


**REPORT TO COUNCIL**  
**JPA3 (OKOTOKS) BOUNDARY CHANGE DISCUSSION**  
**December 6, 2023**

<b>COUNCIL DISCUSSION</b>	
	<b>TOPIC:</b> Council direction sought regarding Joint Planning Area 3 Boundary discussions with the Town of Okotoks.
Prepared by: Julie McLean	

**BACKGROUND:**

The Calgary Metropolitan Region Board (CMRB) Growth Plan identifies four Joint Planning Areas (JPAs), that contain lands from two or more municipalities where it was deemed that a more collaborative approach to planning was warranted.

Joint Planning Area 3 (JPA3) as identified in the approved Growth Plan contains approximately 1,580 acres of land in the Town of Okotoks (Town) and 12,979 acres in Foothills County (County) as shown on the Study Area map in Appendix A. It should be noted that the consultants who were developing the growth plan had originally identified JPA3 as an area on the north side of the Town of Okotoks along Highway 2A, but the Town had objected to this location so it was eventually proposed south and east of the Town as currently delineated with the understanding that Foothills would have the ability to propose refinements to the JPA3 area subsequent to the approval of the Growth Plan. There was essentially no analysis undertaken by the consultants in determining the boundaries of the JPA as part of the development of the Growth Plan.

Under the provisions of the Growth Plan, the Town and the County are required to work together to create a Context Study for JPA3 by August 2025 and were required to approve a Terms of Reference (TOR) prior to February 15, 2023. In accordance with this requirement, in January 2023, the County and the Town approved a TOR. Among other things, the TOR outlines a Dispute Resolution Process for the Context Study project.

Work on the Context Study project has proceeded since the TOR was approved. Staff have developed an engagement strategy which was endorsed by both Councils in July 2023. Landowners and the public have been engaged and in September a proposed draft vision for the area and nine draft objectives for the Context Study project were endorsed by the IMC and then presented at a public open house on November 2, 2023.

The public open house was very well attended with over 170 visitors. Results from the survey that was part of the engagement will not be available until after the survey closes on December 1<sup>st</sup>, but based on conversations at the open house, there was concern expressed by a number of County landowners on the level of control that the City of

Calgary and other urban municipalities were able to exert over land use in Foothills County through the CMRB and the Growth Plan. There were also several landowners from within the JPA3 area who were concerned about the extent of the JPA and the restrictions it placed on future development, in particular the inability to create country residential development in the area. Some also articulated concerns regarding the density requirements that are imposed for residential development in the JPA.

Additional work on the Context Study project that has been ongoing includes, staff from both municipalities undertaking a review of existing plans and studies and starting work on the analysis of opportunities, constraints and planning considerations in the different areas of the JPA.

We have now encountered a roadblock to continued progress on the project, as administration from Foothills County has requested an amendment to the boundary of the JPA (as previously discussed with Foothills County Council) and Okotoks has expressed reluctance to change the boundary at this time. It is worth noting that in Joint Planning Area 4 (JPA4) where we are working with the Town of High River, there is an area of land subject to flooding east of the Highwood River that Foothills County administration have requested be removed from the JPA4 study area and Town of High River administration have readily indicated support on several occasions indicating that they concur that lands that are not suitable for fully serviced development should be removed from the JPA.

#### **GROWTH PLAN GUIDANCE ON JOINT PLANNING AREA BOUNDARY:**

Policy in the Growth Plan clearly indicates that amendments may be proposed to a JPA and that the Board may change the boundaries at their discretion. The pertinent policies from the Growth Plan are as follows:

3.1.9.2 The Board may adopt additional Joint Planning Areas, repeal them, or modify their boundaries. The area encompassed by any new Joint Planning Area shall be added to the Growth Structure Map. Municipal Development Plans must reflect such amendments upon their next periodic review.

3.1.9.8 A Context Study may propose amendments to the boundaries of a Joint Planning Area to the Board, which would be updated in the next periodic review of the Growth Plan.

3.1.9.9 Joint Planning Areas are to be treated as study areas for planning purposes where appropriate locations for growth are to be determined.

Because JPAs are deemed Preferred Growth Areas in the Growth Plan the expectation is that new development in a JPA will be fully serviced or provide access to existing or planned infrastructure and community services. There are also **density requirements** for new residential development specifically that 75% of new residential units shall achieve a density of 8 units per acre with the balance (25%) at 5 units per acre. The Rural and Country Cluster Placetype (i.e. Country Residential Development) is not permitted to be located in a Preferred Growth Area. In addition, policy 3.1.6.2 of the Growth Plan

indicates that Rural Employment Areas shall not be located within 2km of an urban municipality or JPA. As such, if lands in a JPA are not practical to service to enable high density residential development or employment uses, then they are essentially frozen. It is for this reason that Foothills County would like to remove some of the lands currently identified within JPA3.

### **JPA3 CONTEXT STUDY TERMS OF REFERENCE GUIDANCE ON JPA BOUNDARY:**

Section 8 of the JPA 3 Context Study TOR describes the Context Study Area (JPA3) as outlined in the Growth Plan. It also indicates that the boundaries of the study area may change:

*“Through the process of developing the Context Study the two municipalities may determine that the boundaries of the study area should be adjusted. If this occurs, it will be articulated in the final Context Study document.”*

### **FOOTHILLS COUNTY PROPOSED CHANGES:**

County administration previously brought some proposed changes to the JPA3 boundary to Council for discussion and Council was generally in agreement with what was proposed and indicated staff should proceed with discussions with the Town regarding the removal of the lands. The lands that are proposed to be removed from JPA3 are shown in yellow on the map in Appendix B.

Please note: there is a small isolated triangle at the northern tip of the JPA (see yellow arrow) that is included in JPA3. Staff had not previously identified this area for removal, but it was brought to our attention by area landowners through the public engagement process. County administration believe that it makes no sense to include these three isolated parcels in Foothills County within the JPA as they could only be developed through extension of transportation and servicing infrastructure from the Town.

### **OKOTOKS RESPONSE TO REQUEST:**

The Town of Okotoks has expressed a reluctance to discuss the removal of lands from the JPA3 study area prior to completion of the context study work. Foothills County administration met with Town administration to discuss this matter on August 31, 2023. The item was subsequently discussed by Town Council on September 11, 2023 and their direction to administration was that the boundary was not to be amended at this time. This was communicated to Reeve Miller in a letter dated September 14, 2023 that is attached to this staff report as Appendix C.

County administration have since expressed concern to Town administration that should a dispute resolution process that may include mediation and / or arbitration be required to resolve this issue, we will not likely be able to meet the CMRB deadline of August 2025 for completion of the Context Study project.

In recent conversations with Town administration, it would appear that the area of primary concern is the area north of the Sheep River between the Town and Highway 2 (often referred to as the “donut hole”). The Town has concerns about un-serviced country residential development occurring in this area and hampering potential future growth of the Town. This area has never been identified as a future growth area for the Town (although it was suggested to them when they undertook the last annexation in 2016-2017 that they should consider annexing it, but they refused) and they likely have significantly more than 60 years’ worth of growth within their current boundaries.

### **TOR GUIDANCE REGARDING CONFLICT RESOLUTION:**

With respect to decision making regarding the development of the JPA3 Context Study, Section 7.1 of the TOR indicates the following:

*“Every effort will be made to achieve consensus among administrations when developing recommendations for consideration by the IMC regarding the Context Study. Where consensus cannot be achieved, administration may refer the item to the IMC for discussion or may initiate the Dispute Resolution Process as outlined in Section 10.”*

Further, Section 7.2 of the TOR speaks to the actions to be taken should IMC be unable to achieve consensus regarding a decision related to the Context Study as follows:

*“As with administrations, the goal with respect to decisions related to the Context Study made by the IMC will be to achieve consensus. When consensus cannot be reached the Dispute Resolution Process should be initiated.”*

The dispute resolution process outlined in the TOR is as follows:

1. Administration Committee - The two administrations (*likely the CAOs*) appoint an informal committee comprised of administration from both municipalities to meet and work towards a resolution.
2. IMC negotiations - After consideration, the IMC has the following options:
  - a. provide suggestions and send the matter back to the Administration Committee for further discussion;
  - b. agree on a consensus position; or
  - c. conclude that no initial agreement on a consensus position can be reached. In this instance, if considered necessary and agreed to by both municipalities a facilitator may be engaged to assist.
3. Municipal Council Negotiations – Each Council will establish a position and communicate it to the other. If they agree, work on the project may proceed, if they cannot come to an agreement then they may proceed to the next step of the dispute resolution process.
4. Formal Mediation – If agreed to by both Councils, a formal mediation process may be undertaken. Each Council will appoint the same number of members to a

mediation committee which is to be comprised of members of administration from both municipalities, and where deemed appropriate, elected officials.

5. Voluntary Binding Arbitration - If a mediated agreement is not reached or if a mediated agreement fails to receive approval from both Councils, an arbitration process may be initiated with agreement from both Councils.
6. Further Study - If agreed to by both Councils, the Context Study could be structured such that the unresolved issue will continue to be studied after CMRB approval of the Context Study. *(For this particular issue, this option will likely not be acceptable to the County)*

#### **OPTIONS FOR ACTIONS TO BE TAKEN:**

Based on the guidance provided in the JPA3 TOR, there are two options that could be considered at this time:

1. The boundary issue may be referred to IMC for discussion.
2. Foothills County may request that the Dispute Resolution Process as outlined in the TOR be initiated to attempt to find resolution on the boundary issue.

#### **REQUEST OF COUNCIL:**

Council is asked to review and discuss the proposed boundary amendments for JPA3 and provide direction to administration on actions to be taken. Following are some questions for consideration:

- Is Council still in agreement with the proposed changes to the JPA 3 boundary?
- Are there additions to the JPA 3 area that we want to propose?
  - In the County?
  - In the Town?
- Does Council wish to pursue one of the actions contemplated in the TOR as above?
- Does Council wish to direct staff to cease additional work on the Context Study project until this issue is resolved? (If Council wishes to direct that work ceases, staff suggest that the What We Heard report should still be finalized as this work is mostly complete and we have made a commitment to our landowners that the report would be completed and made available).
- Is there another course of action (not contemplated in the TOR) that Council wishes to pursue?

#### **APPENDICES:**

APPENDIX A: JPA3 Study Area Map

APPENDIX B: Lands Foothills Proposes to Remove from JPA Study Area

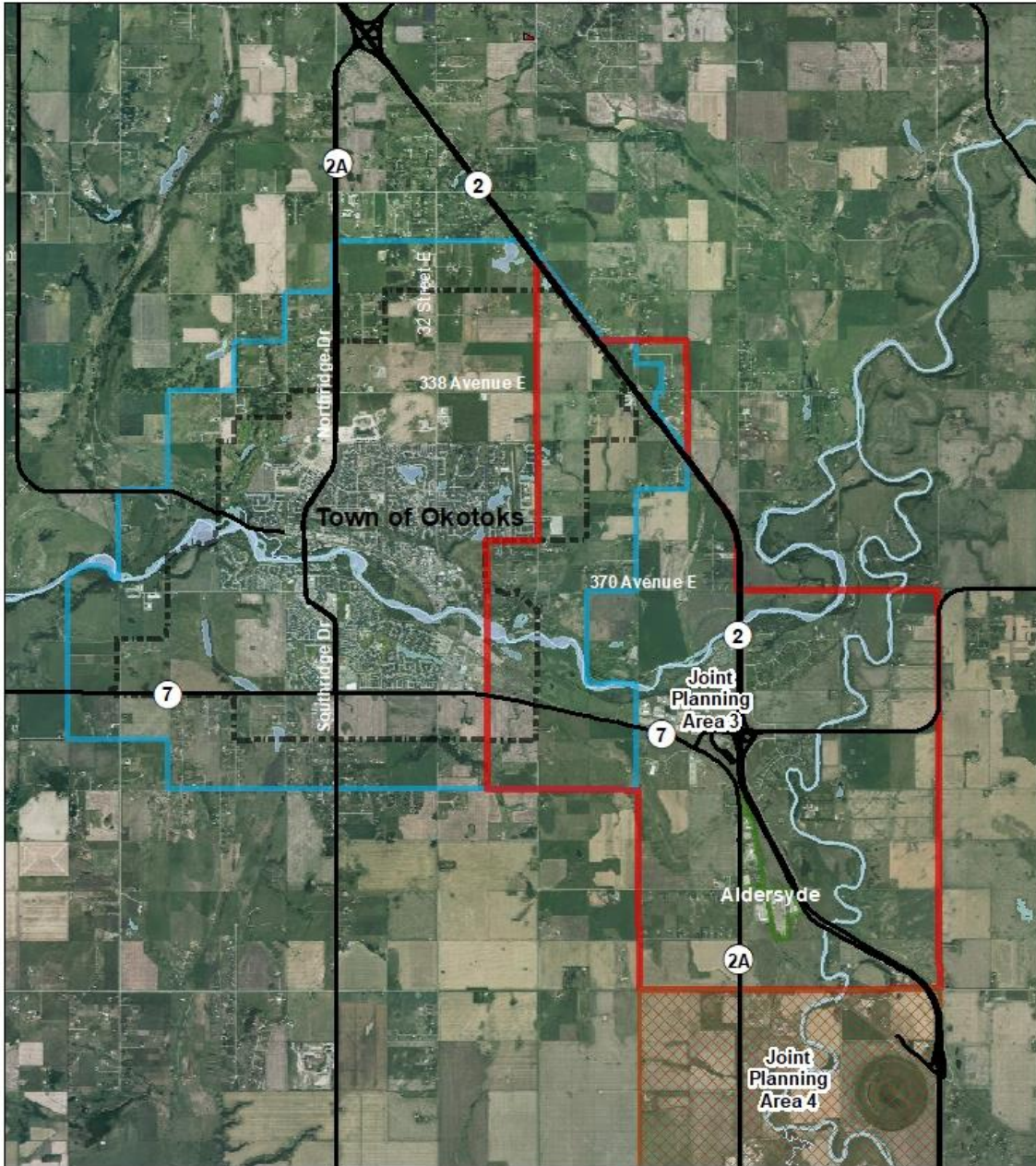
APPENDIX C: Town of Okotoks Sept. 14, 2023 letter to Reeve Miller



# APPENDIX A – JPA3 Study Area Map



## Joint Planning Area 3



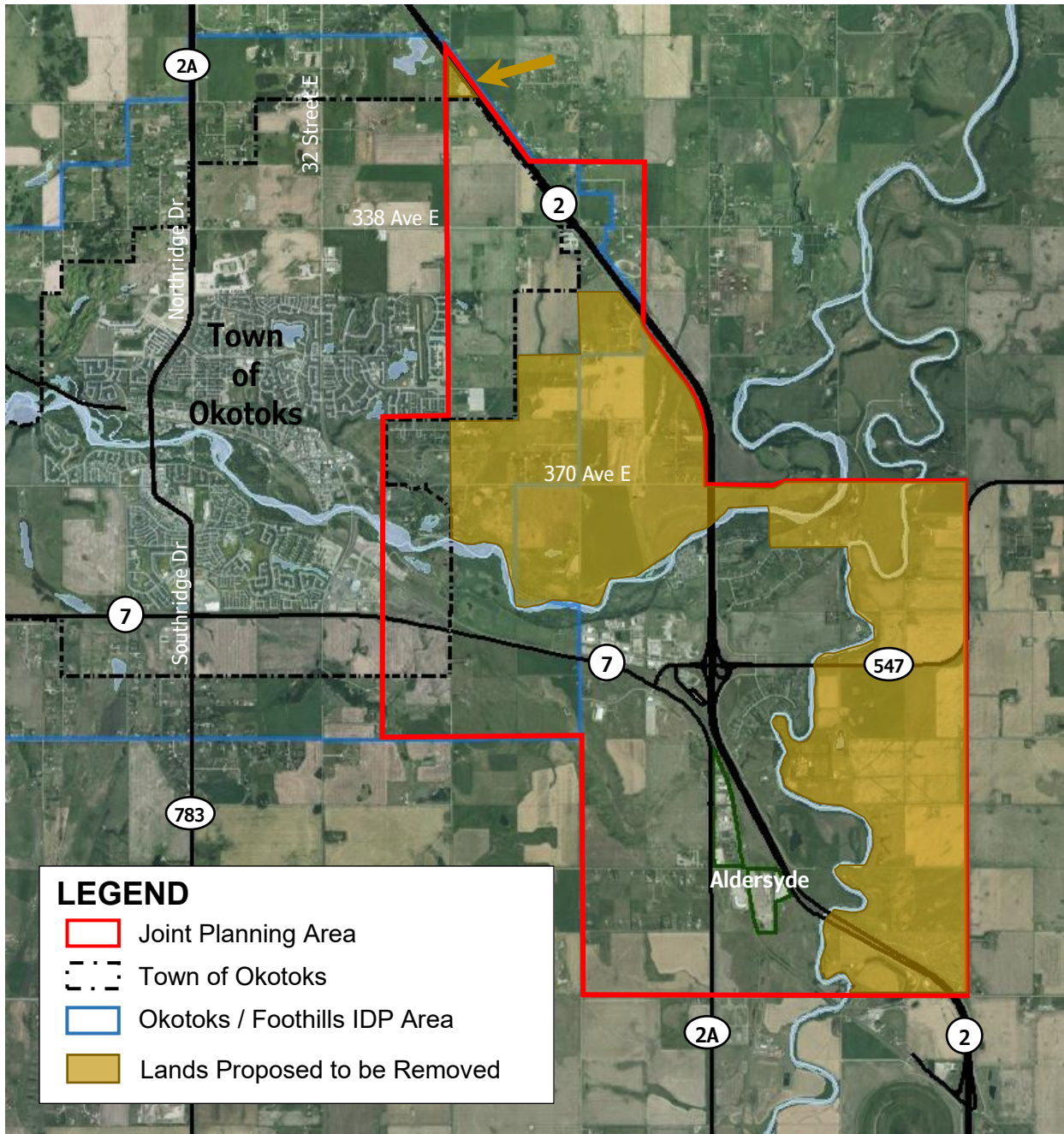
Date Printed: 2023-09-26  
1:86,421

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**APPENDIX B - Lands Foothills Proposes to Remove from JPA Study Area**



September 14, 2023

Delilah Miller, Reeve  
Foothills County  
309 Macleod Trail, Box 5605  
High River, Alberta T1V 1M7  
Sent via email: [Delilah.Miller@FoothillsCountyAB.ca](mailto:Delilah.Miller@FoothillsCountyAB.ca)

Dear Reeve Miller:

**Re: Joint Planning Area #3 Boundaries**

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On September 11<sup>th</sup>, 2023, the Town of Okotoks Council reviewed Foothills County's request to amend the boundaries of the Joint Planning Area #3 as outlined in the Calgary Metropolitan Board (CMRB) Growth Plan.

Town of Okotoks Council does not support changes to Joint Planning Area #3 at this time. Once the review work for the Joint Planning Area has been completed, the Town would use that information to inform any boundary changes and believes changes contemplated in advance of the joint planning initiative are premature.

Okotoks Council would note that the Terms of Reference with the associated mapping for this project were only adopted in January of this year. The Growth Plan and associated JPA boundaries were discussed in detail and only approved in August of 2021. From an infrastructure and transportation standpoint, there have been no significant changes in the area to warrant a decrease in the Joint Planning Area's size or a change in the overall boundaries from when they were initially determined with the Growth Plan adoption or the Terms of Reference completion.

If you have any further questions or would like to discuss the rationale behind the Town's position on this matter, please do not hesitate to reach out to me directly. We look forward to continued collaboration on this project.

Sincerely,



Tanya Thorn, B.A, ICD.D  
Mayor

