

T O M S I N D L I N G E R

July 6, 2015

Office of the City Clerk
The City of Calgary

Re: Trinity Development – East Paskapoo Slopes: Public Hearing of Council

Dear Council

Attached for your consideration at the July 20th Public Hearing on the East Paskapoo Slopes is my submission titled:

PASKAPOO CONSERVATION AND RECREATION CORRIDOR

This submission makes two points:

1. Paskapoo Slopes should not be developed because it is a precious non-replaceable asset, and it is not supported by a cumulative environmental impact assessment; and
2. There is a better, alternate use to development that meets the needs of the public and the landowner.

I believe there is a viable way the private land owner can realize the value of the land while at the same time enabling the public to conserve the landscape. We look forward to exploring this unique opportunity for Calgary.

Yours truly



Tom Sindlinger
Economist, Former MLA



Paskapoo Conservation And Recreation Corridor

“A Banff-like legacy”

**A NATURAL, INNER-CITY REFUGE
FROM OVERWHELMING URBANIZATION**

**BOUNDED ON THE WEST BY CANADA OLYMPIC PARK
AND ON THE EAST BY WEST VILLAGE + FLAMES CITY**

TOM SINDLINGER
ECONOMIST, FORMER MLA

TOM@SINDLINGER.CA
WWW.SINDLINGER.CA

Paskapoo Conservation and Recreation Corridor

*... a natural, inner-city refuge
from overwhelming urbanization ...*

Development of Paskapoo Slopes is as inappropriate as it would be for a similar development in the wilds of BANFF NATIONAL PARK OR KANANASKIS COUNTRY!

Banff and Kananaskis are natural areas that exist for our pleasure because Canadians recognize their responsibility to protect them. Now, we have the same responsibility to protect the natural area that is Paskapoo Slopes.

This submission to Calgary City Council suggests a concept that would enable civic Leaders to meet their “Banff-like” responsibility to protect Paskapoo Slopes, while enabling private owners to realize the value of their property!

Please give Calgarians the time to seek written expressions of interest in exploring the potential of a Paskapoo Conservation and Recreation Corridor.



Would Council Please Consider

A. DISMISSING OR POSTPONING TRINITY'S REZONING AND ASP AMENDMENTS FOR PASKAPOO SLOPES ...

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|---|--|
| <p>1. <i>Urban refuges are disappearing</i></p> | <p>Paskapoo is one of the last natural areas in the city's Bow River Valley. It is not an appropriate site for development. (page 4)</p> |
| <p>2. <i>Paskapoo already zoned with City's interests in mind</i></p> | <p>The land was bought with the knowledge of current zoning. From the City's point of view, there is no need to rezone. (page 6)</p> |
| <p>3. <i>Long-term capacity of the Bow River needs to be identified</i></p> | <p>An assessment of the accumulated environmental impact of the Trinity proposal and future projects (including a possible arena) on the Bow River should be completed. (page 7)</p> |
| <p>4. <i>A more meaningful public consultation process is needed</i></p> | <p>Development proposals should include a written record of the project assessment made by affected communities. (page 8)</p> |
| <p>5. <i>What's "in it" for the Citizens of Calgary?</i></p> | <p>A cost/benefit analysis should be completed to clearly show that it is in the City's best interest to rezone. (page 11)</p> |

B. ... IN ORDER TO EXPLORE THE BENEFITS OF A PASKAPOO CONSERVATION AND RECREATION CORRIDOR

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| <p>6. <i>A Long-Term Vision</i></p> | <p>Trade public land recently purchased by the City at the GSL site, for private land on Paskapoo Slopes. (page 12)</p> <p>Rezoned the former GSL site for the Trinity project and a Flames professional and amateur city.</p> <p>Designate the area between COP and West Village as PASKAPOO CONSERVATION AND RECREATION CORRIDOR (as the Edmonton River Valley).</p> |
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A. DISMISSING OR POSTPONING TRINITY'S REZONING AND ASP AMENDMENTS FOR PASKAPOO SLOPES

1 URBAN REFUGES ARE DISAPPEARING

Development of Paskapoo Slopes is as inappropriate as if the development were proposed for the wilds of **BANFF NATIONAL PARK** or **KANANASKIS COUNTRY**!

Banff and Kananaskis exist because they are esthetically appealing and ecologically sensitive areas, and those before us recognized their responsibility to protect them for us. For the same reasons, we have an obligation to protect Paskapoo Slopes.

Paskapoo is our civic Leaders "Banff-like" responsibility!



Plan B: Stagnant or decreasing population levels in Calgary

The era of unbridled population growth in Calgary is over! That growth was fueled by construction in the oilsands, construction which is now being shut down. By its nature, it cannot be restarted with the flip of a switch. The lead time is too great.

It unlikely that there will be favourable changes in world market conditions; or that international environmental pressure to stop “tar sands oil” and new pipeline construction will ease¹.

City Planners must face the possibility of stagnant population growth, if not decreases. This means consolidating what exists, not expanding. Therefore, the risk is too high of a public fiscal and financial investment in the Trinity project and the application should be dismissed.

However, investment in a PASKAPOO CONSERVATION AND RECREATION CORRIDOR (including a Flames City) makes sense as a social investment when it is viewed as a public works project creating jobs during a period of rising unemployment.

¹ Alberta’s limitation to economic growth has always been that it is land locked. World markets that cannot be reached and which now have new abundant, lower cost energy supplies, no longer depend on Alberta oil, regardless of the world price of a barrel.

2 SLOPES ALREADY ZONED WITH CITY'S GOALS IN MIND

In support of rezoning applications, it is often said that the property is private and therefore the owner of the property has the right to do what they want. This should be respected, but within the limits of the zoning regulations already in place, not for those which are being applied. The City has no obligation, moral or legal, to change zoning simply because a property owner applies for rezoning. There must be a strong argument made that rezoning is in the public interest, and not just in the property owner's interest.

This is the case with Paskapoo Slopes. The private land on the Slopes has long been zoned in the public's interest. To change the zoning, it must be demonstrated that such a change will be an improvement for the general public.

The applicant has maintained that the public interest will be served by building more residences and offices. This may have been the case several years ago when there was a residential boom caused by the construction of many oilsands plants. However, demographics are changing with a stagnant or decreasing population. The need for new space should be reassessed in light of these new demographics.

Furthermore, the applicant has maintained that the development will be of such high architectural quality that it will be an illustrious "gateway" to the western driving approach to Calgary. Notwithstanding the peril of claiming absolutes in regard to such a subjective matter, it is highly unlikely more than a small minority would claim a cluster of buildings offers a more desirable vista than the existing natural area.

This is easily measured. There are 8,232 petitioners (among many others) saying Save the Slopes; but only one applicant saying construct more buildings!



3 LONG-TERM CAPACITY OF THE BOW RIVER NEEDS TO BE IDENTIFIED

At the Calgary Planning Commission hearing that considered the Haskayne Park development, which is just upstream of Paskapoo Slopes, a Commissioner asked if the water from the Park would be drained into the Bow River. The answer was yes, without much elaboration or follow-up.

This question was a reminder of what happened with the development of the oilsands plants near Fort McMurray. Each plant had an environmental assessment, and was passed. However, the sum, or accumulated environmental impact, of all the plants was not considered, and this total impact has now reached a disputed level.

This is a caution that it would be prudent to consider the cumulative environmental impact of developments on the Bow River. For example, maps show prospective developments just to the west of Canada Olympic Park; there is the future West Village, which may include a new professional sports facility; and, the developments in the Bow Valley in downstream Calgary.

It would not be unreasonable for those living in Siksika, Brooks, and Medicine Hat downstream to ask what Calgary is sending their way. We must give them a responsible, and credible, response. Consideration of rezoning applications must include a cumulative environmental impact study. The Trinity development does not.



**CUMULATIVE
ENVIRONMENTAL IMPACT
ON THE BOW RIVER
MUST BE CONSIDERED**

4 A MORE MEANINGFUL PUBLIC CONSULTATION PROCESS IS NEEDED

Where are our Tsuut'ina neighbors?

The importance of public consultation was underlined at the Calgary Planning Commission hearing on the rezoning of Paskapoo Slopes when a Commissioner lauded the applicants for consulting with First Nations. Indeed, the applicant's information shows consultation with the Kainai, Peigan, and the Siksika, all of which are remote from Paskapoo.

It begs the question of why the Tsuut'ina, only minutes from Paskapoo, and the Stoney just west at Morley, were not consulted² and weakens the credibility of the entire consultative process.

Community Organizations

Council recognizes the importance of community input in decisions about major development, and that is why the *Joint Advisory Committee* was formed. However, establishing such a body is one thing, giving its role meaning is another.

For example, consider the following comments by PASKAPOO SLOPES PRESERVATION SOCIETY, members of the *Joint Advisory Committee*:

*"We have also not received responses to numerous requests for information concerning the proposed changes to the ASP"*³

The City, in establishing such consultative processes, should also define the protocols for submitting, discussing, and reporting (among other things). As it is, there is no evidence in support of anything the committee has deliberated or recommended. For example, no minutes are kept of committee meetings, nor even of who attended or of the views expressed.

This, of course, is not the fault of the applicant. The applicant has participated in the meetings, and has held numerous, open and advertised public information sessions that were conveniently sited in areas around the development area. Laudatory as this is however, the failure is that the communication is one way; that is, from the applicant out, with no meaningful apparent means of reciprocation. The perception exists consultation is not meaningful, while at the same time the applicant maintains that consultation has occurred as required.

To demonstrate consultation has occurred, or that public expressions of positions on development are heard, it would be helpful if developers were required to obtain certificates from affected communities. Certificates could be simple expressions of community feelings, like that illustrated (for discussion purposes only), on page 10.

² "We were not consulted", Tonya Crowchild, Consultation Director, Tsuut'ina Nation, in a meeting with Tom Sindlinger June 25, 2015 at the Nation Administration Building.

³ Letter May 22, 2015 from *Paskapoo Slopes Preservation Society* to *City of Calgary Land Use Planning and Policy*.

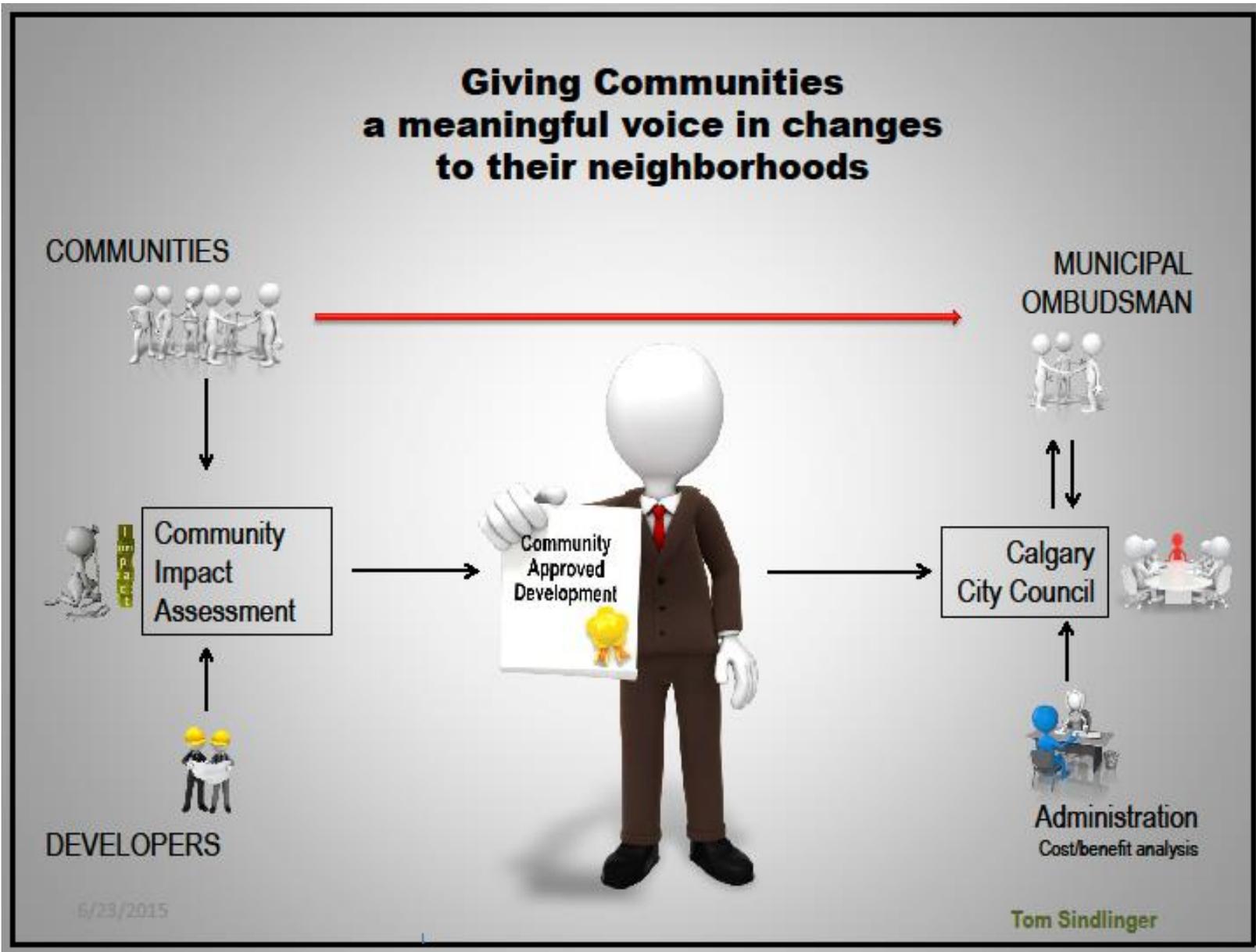
Protection of ecosystem trumps architectural merit of a development

In considering the Trinity application, several times members of the Calgary Planning Commission noted the development was a “good project”. The Commission, however, did not raise the question of whether or not there was a public desire to develop Paskapoo slopes in the first place! That is, it was said that if it were built, it would be a “good build”, but they never addressed the question of ***if it should be built***.

It is our position that it should not be built. Development of Paskapoo Slopes would be as inappropriate as development in the wilds of BANFF NATIONAL PARK or KANANASKIS COUNTRY. These natural areas exist for our pleasure today because Canadians recognize their responsibility to protect them. We have the same responsibility to protect the natural area that is Paskapoo Slopes.



GOOD PROJECT MAYBE
BUT WRONG PLACE!



5 WHAT'S "IN IT" FOR THE CITIZENS OF CALGARY

A cost/benefit analysis is a good starting point for any investment. This was done by the Trinity project investors. It should be done for tax payers as well, but there is no evidence it has been done.

Due diligence has been done by City administration to ensure that proposed development plans of Paskapoo Slopes complies with generally accepted development practices and regulations; and we assume that due diligence has been done by provincial wildlife officials; and, that due diligence has been done by the federal departments responsible for waterways.

But there are no public documents combining these "due diligences" to which neither the public nor the Council can refer to make a responsible decision about the Paskapoo Rezoning application.

The onus to inform the public is on the applicant.

There is a social cost⁴ to the public of development of this magnitude. They include expenditures for water, sewage, and electricity services. They include costs for police and fire service; for roads and public transit. These costs can be estimated, but have they, and what are they? Are they covered by the annual amount of revenue the City can expect from the development?



The public needs to know this equation between costs and benefits in order to make a responsible assessment of the development. More importantly, the public has a right to know!

⁴ "Developers paying less for cost of city growth than council thought: Mayor Naheed Nenshi says numbers revealed Monday are shocking", CBC News June 22, 2015.

B ... IN ORDER TO EXPLORE THE BENEFITS OF A PASKAPOO CONSERVATION AND RECREATION CORRIDOR

6 A LONG-TERM VISION

PASKAPOO CONSERVATION AND RECREATION CORRIDOR

There are two competing but equally valid goals in regard to Paskapoo Slopes. They are the:

1. Private landowner's right to realize the commercial value of the land; and
2. Public's desire to conserve an ecologically and culturally sensitive area.

The two goals appear mutually exclusive. On the other hand, the private investment in the land is liquid and can be moved elsewhere. The public investment is not—the land's natural landscape is gone forever once buildings are constructed on it.



However, there is a viable way to accommodate both — enabling the landowner to realize the commercial value of the land while enabling the public to conserve it. There is a policy tool “used for preserving ecologically sensitive areas while permitting the development potential” ... of the area. It is the *Transfer of Development Credits*⁵, for which the authority is the ALBERTA LANDS STEWARDSHIP ACT (2009).

⁵ Transfer of Development Credits:

“Transfer of development credits (TDCs) is an enabling tool that helps address urban growth pressures on the land by offering an incentive to redirect development away from specific landscapes to protect open spaces.

“It can be used by municipalities to move development away from areas they want to conserve for agricultural or environmental purposes. This allows development to happen at the same time as conservation, and allows the owners of developed and undeveloped land to share in the financial benefits of development. Relocating urban or industrial development could help protect prime agricultural land or wildlife habitat, while still allowing growth.

“A TDC program can be used to designate an area of land as a conservation area with one or more of the following purposes:

- the protection, conservation and enhancement of the environment;
- the protection, conservation and enhancement of natural scenic or aesthetic values;
- the protection, conservation and enhancement of agricultural land or land for agricultural purposes;
- providing for all or any of the following uses of the land that are consistent with the following purposes: recreational use, open space use, environmental education use, or use for research and scientific studies of natural ecosystems; and
- designation as a Provincial Historic Resource or a Municipal Historic Resource under the *Historical Resources Act*.”

For Paskapoo Slopes, this would facilitate a land exchange: the private land at Paskapoo would transfer to the City for use as a park in exchange for land to the current Paskapoo land owner of land of at least equal value elsewhere, say, the proposed West Village. This would be of interest to the Paskapoo investor, especially if the West Village were to include, or be contiguous to, a possible *Calgary Flames City*.

A *Calgary Flames City* at West Village and *Canada Olympic Park* to the west of Paskapoo Slopes would make the connecting corridor in between a world-class conservation and recreation corridor.

Therefore, it is asked that the Trinity application be dismissed or postponed in order to obtain written expressions of interest from stake holders in exploring the possibility of a land exchange to save Paskapoo Slopes.



Photo by Suzie Thompson⁶

TOM SINDLINGER is an international Economic Analyst with a focus on marketing of natural resources and transportation; and governance.

He has successfully completed 18 international projects in 12 countries for both private and public entities, such as the:

- Canadian International Development Agency
- National Democratic Institute in Washington
- Petroleum Institute of Thailand in Bangkok
- Canadian Superior Oil in Thailand
- Jimmy Carter Center in Atlanta
- Canadian Executive Service Organization in Siberia

He served in the Alberta Legislative Assembly where he was a select committee member of the Heritage Savings Trust Fund.

The Alberta and the Lethbridge Sports Halls of Fame inducted him in recognition of his Alberta and Canadian basketball championships.

Please email at Tom@Sindlinger.ca
Sindlinger.ca

⁶ An apology. The photos of Paskapoo Slopes were poached from the web. I tried to determine the source for them, but was unsuccessful.