Municipal Implementation of the Land-use Framework Regional Plans

ASVA Annual Conference 2014

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Presentation Goals

• Review of the Land-use Framework and the Alberta Land Stewardship Act
• Understand how the different government ministries are involved in the creation and implementation of the Regional Plans
• Understand the role of Summer Villages in regional planning
• An update on the Regional Plans in General
The Land Use Secretariat

Glen Tjostheim
Director of Regional Planning
Role of the Land Use Secretariat

- Oversee and direct the preparation of Regional Plans
- Lead formal consultation sessions for the plans
- Support Plan implementation by coordinating implementation activities and encouraging cooperation within government, and between government departments, agencies and local government bodies.
- Monitoring and reporting on the Regional Plans to assess and communicate the level of progress made towards achieving regional plan outcomes.
- Manage Regional Plan compliance
THE ALBERTA LAND-USE FRAMEWORK AND REGIONAL PLANNING
The Land-use Framework

- Provincial leadership
- Balancing environmental with economic and social considerations
- Increased Certainty
  - Integrate and coordination of provincial policy
  - Align planning/decision making
- Encourage stewardship and conservation
Land-use Regions

• Lower Peace
• Upper Peace
• Lower Athabasca
• Upper Athabasca
• North Saskatchewan
• South Saskatchewan
• Red Deer
Regional Plans

- Define regional outcomes (economic, environmental and social) and a broad plan for land and natural resource use for public and private lands
- Align provincial strategies and policies at the regional level
- Determine specific trade-offs and appropriate land and natural resource management for specific landscapes within a region
- Define the cumulative effects management approach for the region and identify targets and thresholds
Regional Plans: Built with Albertans

- Regional Advisory Councils established for each region
- Public, stakeholder, municipal, aboriginal consultation
- Legislated requirement to review at least every 10 years
- At least once every 5 years, appoint a committee to evaluate and audit the policies of regional plans to determine whether they are meeting the purposes and deliver a public report
Regional Plans
- Vision and desired future for the region
- Integrated economic, environmental and social outcomes
- Objectives/goals (quantitative, measurable targets, trade-offs and choices)
- Strategies/actions (both regulatory and non-regulatory)

Municipal Development Plan
- Future land use
- Transportation and services
- Coordination with neighbours

Area Structure Plans
- Specific pattern of land use and servicing

Land-use Bylaws
- Divides the municipality into districts
- Permitted and discretionary uses in each district
- Sets standards for development/permitting/subdivision design

Subdivision Control
- Divides land into two or more parcels
- Municipality can take some land for municipal/school/environmental reserve
THE ALBERTA LAND STEWARDSHIP ACT
Authority

• Lieutenant Governor in Council:
• Direction by Cabinet
• Alignment of planning and decision making with that direction:
  – provincial departments, municipalities, boards (e.g. ERCB, NRCB, MGB)
Regional Plans

- A regional plan may:
  - Give direction that will need to be followed
  - If there is no direction given, then status quo
  - authorize preparation of sub-regional plans
  - adopt or incorporate existing plan as a sub-regional plan
Regional Plans: Legal Effect

- Regional plans are legislative instruments having legal effect [Section 17(1) ALSA]
  
a) If there is a conflict or inconsistency between a regional plan and a regulation under any Act, the regional plan prevails

b) If there is a conflict between an Act and a regional plan, the Act prevails

c) If there is a conflict between the Alberta Land Stewardship Act (ALSA) and any other Act, ALSA prevails
Update on the Regional Plans

- Regional Advisory Council (RAC) just wrapping up for the North Saskatchewan Regional Plan.
  - RAC Advice to the GOA this fall
  - Online survey end of 2014
- South Saskatchewan Regional Plan came into effect September 1, 2014
- Upper and Lower Peace to commence in 2015
Municipal Affairs

Joannes Wong RPP, MCIP, Manager, Planning Advisory
Role Of Municipal Affairs

- Participate in cross-ministry committees developing Regional Plans and Land-use Framework components
- Work with Land Use Secretariat to provide advice to Regional Advisory Council
- Advise municipalities on their relationship to Regional Plans and Land-use Framework strategies
- Develop tools and assist municipalities in implementing Regional Plans, e.g. Efficient Use of Land Tool Box
Role Of Municipalities

- Participate in the preparation of the Regional Plans
- To make decisions consistent with the applicable Regional Plan
- File a Statutory Declaration with the Land Use Secretariat
- Work with the Government of Alberta to implement Regional Plans and Land-use Framework Strategies
What Does Compliance with Regional Plans Mean?

Day-to-Day Operation

- A Regional Plan includes an effective date
  - 2012-09-01 - Lower Athabasca
  - 2014-09-01 - South Saskatchewan

- Sec. 630.2, MGA – Municipal planning authorities are required to carry out their functions in accordance with an applicable Regional Plan
What Does Compliance with Regional Plans Mean?

Day-to-Day Operation

- Provincial Land Use Policies (Sec. 622, MGA) do not apply once a Regional Plan is in place.
- The Regional Plans replace the Provincial Land Use Policies and provide direction for decision makers for land use decisions.
What Does Compliance with Regional Plans Mean?

Statutory Declaration

- Sec. 20, ALSA – Municipal authorities must review their regulatory instruments to determine alignment with the applicable Regional Plan and file a statutory declaration with the Land Use Secretariat

- For **Lower Athabasca Regional Plan**, municipal authorities have until September 1, 2017 to file the declaration

- For **South Saskatchewan Regional Plan**, municipal authorities have until September 1, 2019 to file the declaration
What Do I Need To Do To File A Statutory Declaration?

- Review the applicable Regional Plan
- Review regulatory instruments (ref. ALSA definition) e.g. bylaws, statutory plans, policies, guidelines, …
- Decide what, if any, new regulatory instruments or changes to regulatory instruments are required to comply with the applicable Regional Plan
- Submit, once the review is complete, a fully executed statutory declaration to the Land Use Secretariat
What If My Municipality Does Not Comply?

Day-to-Day Operation

- Sec 62, ALSA – Complaint Review of non-compliance with the regional plan

- Sec 570.01, MGA - If found non-compliance and the matter is referred to the Minister of Municipal Affairs, the Minister may take actions to ensure compliance.

- Sec 18, ALSA – Stewardship Commissioner may apply to Court of Queen’s Bench for an order (to remedy or rectify) the non-compliance if the non-compliance cannot be remedied or rectified under another enactment.
What If My Municipality Does Not Comply?

Statutory Declaration

• Sec 570.01, MGA - If found non-compliance and the matter is referred to the Minister of Municipal Affairs, the Minister may take actions to ensure compliance.
Environment and Sustainable Resource Development

Eleanor Mohammed, RPP, MCIP
Land-use Framework Planner
Role of Alberta Environment and Sustainable Resource Development

- Leads integrated resource management planning
- Works with the other ministries to develop the content for regional plans
- Works with the Land Use Secretariat to provide advice to the Regional Advisory Council
- Prepares the Environmental Management Frameworks
- Develops, facilitates and monitors implementation of resource management plans, sub-regional plans, and issue specific plans that align to and support the regional plans, environmental management frameworks and policy direction.
- Conducts regional strategic assessments, scenario development analysis, and modelling.
Integrated Resource Management System (IRMS)

- The IRMS is the means by which Alberta will achieve responsible resource stewardship.
- The System is broadly defined, incorporating the management, conservation and wise use of all resources.
- Founded upon principles of cumulative effects management.
The Integrated Resource Management System:

**Pillars & Key Initiatives**

1. **Policy & Outcomes**
   - **Key Initiative:** Land-use Framework Regional Plans
   - Provides strategic outcomes and policy direction to allow for a cumulative effects management approach to resource management that reflects the unique needs of a region and the province.

2. **Assurance**
   - **Key Initiative:** Regulatory Enhancement & the Alberta Energy Regulator
   - Provides effective assurance of outcomes, demonstrates commitment to environmental management and public safety and improves efficiency by eliminating duplications.

3. **Monitoring**
   - **Key Initiative:** Environmental Monitoring & the Alberta Environmental Monitoring, Evaluation & Reporting Agency
   - Tracks progress and informs management action through an open, transparent, centrally coordinated and science-based system.

Alberta
Cumulative Effects *(Land-use Framework Policy 2008)*

- ‘The combined effects of past, present, and reasonably foreseeable land-use activities, over time, on the environment’

- Management of cumulative effects is a recognition of the finite capacity of Alberta’s airsheds, watersheds, and landscapes

- The focus is on maintaining overall capacity of the environment across the regions
  - The overall regional effect vs. the effect of a specific land development only
Cumulative Effects Approach

• **Outcomes-based** – what do we want our region or place in the region to look like in the future from an environmental, economic and social perspective?

• **Place-based** – Land-use framework regions, watersheds, airsheds

• **Performance-based** – are we getting what we want? Monitor for results, adjust if off track

• **Collaborative** – share our experiences to date, work together on solutions
  – An absolute necessity with ‘outcomes’ approach, especially if outcomes not being met
Indicators, Triggers and Limits

- Indicators are chosen (e.g. NO$_2$, Phosphorous)
- Triggers and limits (outcomes) are set

Monitoring and Modeling

- Monitor and assess actual conditions relative to triggers and limits

Management, Response and Reporting

- Exceeding triggers or limits requires a response
- Results reported
Management Response

• Management responses are required should triggers or limits be exceeded.
• Need a range of tools depending on circumstances
  – Reverse negative trends (measured exceedance of triggers or limits)
  – Proactively avoid reaching triggers or limits
• Tools and approaches for dealing with non-point sources are necessary – practical methods
• Multi-stakeholder, collaborative approaches will be necessary
The ESRD Municipal Connection

- Municipalities are subject to the regional plans and the frameworks
  - Implementation of air, land, water, biodiversity objectives and strategies (e.g., lake management planning)
  - Consider frameworks and any management responses in decision-making
  - Incorporation of tools and guidelines into decision-making (e.g., Stepping Back from the Water guidelines)

- Need active participation in development of frameworks & processes (e.g. multi-party groups) to develop practical management tools and approaches to avoid and/or reverse any negative trends
  - Pilot projects, policy tools, etc.
  - Supporting education and awareness programs with local residents and industry

- Provide information for regional planning and frameworks including local knowledge, growth and transportation scenarios/ data

- Municipal programs, plans, and bylaws – powerful tools for management action
Questions?

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