-use plan for the Calgary area," the Herald's report explained. "The CRPC, over objections from rural members, adopted the plan about two years ago but the Alberta Planning Board refused to approve it until some suggested changes were made. Rural representatives have argued the plan strips them of control over their own development and is heavily weighted in favor of urban municipalities. ... The regional plan is dictatorial and not flexible," [Rocky View councillor Louise] Feltham charged in an interview. "The region is taking away the right of municipalities to make good planning decisions." The rural municipalities seemed willing to do whatever it took to block the plan. "Eventual implementation of the plan ...

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<sup>20</sup>Herald, 9 Oct. 1982, *op. cit.*

<sup>21</sup>Price, *op. cit.*, p. 23.

is still in question because the document must be approved by the provincial government. And if it receives the province's stamp of approval, the plan may be challenged in the courts by the CRPC's rural members."<sup>22</sup> In the event, the plan was never challenged in the courts.

But approval by the Alberta Planning Board and the municipal affairs minister, then Marvin Moore, was no sure thing. Commission director Ivan Robinson and commission chairman and High River mayor Lucille Dougherty spoke to the Herald's reporter and "confirmed Moore has indicated the plan would not be ratified if all five rural members voted against it. 'The plan becomes a political document when it gets to Edmonton,' Dougherty said. 'We'll just have to wait for a decision.'"<sup>23</sup> A year and a half later -- 10 years after work on a new regional plan began, and eight years after the province's planning legislation was revised -- the Calgary Regional Planning Commission's proposed new plan got the nod from the Alberta Planning Board and finally made it to the desk of the municipal affairs minister, who was by then Julian Koziak. Next month, the minister approved it. "The plan respects the autonomy and prerogatives of municipalities in making the most day-to-day land-use planning decisions [sic], while at the same time addresses common interests such as land use in an urban fringe," Koziak was

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<sup>22</sup>Herald, *op. cit.*, 9 Oct. 1982.

<sup>23</sup>*Ibid.*

quoted by the Herald as saying in a prepared statement.<sup>24</sup>

The 1984 plan, Price wrote, "recognizes the pressures of change due to urbanization in rural areas, especially the urban fringe."<sup>25</sup> Of important political significance, given the desire of the rural municipalities to attract population and businesses that would generate tax revenues, "it aim(ed) to direct urbanization to incorporated urban centres and to preserve rural agricultural uses from unnecessary intrusion. It encourage(d) a distinct break between urban and rural uses."<sup>26</sup>

Within the urban fringe, the 1984 regional planners wanted "to protect future long-term growth options for urban municipalities and to act as a buffer between certain types of rural uses and urban development, which may be incompatible."<sup>27</sup> According to a 1986 city of Calgary study of the city's western fringe -- home to upscale country-residential housing -- "the region stresses the need to direct urbanizing pressures and population growth in a manner that maintains a distinctness between urban and rural areas. At the same time it recognizes that urban growth is an inevitable product of a healthy regional economy. It attempts to balance the

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<sup>24</sup>Calgary Herald, "Koziak OKs regional plan," 10 May 1984, p. D1.

<sup>25</sup>Price, *loc. cit.*

<sup>26</sup>*Ibid.*

<sup>27</sup>Calgary Regional Plan, 1984, Section 4.11.1.

growth requirements of urban municipalities and annexation pressures against the desirability of rural municipalities maintaining their assessment base."<sup>28</sup> Robinson told the Herald he was "very relieved" by Koziak's approval of the 1984 plan. "Members have worked very hard in the last couple of years to reconcile conflicting views," he said, "and I'm very gratified to see the minister has recognized that."<sup>29</sup>

But if Robinson thought the commission's troubles were over, events would soon set him straight. The same essential conflicts over the same essential issues would before long again rear their heads. The year 1993, in particular, would prove to be disastrous for regional planning in the Calgary area.

In the fall of that year, as we have seen, municipal affairs minister Stephen West would make the dramatic announcement that he intended to cut off funds to regional planning. Then three things happened at once: West and the Klein government were plotting how to deal with what they saw as the problems created by Alberta's regional planning system; regional planners and their partisans were trying to save the system (and, not incidentally, their jobs); and a dispute was brewing between the Calgary planning commission and the Municipal District of Rocky View that would probably make

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<sup>28</sup>Lauren Johnston, City of Calgary, *Western Fringe Study* (published internally only), 1986, Section 2.2.1, unnumbered page.

<sup>29</sup>*Ibid.*

a reconciliation or compromise that could save regional planning in the Calgary area impossible.

For this was the moment when the Calgary Regional Planning Commission defeated Rocky View's wish to allow a large "factory outlet mall" in its territory just outside Calgary's western city limit. The implications of this decision would soon become clear: despite years of talk about resolving conflicting views, nothing had been resolved, or perhaps ever could be.

Ironically, after months of sound and fury surrounding the plan to build the factory outlet shopping centre, there was nothing. The scheme flopped; the mall was never built.

There are many who now say the battle over the factory outlet mall between most of the commission's urban members and Rocky View, supported by other rural municipalities, broke regional planning in Alberta. In fact, it is more reasonable to assume that the provincial government -- with its need to defuse the rural-urban acrimony over land development, its rural electoral base, its free-enterprise, anti-government philosophy, and its desire to slash spending -- had already decided how it was going to deal with regional planning commissions.

But there can be no doubt of the depth and bitterness of the disputes over land uses between Calgary and its hinterlands,

especially Rocky View. Rocky View wanted development in the urban fringe around Calgary so much it even exploited in 1993 a series of still unsolved murders of prostitutes. The bodies of these women were dumped in the countryside around Calgary. Rocky View argued that strip development and country residential housing would deny the unknown killer or killers a place to dispose of victims.<sup>30</sup>

Regardless of the actual significance of the factory-outlet mall, however, recent interviews indicate that the fight over it has become fixed in many minds as a crucial moment in the demise of the planning commission.<sup>31</sup> At any rate, it is historical fact that at about the same time in 1993 as Calgary developer Bill Crossley was proposing his 150,000-square-foot mall on a 22-acre site on the scenic highway to Banff, 10 kilometres west of Calgary's city limits,<sup>32</sup> the Calgary Regional Planning Commission was trying to do what it could to ensure its own future. As director Ivan Robinson

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<sup>30</sup>Cameron interview, *op. cit.*; briefing notes for Reeve Korschuck, 8 Nov. 1993, prepared by Rocky View staff for the reeve's meeting with elected city of Calgary officials. Development was proposed not only as a remedy to the dumping of human remains in unlighted areas outside city limits, but of stripped cars and roadside garbage. No thought was apparently given to the possibility that the perpetrator of these terrible crimes (who has since apparently ceased his or her activities) would just drive a little farther afield to dump the remains of victims.

<sup>31</sup>Most prominently, Stephen West, then the municipal affairs minister, mentioned the affair prominently as a reason for, and justification of, his approach to dealing with what he saw as the problem of regional planning in the drafting of the Municipal Government Act. The timing of his announcement of plans to cut off funding for regional planning, however, suggests he had made up his mind well before the Springbank mall fight took place.

<sup>32</sup>*Calgary Herald*, 5 Dec. 1993, page A3.

has noted, the commission knew little through official sources what kind of future the provincial government had in mind for it -- but had plenty of hints from the grapevine that its future was not bright.<sup>33</sup>

So, on August 17, 1993, the commission convened a workshop of staff and representatives of member municipalities to ponder the "future roles of the CRPC." A couple of weeks later, Robinson sent member municipalities an optimistic summary of the workshop, which claimed to see a bright future for regional planning. Among other things, it proposed "a stronger regional planning and co-ordination function to deal with such issues as growth management, environmental protection and the reduced availability of public funds."<sup>34</sup> A few days earlier, Rocky View planning director Ken Kelly had sent Robinson a polite and anodyne note thanking him for the opportunity to comment on future roles for the commission and offering a few suggestions "respectfully, positively, and supportively."<sup>35</sup>

But on 9 Sept., Kelly painted a darker picture of the discussion in

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<sup>33</sup>Robinson interview, *op. cit.*

<sup>34</sup>Correspondence from Ivan Robinson to Peter Kivisto, acting municipal manager, MD of Rocky View, 30 Aug. 1993, with attached summary, undated. The MD of Rocky View kindly gave me complete access to their files pertaining to this important period. All correspondence and other documents quoted in the remainder of this chapter comes from that source.

<sup>35</sup>Correspondence from K.D. Kelly to Ivan Robinson, 27 Aug. 1993.

the workshop in a private memorandum to Rocky View municipal manager Peter Kivisto: "It was a very frank and open discussion and the commission staff heard some very abrupt and pointed views from the group. ... The Town of Canmore and the MD of Foothills were especially outspoken, indicating the regional plan should be scrapped and if smaller municipalities needed planning staff they could form their own association, fund it, and hire staff to do whatever work might be expected of it."<sup>36</sup>

Kelly went on: "Most people felt that there should be a very strong emphasis on 'regional' matters and the commission should get out of municipal matters altogether." He noted that the provincial ministries of economic development and tourism were spending money to attract business and industry to the region but "these efforts ... are being thwarted by a regional plan which does not allow them to locate here. This has to change immediately. ... That is, with the urban fringe in place, there is really no incentive for the city to come to the table and negotiate, and ... as rural municipalities [we] are at a big disadvantage because the fringe is already in place. (Rocky View council met the next day to discuss regional planning.<sup>37</sup>)

Less than a month later, as we have seen, Stephen West's bombshell

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<sup>36</sup>M.D. of Rocky View memorandum from K.D. Kelly to Peter Kivisto, 9 Sept. 1993.

<sup>37</sup>*Ibid.*

landed, forcing friends of regional planning in the Calgary area to scramble to preserve the system while at the same time being forced to carry on business as usual. This was the precise moment Crossley proposed the factory outlet mall -- with its promise to Rocky View of \$500,000 a year in tax revenues.<sup>38</sup>

But the idea of a huge mall -- 50 to 75 stores occupying a 150,000-square-foot building on a 22-acre site<sup>39</sup> in the location proposed -- proved highly controversial. Location is the key to understanding the ensuing battle. Crossley wanted the southwest corner of an intersection between a rural road and the Trans-Canada Highway in relatively open country 10 kilometres from Calgary's western city limit. But this was not just any intersection -- it was on the road to Banff National Park, at the point where the vista of the Rocky Mountains came most dramatically into view. Moreover, a fact that would provide ammunition to both sides, it was one of the few locations on the road to Banff with any significant non-residential development -- and unattractive development at that. Immediately adjacent to the site were a small amusement park and a particularly ugly recreational vehicle dealership. A few kilometres west, on the other side of the highway, is a truck-stop restaurant and service station, which --

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<sup>38</sup>This figure was trotted out almost daily by MD officials, elected and unelected. The Herald's story of 5 Dec. 1993, *op. cit.*, quotes Rocky View councillor and CRPC representative Derry MacFarlane as naming this figure, as well as \$50 million in annual sales and \$5 million in annual salaries.

<sup>39</sup>*Herald*, 5 Dec. 1993, *loc. cit.*

thanks to the restrictive policies of the Calgary Regional Planning Commission -- is virtually the only other highway development between Calgary and Canmore at the gate to Banff National Park.

Opponents seized on three fundamental objections to the project. First, owners of nearby upscale country residential housing argued the use was incompatible with their homes and adjacent small farms and that traffic from it would threaten children at a neighboring school. Second, Calgary officials argued the project was incompatible with a rural use and should be inside city limits, where taxes would support traffic control, firefighting, sewage disposal<sup>40</sup> and other services. Calgary alderman and CRPC member Dale Hodges called it "a sector shopping centre that can operate at a much reduced level of cost than a shopping centre here in the city."<sup>41</sup> Third, and most emotionally, opponents argued the mall would degrade the mountain vista, encourage more ugly development along the highway and drive tourists from the region.<sup>42</sup> "If you want to see the corridor between Calgary and Banff bastardized and commercialized, this is the start," said John Schmal, a Calgary

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<sup>40</sup>Crossley's plan called for the construction of a sewage field system, that would see sewage generated by the mall absorbed into the earth. (*Calgary Herald*, "Mall scheme faces fight," 20 Aug. 93, p. B10.) Needless to say, this idea formed part of the concern the owners of nearby upscale residential properties had with the proposal.

<sup>41</sup>*Herald*, 5 Dec. 1993, *loc. cit.*

<sup>42</sup>*Ibid.*, numerous other *Herald* and *Sun* stories from this period make the same points.

alderman and one of three city CRPC representatives.<sup>43</sup> The long-term result of the project, warned neighbor Mary Luzi in an Oct. 4, 1993 letter to the editor, "will be the creation of another 'MacLeod Trail' on Highway No. 1 West."<sup>44</sup> MacLeod Trail, which runs south from Calgary's downtown eventually becoming Highway 2, the main road south to Fort Macleod and Lethbridge, is for several kilometres a suburban strip of fast-foot outlets, car dealerships, shopping centres, warehouse stores and highway hotels virtually indistinguishable from similar strips in most large Canadian cities.

Rocky View officials responded that the mall would attract tourists, not chase them away, make an already marred intersection more attractive, not less, and that the municipality needed the tax revenues and had a right to them.<sup>45</sup> And, emotionally, that the opposition of city aldermen was nothing more than an attempt to rob Rocky View of tax revenue. "It's just sour grapes from the city," said Rocky View councillor Norm Devitt. If the development had been inside city limits, agreed Rocky View municipal manager Peter Kivisto, "these guys would have approved it yesterday."<sup>46</sup> They, too, had their support among writers of letters to the editor. "Give me a break," said Linda Caldwell in a letter to the Herald, "the site

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<sup>43</sup>*Herald*, 5 Dec. 1993., *loc. cit.*

<sup>44</sup>*Calgary Herald*, 4 Oct. 1993, p. A5.

<sup>45</sup>*Ibid.*

<sup>46</sup>*Ibid.*

is next to Woody's RV World and they are worried about detracting from the landscape?"<sup>47</sup>

Developer Crossley insisted -- as he still does<sup>48</sup> -- that a site within a city or town was inappropriate because lessors at the more than 300 factory outlet malls in the United States and Quebec (Calgary's would have been the first in Canada outside Quebec, the developers claimed) insisted that the centres be well outside city limits, so as not to violate licensing agreements with city retailers.<sup>49</sup> Moreover, he told the Herald at the time, "for the factory-outlet concept to succeed, the site criterion is to be between a major urban community and a major tourist destination." Rural locations suggested by urban politicians near communities east, north and south of Calgary were not appropriate because "tourists don't go there. We want that busload from Germany or Japan that comes to the airport and heads straight to Banff and never stops in Calgary."<sup>50</sup>

In the event, Rocky View's lobbying would swing enough votes to have the regional planning commission's council approve the project 10-7 on Nov. 12, 1993. Since some similar commercial uses had been

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<sup>47</sup>Calgary Herald, "Mall means jobs, taxes," 21 Feb. 1994, p. A5.

<sup>48</sup>Interview with Bill Crossley, 8 Jan. 1997.

<sup>49</sup>Herald, 5 December 1993, *loc. cit.*

<sup>50</sup>*Ibid.*

allowed for more than a decade under the terms of the regional plan -- RV dealerships, for example -- all that was required was an amendment. But under the old Alberta Planning Act, a regional plan amendment required a two-thirds vote,<sup>51</sup> and the project was rejected.<sup>52</sup> A bitter Rocky View council felt its project had been defeated on a technicality. It launched an appeal to the Alberta Planning Board.

And it began to attack the Calgary Regional Planning Commission. If the municipal politicians on the commission had only been trying to uphold provincial planning guidelines,<sup>53</sup> as many have since suggested, that was forgotten amid the vitriol that followed. Instead, the municipal district, with the interest and approval of Stephen West and the provincial government, brought its arguments against regional planning into clear relief.

On Nov. 15, no doubt still smarting from the commission's decision three days earlier, Rocky View's municipal manager wrote Alberta Municipal Affairs deputy minister Jack Davis a long letter outlining the MD's complaints with the Alberta Planning Board and the Calgary commission. The commission, he complained, had abused

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<sup>51</sup>CRPC *Update*, January 1994, p. 4.; The Planning Act, Part 3, Division 1, Section 56 (3) (c).

<sup>52</sup>*Herald*, loc. cit.

<sup>53</sup>Interview with Lynne Dale, executive director of the Capitol Region Forum, voluntary successor agency to the Edmonton Regional Municipal Planning Commission, 10 Feb. 1997.

its authority by rejecting a bulk-fuel and bulk-fertilizer facility about a kilometre from Calgary's northern city limit and, more seriously, it had rejected the factory outlet mall. "As a result of the commission's decision," Peter Kivisto told Davis, "the mall may be lost to this region and perhaps even to Alberta. ... <sup>54</sup>

"Naturally, this decision will be appealed to the Alberta Planning Board."<sup>55</sup>

The board would consider the matter swiftly and issue its decision before the end of January 1994. But before that happened, supporters of the commission would try to come to terms with the new Alberta reality and find a way for regional planning to survive -- if not to wield the same clout it had in the past. On Dec. 15, for example, newly elected Calgary commission chairman Fred Ball<sup>56</sup> wrote to municipal councillors "to draw your attention to the funding crisis which threatens the continued existence of the commission."<sup>57</sup>

If West followed through, Ball warned councillors, "the best

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<sup>54</sup>Correspondence, Peter Kivisto to Jack Davis, 15 Nov. 1993.

<sup>55</sup>*Ibid.*

<sup>56</sup>Ball had served as commission chairman from 1977 to 1980, and was reelected chairman by commission representatives in November 1993.

<sup>57</sup>Correspondence from Fred Ball to Rocky View councillors, 15 Dec. 1993.

scenario is a further loss of perhaps 10 staff, leaving a complement of eight or 10.<sup>58</sup> This may be enough to render the Commission ineffective. The worst scenario is that the withdrawal of Provincial support and leadership removes an incentive for continued municipal participation, and the commission will collapse entirely."<sup>59</sup> Lest councils like Rocky View's think this would be a good thing, he argued that "regional planning commissions protect Provincial interests and deliver cost-effective municipal planning services. ... My own view is that it would be appropriate for the Province to commit \$2.5 million annually, which would represent a 50-per-cent reduction from its present level of contribution to the Alberta Planning Fund." He concluded with a plea: "If you share my concern for the future of CRPC and if you support the broadly held view that the Province should continue to contribute to the Alberta Planning Fund, please tell the Minister of Municipal Affairs."<sup>60</sup>

Rocky View's response was not what Ball had hoped: In a letter to

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<sup>58</sup>Commission staff had been cut by 32, or 60 per cent, since 1982, Ball reported. By the next month, according to the CRPC's January, 1994, newsletter, that had become 34 or 64 per cent.

<sup>59</sup>*Ibid.*

<sup>60</sup>*Ibid.* Attached to the letter was the CRPC submission to the province, which contained such arguments as the assertion regional planning protected provincial interests ("after a decade without regional land use planning, the B.C. government is now struggling to reintroduce it -- don't let that happen in Alberta"), that regional planning is essential in high-growth areas ("of the top 10 fastest growing municipalities in Alberta, seven are in the Calgary area"), and that it supports small-town Alberta by making good planning cost effective. (Calgary Regional Planning Commission, *In Support of Regional Planning Commissions*, presented to the minister of Municipal Affairs, 8 Oct. 1993.)

West dated Jan. 14, 1994, Reeve Larry Konschuk wrote, "Dear Steve: At the meeting of Jan. 11, 1994, Council for the Municipal District of Rocky View passed the following motion:

"'Moved that the Minister of Municipal Affairs be advised that unless some immediate and significant benefit to our ratepayers and Municipality is realized from membership in the Calgary regional Planning Commission, the Municipal District of Rocky View No. 44 supports the Provincial initiative to reduce, and eventually eliminate funding to planning commissions or the Municipality encourages the Province to change legislation to make membership voluntary. Carried.'

"Council has requested that I bring this motion to your attention at the earliest opportunity, and to confirm our strong support for your Department's efforts. ..."<sup>61</sup>

As efforts to preserve support for regional planning flickered, the Alberta Planning Board considered the Springbank Factory Outlet. At a day-long hearing on Jan. 5, the board heard from one side that the mall would drive more tourists away than it would attract, and from the other that the city's opposition was a greedy attempt to

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<sup>61</sup>Correspondence from Rocky View Reeve Larry Konschuk to municipal affairs minister Stephen West, 14 Jan. 1994.

hog tax revenues.<sup>62</sup> Verbal representations or written submissions in favor were heard from Rocky View and Foothills, and from nine individuals, including three Rocky View councillors, a developers' group representative and a former mayor of Calgary. Submissions in opposition were heard from the city of Calgary, the towns of Okotoks and High River and six citizens, three of them neighbors of the proposed project.

On Jan. 25, 1994, in a lengthy decision, the board approved the amendment to the regional plan, allowing the mall to be built.<sup>63</sup> The board concluded that the amendment did not constitute a precedent for other rural-use proposals because the commission evaluated each such proposal "on a specific site and specific merit." It concluded that each of the commission's reasons for rejection had been met by Rocky View -- the sewage field was adequate, the highway intersection could with minor modifications handle the forecast traffic, and "with respect to the visual impact," the Board did not hear anything convincing.

The board's ruling was then submitted to West, who rubber-stamped it. On 4 Feb., Reeve Korschuk issued a gleeful press release announcing that West had approved the project and congratulating

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<sup>62</sup>*Calgary Herald*, "Mall supporters fight back," 6 Jan. 1994, p. B3. The latter point was made by Rod Sykes, a former mayor of Calgary.

<sup>63</sup>Alberta Planning Board Order 536-M-93/94, issued at Edmonton, 25 Jan. 1994.

the minister and the board "for this positive decision."<sup>64</sup>

Predictably, neighbors and Calgary city councillors assailed West's decision. "It's a catastrophic development," the president of the Springbank residents and Landowners Association told the Calgary Herald.<sup>65</sup> "This will have a serious negative impact on Calgary businesses," warned Calgary Ald. Dale Hodges.<sup>66</sup>

As for West, he echoed the board's ruling, stating that the decision did not set a precedent, and that, in the Sun reporter's summary, "there would be no visual intrusion since there's already substantial development."<sup>67</sup> Said West: "It's a great development -- it will create a lot of jobs and if we'd refused it it would just have gone to another province."

Rocky View officials dropped hints through 1994 that construction would start soon, but nothing happened. The delay caused a principal investor to lose interest in the project, Crossley recalled in 1997, and a dispute over the value of the land finished it off.<sup>68</sup> "They lost the battle," he said of the mall's opponents,

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<sup>64</sup>Press Release, MD of Rocky View, 4 Feb. 1994.

<sup>65</sup>Calgary Herald, "Springbank mall OK angers city aldermen," 4 Feb. 1994, p. B1.

<sup>66</sup>Calgary Sun, "Mall project's a go," 4 Feb. 1994, p. 3.

<sup>67</sup>Sun, Ibid. In this writer's personal view, this statement is a serious misrepresentation of reality.

<sup>68</sup>Crossley interview, *op. cit.*

"but they won the war."<sup>69</sup> Supporters of regional planning, it could be argued however, would soon lose another, more important, war.

Crossley, like Stephen West,<sup>70</sup> considers the factory-outlet mall fight the last nail in the Calgary Regional Planning Commission's coffin. There was plenty of momentum pushing the Klein government to derail regional planning. And the ill feeling surrounding the mall fight made the the creation of a voluntary body to succeed the planning commission all but impossible. Rocky View was in no mood to come to the table, and without Rocky View, no plan was likely to fly.

Despite this, supporters of regional planning in the Calgary area had turned their efforts to trying to reinvent the Calgary Regional Planning Commission as a voluntary planning forum for area governments. To that end, the commission promised to reexamine the "businesses" it was in and establish a three-year plan to "identify the products and services best suited to meet these priorities."<sup>71</sup>

To help devise this business plan, the commission had hired an Edmonton management consulting firm, George B. Cuff & Associates Ltd. George Cuff would recommend that the commission recast itself as a voluntary planning agency called the Bow Municipal Forum --

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<sup>69</sup>*Ibid.*

<sup>70</sup>West interview, *op. cit.*

<sup>71</sup>CRPC Update, *op. cit.*, p. 2.

as, indeed, other Alberta regional planning commissions would do. The Edmonton Regional Municipal Planning Commission, for example, transformed itself into the Alberta Capital Region Forum Ltd., although some rural municipalities stayed out. But thanks to the implacable opposition of Rocky View, Cuff's plan was doomed.

In March 1994, Cuff sent the commission's member municipalities a detailed questionnaire, which he explained was part of a feasibility study.<sup>72</sup> Rocky View's six-page response sets out its dislike of the commission and in retrospect makes clear the impossibility establishing a voluntary successor agency. "The Municipal District of Rocky View sees no role for the Calgary Regional Planning Commission in the provision of (regional planning) services," one answer stated. Elsewhere, "The Municipality regards the usefulness and effectiveness of the CRPC to be minimal. ... The Regional Plan is restrictive, directive, out of date (by 10 years) and acts to curtail development rather than facilitate it in the Region. ... The research and publication functions provided by the Commission are not cost-effective and the documents rarely read."<sup>73</sup>

Rocky View, the reply said, "has discussed its future involvement

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<sup>72</sup>Correspondence from George Cuff, president, George B. Cuff & Associates Ltd. to Peter Kivisto, Rocky View municipal manager, 14 March 1994, with 10 pages of attachments.

<sup>73</sup>Rocky View response to the CRPC questionnaire of March, 1994, undated, pp. 1-2.

with the Commission and the majority would like to see the Commission and its Regional Plan terminated." The document continues, with a pure distillation of the rural politicians' view of regional planning. "Any impacts occurring from the abolition of the Regional Commission and Plan could only be positive from Rocky View's perspective. Urban municipalities would sit down with their rural counterparts on an equal basis."<sup>74</sup>

"[T]he Commission as it is currently constituted has no future and must be retired with its Regional Plan or replaced with a voluntary association of municipalities."<sup>75</sup>

By this time -- despite Rocky View's leaving the door open a crack for a voluntary association, presumably without its participation -- things were clearly falling apart. In March, MD of Foothills officials wrote West accusing urban municipalities of meeting privately, and suggesting the result might be "block voting" against rural interests. "Ironically, this practice has been initiated by urban municipalities who are attempting to validate the existence of the Regional Planning Structure. By the nature of the discussion ... these members have left our municipality wanting to sever its ties to the CRPC. ... [W]e fully support the Provincial mandate to withdraw funding from the Regional Planning

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<sup>74</sup>*Ibid.*

<sup>75</sup>*Ibid.*

Commissions."<sup>76</sup>

"These claims made by rural members are bogus," High River councillor C.D. Campbell told West in a letter a few days later. "Dr. West, it really bothers me that the rural members feel that we urbans are having secret meetings. ... The topics we discussed were how do we save regional planning, not how do we gang up on the rurals or can we create a block vote against the rural development. I feel it is very important at this time to point out what you probably already know and that is that the MD of Rocky View<sup>77</sup> does not want to belong to any regional plan and would like to pull out now and never mind waiting for the changes."<sup>78</sup>

At the end of April, the commission met again to try to stave off collapse. But the future of the commission looked bleak, the Calgary Herald reported, quoting Cuff saying that "'Urban municipalities are largely supportive of the regional planning

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<sup>76</sup>Correspondence from Flores Groeneveld, Reeve, M.D. of Foothills, to Municipal Affairs Minister Stephen West, 17 March 1994.

<sup>77</sup>Rocky View sent a similar letter to that of Foothills, a copy of which is not available. However, on 12 April, West wrote Rocky View reeve Larry Konschuk to thank him for raising his concerns about the meeting of urban CRPC members, to advise him the meeting was not sanctioned by the commission. "As for your comments about making positive changes to the structure of Regional Planning Commissions, I appreciate your support," West concluded. (Correspondence from Stephen West to Lawrence Konschuk, 12 April 1994.)

<sup>78</sup>Correspondence from C.D. Campbell, High River councillor and former CRPC chairman, to municipal affairs minister Stephen West, 31 March 1994.

function, while the rural municipalities closest to Calgary are not. It is relatively clear that given the option to leave the CRPC, the rural jurisdictions of Rocky View, Foothills and Wheatland would do so."<sup>79</sup>

"And if such major CRPC contributors depart, added director Ivan Robinson, 'their loss would result in a domino effect for the rest of the organization.' So, Cuff warned, if a way can't be found to bridge the gap, 'this organization could disappear with nothing to replace it.'"<sup>80</sup>

In June, things unravelled further. Calgary city councillor and CRPC representative John Schmal told the Herald that Cuff's plan to restructure the commission as a "federation of equal partners" couldn't fly if it gave the same vote to Calgary, with a population of 750,000, as such hamlets as Blackie and Rockyford, each with a population of about 300. "It's a little bit ridiculous," sniffed Schmal.<sup>81</sup> And while Schmal has a maverick reputation on Calgary city council, on this issue he reflected accurately the views of his colleagues.

Cuff tried again at the end of June in a confidential presentation

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<sup>79</sup>Calgary Herald, "Planning council tries to stave off collapse," 23 April 1994. page not indicated in electronic archive.

<sup>80</sup>Ibid.

<sup>81</sup>Calgary Herald, "Planning proposal under attack," 14 June 1994, p. B5.

to Rocky View council in which he outlined a version of the voluntary forum plan that included a powerful metropolitan growth committee with an equal balance of urban or rural members, or a weighted voting scheme to balance rural and urban interests.<sup>82</sup> The seven-point argument ended plaintively with an ancillary, eighth point: "We need you."<sup>83</sup> On July 4, Cuff sent the mayors and reeves of commission municipalities a list of 10 comforting "guiding principles" for the proposed forum, including "that each member respect the inherent right of all jurisdictions to make those decisions deemed to be in the best interests of their citizens" and "that the potential for reducing planning conflicts be recognized and mutually supportive solutions be sought."<sup>84</sup> The next month he provided a final feasibility assessment and business plan for the Bow Forum, in which he said hopefully that "we believe that there exists sufficient agreement to the notion of a revised organization which addresses the ongoing planning needs of this premier region of Alberta."<sup>85</sup>

But the business plan hinged on funding, and too many conditions

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<sup>82</sup>Confidential presentation to the MD of Rocky View, 28 June 1994. Under the latter scheme, Rocky View, Foothills and the city of Calgary would each have two voting members and four weighted votes, not really doing much to soothe Schmal's objections, though he never commented publicly on this version of the plan.

<sup>83</sup>*Ibid.*

<sup>84</sup>Guiding principles for the proposed forum, memorandum to CRPC mayors and reeves, from George Cuff, 4 July 1994.

<sup>85</sup>*The Bow Municipal Forum, Feasibility Assessment/Business Plan, Final Report*, George B. Cuff & Associates Ltd., August 1994.

were attached by too many municipalities for that to be possible. Working with the commission's Oct. 14 deadline,<sup>86</sup> Calgary pledged \$200,000 to the new forum -- but only on the condition that participation be agreed upon by the municipalities of the metropolitan growth management area, in other words, Rocky View.<sup>87</sup> The towns of Okotoks, Canmore and Cochrane pledged about \$26,000 each without conditions,<sup>88</sup> the city of Airdrie a similar amount with conditions similar to Calgary's, and smaller municipalities smaller amounts. Even Foothills pledged a little more than \$17,000, on the condition that the forum focus only on general regional issues. But Rocky View pledged nothing, saying it wanted to see a more detailed business plan first.<sup>89</sup>

Rocky View protested continually in correspondence to other municipalities that it was willing, indeed anxious, to remain in some sort of inter-municipal planning forum.<sup>90</sup> But when Cuff asked on Aug. 12 that Rocky View participate in drafting the business

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<sup>86</sup>Calgary Herald, "Rocky View's input vital, alderman says," 26 August 1994, p. B5.

<sup>87</sup>Bow Forum business plan, loc. cit.

<sup>88</sup>Cochrane would later attach conditions.

<sup>89</sup>Ibid.

<sup>90</sup>"[O]ur council has always been very supportive of a planning body that would replace the existing Calgary regional Planning Commission," Reeve Korschuk told Calgary Mayor Al Duerr in a 17 Oct. 1994 letter, a sentiment he expressed in similar words in several letters during this period.

plan for the proposed forum, the council said no.<sup>91</sup> "The municipal district has taken a position that (CRPC executives) come up with a plan of attack, and then the MD will decide whether we're in or out," Rocky View councillor and commission representative Derry MacFarlane told the Herald.<sup>92</sup>

To a cynical John Schmal, that amounted to a guarantee the commission would fail. He demanded: "How the hell can we come with a business plan without their participation?" If Rocky View representatives refused to take part in the business plan, he added, they should at least "clearly outline their views on how the proposed regional organization can serve their needs."<sup>93</sup> In late November, the commission's supporters tried one last time to get Rocky View on board, frustration increasingly apparent in the tone of the communication. "We ... are very disappointed to note that the MD of Rocky View has not agreed to participate at this time," wrote chairman Fred Ball, vice-chairman Schmal and second vice-chairman Esther Rogers in a letter faxed to Bob Cameron, by then Rocky View reeve. "We are writing now to ask your Council one more time to reconsider its position before the Commission meeting on December 9, 1994."<sup>94</sup>

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<sup>91</sup>Correspondence from Lawrence Korschuk to mayors and reeves, CRPC officials, Stephen West, 1 Sept. 1994.

<sup>92</sup>*Calgary Herald*, 26 Aug., *loc. cit.*

<sup>93</sup>*Ibid.*

<sup>94</sup>Correspondence to Reeve Bob Cameron from Fred Ball, John Schmal and Esther Rogers, CRPC chairs, 29 Nov. 1994.

"Fourteen other municipalities have expressed support for a Forum, including all those with more than 5,000 population except the County of Wheatland. However, commitments from Calgary, Airdrie, Foothills and Cochrane (totalling \$146,000 in 1995) are conditional on the participation of Rocky View. We believe that a commitment from your Council, at least for 1995, would make a Forum viable."<sup>95</sup>

No soap. Early in December, Rocky View said it "emphatically" wanted "to be an active participant in the new planning body," but that the latest plan amounted to little more than the same old commission operating under a revised format. Rocky View Reeve Bob Cameron wrote: "I do not share your concern `that we will lose momentum for change if we do not get the Forum under way now.'"<sup>96</sup> Rocky View planning director Ken Kelly told the Herald that his council believed the commission should dismantle first, then consider a new body.<sup>97</sup> Schmal responded in the same report: "It's going to mean poor planning . . . [there has] been pretty good development based on stringent rules and regulations within the Calgary regional plan. If you let go of that, what you're going to see is the type of mixture you often see in areas like Montana ... residential on top of industrial."<sup>98</sup>

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<sup>95</sup>*Ibid.*

<sup>96</sup>Correspondence from reeve Bob Cameron to Fred Ball, 8 Dec. 1994.

<sup>97</sup>*Calgary Herald*, "Commission's existence to end," 8 Dec. 1994, p. B7.

<sup>98</sup>*Ibid.*

On Dec. 6, Rocky View council invited "all interested jurisdictions" to discuss a new planning format.<sup>99</sup> But Rocky View did not come across with funds or support at the Dec. 9 meeting of the commission, and, indeed, momentum for change, as predicted, had been lost and the decision was made to wind up the affairs of the commission. On Dec. 14, director Ivan Robinson wrote Cameron outlining "the withdrawal of CRPC services and its impact on your municipality." Commission members had decided to leave the regional plan in force until repealed by the province, he noted, concluding "Together I think we have created the legacy of a well planned region, perhaps the best in North America. We wish you every success in building on that legacy."<sup>100</sup> As a Cuff had observed to a reporter a few months earlier, "the planning commission, with all its warts, provided a pretty good service with a competent staff."<sup>101</sup>

"The impact and consequences of not having this kind of regional planning authority isn't going to be apparent for perhaps four or five years," Calgary Liberal MLA Gary Dickson had predicted the day after the commission's final meeting. "But when people begin to see the consequences, they're going to very much regret that we've lost this kind of commission and this kind of centralized planning

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<sup>99</sup>*Ibid.*

<sup>100</sup>Correspondence from Ivan Robinson to Bob Cameron, 14 Dec. 1994.

<sup>101</sup>Rocky View *Five Village Weekly*, 16 Aug. 1994, p. 1.

authority."<sup>102</sup>

Cuff said in August that the coming failure of the commission was caused by the "natural dichotomy between rural and urban members. He accused the members of failing to understand each other's perspective."<sup>103</sup> But what else could be expected, Steve West wondered, when a big city like Calgary could exercise disproportionate influence through the planning commission? "A plan to a town of 250 and a plan to a city of 850,000 would not necessarily have the same interests at heart. ... What does rural Alberta do then? Secede?"<sup>104</sup>

Perhaps if Alberta's previous pattern of economic boom and bust had continued through the 1950s, 1960s and 1970s, the province's parallel interest in and opposition to regional planning would have continued. But thanks to that long period of oil and natural gas windfalls and a generally buoyant economy, the bust of 1981 was a long time coming. Perhaps even more important, the economic downturn that followed was a long time lingering.

Had the bust come sooner and the economic recover swifter, the chances of survival of a more vigorous form of regional planning in

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<sup>102</sup>*Calgary Herald*, "Liberal MLA mourns closure of commission due to funding cuts," 10 Dec. 1994, p. B2.

<sup>103</sup>*Five Village Weekly*, loc. cit.

<sup>104</sup>West interview, 8 Jan. 1997.

Alberta would have been better. Calgary planner and University of Calgary professor Lauren Johnston has suggested that during the long good years, the Calgary Regional Planning Commission became complacent, bureaucratic and too inclined to set its priorities on projects of questionable value -- drafting economic projections and studies for the regions that were of dubious utility.<sup>105</sup>

And when the bust of 1981 seemed to go on forever, rural municipal officials were desperate for tax revenue. Rocky View had lost roughly a million dollars in tax revenue with the closing of the Turbo Refinery just north of Calgary in the early 1990s. Yet, as Reeve Cameron noted, "Calgary acted almost an economic black hole - things were drawn to the city."<sup>106</sup> The commission's choice of projects provided ammunition to those bent on destroying regional planning because they believed it was usurping their right to make their own plans and find ways to generate new tax revenues.

Certainly, according to Stephen West, what the government saw as inefficiency and a lack of focus in the existing planning commissions were big parts of why his department was willing to tolerate voluntary planning forums if municipalities insisted they wanted them, but would do little to encourage them and nothing to save the old commissions. "The first thing planning commissions and boards want to do is become an empire," he explained. "We had

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<sup>105</sup>Interview with Lauren Johnston, 8 Nov. 1996.

<sup>106</sup>Cameron interview, *op. cit.*

(commission officials) building buildings that looked like Russia, for communities who didn't have a lot developed. ... Everyone had their director at \$90,000 a year, it all worked good."<sup>107</sup>

In other words, sarcasm aside, West explained that the Calgary Regional Planning Commission amounted to no more than an extra, unneeded level of government. "Large planning commissions become bureaucratic in the end," he explained. Furthermore, "it was a duplication of services. We did a lot of the planning for them, so now you've got another layer of duplication. What's the taxpayer doing at this time? he's got four levels of planning ... to get through."<sup>108</sup>

Moreover, West said of the Calgary regional Planning Commission, "up until the point we dismantled it, it was going off in many areas of interest that weren't being focused." Worse, he argued, the commission wasn't particularly effective -- "think of all the things they were supposed to solve. They never solved anything. Why wouldn't you have one bus line if planning was really working? ... Why did they get such a hodgepodge of development with the planning commission? They've set up these blocks of 20 acres with a mansion on it all around the urban fringe. That's a planning nightmare." West's latter point may be unfair, since the planning commission would certainly have held inefficient country residential

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<sup>107</sup>West interview, *op. cit.*

<sup>108</sup>West interview, *op. cit.*

development in check if provincial legislation had given it the power to do so. He made the similar point, undoubtedly true, that even with the commission in operation, municipalities ran to the province when they couldn't resolve their differences -- as in the case of the factory outlet mall. "When it came to refereeing, they always put it back on the government anyway."<sup>109</sup>

But West also conceded that regional planning commissions did some things right -- but were simply too expensive: "We've had good planning, but we had a lot of money. But when we went broke it got embarrassing. ... It would be nice to have all that, but we can't afford it."

In the end, West concluded, Alberta's planning commissions had become sacred cows that stood in the way of good planning. "There had been discussion about planning commissions," he explained, "but nobody would touch them. It was almost a political no-no." Governments, he said, have the tendency of saying, "we built this structure, and it's good because we built it." In fact, he argued, echoing the line taken by Rocky View's representatives, the removal of the planning commission has forced municipalities to get together and work at settling their differences. Instead of becoming immersed in the politics of the planning commission, West asserted, "now, people have to talk. . . . I do believe that somewhere along the line, cool minds have to come to the table."

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<sup>109</sup>West interview, *op. cit.*

That was the objective, of the government, West said. "It didn't mean we wanted to stop good planning."<sup>110</sup>

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<sup>110</sup>West interview, *op. cit.*

## CHAPTER IV -- A WHOLE NEW BALLGAME

Sitting in his modest office in the Calgary municipal building, overlooking the towers of the city's booming downtown, planner Ernie Park wrinkles his bald forehead and looks worried, but concedes that life without a regional planning commission is proceeding apace.

The city's new relationships with Calgary's neighbors seem to be working, says Park, the planner responsible for development in the city's urban fringe. "I think we will get through the transitional period without any problems."<sup>1</sup>

Still, there is a degree of discomfort here in the city of Calgary's planning department, and in the political offices on the floor below. Belief in "uni-city government" runs deep here -- from the start Calgary has successfully avoided being forced into a metropolitan federation like most Canadian cities. The city has always annexed its smaller neighbors as it grew, and today it is the largest municipality in terms of geographical area in Canada. On all sides, its urban fringe defines a clear line between the city and the countryside.

City planners and elected officials make it clear in interviews that the Calgary Regional Planning Commission and its regional plan

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<sup>1</sup>Interview with Ernie Park, October 1996.

was not merely a tool to ensure orderly planning in the urban fringe, but a bulwark against assaults on the uni-city concept.<sup>2</sup> This role is frankly admitted and defended by former commission staff today,<sup>3</sup> as they did when the commission remained in operation -- to the annoyance of the city's surrounding rural municipalities, especially the Municipal District of Rocky View. So while he's reasonably positive about the city's efforts to create new working arrangements with its rural neighbors, Park is cautious: "The jury's really out on whether they're going to work in the longer term."<sup>4</sup> Not surprisingly, his counterparts in Rocky View -- home to the most bitter opponents of regional planning in the Calgary area -- say the new regime works beautifully, and will likely get better.

With the adoption of the Municipal Government Act (MGA) of 1995, the old Planning Act was replaced by Part 17 of the MGA,<sup>5</sup> which no

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<sup>2</sup>Mayor Al Duerr, a planner by profession, is the leading advocate of this view, but it is nearly universally held in the city of Calgary planning department and among Calgary's city council. At least, if anyone there entertains doubts about the idea, they prudently keep it to themselves.

<sup>3</sup>Robinson interview, *op. cit.*

<sup>4</sup>Park interview, *op. cit.*

<sup>5</sup>Revised Statutes of Alberta, Chapter M-26.1, Part 17. Hereinafter referred to as the MGA. There is much more to the new MGA than legislation concerning planning. The act also governs the purposes, powers, types and scope of jurisdiction of municipalities, the scope of their bylaws, rules governing expropriation, public utilities and various municipal services, annexations, councillors' methods of election, terms of office and related matters, assessment, taxes, enforcement of municipal law and all the other minutiae of running a municipality in a modern

longer contained provisions for mandatory and binding regional planning. It also resulted in the disappearance of the Alberta Planning Fund,<sup>6</sup> which financed the operations of regional planning commissions, and the Alberta Planning Board,<sup>7</sup> to be replaced by something called the Municipal Government Board. Its job was spelled out in a 1994 Discussion paper: "The consolidated board ... would serve largely as a tribunal of last resort ... the new board would be limited to considering intermunicipal disputes and violations of provincial regulations regarding planning matters."<sup>8</sup>)

As we have seen, this marked the end of Alberta's 10 regional planning commissions, at least as agencies whose formal plans, once ratified by the minister of municipal affairs, were binding upon their member municipalities. The government's motives in effecting this change, as has been earlier argued, were a desire to save money, respond to the desires of rural voters and to eliminate what the ruling Conservative party saw as an unneeded, extra layer of government.<sup>9</sup>

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democracy.

<sup>6</sup>MGA, section 701. "On the coming into force of this Act, the Alberta Planning Fund established under the Planning Act is dissolved and all assets and liabilities of the Alberta Planning Fund become the assets and liabilities of the General Revenue Fund on the same terms and conditions."

<sup>7</sup>MGA, section 700(3).

<sup>8</sup>Alberta Planning Act Review '94 - Discussion Paper, *op. cit.*, p. 15.

<sup>9</sup>West interview, *op. cit.*

Since bad planning costs taxpayers money in the long term, it remains to be seen if the changes will be effective. "This wasn't a cost-saving measure, it was an *ideological* measure," argues Calgary alderman, former planning commission member and former New Democrat MLA Bob Hawkesworth. "I don't think we made the case from a cost-effective, taxpayer-supported viewpoint ... that *good* planning saves money. ... (The government) solved what they perceived as a political problem with their rural constituency, who were chafing under the restrictions of regional planning."<sup>10</sup>

Calgary's Mayor, Al Duerr, agrees: "We have had the benefits of a uni-city, but a lack of understanding of the downside of not having continuity of regional planning."<sup>11</sup>

The elimination of the regional planning layer moved responsibility for regional planning to the municipal level, with the provincial government remaining as a regulator and appeal body. The government said this was its intention. In its October 1994 review of its proposals for a new planning act, Alberta Municipal Affairs stated that municipalities would get power over subdivision approval as well as development control.<sup>12</sup> A few months earlier, Alberta Municipal Affairs noted that "the planning system will be largely self-funded, have no or minimal provincial funding, and will be

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<sup>10</sup>Interview with Bob Hawkesworth, 20 Nov. 1996.

<sup>11</sup>Interview with Al Duerr, 7 Jan. 1997.

<sup>12</sup>Alberta Municipal Affairs, *Alberta Planning Act Review '94 - Proposals* (Edmonton, Oct. 1994), p. 2.

developed with a maximum of municipal flexibility."<sup>13</sup> This devolution of authority downloaded substantial costs onto smaller municipalities that, unlike Calgary or Rocky View, could not afford a substantial planning department. Without the regional planning commission's subdivision planning and approval mechanism, "the smaller communities -- including the rural municipalities -- are finding their costs are skyrocketing," observed Hawkesworth. "Their system of planning is far more expensive."<sup>14</sup> As an example, High River used to pay approximately \$30,000 to the Alberta Planning Fund for professional planning services, said Karl Nemeth, now the town's consulting planner. "Now they have to pay twice that much and they're getting a quarter of the service. The result is higher taxes and charges . . . being passed to developers." The regional planning commission used to charge \$40 for a subdivision application, Nemeth noted. High River now charges \$1,000 per application for two lots, plus \$200 per lot after the first two.<sup>15</sup> In the end, new-home buyers pay the freight.

The province's desire to devolve authority to municipalities is "clearly evident" in the details of the MGA, University of Calgary professor Philip Elder argues. Under the old regime, ministerial authority was required for municipalities to make their own subdivision decisions, now all municipal councils "must by bylaw

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<sup>13</sup>*Discussion Paper, op. cit.*, p. 16. *Emphasis added.*

<sup>14</sup>Hawkesworth interview, *op. cit.*

<sup>15</sup>Nemeth interview, *op. cit.*

provide for a subdivision authority to exercise subdivision powers and duties on behalf of the municipality."<sup>16</sup> At the same time, the Cabinet's power over planning has been "softened"<sup>17</sup> and "all subdivision approving authorities have more power than any did under the old Act."<sup>18</sup>

The potential effect, Elder speculates, is not clear. Under the old regime, "issues of regional importance, including the co-ordination of growth directions and strategies, were hammered out, even if urban-rural tensions occasionally arose." But now, "it is not clear how large-scale issues of ecosystem and watershed can be successfully addressed."<sup>19</sup> Elder's implication, and the fear of many supporters of the old system of regional planning, is that large scale environmental and resource allocation issues may be tough to solve without regional planning. In this chapter, we shall consider the new regime in three areas: The new Municipal Government Act itself, its regulations, and the development in the Calgary area of intermunicipal agreements as a partial replacement for regional planning. Some attention will be paid to the creation of voluntary regional planning forums, as in the Edmonton area.

#### THE MUNICIPAL GOVERNMENT ACT

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<sup>16</sup>MGA, section 623(1).

<sup>17</sup>Elder, *op. cit.*, p. 41.

<sup>18</sup>Elder, *loc. cit.*

<sup>19</sup>*Ibid.*

Though the Act eliminates regional planning and winds up regional planning commissions,<sup>20</sup> it does create mechanisms for what Elder calls supra-municipal planning, allowing (in Part 625) inter-municipal service agencies, a new body in Alberta planning legislation,<sup>21</sup> and (in Part 631) voluntary inter-municipal development plans. Municipal councils may enter into an agreement with a regional services commission, or with one or more municipalities to establish an intermunicipal service agency, to delegate any of its subdivision or development powers.<sup>22</sup> The new Act does not define the duties of intermunicipal service agencies, but the 1994 Discussion Paper stated that "These services could include land-use planning, building inspection, regional economic development, regional information services, and any other municipal services to which the participating municipalities agreed."<sup>23</sup>

Elder argues this means "these could, if desired, partially replace regional planning commissions."<sup>24</sup> But, again, this is unlikely in a political climate in which rural municipal districts, controlling the land surrounding cities like Calgary, have a history of not co-operating. In 1994, the Discussion Paper's authors noted that, "One disadvantage [to voluntary association] is that certain important

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<sup>20</sup>MGA, section 703.

<sup>21</sup>Elder, *op. cit.*, pp. 26-27.

<sup>22</sup>MGA, Division 3, section 625.

<sup>23</sup>*Discussion Paper, op. cit.*, p. 16.

<sup>24</sup>Elder, *op. cit.*, p. 27.

issues transcend municipal boundaries and voluntary membership would not provide an assured forum."<sup>25</sup> Nevertheless, despite that risk, that was the model Alberta decided to follow.

The new Act also permits "intermunicipal development plans"<sup>26</sup> to include land inside municipal boundaries, to take care of future land use and "any other matter relating to the physical, social or economic development of the area that the councils consider necessary."<sup>27</sup> These plans, Elder notes, "need not cover the more extensive list of topics now required of ordinary municipal development plans,"<sup>28</sup> but must provide a procedure for the settlement of any conflicts, for amending or repealing the plan, and for administering it."<sup>29</sup> The part about "the physical, social or economic development of the area" raises "the possibility of creating a broader plan than seems to have been authorized under the former regional planning regime." Under the Municipal Government Act, previous legislation allowing the establishment of regional water, waste management, storm sewer and sanitary services<sup>30</sup> continues. Likewise, the act now allows regional public

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<sup>25</sup>*Discussion Paper, op. cit.*, p. 17.

<sup>26</sup>MGA, *op. cit.*, Division 4.

<sup>27</sup>*Ibid.*, Division 4, Part 631 (sections 1 and 2).

<sup>28</sup>*Ibid.*, Part 632.

<sup>29</sup>Elder, *op. cit.*, p. 26.

<sup>30</sup>Regional Municipal Services Act, CSA, c. R-9.1, s. 3.

utilities or transportation agreements.<sup>31</sup>

But any such agreement must be voluntary. In some parts of Alberta -- like the Edmonton area -- such an approach might be politically realistic. However, given the history of the Calgary area, such an approach is improbable. In the aftermath of the province's cutoff of funds for regional planning, not every one of the province's 10 legislatively mandated regional planning commissions collapsed completely. But the situation in Calgary was unusual. Simply by merit of the raw economic power which Maclean's Magazine described in February 1997 as the "powerhouse of the 'new' west . . . creating jobs, building houses, expanding the economy at break-neck speed,"<sup>32</sup> Calgary is most likely to sustain lasting damage from an absence of regional planning. For it is axiomatic, as former planning commission chairman Ivan Robinson argued, that the pressure to push ahead with poor-quality, inappropriately located development, is felt most frequently during times of economic boom, when entrepreneurs are at their most optimistic.<sup>33</sup>

In the area around Edmonton, a region with 19 municipalities -- including four major cities in a forced metropolitan federation -- the Edmonton Regional Municipal Planning Commission recreated itself as the Capital Region Forum Ltd. on 23 March 1995, days

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<sup>31</sup>MGA, section 602.12-14, cited by Elder, *op. cit.*

<sup>32</sup>Maclean's, 24 Feb. 1997, p. 13.

<sup>33</sup>Robinson interview, *op. cit.*

before its old form was "dis-established" by the province.<sup>34</sup>

The Forum is incorporated as a limited company owned by the 13<sup>35</sup> area municipalities that decided to stick it out with regional planning.<sup>36</sup> With the motto of "harmony in diversity" and a staff of just six, it is financed by the member-municipalities. It provides land-use planning services for smaller municipalities, but mainly functions as a monthly meeting place for municipal officials to "address current regional issues in an inter-municipal setting and allow members to hear each other's concerns and issues."<sup>37</sup>

Not surprisingly, the major holdouts to membership are the three rural municipalities surrounding Alberta's capital city.<sup>38</sup> But Lynn Dale, executive director of the Forum, hopes rural municipalities can be persuaded to sign on. However, she observes, "the rurals are now like teenagers -- they want their freedom. Now that they've got it, they're enjoying their freedom." Moreover, says Dale, the Forum is trying to operate on consensus -- "we won't vote. We've obligated ourselves to make decisions based on consensus." The

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<sup>34</sup>Capital Regional Forum brochure, undated.

<sup>35</sup>This number has now expanded to 14. But it remains to be seen if, like the original 13 colonies that made up the United States, the Edmonton Forum can expand further.

<sup>36</sup>CRF brochure, *op. cit.*

<sup>37</sup>*Ibid.*

<sup>38</sup>Interview with Lynn Dale, executive director of the Capital Region Forum Ltd., 10 Feb. 1997.

prospect of what amounts to a rural veto, she hopes, will lure the holdout rural municipalities and villages into the fold.<sup>39</sup> Meantime, she says, "the Forum has been too hung up by the fact the rurals are not at the table. The map looks awfully vacant, but in terms of numbers, we do represent 93 per cent of the population."<sup>40</sup>

But, as noted above, co-operation of this sort seems unlikely in the Calgary area, at least as long as Rocky View rules out participation that does not give freedom to act regardless of the wishes of other municipalities. Some in Rocky View might call this statement unfair. But it is the logical conclusion of Reeve Bob Cameron and other Rocky View officials' rejection of any format that includes voting. Votes can lead to alliances, and alliances can lead to the defeat of plans like Rocky View's factory outlet mall. Under the old regional planning commission, observed Cameron, "the people that were in the urban or town areas could easily outvote their rural brethren. This was completely unfair, given that it was our land they were dealing with."<sup>41</sup>

Indeed, Rocky View's participation -- even one operating on a consensus -- seems unlikely as long as the current players remain

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<sup>39</sup>Dale interview, *op. cit.* Whether what works for a Quaker meeting can work for a planning agency responsible for a large and populous region remains to be seen, as does how voters will view their taxes being used for such a purpose.

<sup>40</sup>Dale interview, *op. cit.*

<sup>41</sup>Cameron interview, *op. cit.*

in office. "Putting us in a deal that comes to votes doesn't help us," explained Cameron. "We could never use legislative force on the city of Calgary. ... You're never going to out-vote a million people, but you may be able to persuade them. What we want is the right to persuade them."<sup>42</sup>

And Rocky View is a key to any future regional planning effort. As we observed, in the dying hours of the Calgary Regional Planning Commission the city of Calgary was willing to cough up serious money to preserve a regional planning format, even a toothless, voluntary one. But it was not willing to spend the money without Rocky View's participation.<sup>43</sup>

For such circumstances -- where no intermunicipal development plans are created -- the MGA instructs that obligatory municipal development plans have to look after land-use, growth patterns and other infrastructure, "with adjacent municipalities if there is no intermunicipal development plan ... (and) the provision of required transportation systems."<sup>44</sup> In other words, under the new act,

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<sup>42</sup>Cameron interview, *op. cit.*

<sup>43</sup>See Chapter III.

<sup>44</sup>MGA, 632(3)(a)(iii) and (iv). Municipal development plans must also address *future land use within the municipality* (i), *manner of and proposals for future development in the municipality* (ii) and the *provision of municipal services and facilities either generally or specifically* (v). In subsection (b), the act says that plans may address

(i) *proposals for financing and programming of municipal infrastructure,*

(ii) *the co-ordination of municipal programs relating to the*

intermunicipal planning is now required. Although, as Elder notes, this provision falls short of requiring formal agreements.<sup>45</sup> But the act does require notification of adjacent municipalities -- and allows them to speak out on the matter -- about planning matters and bylaw changes.<sup>46</sup>

A municipality unhappy with a neighboring municipality's bylaw change may appeal it to the Municipal Government Board.<sup>47</sup> The appeal must be held within 30 days of the date on which the bylaw was passed. That compares to 60 days under the old Alberta Planning Act before similar concerns could be appealed to the now defunct

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*physical, social and economic development of the municipality,*  
 (iii) *environmental matters within the municipality,*  
 (iv) *the financial resources of the municipality,*  
 (v) *the economic development of the municipality, and*  
 (vi) *any other matter relating to the physical, social or economic development of the municipality.*

Furthermore, this part of the act says plans

(c) *may contain statements regarding the municipality's development constraints, including the results of any development studies and analysis, and goals, objectives, targets, planning policies and corporate strategies,*

(d) *must identify the location of sour gas facilities and contain policies related to them that are compatible with the subdivision and development regulations, and*

(e) *must contain policies respecting the provision of municipal, school or municipal and school reserves, including but not limited to the need for and allocation of those reserves and the identification of school requirements in consultation with affected school authorities.*

<sup>45</sup>Elder, *op. cit.*, p. 27.

<sup>46</sup>MGA, Section 692.

<sup>47</sup>MGA, section 488(1)(j), *op. cit.*

Alberta Planning Board.<sup>48</sup> There is no provision in the MGA for challenges to existing bylaws or plans, but Elder argues that this is not necessary "because those complied with the former regional plans," which were mandatory. As a result, "municipalities . . . should not fear an open season on their boundaries."<sup>49</sup>

Clearly, then, the province expects issues on municipal boundaries to be addressed, Elder concludes, "although one can imagine this being done in a vague and grudging manner."<sup>50</sup> Indeed, that is the fear of former regional planners and urban politicians in the Calgary area: that compliance will be so vague and grudging that it will amount to no compliance at all. "The implications are the policy makers have to negotiate and agree on what they want to do," explains former regional planner, now municipal planning consultant, Karl Nemeth. "It all has to be negotiated at the local level." The problem with that, muses Nemeth, is that municipalities may not be able to reach agreement, and if they can't the province may wash its hands of the matter without a satisfactory resolution being reached.<sup>51</sup> "If you have animosity built up during the negotiations," Nemeth said on another occasion, "then not all parties are going to abide by the agreement. There'll be leftover hard feelings, and things are not going to work out." And in the

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<sup>48</sup>Alberta Planning Act, Section 44.

<sup>49</sup>Elder, *loc. cit.*

<sup>50</sup>*Ibid.*

<sup>51</sup>Nemeth interview, 3 Jan. 1997, *op. cit.*

current regulatory situation, he concluded, if that leads to one municipality deciding to ignore an agreement, or wilfully fail to reach one, "the neighbor has no recourse."<sup>52</sup> Municipalities are being told to sit down around a table and sort out their differences with "a series of nebulous, broad, toothless policies," agreed Richard Quail, planner for the bedroom town of Okotoks about half an hour south of Calgary. "That speaks volumes about the province's attitude toward planning," Quail added.<sup>53</sup>

In his essay on Alberta's 1995 planning legislation, Elder identified changes and shortcomings of the new Municipal Government Act. Possibly most important, he argued,<sup>54</sup> was the new power given to the provincial cabinet to establish binding land use policies. "Here is the provincial policy framework so long needed and awaited," Elder observes.<sup>55</sup> But when the land use regulations were established in 1996, they would attract criticism for being too vague and unfocused to be of much value. The Act says the cabinet, "may make regulations directing a municipality, with or without conditions, to amend its statutory plans and land use bylaw."<sup>56</sup>

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<sup>52</sup>Nemeth interview, 15 April 1997.

<sup>53</sup>Quail interview, *op. cit.*

<sup>54</sup>Elder, *op. cit.*, pp. 28-32.

<sup>55</sup>*Ibid.*, p. 29. The reference here is to Elder's earlier articles, *The New Alberta Planning Act* (1979), 17 *Alberta Law Review* 434, and *Some Interesting Aspects of the New Alberta Planning Act* (1980) 18 *Alberta Law Review* 198.

<sup>56</sup>MGA, Section 694 (5), cited by Elder, *op. cit.*

However, Elder observes, "no machinery is provided for planning instruments to be vetted by provincial officials [but] ... the only non-government person who can appeal a subdivision decision is the applicant."<sup>57</sup> Elder also raises the criticism that, unlike Ontario's Planning Act, the Alberta legislation fails to give guidance as to what provincial interests may be. "The minister has a blank slate."<sup>58</sup> In another Land Use Policies Discussion Paper, published by Alberta Municipal Affairs in July 1995,<sup>59</sup> the government proposed "a list of laudable policy goals, including concentrated patterns of settlement, preservation of farmland, of historical resources, of significant habitat, wetlands and of other water resources." But at the same time, Elder continues, the discussion paper stresses "an equally important theme of encouraging economic development and resource extraction."<sup>60</sup>

As a result, he concludes, "the general wording often leaves room for wide-ranging judgment in their application to specific plans, bylaws or development proposals." For example, the discussion paper suggested that development patterns are to be orderly and concentrated, "but only where 'practical' -- a fairly large loophole." And this proposed policy was "followed by the injunction that 'Albertans are to continue to enjoy a choice of lifestyles

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<sup>57</sup>MGA, Section 678 (1), cited by Elder, *op. cit.*, p. 29.

<sup>58</sup>Elder, *op. cit.*, p. 30-31.

<sup>59</sup>Discussion Paper, *op. cit.*, July 1995.

<sup>60</sup>Elder, *op. cit.*, p. 31.

through the maintenance of a range of settlement types.' The conclusion from this could be that the wasteful and expensive checkerboard pattern of 'country residential' homes on the outskirts of Calgary ... may continue. If this is the case, the policies will not be very effective."<sup>61</sup> The why of this is simple, as when, for example, country residential properties stand in the way of the most efficient rights of way for roads and sewage lines.<sup>62</sup> In the event, as we shall see, the actual regulations passed in 1996 seem even vaguer and less clearly defined than the proposals laid out in the government's various discussion papers.

If, as the rural municipalities complained, mandatory regional planning gave too much power to elected officials from outside their boundaries, the new act raised the possibility that the power of elected municipal councils might be trumped by non-elected provincial boards. While this portion of the new legislation does not go directly to the question of *regional* planning, it merits consideration in that it may make the co-ordination of planning in adjacent municipalities more difficult.

In revisions to the old act dating to 1991, authorizations from the cabinet or the minister could prevail over a municipal development permit. But in the MGA, that power was extended to authorizations from the Natural Resources Conservation Board, the Energy Resources

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<sup>61</sup>*Ibid.*

<sup>62</sup>Johnston interview, *op. cit.*

Conservation Board and the Alberta Energy and Utilities Board<sup>63</sup>, extending over almost the entire land use planning process. The new Act says that "a licence, permit, approval or other authorization granted by" any of these boards "prevails" over any local or regional plan or decision.<sup>64</sup>

The signals from the documents are confusing if not contradictory. The Natural Resources Conservation Board Act states that approvals granted under its provisions do not dispense with requirements to obtain any other licence, approval, permit or authorization.<sup>65</sup> Likewise, Elder quotes Tom Thurber, Minister of Municipal Affairs until the election of 1997, as stating that "a development that is the subject of an approval granted by the NRCB remains subject to the normal municipal planning process."<sup>66</sup> However, the Alberta Planning Act Review '94 states that "this change effectively removes certain types of decisions from the normal Planning Act process."<sup>67</sup>

In other words, "the clear inference from combining Section 619 of the new act and section 9 (3) of the NRCB Act is that, although

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<sup>63</sup>MGA, section 619 (1).

<sup>64</sup>*Ibid.*

<sup>65</sup>Natural Resources Conservation Board Act, CSA, c. N-5.5, Section 9 (3), cited by Elder, *op. cit.*

<sup>66</sup>Elder, *op. cit.*, p 34.

<sup>67</sup>Planning Act Review '94 -- *Proposals, op. cit.*, p. 5.

municipal authorizations still have to be obtained, they *must* be issued for projects approved by the board."<sup>68</sup> Under the old Planning Act, municipalities could turn down projects approved by the board. No more! Today in Alberta, no application may be refused by a municipality if the natural resources or energy boards have approved it. Effectively, then, the power of elected representatives at the local level has been trumped by provincially appointed boards. Public realization of this fact is only dawning.

While the question had been discussed in one academic publication,<sup>69</sup> this issue first came to the public's attention -- buried deep inside the paper -- when the Calgary Herald reported in late December 1996 that "[m]unicipalities fear that Alberta's new Municipal Government Act will strip them of their right to make their own decisions. A conflict between the town of Canmore and the province," the Herald report explained, "could set the path for how the act will affect municipalities." The Canmore battle centres on a scrap between the town -- an hour's drive west of Calgary, within the boundaries of the old planning commission, now an expensive resort community -- and the biggest developer in the area, Three Sisters Golf Resorts Inc. The fight was the first time Section 619 had been at issue since the act was introduced, and developments are being closely watched by municipal officials throughout Alberta. "We're monitoring the situation to see how it would

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<sup>68</sup>Elder, *loc. cit.*

<sup>69</sup>*Journal of Environmental Law and Practice, op. cit.*

actually be used, and I think all Alberta planning authorities are," said Richard Parker, the city of Calgary's director of planning.<sup>70</sup>

At first glance, the details of the immediate dispute in Canmore seem insignificant, a matter of only a few hectares. But while the areas of land under dispute right now seem small, the total proposed development is on a scale that, in a region of both high environmental sensitivity (on the edge of Banff National Park) and at least until recently limited economic prospects, is sure to rouse strong emotions. For, in 1992, the NRCB approved in concept Three Sisters' application for approval to build over 20 years more than 6,000 housing units, 2,425 hotel rooms and four golf courses on an area of more than 1,000 hectares just east of the park. Over the two-decade period, approximately 15,000 people would be added to Canmore's population, more than tripling it.<sup>71</sup> About 400 hectares of the area would be devoted to housing.<sup>72</sup>

The town approved an 18-hectare first stage of the much larger 20-year development, which had been approved in concept in 1992 by the Natural Resources Conservation Board. Three Sisters appealed the town's decision to the Municipal Government Board, as allowed under

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<sup>70</sup>*Calgary Herald*, "Canmore fears local control of land use in jeopardy," 27 Dec 1996, p. B6.

<sup>71</sup>Elder, *op. cit.*, p. 35.

<sup>72</sup>Interview with Glenn Pitman, Town of Canmore chief administrative officer, 15 April 1997.

Section 619, because the company wanted to develop approximately 25 hectares and felt the broader NRCB approval allowed that. In late February 1997, before the MGB, the company won its case. The board ruled that the town was required by law to give land use approval for the larger parcel of land currently under dispute because of the broader NRCB approval.<sup>73</sup>

The town's objection has more to do with the usurpation of local authority than with the details of the current development proposal, town officials insist. "From my point of view, (Section 619) is an erosion of local authority," Canmore Mayor Bert Dyck complained to the Calgary Herald in late 1996, noting that the municipality had already spent \$100,000 of its taxpayers' money to defend its power to control its own land use direction before the Municipal Government Board.<sup>74</sup> "Our concern is more with the planning than it is with the developer," said the town's chief administrative officer, Glenn Pitman, a few months later. The town felt the Three Sisters' appeal was inconsistent with the NRCB ruling, Pitman explained, but the more important issue remained Canmore's fear it was about to lose control of its own development. "We're mostly concerned at this point with the power of the province to dictate local planning. It's going to strip away local authority and put it in the hands of local boards that are not even

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<sup>73</sup>Pitman interview, *op. cit.*

<sup>74</sup>Calgary Herald, 27 Dec. 1997, *op. cit.*

responsible to an electorate."<sup>75</sup>

As a result, Pitman said, the town will continue its fight before the Alberta Court of Appeal. In April 1997, he said he expects the appeal to be heard over the next six to nine months.<sup>76</sup> And that appeal may be backed by other Alberta municipalities. On April 16, Tom McGee, president of the 283-member Alberta Urban Municipalities Association, was quoted in the Calgary Herald as saying the AUMA was considering joining the fray. "We think it has serious implications for all municipalities," McGee said of the Canmore dispute. "It flies in the face of local democracy. Why would you even need a council?"<sup>77</sup>

The Canmore case raises the important question of what municipalities -- or groups of municipalities attempting to plan on a regional basis -- can do when faced with the rulings of such powerful, unelected provincial bodies. It would appear Dyck's analysis is correct. This opens the possibility, Elder suggests, that developers who want to have as little as possible to do with municipal or intermunicipal planners "would be tempted to submit precisely detailed proposals, including design guidelines and architectural controls, to the applicable Board, whose

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<sup>75</sup>Pitman interview, *op. cit.*

<sup>76</sup>Pitman interview, *op. cit.*

<sup>77</sup>Calgary Herald, "Town to fight board ruling," 16 April 1997, p. A9.

authorization of a highly specific application would thereupon prevail over all local plans, bylaws and approvals. Approval of such a highly detailed proposal would virtually remove a municipality from the process."<sup>78</sup>

This is quite possible. If it is to happen, however, it is safe to reason that it would be part of the historical cycle that demands stronger planning legislation in Alberta after periods of economic strength. Even in legislation, after all, even in Alberta, nothing is forever. In the meantime though, Elder cites a proposed golf, hotel and camping resort in the Municipal District of Bighorn, immediately north of Canmore, that would destroy wildlife migration corridors contemplated by the NCRB in its Three Sisters proposal.<sup>79</sup> But because no environmental impact report had been ordered for this proposal, the NCRB couldn't insist upon the wildlife corridors.<sup>80</sup> "As already existing plans or bylaws apparently cannot be appealed to the new Municipal Government Board, the town of Canmore is left to rely on ... voluntary intermunicipal plans. ... This type of problem illustrates a potentially significant flaw in the new system."<sup>81</sup> It is reasonable to argue that the regime of

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<sup>78</sup>Elder, *op. cit.*, p. 37.

<sup>79</sup>*Ibid.*, p. 39.

<sup>80</sup>This situation, Elder, *ibid.*, notes on p. 40, was rectified when two environmental groups successfully sued to prevent the development without an environmental impact assessment under the terms of the Environmental Protection and Enhancement Act.

<sup>81</sup>*Ibid.*, p. 40.

regional planning that existed under the old Planning Act would have eliminated the danger of such a situation.

Finally, as we have seen previously, under the old Planning Act, the regional plan was preeminent. Without that method of imposing order, the new MGA provides a blanket requirement that "all statutory plans adopted by a municipality must be consistent with each other"<sup>82</sup> But, as Elder notes, "No guidance is provided ... about the consequences of inconsistency. The courts may have to decide this. Are all conflicting plans void? Should the Municipal Development Plan, having the broader picture, prevail over the Area Plans? Should the later of them, through the rules for statutory interpretation, prevail through implicit amendment of the earlier?" Moreover, there is no reference in the new act to a hierarchical relationship among plans and land use bylaws.<sup>83</sup> Again, such questions may have to be settled in court. There are no answers yet.

#### THE LAND USE POLICIES

As we have seen, the new Municipal Government Act came into force on 1 Jan.1995.<sup>84</sup> Under section 622, the MGA allows the cabinet to establish land use policies, and further requires the bylaws and

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<sup>82</sup>MGA, section 638.

<sup>83</sup>Elder, *op. cit.*, p. 50.

<sup>84</sup>MGA, section 740.

actions of municipalities and their creatures be consistent with them.<sup>85</sup> The aim, the government said in its October 1994 Proposals document,<sup>86</sup> was directly related to demise of regional planning in Alberta. "In the absence of a regional planning system and regional plans, there is a need for a clear articulation of provincial interests to guide the new municipally based planning system."<sup>87</sup>

Although local bylaws and statutory plans -- previously required to be consistent with the provincially approved regional plans -- would not require any form of provincial (in the absence of regional) approval, the policy discussion paper went on, "these municipal documents will be expected to reflect provincial interests."<sup>88</sup> So when the legislation came on the scene, it said that "[e]very statutory plan, land use bylaw and action undertaken pursuant to this Part by a municipality . . . must be consistent with these [provincial] policies."<sup>89</sup>

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<sup>85</sup>MGA, loc. cit. "622(1) The Lieutenant Governor in Council may by order, on the recommendation of the Minister, establish land use policies.

(2) The Regulations Act does not apply to an order under subsection (1).

(3) Every statutory plan, land use bylaw and action undertaken pursuant to this Part by a municipality, municipal planning commission, subdivision authority, development authority or subdivision and development appeal board or the Municipal Government Board must be consistent with the land use policies."

<sup>86</sup>Alberta Planning Act Review '94 -- Proposals, October 1994, op. cit.

<sup>87</sup>Ibid., p. 5.

<sup>88</sup>Ibid.

<sup>89</sup>MGA, section 622(3).

In the event, the provincial land use policies seem to have appeared somewhat later than they had been expected and promised by provincial officials,<sup>90</sup> but they received the approval of the Cabinet on 6 Nov. 1996.<sup>91</sup> "The land use policies will help municipalities to harmonize provincial and municipal policy initiatives at the local land-use planning level," wrote Municipal Affairs Minister Tom Thurber in a letter of introduction published with the new policies.<sup>92</sup> "I encourage all elected officials, municipal staff and consultants, board members and others involved in local development to work together to integrate the spirit and intent of the Land Use Policies into municipal planning activities."<sup>93</sup> A sentiment, as we shall see, more easily wished than carried out.

Indeed, the government's broad objectives for land use were clear well before they were drafted and enacted. Two policy papers, often cited above, indicated the government's thinking in 1994. The first, the Discussion Paper,<sup>94</sup> was made available to the public in

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<sup>90</sup>Nemeth interview, *op. cit.*, 3 Jan. 1997. "They were supposed to be proclaimed within three months (of the legislation becoming law)," Nemeth stated.

<sup>91</sup>Alberta Municipal Affairs, *Land Use Policies*, Established by Lieutenant Governor in Council pursuant to section 622 of the Municipal Government Act, Order in Council 522/96, 6 Nov. 1996.

<sup>92</sup>*Ibid.*

<sup>93</sup>*Ibid.*

<sup>94</sup>Alberta Planning Act - Review '94 Discussion Paper, March 1994.

March 1994, and contains a broad discussion of what the government saw to be provincial interests and how they might be safeguarded. The second, the Proposals issued that fall,<sup>95</sup> contained specific discussion of the form land use regulations might take to articulate provincial interests in the coming municipally based planning system. We shall examine these papers for clues to the government's objectives in the policies to come -- enacted by Order in Council in the fall of 1996. Whether they achieve the aims set out in the earlier papers remains to be seen.

The Discussion Paper deals with the question of the coming land use policies in section 5, under the general heading of "provincial interests."<sup>96</sup> After a list of the provincial departments with a stake in the current planning system,<sup>97</sup> the paper says: "The provincial contribution to the existing regional planning system will be eliminated by 1996/7. As a result other methods are required to maintain provincial interests."<sup>98</sup>

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<sup>95</sup>*Alberta Planning Act Review '94 - Proposals*, October 1994, *op. cit.*

<sup>96</sup>*Discussion paper*, *op. cit.*, pp. 5-13.

<sup>97</sup>Environmental Protection, Transportation and Utilities, Agriculture, Labor, Economic Development, Health, ERCB and other agencies. "Each department's provincial interests are currently maintained through the Subdivision Regulation, regional plans, delivery of information to municipalities through regional planning commissions, direct dialogue with municipalities, or special legislation." *Ibid.*, p. 5.

<sup>98</sup>*Ibid.*

The paper began by setting out a list of seven general concerns -- overlapping approvals, the "NIMBY"<sup>99</sup> syndrome," protecting provincial interests, cost effectiveness, economic development, consultation with stakeholders, and interdepartmental coordination. Then it identified three sets of outdated guidelines: rural industrial, lake management, and agricultural land conservation.<sup>100</sup> Comment on the rural industrial guidelines provides an interesting insight into the government's motivation: "The rural guidelines established the basic framework for rural industrial development in Alberta. The guidelines are not supported by a number of rural municipalities; they were implemented (in a large part) through the existing regional plans . . . In order to effectively address this issue, modifying the current municipal financial system so that locational decisions are less affected by the concern for loss or gain of municipal revenue needs to be discussed."<sup>101</sup> The reference to rural unhappiness, in the political context of Alberta, is obvious. The statement about the loss or gain of municipal revenues can be taken as the government's acceptance of the claims of rural municipalities that regional planning policies of urban centres amounted to little more than a tax grab.

The Discussion Paper also argues that legislation and land use policies should avoid duplication in approval processes --

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<sup>99</sup>Not In My Back Yard.

<sup>100</sup>*Discussion paper, op. cit.*, p. 6.

<sup>101</sup>*Ibid.* Emphasis added.

incidentally providing some insights into the decision to allow the rulings of provincial boards to trump those of municipal councils, discussed in the section above. "A variety of provincial approvals and municipal approvals have developed over time," the paper states. "Each independent approval process is logical and reasonable when considered in isolation. However, when the various approval processes are examined together, criticism has been raised with respect to the amount of time it takes to obtain all the different approvals, the amount of information required, the duplication of information, number of presentations, variety of opportunities for public participation and decision making responsibilities between [sic] various provincial and municipal bodies."<sup>102</sup>

This sounds like the undiluted complaints of developers and rural municipalities and suggests who had the government's ear in 1994. But it is fair to note that some developer complaints were not without foundation. As the Discussion Paper noted, under the old rules, developers had no guarantee that a project approved at one level would be approved at another. "A proponent can expend considerable funds to get one approval only to find that the project may not be acceptable for another reason." Moreover, "often one level of decision maker is unwilling to make a decision until the other body has made a decision. In many cases the initial decision maker will wish to hear all the information to ensure that

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<sup>102</sup>*Ibid.*, p. 8.

its decision is justified and dependable." Likewise, projects subject to approval by the natural resources or energy boards faced reviews that "are expensive, lengthy and can also be confusing." Since such projects were also subject to local planning approval -- and local politicians can be unpredictable -- "a duplication of information and public hearings occur."<sup>103</sup>

Thus, the government was determined to simplify and streamline the approval process. It was also determined to take into account the desire of rural municipalities to have commercial development on the fringes of urban centres -- an idea urban officials feared would devastate small-town shopping districts.<sup>104</sup> The Paper takes note of this concern -- "some rural municipalities are interested in accommodating a broader range of commercial development (along highways)" -- and suggests "a greater range of development."<sup>105</sup>

In the Planning Act Proposals,<sup>106</sup> dealing more precisely with the government's legislative and regulatory plans, the authors note that "in the absence of a regional planning system and regional plans, there is a need for a clear articulation of provincial

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<sup>103</sup>*Ibid.*, p. 9.

<sup>104</sup>Interview with Richard Quail, town planner, Town of Okotoks, 27 Sept. 1996.

<sup>105</sup>*Discussion Paper*, op. cit., p. 11.

<sup>106</sup>*Proposals*, October 1994, op. cit.

interests to guide the new municipally based planning system."<sup>107</sup> But beyond a tip of the hat to the notion that voluntary intermunicipal development plans "will be an extremely important tool for municipalities,"<sup>108</sup> there was little suggestion the government intended to do much beyond giving rural municipalities a freer development hand on the urban fringe. As noted by Elder, the Proposal suggested that "[u]rban and rural municipalities will continue to facilitate a wide variety of settlement patterns and activities."<sup>109</sup> This was an indication that inefficient country-residential development would be allowed to continue in the urban fringe -- creating many future problems for expanding urban areas. "Current distance restrictions on country residential development in the municipal fringe would be eliminated."<sup>110</sup>

When the policies<sup>111</sup> were finally adopted, to some they seemed vague -- so vague that one critic assailed them as virtually meaningless.<sup>112</sup> Of the 49 policies set out in this slim, 12-page document approved by cabinet Nov. 6, 1996, 44 include the words "municipalities are encouraged."<sup>113</sup> Only the remaining five contain

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<sup>107</sup>*Ibid.*, p. 5.

<sup>108</sup>*Ibid.*, p. 13.

<sup>109</sup>*Proposals, op. cit.*, p. 6.

<sup>110</sup>*Ibid.*, p. 8.

<sup>111</sup>*Land Use Policies*, November 1996, *op. cit.*

<sup>112</sup>Nemeth interview, *op. cit.*

<sup>113</sup>*Land Use Policies, op. cit.* Emphasis added.

the words "municipalities are expected."<sup>114</sup>

"It is expected," the Policies document stated, "that all municipalities will implement these policies in the course of carrying out their planning responsibilities."<sup>115</sup> Further, the paper says, "[e]ach municipality is expected to incorporate the Land Use Policies into its planning documents and planning practices."<sup>116</sup> And "as existing planning documents are being reviewed and revised, and as new ones are being prepared, municipalities are required to ensure that their plans and bylaws are consistent with the Land Use Policies."<sup>117</sup> But in its section on interpretation, the document states that "[t]he province is entrusting to each municipality the responsibility to interpret and apply the Land Use Policies. ... The policies are presented in a general manner which allows municipal interpretation and application in a locally meaningful and appropriate fashion." Furthermore, the policies "are not intended to be the basis of legal challenges."<sup>118</sup>

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<sup>114</sup>*Ibid.*

<sup>115</sup>*Ibid.*, p. 1.

<sup>116</sup>*Ibid.*, p. 2. Section 680(1)(c) requires that subdivision and development appeal boards and the Municipal Government Board to be consistent with the Land Use Policies in considering subdivision appeals; Section 687(3)(a) requires subdivision and development appeal boards to comply with the policies in determining a development appeal.

<sup>117</sup>*Ibid.*

<sup>118</sup>*Ibid.*, p. 3. Emphasis added.

But even without the explicit statement that the policies are not legally binding, the specific policies thereafter offer little to municipal officials involved in the sort of intermunicipal disputes that a regional planning process could have mediated. For that matter, the policies seem to say little to planners just trying to figure out what they ought and ought not do in their own towns.

"Once you read them, they say *nothing*," observed former regional planner Karl Nemeth, who now contracts planning services to towns in the former Calgary Regional Planning Commission's area of jurisdiction. "From a planner's perspective, I was looking for things the province felt should be protected. But there's no 'Thou shalt nots' ... it leaves a vacuum."<sup>119</sup>

Indeed, the policies seem remarkable for their lack of forcefulness. With a sole exception -- non-renewable resources -- the only policies to which municipalities are expected to adhere come under the rubric of "the planning process," with the bland goal to see "planning activities ... carried out in a fair, open and equitable manner."<sup>120</sup> Municipalities are expected to:

- "take steps to inform both interested and potentially affected parties of municipal planning activities and to provide appropriate opportunities ... to allow meaningful participation in the planning process by residents, landowners, community groups interest groups,

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<sup>119</sup>Nemeth interview, *op. cit.*

<sup>120</sup>Land Use Policies, *op. cit.*, p. 3.

municipal service providers, and other stakeholders."

- ensure that plans, applications and the like are processed in a timely manner.

- when considering applications, "have regard to both site specific and immediate implications and to long term and cumulative benefits and impacts."

- and "respect the rights of individual citizens and landowners" while considering the implications of their plans "within the context of the overall public interest."<sup>121</sup>

After that toothless beginning, all further points but one are simply encouragement. Municipalities are "encouraged to expend intermunicipal planning efforts to address common issues," especially when the possible effect of a development might transcend a municipal boundary. Likewise, they are "encouraged" to co-operate in fringe areas, "encouraged" to pursue joint-use agreements, and "encouraged" to co-ordinate with airport authorities, school officials, provincial agencies, health authorities and First Nations reserves.<sup>122</sup> But there is nothing here to compel.

When it comes to patterns of land use, municipalities are encouraged to provide "an appropriate mix" developed in an orderly fashion to enhance local employment, accommodate resource

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<sup>121</sup>*Ibid.*, p. 4.

<sup>122</sup>*Ibid.*

extraction, provide a variety of residential environments and densities and contribute to their own financial health.<sup>123</sup>

As for nature, municipalities are again encouraged to identify unique land areas and establish uses near them "having regard to their value." Where such uses include subdivisions, they are encouraged to "utilize mitigative measures designed to minimize possible negative impacts." They should also spot potential flood threats and natural habitats.<sup>124</sup> Agriculture means to identify and not fragment agricultural land with inappropriate development.<sup>125</sup> Non-renewable resources are to be recognized by identifying areas of potential sand, gravel and mineral resource extraction, and to direct development "so as not to constrain or conflict with non-renewable resource development."<sup>126</sup>

This section also contains the only other actual requirement -- as opposed to encouragement -- in the policies. "In addressing resource development, municipalities are expected to, within the scope of their jurisdiction, utilize mitigative measures to minimize possible negative impacts on surrounding areas and land uses."<sup>127</sup> "Agriculture, sand and gravel operations and sustainable

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<sup>123</sup> *Ibid.*, p. 7.

<sup>124</sup> *Ibid.*, p. 8.

<sup>125</sup> *Ibid.*, p. 9.

<sup>126</sup> *Ibid.*, p. 10.

<sup>127</sup> *Ibid.*

development are where the strongest language is found," Nemeth observed.<sup>128</sup> Similar points of encouragement, and encouragement alone, are set out for water resources,<sup>129</sup> historical resources<sup>130</sup> and the areas adjoining transportation corridors.<sup>131</sup>

Finally, under the heading residential development, the policies encourage municipalities to identify -- "in consultation with the local housing industry" -- the need for housing, to accommodate a wide range of housing types, to develop new areas in harmony with old areas, to allow urban infill housing and to review -- "in cooperation with the land development industry" -- their current development standards and practices.<sup>132</sup>

The brief policy document, which under land-use patterns encouraged municipalities "to establish land use patterns which embody the principles of sustainable development, thereby contributing to a healthy environment, a healthy economy and a high quality of life,"<sup>133</sup> concludes with a summary of something called The Alberta Vision of Sustainable Development.<sup>134</sup> This seemingly harmless

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<sup>128</sup>Nemeth interview, *op. cit.*

<sup>129</sup>*Land Use Policies, op. cit.*, p. 10.

<sup>130</sup>*Ibid.*, p. 11.

<sup>131</sup>*Ibid.*, pp. 11-12.

<sup>132</sup>*Ibid.*, p. 12.

<sup>133</sup>*Ibid.*, p. 6.

<sup>134</sup>Endorsed by the Legislature in June 1992.

document exhorts Albertans, among other things, to adopt a "vision" in which "the quality of air, water and land is assured," "the economy is healthy," and "Albertans are responsible global citizens."<sup>135</sup> These are fine sentiments, observes Nemeth, but they are thin gruel for mediating intermunicipal disputes or guiding planners. At best, he argues, this means all disputes have to be negotiated at the local level.<sup>136</sup> At worst, the lack of guidance in the new land use policies means "it's wide open -- there are no controls. It's whatever the developer wants."<sup>137</sup>

#### INTERMUNICIPAL AGREEMENTS

In March 1994, the Alberta Planning Act Discussion Paper warned that "the consequences of no provincial guidance may include an increased number of intermunicipal disputes, further sprawl development (increasing the demand for infrastructure financing), underutilized existing infrastructure, and an inefficient provincial highway system."<sup>138</sup> Virtually the same warning could be applied to the abandonment of regional planning -- hence, it can be argued, the emphasis in the MGA on facilitating intermunicipal planning structures. Later in 1994, in the Planning Act Proposals document, the government's approach was more explicit: "Neighboring municipalities will be fully accountable to develop working

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<sup>135</sup>*Ibid.*, p. i.

<sup>136</sup>See Note 51, *supra*.

<sup>137</sup>Nemeth interview, *op. cit.*

<sup>138</sup>*Discussion paper, op. cit.*, p. 7.

mechanisms to resolve intermunicipal and transboundary issues. Resolution of disagreements must be done in a short period of time yet provide sufficient due process for all affected parties in order that opportunities can be realized."<sup>139</sup>

In light of the optional nature of the intermunicipal planning provisions of the 1995 MGA and the apparent weakness of the related planning co-operation provisions of the 1996 Land Use Policies,<sup>140</sup> observers are entitled to wonder how serious the government really was about this stated objective. There is no doubt what planners think in the smaller towns around Calgary -- communities that have the most to lose from commercial development on their fringes. "How bad will it get?" asks Okotoks planner Quail. "That depends on how belligerent the rural municipalities are."<sup>141</sup>

Rocky View planner Linda Ratzlaff, a former regional planning commission staffer, observed that, "right now, the regional plan is totally gone and there are no controls on what regional municipalities can develop. There were very limited choices before. Now all those limits are off. We could build a Canadian Tire or a Mazda plant anywhere we want -- including on the city's fringe."<sup>142</sup>

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<sup>139</sup>*Proposals, op. cit.*, p. 25.

<sup>140</sup>"Municipalities are encouraged to expand intermunicipal planning efforts to address common planning issues," etc. *Land Use Policies, op. cit.*, p. 4.

<sup>141</sup>Quail interview, *op. cit.*

<sup>142</sup>Ratzlaff interview, *op. cit.*

Quail warns that urbanized communities could end up waging bureaucratic war on rural neighbors if the rural municipal districts develop harmful commercial strips outside town boundaries. "You would see the ugliest battle between the town and the MD."<sup>143</sup>

Faced with the loss of tax revenue to lower-taxed rural commercial developments just outside their boundaries, towns like Okotoks and High River -- both surrounded by the municipal district of Foothills -- would feel forced to retaliate by charging rural residents more for such shared services as the public library and sports facilities. Quail explained, "We'd end up with two classes of citizens, two systems of fire protection, two levels of recreation. Hockey registration for rural kids would go from \$350 to maybe \$800 . . . Things would go to hell in a handbasket."<sup>144</sup>

That, Quail suggests, "would be a travesty of community" as ordinary citizens in Foothills and Okotoks see their community. That gives him hope that common sense and goodwill will prevail on fringe development. "The community that we have here is not based on geopolitical boundaries, and I think it will prevail."<sup>145</sup>

Nevertheless, the absence of regional planning has sparked at least

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<sup>143</sup>Quail interview, *op. cit.*

<sup>144</sup>Quail interview, *op. cit.*

<sup>145</sup>Quail interview, *op. cit.*

one other political brushfire. While Okotoks town officials worried about talk in Foothills of a commercial development just north of the town on the road to Calgary, Foothills and the town of High River fought a similar battle in the summer of 1996. Foothills proposed an industrial enclave right where High River officials wanted residential development to go. In August, High River officials trooped to a Foothills council meeting<sup>146</sup> to plead unsuccessfully against the land redesignation. Foothills council gave first and second reading to the commercial development application anyway.<sup>147</sup> Nevertheless, while Foothills went ahead and adopted a bylaw allowing industrial development on the fringe of the town, by fall they bowed to pressure from town officials, not to mention threats of an appeal to the Municipal Government Board, and agreed to move the proposed industrial development "north about half a mile," explained planner Karl Nemeth. "Hopefully, we can resolve this locally," he added.<sup>148</sup>

Other municipalities complain that their neighbors are willing to negotiate fringe agreements only -- not deal with the kind of broader intermunicipal issues that would have been addressed by regional planning. The town of Canmore wants to negotiate environmental issues with the neighboring Municipal District of

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<sup>146</sup>They didn't have far to go, the MD's offices are located in the town of High River.

<sup>147</sup>*Okotoks Western Wheel*, "High River opposes redesignation," 14 Aug. 1996.

<sup>148</sup>Nemeth interview, *op. cit.*

Bighorn, said town chief administrative officer Glenn Pitman, "but they're not interested. They only want to talk about the fringe area." Yet Canmore and the MD need to negotiate wider issues "that affect everything in our valley," said Pitman. As a result, he said, Canmore will press the province to implement a system of binding arbitration for dealing with such questions.<sup>149</sup>

Nevertheless, as we have seen, elsewhere in the province and even in the politically divided Calgary area, municipalities are working on co-operative relationships. This may not solve environmental and transportation issues that span an entire region, but it can mitigate friction on the urban fringe.

In recent months the relationship between the old adversaries the city of Calgary and the Municipal District of Rocky View, while not the success some rural officials claim, is working for the moment better than predicted by people who were alarmed by the collapse of regional planning. Indeed, the two have led the way in intermunicipal agreements -- being the first in the old Calgary Regional Planning Commission's area of jurisdiction to enter into a formal intermunicipal agreement -- if not quite a full development plan as envisaged in the MGA. By agreeing to go ahead with the fringe agreement, albeit one with a sunset clause, Rocky View and Calgary are seeking "the best opportunity for a continued

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<sup>149</sup>Pitman interview, *op. cit.*

co-operative working relationship between the two municipalities."<sup>150</sup>

In pitching the fringe deal to city council, Calgary administration officials described it as "a reasonable short-term alternative to the former urban fringe provisions of the Calgary regional plan ... the intermunicipal fringe agreement should also serve as a basis for preparation of the intermunicipal development plan."<sup>151</sup> Rocky View Council approved the deal on August, 29, 1995; city council approved it on Sept. 5.<sup>152</sup> The agreement -- which expires upon approval of a full intermunicipal development plan, or failing that on Sept. 1, 1997<sup>153</sup> -- essentially grandfathers and extends the fringe boundaries and policies of the old Calgary Regional Plan.<sup>154</sup> "Certain uses are allowed at the discretion of the [municipal district] and certain other uses require agreement of city council (whereas previously a Regional Plan Amendment would have been required.)"<sup>155</sup> It operates on the principle that "lands within the

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<sup>150</sup>City of Calgary, *Terms of Reference, Intermunicipal Development Plan*, 18 March 1996, Preamble.

<sup>151</sup>City of Calgary, Commissioners' Report to Council C95-74, "City council position on proposed MD of Rocky View intermunicipal fringe agreement," 5 Sept. 1995, p. 2.

<sup>152</sup>City of Calgary, *Council Minutes*, 5 Sept. 1995 regular meeting; City of Calgary Commissioners Report C95-74, p. 2.

<sup>153</sup>City of Calgary/MD of Rocky View *Intermunicipal Fringe Agreement*, Section 1.

<sup>154</sup>Commissioners' report C95-74, *op. cit.*

<sup>155</sup>*Ibid.*

urban fringe may ultimately be part of the city of Calgary (and) [t]he eventual land use will therefore be urban in nature and the planning policies and principles governing these lands shall recognize this."<sup>156</sup>

The fringe agreement permits a wide range of uses -- including country residential development in effect on Sept. 1, 1995 and all development legally approved as of that date -- at the discretion of Rocky View Council.<sup>157</sup> Uses permitted but subject to the agreement of city council include country residential, commercial, industrial and mixed-use development and hamlet expansion or subdivision not previously approved.<sup>158</sup>

Meanwhile, on March 18 city council approved the start of a full intermunicipal development plan. A day later, Rocky View council approved the same.<sup>159</sup> While mainly concerned with the scheduling of events, the terms of reference call for the planning process to include, once a draft plan is completed, "input from landowners and residents through a series of open houses to identify planning

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<sup>156</sup>Fringe agreement, *op. cit.*, section 3.

<sup>157</sup>Fringe Agreement, section 4.

<sup>158</sup>Fringe agreement, *op. cit.*, section 5.

<sup>159</sup>Correspondence from Peter Kivisto, Rocky View municipal manager, to Frank Kosa, town of Chestermere chief administrative officer, 28 March 1996.

issues to be addressed."<sup>160</sup> Goals of the intermunicipal development plan will include: to plan future servicing and transportation development and to protect logical sewer and stormwater catchment areas; to protect two primary sources of drinking water, the Bow and Elbow rivers; and to identify areas of existing country residential development and "establish urban overlay principles." The plan will also attempt to "establish the intermunicipal planning process as the preferred means to address planning issues on a mutual basis."<sup>161</sup>

According to Rocky View Reeve Bob Cameron, this approach has meant the end of "people taking cheap shots at each other through the regional process. ... It's worked very well."<sup>162</sup> Indeed, Cameron claims, negotiating development on the fringe between the two municipalities "has worked as (regional planning) should have in the first place. ... We extended their (Calgary's) areas of influence beyond what they would have been under the region." Rocky View's new relationship with the city has been so successful, he asserts, that agreements that simply wouldn't have been possible under the regional planning commission can be achieved. "Under the CRPC, it wouldn't have happened, it would have become a political

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<sup>160</sup>City of Calgary/M.D. of Rocky View, *Terms of Reference, Intermunicipal Development Plan*, 18 March 1996, p. 2, p. 10.

<sup>161</sup>*Ibid.*, p. 3.

<sup>162</sup>Cameron interview, *op. cit.* "Our ratepayers do not see the city and the MD like France and England. The border for them is very blurred."

football." Moreover, this success has encouraged other similar negotiations. "Word has spread that this little committee we had with the city of Calgary is working out very nicely," Cameron said.<sup>163</sup>

And meanwhile, with their success in public view, both municipalities are working toward similar agreements with other neighbors. Calgary officials have struck an intermunicipal committee with Foothills, which borders the city on the south, to address issues that arise before a formal intermunicipal agreement is signed. It is like the similar committee with Rocky View, approved in the fall of 1995 by Calgary city council.<sup>164</sup> Still, in the absence of a formal intermunicipal agreement like that approved the same night with Rocky View, let alone the old regional planning structure, the committees are toothless: "The committee has no official legislative status or decision making authority, but members may share information, discuss matters of intermunicipal concern and make recommendations to their respective councils," said a report to Calgary's aldermen by city administrators.<sup>165</sup> Nevertheless, they are a forum for the resolution of disputes.

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<sup>163</sup>Cameron interview, *op. cit.*

<sup>164</sup>City of Calgary, *Commissioners' Report to Council E95-21*, "Approval of the terms of reference for the M.D. of Rocky View and the M.D. of Foothills intermunicipal committees," 5 Sept. 1995; Park interview, *op. cit.*

<sup>165</sup>*Commissioners' report E95-21, op. cit.*

Meanwhile, Rocky View has concluded similar fringe agreements with Cochrane, a bedroom community of about 7,000 west of Calgary, and Airdrie, a community of about 12,000 just north of Calgary, plus an informal agreement with the town of Chestermere and regular meetings with officials from the rural towns of Irricana, Beiseker and Crossfield.<sup>166</sup>

These bi-lateral successes are proof, Cameron adds heatedly, that the problem in the past was the process, not the people in Rocky View. "I'm a supporter of regional planning," Cameron asserts. "It's just that the (old) format was hopeless. ... There was an underlying assumption that we were all a bunch of hicks and we would be putty in the hands of slick developers. Well ..." Where are the bad developments? he asks. Likewise, Cameron responds, when supporters of regional planning claim environmental issues require a regional approach, Rocky View has proved that "we are not environmental felons."<sup>167</sup>

But believers in regional planning still suspect that disagreements may be waiting in the wings that cannot be solved by bi-lateral agreements that may or may not carry much weight with municipal councillors. After all, while there are no major disagreements right now, municipal councils change and so do the issues before them.

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<sup>166</sup>Cameron interview, *op. cit.*

<sup>167</sup>Cameron interview, *op. cit.*

## CHAPTER V -- CHARTING THE FUTURE

"Please God," pleaded the 1980s Alberta bumper sticker, "give us another oil boom. This time we promise not to piss it all away."<sup>1</sup>

In first weeks of 1997, it had begun to look as if Albertans' prayers were going to be answered. Calgary in particular was walking tall: There it was, the B-word, in print. "The confidence is palpable," intoned Maclean's in a cover story called Calgary, On Top of the World. "Calgary is booming -- creating jobs, building houses, expanding the economy at break-neck speed."<sup>2</sup>

Even during 1995, employment in Calgary had been expanding steadily. Approximately 8,000 jobs were added that year, as new investments encouraged migration into the city. Unemployment fell from nine per cent in 1994 to 8.1 per cent in 1995 as Calgary attracted about 11,000 net migrants and the city's population grew by more than 18,000.<sup>3</sup> By 1996, Maclean's reported, Calgary's

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<sup>1</sup>Anecdotal.

<sup>2</sup>Maclean's, "Calgary on top of the world," 24 Feb. 1997, p. 13.

<sup>3</sup>Beck, R.A.D., *The Calgary Economy to 2001*, City of Calgary Finance Department, August 1996, p. 8. (Beck is the city of Calgary's senior corporate economist.)

The city's population according to the 1996 civic census is 767,590, an increase of 17,986 from 1995 or a growth rate of 2.3 per cent. A total of 40 per cent of that growth resulted from natural growth (7,028 new citizens, just under 600 per month) and the increase from migration (10,958 people, or just under 1,000 per month) made up 60 per cent of Calgary's growth. "1996 growth represents a noticeable change from 1993-95, years in which

unemployment rate had fallen to 6.5 per cent, compared with a national rate of 9.7 per cent.<sup>4</sup> Many companies chose to relocate significant operations to Calgary in 1995 -- including CP Rail, Northern Telecom, Shaw Cable and Suncor -- offsetting the expected loss of 2,600 military jobs through the closing of Canadian Forces Base Calgary through 1996 to 1999.<sup>5</sup> Maclean's reported that "signs of Calgary's flourishing economy were everywhere," citing:

-The city's second-only-to-Toronto rank as a corporate head-office centre, home to 92 of the Financial post's 750 top companies, compared with 118 for Toronto<sup>6</sup>

-High oil prices, with Canadian crude averaging \$21.44 US per barrel in 1996 and hitting \$26 in December

-Corporate income tax receipts up 28 per cent in the 1995-96 fiscal year, with manufacturers paying more than mining and energy companies for the first time

-A 1.5-per-cent apartment vacancy rate, and the most housing starts per capita of any Canadian centre in 1996

-An office vacancy rate of 9.7 per cent, four points lower than the

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population growth remained steady at about 10,600 people per year. 1995's growth is a 60 per cent jump from the city's average growth over that three-year period." (Hall, Karen A. *op cit.*, p. 31.

<sup>4</sup>Maclean's, *op. cit.*, p. 15

<sup>5</sup>*Ibid.*

<sup>6</sup>This is somewhat misleading, because Calgary is essentially one municipal entity, whereas the Toronto total does not include head offices in such neighboring parts of the metropolitan area as Mississauga, Scarborough and North York.

average Canadian market<sup>7</sup>

And so, on March 11, 1997, just days after posting a \$2.2-billion surplus for 1996-1997,<sup>8</sup> Premier Ralph Klein's nearly revolutionary Progressive Conservative government swept back into power. Riding high on successful deficit-busting, the province's obvious prosperity and Klein's personal popularity, the Tories increased their majority from 54 seats versus the Liberals' 29, to 63 against 18 Liberals and two held by the New Democrats. Despite mild Tory disappointment that the Opposition had managed to hang on at all, to government supporters it seemed as if God was in His heaven and all was right with the world. Klein's hard-right caucus members were awarded the most important cabinet posts. Reported the Calgary Herald: "Premier Ralph Klein unveiled a 19-member cabinet ... that is expected to keep the government on a fiscally and socially conservative agenda."<sup>9</sup>

Former municipal affairs minister Steve West, the man who destroyed Alberta's system of regional planning, was rewarded with the job of energy minister. Oil industry leaders, to whom West was a relative stranger, were cautious but optimistic. "Steve West has a track record of believing in the market," Canadian Association of

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<sup>7</sup>Macleans's, *op. cit.*, p. 15.

<sup>8</sup>*Ibid.*

<sup>9</sup>Calgary Herald, "West in Energy surprises," 27 March 1997, p. A2.

Petroleum Producers president David Manning told the Herald. "Nobody could confuse Steve with a guy who likes government direction and intervention."<sup>10</sup> There would not be any backsliding on the government's hard-nosed approach to spending -- including spending on regional planning.

And boom times seem likely to continue, for a spell at least. Alberta is expected to lead Canadian economic growth until at least 2001,<sup>11</sup> and Calgary is the economic leader of Alberta. The Calgary transportation plan predicts that more than 233,000 jobs will be created in Calgary between 1991 and 2024;<sup>12</sup> the city's corporate resources department predicts 300,000 new jobs in the same period.<sup>13</sup>

There were signs, too, that Alberta's pattern of economic boom and bust would have its traditional effect of spurring a renewal of interest in regional planning in the Calgary area. For one thing, just as the provincial government had set in motion policies to abandon planning, prosperity and social and demographic trends were driving expensive-to-service, hard-to-assimilate country residential development on the city's fringe as never before. "Ten

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<sup>10</sup>*Ibid.*

<sup>11</sup>Beck, *op. cit.*, pp. 6-7; Hall, Karen A., *Calgary's Future Growth, Protecting Quality of Life to 2024 and Beyond*, City of Calgary Aldermanic Office, October 1996, p. 30.

<sup>12</sup>City of Calgary, *Calgary Transportation Plan*, 1995, 2-4, cited by Hall, *op. cit.*, pp. 34-35.

<sup>13</sup>Hall, *op. cit.*, p. 34.

years ago, about five per cent of the houses built in the region were outside the city," observed Doug Beck, the city of Calgary's senior corporate economist. "Now about 10 to 15 per cent are. It varies, but it's a substantive growth factor."<sup>14</sup> Country residential development, said Ald. Bob Hawkesworth, "is a lifestyle option that should be available. But it shouldn't act as a physical barrier to the growth of the city at urban densities" -- and, poorly planned, "it has that effect."<sup>15</sup>

"What regional planning did was protect an urban fringe on the immediate boundaries of Calgary. It protected this corridor all around the city into which it could expand, and which the city could annex," Hawkesworth said. He argues that, despite having to build an infrastructure system big enough for the entire population of Red Deer every year, the combination of uni-city government and a strong regional planning commission have meant "that we have a better, more efficient city, more cost effective from a taxpayers' point of view than we would have had if a regional structure had not been in place."<sup>16</sup>

And now, said Beck, a study of the area's demographics suggest more serious challenges to come, possibly "horrendous problems, administratively and politically," like those faced in the Greater

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<sup>14</sup>Interview with Doug Beck, 9 Jan. 1997.

<sup>15</sup>Hawkesworth interview, *op. cit.*

<sup>16</sup>Hawkesworth interview, *op. cit.*

Vancouver Regional District and Metro Toronto. "There are emerging problems out there: I've got a Baby Boomer shift that's going to take place in the next 10 or 15 years. ... No one really knows where the Boomers are going to fall. A lot of Boomers can't afford to retire to B.C. any more. They're going to have to move some place like Cochrane. If they decide to move to Turner Valley or Black Diamond, then we've got a regional problem." Beck went on: "What happens if they decide to move to Cochrane or Black Diamond? I could have regional cities of 25,000 people potted around Calgary. Then I'd have a very, very difficult administrative problem without a regional planning group."<sup>17</sup>

Right now, said Beck, "there are emerging problems." For example, the Elbow Valley country residential development up the Elbow River west of the city, "over which we have no control."<sup>18</sup> According to Hawkesworth, that development poses a threat to the city's water supply. "We've got a problem on the Elbow upstream from the Glenmore Reservoir with a country residential development that is approaching urban densities."<sup>19</sup>

Indeed, east of the city another large development in the village of Langdon has been approved by the MD of Rocky View -- giving rise to the possibility, according to planner Karl Nemeth, of a huge,

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<sup>17</sup>Beck interview, *op. cit.*

<sup>18</sup>Beck interview, *op. cit.*

<sup>19</sup>Hawkesworth interview, *op. cit.*

unorganized hamlet arising like a new Sherwood Park on Calgary's eastern flank.<sup>20</sup> That 1950s-era Edmonton-area suburb is today big enough to be a city, still a far cry from Langdon even with its current plans for a 350-home housing project for what the Calgary Herald called "country-minded Calgarians willing to commute."<sup>21</sup> The village 20 kilometres east of Calgary, which not long ago risked becoming a ghost town, now expects a population of 1,500 in five years.<sup>22</sup> The danger with that, says Calgary Mayor Al Duerr, is that communities like Langdon can go the route of the Summer Village of Chestermere Lake just east of the city on Highway 1, which grew within a few years from a ring of summer cottages to a substantial bedroom suburb that soon gained legal status as a town. "Our concern is that at a certain point they get so many houses they can petition to become a Chestermere," adding another municipal jurisdiction to the region, explained Duerr.<sup>23</sup>

Already Langdon is creating problems of the sort that regional planning could ameliorate. Sewage from the town is being fed into a man-made lagoon where natural processes can "treat" it over time. When Rocky View officials approved the latest phase of the problem, they knew the growing community's population would exceed the

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<sup>20</sup>Nemeth interview, *op. cit.*

<sup>21</sup>Calgary Herald, "It's boom time for lucky little Langdon," 20 Jan. 1997, p. A1.

<sup>22</sup>*Ibid.*

<sup>23</sup>Duerr interview, *op. cit.*

lagoon's capacity, but they assumed they could flush extra waste into the water system maintained by the neighboring Western Irrigation District. The irrigation district was willing to agree, but at a price -- a price the municipal district was unwilling to pay. So, for now, municipal councillors have voted to stall the project until the sewage issue is resolved, a decision that has left the developer fuming. "They want to collect taxes (from the development), but they don't want the outcome," he charged.<sup>24</sup>

Developments like Langdon and Elbow Valley, which will only increase if the economy continues to boom, will keep regional problems on the boil. As Prof. F.A. Laux said in 1979, "it is obvious that effective planning cannot be carried out by local government units in isolation from one another."<sup>25</sup> Concludes city economist Beck: "There is a continuing need, despite what the province thinks, for planning in the region."<sup>26</sup>

From Mayor Duerr's point of view, a new kind of regional structure to replace the old system of regional planning is the answer -- and he vows to quietly lobby the province for it. After all, he suggests, the goal is consistent with the province's economically conservative agenda. "In the absence of regional planning and a co-operative mechanism," Duerr explains, "you have to look at it in

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<sup>24</sup>Calgary Herald, 20 Jan. 1997, *op. cit.*

<sup>25</sup>Laux, *op. cit.*, p. 21.

<sup>26</sup>*Ibid.*

the context of jurisdiction. And if people are serious about less government and more effective government, you're going to see fewer jurisdictions. ... I think that ultimately, you're going to see fewer municipal jurisdictions, like it or not."<sup>27</sup>

Duerr, therefore proposes a form of regional government under the single jurisdiction of Calgary city council, in which Calgary would "take over the administration of Rocky View and Foothills ... (and) just run it as a rural area." You could create two or four more rural seats on city council, and "allow people to pay for rural services if they want rural services, urban taxes if they want urban services. Everyone would get automatic fire service and ambulance and 911. You could call it the Calgary Region, or Greater Calgary, or something like that."<sup>28</sup>

Towns within the two municipal districts would be able to annex the rural land as they grow, maintaining their political independence - - at least until they grew contiguous with the city. "This one would be a piece of cake," Duerr enthuses. "It's conceptually so simple, why wouldn't you do it? It seems so logical."<sup>29</sup>

To Rocky View's Reeve Bob Cameron, Duerr's plan smacks of a reprise of regional planning, with everything Rocky View hated about the

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<sup>27</sup>Duerr interview, *op. cit.*

<sup>28</sup>Duerr interview, *op. cit.*

<sup>29</sup>Duerr interview, *op. cit.*

system. Duerr's idea, he says, is "politically impossible. Putting us in a deal that comes to votes doesn't help us. We could never win by joining a political group with Goliath."<sup>30</sup>

But Duerr predicts confidently that, without regional solutions like his Greater Calgary idea, broad-based political pressure will return the area to some form of regional planning. "The ideological bent (of the Klein government) was we're going to remove the cost to the individual, and let's not worry about the cost to the public. But the costs of bad development are immense -- and those are public costs. Short-term economic gains create long-term economic liabilities."<sup>31</sup>

Meanwhile, as the economy does well, Alberta's cyclical interest in regional planning has already percolated beyond the political level. In February 1997, the Calgary Chamber of Commerce announced a forum on regional planning that would attempt to answer the questions: "Now that there is no formal regional planning process in place, do we need one?; and if we do what are the issues that such a process should address?"<sup>32</sup> About 200 officials and business people were invited, at a substantial fee, to "seek consensus on the need for, and attributes of, a more formalized process to

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<sup>30</sup>Cameron interview, *op. cit.*

<sup>31</sup>Duerr interview, *op. cit.*

<sup>32</sup>Calgary Chamber of Commerce, untitled Calgary and Regional Area Forum background paper, 24 Feb. 1997.

exchange ideas for our future."<sup>33</sup> Said another Chamber handout: "The purpose of the forum is to identify how we take advantage of the current climate for change and to assess the advantages and disadvantages of different regional planning approaches to manage the significant growth we will see over the next 20 years."<sup>34</sup>

But the Chamber's plans came a cropper when potential rural delegates reacted with indifference or hostility. Many callers seemed to think the proposed forum was an attempt to reimpose the old form of regional planning on the area, said conference organizer David Millican. "Some of the feedback we got left us feeling there was tremendous animosity from some of the smaller municipalities. There seems to be an attitude out there in the area beyond Calgary that the last thing they want is another regional planning experience." As a result of this -- to them -- unexpected setback, the Chamber pulled the plug on its conference idea.<sup>35</sup>

There is support in the Calgary business community for regional planning, a chagrined Millican concluded. "You can either react to these cycles, or you can get your stuff together and talk about these things before the crisis. But it will probably take some

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<sup>33</sup>*Ibid.*

<sup>34</sup>Calgary Chamber of Commerce, *Who is Planning Our Future?* 18 March 1997. Emphasis added.

<sup>35</sup>Interview with David Millican, Calgary Chamber of Commerce, 31 March 1997.

level of discomfort to motivate these people."<sup>36</sup>

As well as Alberta's historical precedents for just such a buildup of support for regional planning, notes Rocky View planner Linda Ratzlaff, there are more recent examples elsewhere in Canada for just such a development. "Other provinces" -- like Ontario and British Columbia -- "have done this before, and they've all come back to regional planning."<sup>37</sup>

"The whole system (in Alberta) was highly regarded. A lot of places were looking at modelling themselves on Alberta," said Ratzlaff.<sup>38</sup> High River planner Karl Nemeth agreed: "Alberta was the North American model, in fact it was the world model." And B.C. and Alberta, after dumping regional planning, "have started reinventing the wheel."<sup>39</sup>

"Sometimes," concluded Ratzlaff, "you have to take a step back in order to take two steps forward."<sup>40</sup>

Ivan Robinson, the gentlemanly former head of the Calgary Regional Planning Commission, gloomily predicts that the Calgary area will

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<sup>36</sup>Millican interview, *op. cit.*

<sup>37</sup>Ratzlaff interview, *op. cit.*

<sup>38</sup>Ratzlaff interview, *op. cit.*

<sup>39</sup>Nemeth interview, *op. cit.*

<sup>40</sup>Ratzlaff interview, *op. cit.*

be taking a rather large step backward before it steps forward again. Robinson emerged in 1996 as chief executive officer of the B.C. government's Columbia Basin Trust in Nakusp, B.C.<sup>41</sup> From that little town in B.C.'s southeastern wilderness, Robinson foresees the pressures he is sure will soon revive regional planning in Alberta. Indeed, he notes, the pressure would be stronger now had the economy rebounded sooner. If it had, he says, "you would see more evidence of the disaster around Calgary.

"You're now going to get urban development in rural areas which will evolve into several municipalities over one urban area," he says. "Then you will create a problem that will have to be solved by regional planning. It's just so obvious that that's what's going to happen."<sup>42</sup>

Despite what he called a long-lived example in Alberta, Simon Fraser University planner Gerald Hodge has termed regional planning in Canada the Cinderella Discipline. "Regional planning ... is always something of an outsider in the Canadian governing system. There is no institutional base to which to attach it; it must make a place for itself among, nay between, already ensconced

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<sup>41</sup>Robinson interview, *op. cit.*

<sup>42</sup>Robinson interview, *op. cit.*

jurisdictions."<sup>43</sup>

Such jurisdictions, it might be added, do not suffer political competition lightly. As Jane Jacobs has suggested, city states may still be the world's natural economic units,<sup>44</sup> but in the modern world municipalities and other local authorities are denied meaningful power by the state. "Municipal insignificance is implicit in the ordering principles of modernity: the state and the market," wrote University of Victoria political scientist Warren Magnuson. "The denial to municipalities and other local authorities of any inherent jurisdiction was fundamental to the establishment of state sovereignty."<sup>45</sup>

There can be no doubt that in the early 1990s, municipalities in Alberta felt beleaguered and stripped of the power to act effectively by the increasing reluctance of senior governments to continue financing their operations, indeed their tendency to "download" costs on to municipalities, and their own difficulties controlling costs and raising additional funds. But, ironically, regional planning in Alberta -- especially in the Calgary region --

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<sup>43</sup>Hodge, Gerald. "Regional Planning: The Cinderella Discipline," 1996, *Canadian Institute of Planners Webpage*, (<http://www.cip-icu.ca/plan75/hodge-eng.html>).

<sup>44</sup>See Jane Jacobs, *Cities and the Wealth of Nations* (Random House, New York, 1984).

<sup>45</sup>Warren Magnuson, "The Political Insignificance of the Municipality," *City Magazine* (Vol. 11, No. 2, Winter/Spring 1990), pp. 25-26.

also suffered from the additional liability of its very effectiveness. It worked, and hence it was subject to political pressures.

But "why is planning political?" asked Guy Benveniste in *Mastering the Politics of Planning*. "Because it makes a difference. When planning makes a difference, something is changed that would not have changed otherwise. This implies social power has been utilized."<sup>46</sup> For good or for ill, the Calgary Regional Planning Commission made a difference. That created political difficulties that, in the end, effectively killed it. But patterns of development -- often established early in an area's history -- tend to repeat themselves as economic development, decision making processes and migration patterns reinforce the trends of the past.<sup>47</sup> "The most probable future pattern will therefore resemble that of the past."<sup>48</sup>

We have seen how, in the case of Alberta, a pattern of economic boom and bust has been paralleled by a pattern of waxing and waning interest in regional planning. If, as Ivan Robinson and others have so often suggested, the Calgary region's booming economy inevitably spurs renewed interest in regional planning, it

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<sup>46</sup>Benveniste, Guy. *Mastering the Politics of Planning* (Jossey-Bass Publishers, San Francisco, 1989), p. 2.

<sup>47</sup>David Gillingwater and D.A. Hart, *The Regional Planning Process* (Saxon House, Westmead, Farnborough, Hants, 1978), p. 156.

<sup>48</sup>*Ibid.*

seems reasonable to conclude that the Cinderella Discipline in Alberta may yet enjoy another evening in glass slippers.

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- 15 Nov. 1993; Peter Kivisto to Jack Davis, Deputy Minister Alberta Municipal Affairs.

- 1 Dec. 1993; memorandum re factory warehouse appeal from Peter Kivisto to K.D. Kelly.

- 8 Dec. 1993; briefing notes for Rocky View meeting with energy minister Pat Black, originator not indicated.

- 15 Dec. 1993; Ivan Robinson to Rocky View council.

- 11 Jan. 1994; memorandum re cost/benefit of membership in Calgary regional Planning Commission from Peter Kivisto to Rocky View Council.

- 14 Jan. 1994; Larry Konschuk to Dr. Steve West, Minister of Municipal Affairs.

- 2 March 1994; memorandum re abolishing urban fringe designation

from Ken Kelly to Rocky View Council.

- 14 March 1994; George B. Cuff of George B. Cuff & Associates Ltd. to Peter Kivisto; accompanied by Calgary Regional Planning Commission Feasibility Study interview questions.

- 17 March 1994; Flores Groenveld, reeve of the Municipal District of Foothills to Stephen West.

- 31 March 1994; C.D. Campbell, High River councillor, to Stephen West.

-12 April 1994; Stephen C. West to Lawrence W. Konschuk.

- 14 April 1994; Karl Nemeth, CRPC, to Peter Kivisto.

- 20 April 1994; memorandum re planning act review discussion document from Larry Goodhope, executive director Alberta Association of Municipal Districts and Counties, to all MDs and counties.

- 22 April 1994; Report to Rocky View Council from Councillor Gloria Wilkinson, representative to CRPC.

- 18 May 1994; Lawrence W. Konschuk to George B. Cuff.

- 28 June 1994; notes for confidential presentation re. the Bow Forum to Rocky View Council by George B. Cuff.

- 4 July 1994; memorandum re. guiding principles for the proposed forum from George B. Cuff to CRPC mayors and reeves.

- 1 Sept. 1994; Lawrence Konschuk to all mayors and reeves, Calgary Regional Planning Commission.

- 28 Sept. 1994; Al Duerr, Mayor of Calgary, to Lawrence Konschuk.

- 17 Oct. 1994; Lawrence Konschuk to Al Duerr.

- 18 Oct. 1994; Ivan Robinson to all local authorities, notice of intention to repeal the Calgary Regional Plan.

- 29 Nov. 1994; Fred Ball, CRPC chairman, and vice-chairmen Esther Rodgers and John Schmal to Bob Cameron, Rocky View reeve, and Rocky View Council.

- 8 Dec. 1994; Bob Cameron to Fred Ball.

- 14 Dec. 1994; Ivan Robinson to Bob Cameron.

- 28 March 1996; Peter Kivisto to Frank Kosa, Town of Chestermere.

#### INTERVIEWS

Beck, Doug; City of Calgary senior economist, 9 Jan. 1997.

Bronconnier, David; City of Calgary alderman, 12 Jan. 1997.

Cameron, Bob; Municipal District of Rocky View reeve, 13 Jan. 1997.

Crossley, Bill; president, Crossley and Associates, 8 Jan. 1997.

Dale, Lynn; executive director, Capital Region Forum, 10 Feb. 1997.

Dragushan, Graham; B.C. Ministry of Municipal Affairs, author of *Regional Planning in Alberta: The Evolution of Alberta's System of Regional Planning Commissions*, 7 Jan. 1997.

Duerr, Al; Mayor of Calgary, 7 Jan. 1997.

Hawkesworth, Bob; City of Calgary alderman, former Calgary Regional Planning Commission chairman, 20 Nov. 1997.

Johnston, Lauren; City of Calgary planning department, 8 Nov. 1996.

Kivisto, Peter; municipal manager, Municipal District of Rocky View, 13 and 15 Jan. 1997.

Millican, David; Calgary Chamber of Commerce, 31 March 1997.

Nemeth, Karl; former Calgary Regional Planning Commission planner now on contract to the Town of High River and other communities, August 1996, January 1997 and April 1997.

Park, Ernie; City of Calgary planning department, interviewed on several occasions in October and November 1996.

Pitman, Glenn; Town of Canmore chief administrative officer, 15 April 1997.

Quail, Richard; Town of Okotoks planner, 27 Sept. 1996.

Ratzlaff, Linda; Municipal District of Rocky View planner, former Calgary regional Planning Commission planner, 9 Jan. 1997.

Robinson, Ivan; former director, Calgary Regional Planning Commission, now chief executive officer, Columbia Basin Trust, Nakusp, B.C., interviewed on several occasions between September 1996 and March 1997.

Symonds, Bill; senior planning advisor Alberta Municipal Affairs, 12 Nov. 1996 and 10 and 11 Feb. 1997.

West, Stephen; former Alberta Minister of Municipal Affairs, Minister of Economic Development and Tourism at time of interview, now Minister of Energy, 8 Jan. 1997.

#### WEBSITES

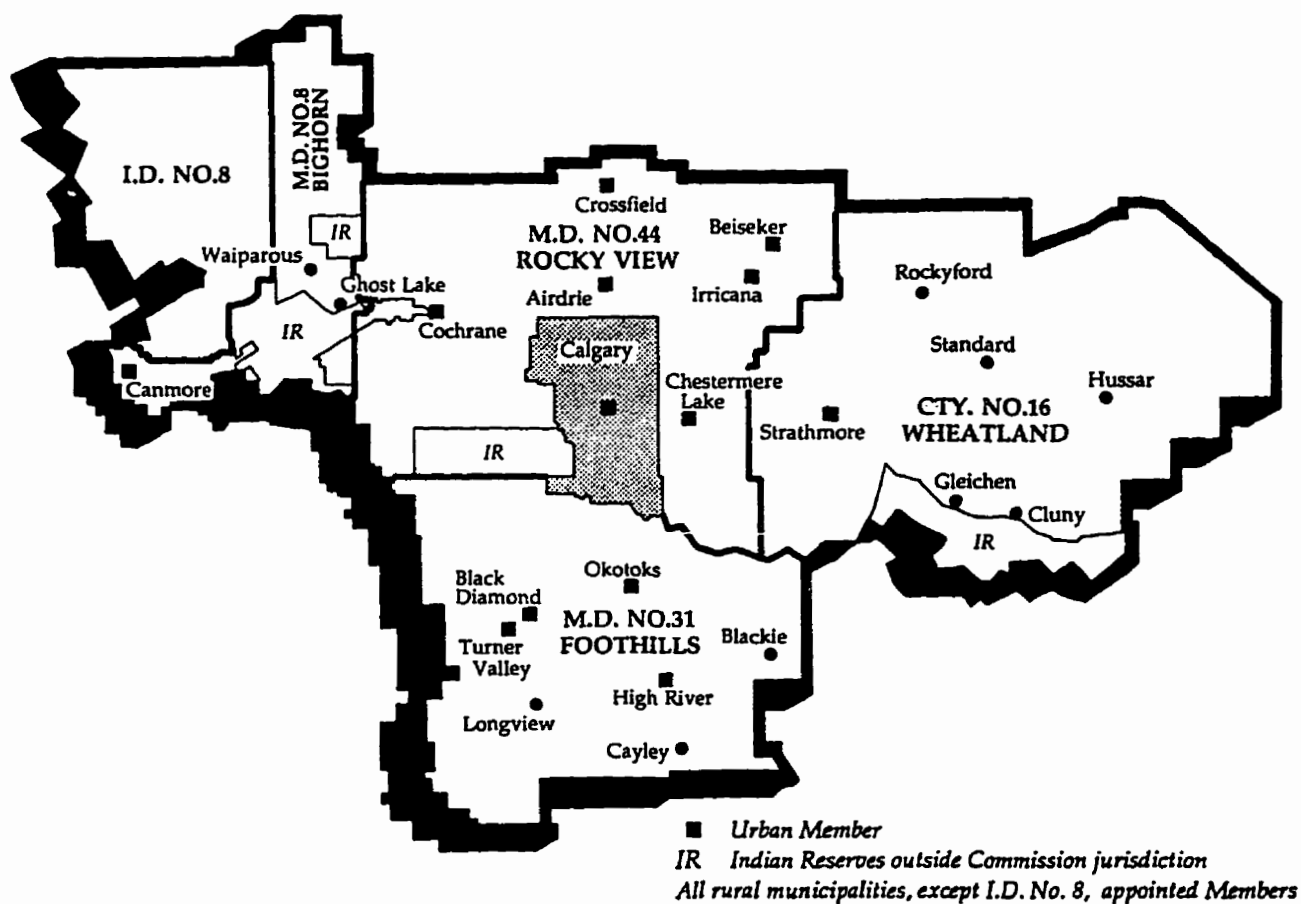
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Canadian Institute of Planners Website, 1996. (<http://www.cip-icu.ca/plan75/hodge.eng.html>)

## APPENDIX I

### Jurisdictions of the Calgary Regional Planning Commission

\*Calgary Regional Planning Commission map,  
from Urban Land and Lot Supply in the  
Calgary Region, CRPC, 1991.

## CALGARY REGIONAL PLANNING COMMISSION



## APPENDIX II

### City of Calgary/Municipal District of Rocky View Intermunicipal Fringe Agreement

\*City of Calgary Planning and Building  
Department map, 1995.

