



# Municipal Planning Hub

Version 2: January 2017 Updates made sections on [Key Municipal Government Act amendments affecting planning](#) and the [Capital Region Board](#)

WE ARE  
**economies**  
OF SCALE

WE ARE THE  
**support**  
YOU NEED

WE ARE THE  
**experts**  
IN MUNICIPALITIES

WE ARE YOUR  
**advocate**

# Municipal Planning Hub

## Table of Contents

- Introduction ..... 5
- Key *Municipal Government Act* amendments affecting planning ..... 5
  - Intermunicipal coordination ..... 5
  - Mandatory plans ..... 6
  - Transparency and clarity in planning ..... 6
  - New/expanded planning tools ..... 6
  - Subdivision and development approvals and appeals ..... 7
  - Reserves..... 7
  - Continuing the Conversation..... 7
- Why we plan ..... 8
  - The purpose of planning ..... 8
    - Governmental ..... 8
    - Environmental ..... 8
    - Economic ..... 9
    - Social ..... 9
    - Cultural and aesthetic ..... 9
  - A brief history of settlement..... 10
    - Indigenous Peoples ..... 10
    - Early Canadian communities ..... 11
    - Urban growth..... 11
    - Emergence of contemporary planning ..... 12
  - A brief history of planning in Alberta ..... 14
  - A word on planning terminology ..... 15
- Land use planning in Alberta ..... 15
  - Provincial land use planning ..... 16
    - The Land Use Framework and the *Alberta Land Stewardship Act*..... 17
    - Regional plans ..... 17
    - The effect of regional plans..... 18
    - AUMA and the Land Use Framework ..... 19
    - Land use policies ..... 20
    - Key provincial departments and agencies ..... 21
  - Subregional planning..... 23

|  |    |
|--|----|
| Provincial subregional plans .....                                   | 23 |
| Comprehensive regional infrastructure sustainability plans .....     | 23 |
| Integrated resource management plans .....                           | 23 |
| Watershed and water management plans .....                           | 24 |
| Municipal Subregional Planning .....                                 | 26 |
| Capital Region Board .....   | 26 |
| Calgary Regional Partnership.....                                    | 27 |
| Growth management plan boards and growth management plans.....       | 27 |
| Regional service commissions .....                                   | 28 |
| Intermunicipal development plan.....                                 | 28 |
| AUMA and IDPs .....  | 29 |
| Annexation .....   | 29 |
| AUMA and annexation .....  | 30 |
| Municipal land use planning .....                                    | 30 |
| Municipal plans and land use bylaws.....                             | 30 |
| Municipal development plan .....                                     | 32 |
| Area structure plan .....  | 33 |
| Area redevelopment plan.....   | 34 |
| Land use bylaw .....   | 34 |
| Discretionary authority.....   | 35 |
| Direct control.....  | 36 |
| Non-conforming uses .....  | 36 |
| Performance based zoning.....  | 36 |
| Non statutory plans.....   | 37 |
| Municipal sustainability plans.....                                  | 37 |
| Other plans.....   | 38 |
| Land use planning tools in the <i>Municipal Government Act</i> ..... | 39 |
| Subdivision approval .....   | 39 |
| Development approval .....   | 39 |
| Development agreements and offsite levies.....                       | 39 |
| AUMA and offsite levies .....  | 40 |
| Land dedications.....  | 40 |
| AUMA and environmental reserves.....                                 | 41 |

|  |    |
|--|----|
| Limitations on municipal planning authority .....  | 41 |
| Federal limitations .....                          | 41 |
| Provincial government .....                        | 42 |
| Who does municipal planning? .....                 | 42 |
| Council .....                                      | 42 |
| Municipal planning commission .....                | 44 |
| Subdivision authority .....                        | 45 |
| Development authority .....                        | 45 |
| Subdivision and development appeal board .....     | 45 |
| Making planning decisions .....                    | 46 |
| Municipal land use planning and developers .....   | 46 |
| The approval process .....                         | 47 |
| Planning appeals .....                             | 48 |
| Municipal Government Board .....                   | 49 |
| Courts .....                                       | 50 |
| How we plan .....                                  | 50 |
| Actions in the pursuit of planning goals .....     | 50 |
| Achieving economic development objectives .....    | 50 |
| Achieving social objectives .....                  | 52 |
| Achieving cultural and aesthetic objectives .....  | 53 |
| Achieving environmental objectives .....           | 56 |
| Tools for achieving environmental objectives ..... | 58 |
| Planning with others .....                         | 62 |
| Citizen engagement .....                           | 62 |
| The development community .....                    | 65 |
| School boards .....                                | 65 |
| Adjacent municipalities .....                      | 66 |
| Some current land use planning challenges .....    | 66 |
| Flood plains .....                                 | 66 |
| Energy projects .....                              | 67 |
| Contaminated sites .....                           | 68 |
| Agriculture .....                                  | 69 |
| Private Property Rights .....                      | 71 |

Environmental Impact Assessments.....71

Additional Resources.....73

Land use planning webinar series .....73

Planning related organizations .....73

# Introduction

Welcome to the AUMA Municipal Planning hub.

The hub has been developed to provide members with a basic understanding of land use planning in Alberta. The material is divided into four main parts:

- An overview of proposed planning related amendments to the *Municipal Government Act* (MGA)
- A discussion of the purposes of planning and a brief overview of the history of planning.
- A review of legislation, the hierarchy of plans and roles and responsibilities.
- Information on planning issues, trends and best practices.

Links to additional resources are provided at the end of the document. Key AUMA policy positions on planning are presented at various points in the hub.

While the hub document can be downloaded and read as a whole, it is designed for quick access by clicking on key terms that will link directly to that segment of the hub. In this way members can use the hub to provide a quick refresh when planning issues are under consideration.

The hub is intended to be a continuously evolving project. New material will be added as issues arise and as new concepts and ideas are identified.

## Key *Municipal Government Act* amendments affecting planning

A key initiative for AUMA is to provide input on amendments to the *Municipal Government Act* (MGA), as it provides the foundation for the way that municipalities plan, govern, and pay for services for their residents.

The amendments to the *Municipal Government Act* (MGA) contained in the *Municipal Government Amendment Act* adopted in 2015 and the *Modernized Municipal Government Act* (MMGA) introduced in the spring of 2016 are summarized here under six broad categories.

Further amendments were made to the *MMGA* in November and the government has released a “Continuing the Conversation” discussion guide indicating areas where further changes may be considered before the MGA is given final approval in the spring of 2017. Regulations associated with the MGA will be released in early 2017 for sixty days of public input prior to finalized versions being passed in the spring/summer of 2017.

As further changes may yet occur, the amendments have not been integrated into the hub at this time. AUMA’s analysis of the proposed MGA amendments can be found on our dedicated [Municipal Government Act Review Page](#).

### Intermunicipal coordination

An overarching theme of the amendments is an emphasis on intermunicipal coordination. The tone is set in the preamble to the *Modernized Municipal Government Act*, which notes the importance of working together with Alberta’s municipalities to cooperatively and collaboratively advance the interests of Albertans. This intent is defined by adding to the purpose of a municipality the phrase, “to work collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services” and by adding to the duties of a councillor the phrase, “to promote an

integrated and strategic approach to intermunicipal land use planning and service delivery with neighbouring municipalities”.

Two specific mechanisms are proposed through which this intent will be carried out. Firstly, growth management boards will be mandatory for the Edmonton and Calgary metropolitan regions. Growth management boards will be required to prepare a regional land use plan and address the delivery of regional services and infrastructure. The Capital Region Board is deemed to be a growth management board, while further details on the membership and mandate for the Calgary region will be set out in a regulation.

Secondly, all municipalities not within a growth management board will be required to prepare an intermunicipal collaboration framework (ICF) with their neighbours. ICFs can either be developed between individual municipalities or at a regional level involving a group of municipalities. ICFs must identify services that are to be delivered jointly and outline how the cost of these services will be shared. An ICF will not be considered complete until every municipality that is party to the ICF has adopted an IDP that provides for the coordination of future land use. There are many details around the scope and process and timing involved in ICFs that are yet to be determined.

A further amendment approved in the spring of 2016 would require municipalities that are members of a growth management board to prepare an ICF with other members of the same board only to address any matters that are not covered in the growth management plan. The amendment also clarified that municipalities that are members of a growth management board must prepare an ICF with any adjacent municipality that is not a member of the growth management board.

## **Mandatory plans**

Every municipality will also now be required to adopt a municipal development plan (MDP). In the past, only municipalities with a population of 3,500 persons or more were required to adopt an MDP. Municipalities will now be required to review or adopt an MDP and an IDP within two years of the coming into force of this section of the Act.

## **Transparency and clarity in planning**

According to the MGA amendments, municipalities will be required to maintain a list of any documents or policies that are intended to guide planning decisions. The list must include a summary of each document or policy and a statement explaining how they relate to one another and to any plans or bylaws adopted under the Planning Part of the MGA. The list and the documents must then be published on a municipal web site by January 1, 2019. Planning authorities and appeal boards may not consider documents or policies unless they are included in the list. Examples would be expected to include such matters as outline or concept plans, design guidelines, and requirements for the type of documents to be included in a subdivision or development application.

A hierarchy of plans is also established in the amendments to the MGA. If there are any inconsistencies or contradictions between the plans, an IDP prevails over an MDP with respect to any lands included in the IDP and an MDP takes precedence over Area Structure Plans or Area Redevelopment Plans.

## **New/expanded planning tools**

The scope of offsite levies will be expanded to include community recreation facilities, fire halls, police stations and libraries. The requirement that at least 30 per cent of the benefit of the facility accrues to the new development in a defined benefitting area has been removed. Applicants will be able to appeal the specifics of this levy to the Municipal Government Board.

Provisions will now be made to allow municipalities to require developers to provide inclusionary housing. Requirements may be met through the provision of housing units or cash in place of units. Developers will be

compensated through offsets. Details setting out when a claim for inclusionary housing may be made and the basis for offsets to compensate developers will be established in a regulation.

Provision will also be made to allow municipalities to grant multi-year tax forgiveness on properties that have been identified as brownfield sites.

In addition, the amended MGA will allow the non-residential class to be split into subclasses and taxed at different rates as defined in the regulation. These tax rates must comply with the maximum link of 5:1 (i.e. the highest non-residential rate cannot be more than 5:1 of lowest tax rate.) This provision will allow municipalities to split non-residential property into assessment and taxation sub-classes other than “vacant” or “improved”. Some types of non-residential property exert higher costs on municipalities, so having separate assessment and taxation subclasses will allow municipalities to recoup these costs. Categories for sub-classing will be done in regulation.

## Subdivision and development approvals and appeals

A number of changes are proposed to the process for receiving and deciding on subdivision and development permit applications and appeals. Principal changes include revision to the notice requirements to allow for an electronic means of giving notice (i.e. publishing on the municipal web site), allowing an additional 20 days to the period for deciding on subdivision and development permit applications within which the municipality must determine whether the application is complete, and related provisions allowing for deemed refusal where applications are determined to be not complete. Flexibility to adopt alternative times for processing subdivision and development permit applications originally extended to cities and specialized municipalities has now been extended to all municipalities with a population of 15,000 people or more. Subdivision and development appeal boards will now be limited to having only one member of council, however the Minister will have the ability to order that these new restrictions do not apply to a municipality when there are challenges in recruiting panel members who are not councillors.

## Reserves

The definition of Environmental Reserve (ER) has been modified to add provisions to take land as ER where there is a significant risk of personal injury or property damage resulting from the development or use of the land.

Municipalities may now also require developers to provide lands considered to be environmentally sensitive as Conservation Reserve (CR). Landowners, however, must be compensated for these lands based on fair market value of the land prior to subdivision. Statements concerning CR must be contained in an MDP before any lands can be taken as CR.

## Continuing the Conversation

Several new items were presented for discussion in the “Continuing the Conversation” document.

Highlights include:

- Enable municipalities to invite Indigenous communities to participate in any ICF or ICF sub-agreement and to include policies on how the municipality will keep neighbouring Indigenous communities informed with respect to the preparation of statutory plans.
- Include environmental stewardship as a municipal purpose
- Enable municipalities to use a benefitting area concept when requiring reserve dedications to assist in the creation of larger school sites up to a maximum of 15%.
- Empower municipalities to collect offsite levies for improvements to the provincial highway system with the approval of Alberta Transportation.
- Enable offsite levies to be collected in neighbouring municipalities for the benefit of facilities that are used by multiple municipalities
- Require municipalities and school boards to enter into Joint Use Agreements to address reserves and other matters



- Replace the term “swamp” with the word “wetland” in determining land that is to be taken as environmental reserve.

AUMA is developing a response to the “Continuing the Conversation” discussion guide to submit to the province at the end of January. More details on the MGA review process including AUMA’s engagement are available [here](#).

## Why we plan

In the simplest terms, planning is the practice of guiding growth and development to achieve a vision of a desired future state. While land use planning can at first seem like a straightforward, confined process involving technicalities and minutiae like setback requirements and height limits down to the centimetre, it in fact relates intrinsically to the wider goals of a community - be they environmental, economic, social, cultural or otherwise. Given the power of planning to literally shape the world we live in, it is an inherently political process that gains its mandate from the public, just as municipal councils do. As such, municipalities take special consideration to involve the public at important steps along the way, from establishing a vision, to setting goals, objectives, and policies, to actually putting policies into practice.

### The purpose of planning

#### Governmental

Decisions surrounding land use are inherently political. Individuals and groups may have vastly different ideas about what is best for *their* community and what good planning looks like. Every planning decision is also a political act that prioritizes certain community members’ goals over others. What looks like an obvious planning choice to some might be offensive to others. It is not surprising, then, that planning decisions often elicit very powerful reactions from both individual residents and community groups. For this reason it is imperative that municipalities listen to residents and try and balance the needs and wishes of community members. A wide variety of tools for meaningful engagement to that end are available, ranging from notices and surveys to intensive in-person consultation sessions and appeal hearings. The practice of engagement is a core component of planning in the 21st century, occurring along a spectrum from informing to transferring power to citizens depending on the decision at hand.

To learn more, visit the sections on [public participation requirements](#) and [tools and strategies for public engagement](#).

Another important consideration to take into account is that planning does not stop at municipal borders. The actions of municipalities often impact their neighbours. It is important that municipalities work with their neighbours through intermunicipal and regional planning to ensure their decisions impact each other in a positive way, rather than a negative one. Given the wide range of issues planning addresses, the creation of regional plans such as Intermunicipal Development Plans or Regional Growth Plans can serve as the foundation for many discussions ranging from cost and revenue sharing agreements, to the establishment of regional service commissions.

To learn more, visit the section on [Planning with adjacent municipalities](#).

#### Environmental

Environmental planning is vital to the process of ensuring long-term municipal sustainability. Each and every change made by humans has an impact on the natural environment. A core role of municipalities is to ensure that a careful balance is maintained between ecological considerations and the need for development. Ecological issues such as water shortages, air quality concerns, and climate change are catalyzing new methods of development that better integrate environmental, economic, and lifestyle concerns. Ecological considerations are apparent in nearly all planning activities, from the creation of high level statutory plans to the approval of subdivisions and developments.

## Economic

The planning decisions that municipalities make can have a major influence on the local economy. The way that neighbourhoods are planned and subdivisions and developments are regulated can attract investors of many different types. Municipalities have the ability to not only influence where businesses locate, but how they will integrate into the community, the amenities they will have access to, and how many customers will live and work in the vicinity. Given this, economic considerations have risen to the forefront of municipal planning across the country, and have become a key consideration in the pursuit of sustainable development goals.

AUMA has developed an Economic Development Hub *[will insert link to hub]* that brings together tools to assist municipalities in economic development alongside their planning work, including a [Tourism Vitality Alberta Toolkit](#) and [Business Vitality Alberta Toolkit created by the AUMA](#).

Planning decisions can also have an impact on municipal costs and revenues. For example, some municipalities are evaluating the impact of greenfield development on municipal finances as the cost of building and maintaining infrastructure can outweigh the revenue from property taxes. For more information, see the section on [Achieving economic objectives](#).

## Social

Municipal planning is a key determinant of many social issues ranging from public health and safety, to housing accessibility, and even to human rights. The way that municipalities choose to regulate land use and plan future growth and development has the power to make communities safer, healthier, and more accessible for all people.

One of the key focus areas in Alberta right now is ensuring that all citizens have access to quality, affordable housing. Although affordable housing is a provincial responsibility, it is not always delivered by the province to the extent required in our communities, and municipalities have taken action to fill the gap and ensure that residents have a safe place to live. In addition to municipal funding for housing in some communities, commonly used tools to meet housing need include zoning bylaw changes that enable affordable suites and density bonusing.

AUMA has created a number of tools to help municipalities address social issues and integrate such concerns into planning practice:

- [Welcoming and Inclusive Communities](#)
- [Emergency Management and Disaster Response](#)
- Housing Hub *[Will insert link once hub is created]*

For more information, see the section on [Achieving social objectives](#).

## Cultural and aesthetic

Cultural and aesthetic considerations play a key role in municipal planning. Municipalities have a range of tools available to them to enhance and protect cultural and aesthetic assets in their communities. One of the most basic interventions for aesthetic objectives is the application of design standards in the land use bylaw and in subdivision design. By installing fixtures, plants, and public art, municipalities can make areas more appealing and vibrant for visitors and residents alike.

Many municipalities are also playing an active role in preserving historic resources. These actions can also play an important cultural role in “placemaking”, or activities that help to contribute to health, wellbeing, and happiness in specific areas. Through targeted beautification and placemaking campaigns organized through statutory plans, municipalities can also help to revitalize neighbourhoods and increase economic vibrancy.

For more information see the section on [Achieving cultural and aesthetic objectives](#).

## A brief history of settlement

Humans have been living together in settlements for over 7,000 years, and during that time have arranged their communities according to the values of their society and the specific challenges they face. In that regard, people in Alberta today are no different than those in ancient civilizations thousands of years ago. The leaders of Babylon in ancient times were concerned with issues very similar ones we face today, including access to water and ease of transportation. Moreover, some elements of ancient cities are still being implemented today. For example, the gridiron street pattern favoured by the ancient Greeks and Romans is evident in many contemporary cities across the globe.

Of course, much has changed since the ancient Greeks navigated their cities. The world has changed considerably throughout the ages, and our communities have changed with them. Whereas many ancient cities were planned for defense against invaders, other issues took the forefront in later times. Key periods in history such as the industrial revolution dramatically changed the way we think about the places we live. As settlements grew and new issues became apparent, community leaders turned their attention to accommodating booming populations, addressing health and safety concerns, and transforming increasingly squalid cities into places of beauty and comfort. Technological changes such as the invention of the railroad and personal vehicles introduced new opportunities and challenges that forever changed the fabric of our society.

Planners have the responsibility of dealing with the issues these changes create, and preparing for upcoming changes in the future. In order to do so effectively, it is vitally important to learn from the lessons of the past.

## Indigenous Peoples

Prior to European colonization, there were few permanent settlements in what we now call Canada. There were some, however, including the Huron and Iroquois settlements in what is now southern Ontario and numerous Nations that founded fishing villages on the Pacific coast. On the lands that now comprise Alberta, Indigenous people were mostly nomadic hunter-gatherers that transported portable shelters to different locations from season to season.

Indigenous history in this province stretches back over 11,000 years. In that time, First Nations people developed an intimate understanding of the land, and the plants and animals that call it home. Early European settlers sought to benefit from this knowledge, often establishing forts on traditional gathering sites, or other locations where they could easily trade with Indigenous peoples.

In the late 1800s to early 1900s, the Crown signed treaties with First Nations peoples that enabled the Canadian Government to further pursue agriculture, settlement, and resource development. These are known as the “numbered treaties”, and they are foundational documents for the negotiation of land uses between European settlers and First Nations peoples. [Treaty 6](#), [Treaty 7](#), and [Treaty 8](#) cover lands in Alberta. Given that these and other treaties include clauses on the shared use of land and the relationship between First Nations and the Crown, it is very important for municipalities to be familiar with the treaties when engaging and working with Indigenous peoples.

Today, Alberta is home to over 220,000 people descended from First Nations, Metis, and Inuit peoples. Planning practices need to take this into account, giving consideration to the historical and current issues Indigenous peoples face, and undertaking in meaningful engagement when decisions have the potential to impact them.

[Click here for more information about the history of Indigenous peoples in Alberta.](#)

[Click here for a list of First Nations in Alberta including their treaty affiliation and location.](#)

[Click here for information and resources on Indigenous Peoples planning and community development.](#)

## Early Canadian communities

Settlements and the municipalities that grew out of them initially took very different forms in different parts of Canada. In French Canada, major settlements were laid out in a “planted town” style that French settlers used around much of the world. The major settlements like Ville de Quebec (Quebec City) and Montreal reflected the character seen in European cities of the time, with winding “organic” streets within walls. Although Montreal’s walls are now gone, the City along with Quebec still reflect this design, offering a radically different urban form than seen in the rest of Canada in their old central districts.

The British planned out their settlements very differently, most often following neatly laid out gridiron patterns. In Atlantic Canada, the gridiron patterns were usually laid out around key developments such as military barracks, churches, or governors’ residences. Later settlements in Upper Canada mostly followed similar gridiron streets in a functional manner.

Communities in western Canada were different again from French and British colonial settlements. Rather than being established to exert European colonial dominance, western settlements followed a newly expanding railroad, taking advantage of natural resources and agricultural potential. These railway towns almost always followed gridiron patterns like the British settlements in the East, but were centered on the railway rather than other key developments. Many settlements were constructed by rail corporations or resource extraction businesses such as mines.

The expansion of the railway into the West is a key example of the importance of technology in defining the urban landscape. The building of the railway resulted in a proliferation of new communities and resulted in a population boom in western Canada. Without the railway, only minor trading forts situated along major rivers were capable of delivering people and goods so far from the populated east.

[Click here](#) to learn more about how Alberta’s municipalities grew around the rail lines.



*The Canadian Pacific Railway built a rail line through the Crowsnest Pass between 1897 and 1898 to access coal and mineral deposits, and assert Canadian sovereignty. (Photo source: Oldman River Regional Service Commission).*

## Urban growth

Prior to the 1800s, Canada’s population was extremely small. Throughout the 19<sup>th</sup> century, this changed dramatically. Rapidly increasing demand for resources in other markets drove massive economic and population growth. Between 1810 and 1865, the country’s population grew from under half a million people to over 3.5 million. This explosive growth continued in the 20<sup>th</sup> and 21<sup>st</sup> centuries, increasing to 14 million in 1951 and almost 35 million in 2012. In the Prairies, this growth involved a massive influx of people into new urban centres that previously did not exist.

TABLE #2  
Population of Selected Canadian Cities  
1891 to 1931  
(figures rounded to nearest 1000)

| Year | Population  |            |           |          |         |         |          |           |        |         |
|------|-------------|------------|-----------|----------|---------|---------|----------|-----------|--------|---------|
|      | Montreal ** | Toronto ** | Vancouver | Winnipeg | Ottawa  | Calgary | Edmonton | Saskatoon | Regina | Halifax |
| 1891 | 220,000     | 181,000    | 14,000    | 26,000   | 44,000  | 4,000   | -        | -         | -      | 38,000  |
| 1901 | 328,000     | 210,000    | 29,000    | 42,000   | 60,000  | 4,000   | 4,000    | -         | 2,000  | 41,000  |
| 1911 | 491,000*    | 382,000*   | 121,000   | 136,000  | 87,000  | 44,000  | 31,000   | 12,000    | 30,000 | 47,000  |
| 1921 | 691,000     | 522,000    | 163,000   | 179,000  | 108,000 | 63,000  | 59,000   | 26,000    | 34,000 | 58,000  |
| 1931 | 819,000     | 631,000    | 246,000   | 219,000  | 127,000 | 84,000  | 79,000   | 43,000    | 53,000 | 59,000  |

(Source: Dominion Bureau of Statistics. *Census 1921*, Vol. I, Table 12; *Census 1931*, Vol. II, Table 8. Figures are for 1931 boundaries unless otherwise noted.)

\* Boundary change from previous period.

\*\*Some of the growth for Montreal and Toronto during the 1901-11 period is due to boundary expansions. Stone, in *Urban Development in Canada*, has calculated population for these and other major metropolitan regions for the years 1901 to 1961, using identical boundaries. Stone's figures indicate that the rate of growth of Toronto and Montreal for the 1901-11 period was similar to the rate of growth indicated by the census figures. Therefore, most of the growth indicated by these census figures was due to actual population growth and not boundary expansion.

Gunton, T. (1981). *The Evolution of Urban and Regional Planning in Canada: 1900-1960*. (Doctoral Dissertation). Retrieved from the University of British Columbia Retrospective Theses and Dissertations, 1919-2007 Collection.

This rapid growth had a profound impact on our communities. At first, crushing demand began to outweigh the ability to maintain hygienic and safe communities. Slums developed to house the ever increasing working population. A lack of clean water and wastewater systems, poor strategies for dealing with waste, and absent building standards made Canada's growing settlements difficult places to live. Disease was rampant, and fires routinely spread through neighbourhoods to disastrous effect. For example In the year of 1886, a large portion of both Calgary and Vancouver burned to the ground).



The year 1886 saw large sections of both Calgary (depicted above) and Vancouver destroyed by fire. (Photo source: Glenbow Museum).

## Emergence of contemporary planning

Concerns around disease, fire, garbage and unsightly properties were the impetus for the first modern-style organized urban planning in Canada, and in that regard were also the impetus for the creation of modern-style municipalities. One of the first major tasks that early municipal governments tackled was the subdivision of land to accommodate housing for rapidly increasing local populations and skyrocketing land values. In the early 1900s, municipalities across the country subdivided huge amounts of land, stretching municipal services such as water and

sewage disposal far beyond existing development in anticipation of future demand. At the same time, these early municipalities began utilizing new planning and building standards to mitigate the threat of fires, and worked to deliver new services to residents such as electricity and garbage collection.

The planning that municipalities actually undertook in this era was highly varied, and influenced greatly by trends occurring around the world such as the “City Beautiful” movement that sought to beautify communities through grand and monumental design. Some communities in Alberta drafted grand future plans reflecting these trends, such as Calgary’s 1913 “Mawson Report”. Nicknamed “Vienna on the Bow”, the plan would have seen Calgary rebuilt in a European fashion with grand arcade-style roads, monumental buildings, and ornate bridges. However, the massive cost involved in this proposition, ongoing financial strains, and the onset of World War I prevented it from being implemented.



*Mawson, T. (1913). The Civic Centre of Calgary as It May Appear Many Years Hence. Archives Society of Alberta. Accessible at <http://www.archivesalberta.org/odd/future1.htm>*

The Great Depression and World War II were major setbacks – by the end of the war the only city in Canada with a formal planning department was Toronto.

The end of the war marked the beginning of a massive transformation for Canada and for municipal planning. The onset of the baby boom generation in the post-war period introduced unprecedented growth pressures with birth rates rising by up to 70 per cent. Communities were simply not capable of absorbing this growth in their current state.

To meet the new massive demand for housing, municipal planning turned to expansion into greenfield areas. What enabled this turn was the advent of another major technological transformation in Canadian society: the automobile. Whereas previously new neighbourhoods were established along streetcar routes close to the urban core, the personal automobile allowed expansion into suburban environments that would have previously been completely isolated from the community.

Municipal planning at this time was faced with a sudden demand for new roads from the millions of new vehicle owners. To accommodate the demand, great swaths of existing neighbourhoods were cleared in cities across North

America to construct highways and interchanges, and new neighbourhoods were increasingly built around the car with wide streets and homes oriented around the personal garage.

Unfortunately, this style of planning had unexpected consequences. In the 1960s, theorists and advocates for neighbourhood design began to recognize increasing environmental and social ills that car-dependence and sprawl deliver. In response, municipal plans now address a wide range of influences including environmental, social, cultural, economic, and governmental considerations. Contemporary plans utilize a range of tools to promote density and make neighbourhoods sustainable, revitalize areas in need of help, improve the health of residents, and ensure housing is readily available. Information on these tools is provided in the section on [How we plan](#).

## A brief history of planning in Alberta

The first provincial regulations controlling the subdivision of land were passed in 1912, and further planning related legislation was passed in 1928 with the *Town Planning and Preservation of Natural Beauty Act*. While early planning Acts enabled some municipal control over land use, they did not reach the full extent of modern community plans. Instead, they were largely reserved to subdivision plans that laid out streets, lots, and utilities. Although Alberta was a pioneer with the 1929 *Town Planning Act* which allowed municipalities to adopt separate goal-based community plans and zoning bylaws, roadblocks such as the great depression limited the advancement and adoption of modern planning principles. Even in the 1940s, the majority of municipalities in the province had not yet adopted a community plan.

The discovery of oil at Leduc in 1947 ushered in an unprecedented period of rapid growth and urbanization. In 1950, the province created a Provincial Planning Advisory Board and new District Planning Commissions. The 1953 Act saw the transformation of District Planning Commissions into the beginnings of a system of regional planning commissions. By 1981 nine regional planning commissions had been created serving all but the north east portion of the province. The commissions were charged with the mandate to prepare regional plans, act as the subdivision authority for the region and provide planning advice to municipalities.

A complete re-write of the *Planning Act* in 1977 saw the formalization of many key practices around development agreements, offsite levies and reserve dedications that are part of the planning framework today.

A new *Municipal Government Act* introduced in 1994 introduced a different style of legislation. Rather than prescribing what municipalities could do, the legislation gave municipalities natural person power and provided that municipalities could do anything that a person could do unless otherwise prohibited in the Act. This philosophy of devolution of authority was very much part of the political culture of the day. The economic downturn of the early 1990's combined with growing tensions between urban and rural municipalities over the function of regional planning commissions led the government to dissolve regional planning commissions and devolve all planning authority directly to each municipality. In 1995 the Planning act was repealed and the planning provisions became Part 17 of the *Municipal Government Act*. In place of regional plans the government adopted Land Use Policies that were intended to guide municipalities in carrying out their planning responsibilities and working with their municipal neighbours.

Continuing tensions between urban and rural municipalities led the government to introduce mediation services to support the cooperative resolution of issues. Increasingly however tensions in the Edmonton region led to more direct provincial involvement. The province adopted the Capital Region Board Regulation in 2008 creating the [Capital Region Board](#) and mandating the adoption of a growth management plan for the region. Municipal plans would now be required to be consistent with the Capital Region Growth Management Plan. In the Calgary region a voluntary partnership of municipalities created the [Calgary Regional Partnership](#). The partnership undertook a variety of regional coordinating activities and produced a metropolitan plan for the region. Difficulties in securing a consensus

to adopt the plan led to the rural municipalities withdrawing from the partnership. The government has since announced its intention to form a growth management board in the Calgary region. This and a number other measures will be considered in the current re-write of the *Municipal Government Act*.

## A word on planning terminology

As with any profession, planning has quickly developed a number of terms and acronyms that describe the tools and techniques of the profession. This section provides a short discussion of terms found in most land use plans. An understanding of these terms will greatly assist in reading any municipal planning document.

Most plans now include a broad statement of intent often reflecting a vision for the community. A community's **vision** is almost never restricted to land use alone, and often incorporates broader ideas concerning environmental stewardship, social equity and cohesion, economic success, and cultural richness. Though they are determined through a complex and iterative process of engagement and public participation, community visions can be boiled down to two straightforward concepts: the desire to address current issues in a community, and the desire to achieve results above and beyond the current state. In order to achieve this, planners work to set goals, objectives, and policies that reflect different facets of plan-making.

In the planning context, a **goal** is an ideal condition or quality that a community wants to achieve. It is a high level idea that fits within the greater community vision and helps to guide objectives and policies that get progressively more detailed and action-oriented. For example, a community with a vision of environmental sustainability may set a goal of ensuring that development has low impact on local wetlands.

An **objective** is a more direct, actionable target. It takes the goal and forms it into a measurable point that can realistically be achieved. For instance, the community's goal of ensuring that development has a low impact on wetlands could be translated into an objective of maintaining 90 per cent of sensitive wetlands in greenfield areas. Some plans do not contain objectives but go directly to policy.

The term **policy** refers to an even more direct course of action that helps to achieve specific objectives. Setting policies can be a complex and often contentious process given that they can involve the use of tools that limit the actions of certain community members. Policies can include various tools ranging from prescriptive requirements such as zoning bylaws, to guidelines such as design standards, to direct action by the municipality such as purchasing land or building infrastructure. For example, in order for a community to maintain 90 per cent of high value wetlands in greenfield areas, a targeted policy might involve completing an inventory of wetlands, ranking the wetlands based on value, and establish bylaws that prevent development on the most sensitive areas.

Some documents will use the word **strategy** to mean a plan of action designed to achieve an overall aim. This word is used in the next chapter to describe the specific provincial approaches to land use planning.

# Land use planning in Alberta

While land use planning in Alberta is carried out by both the Province and municipalities, provincial land use planning and municipal land use planning differ significantly in their scope and application.

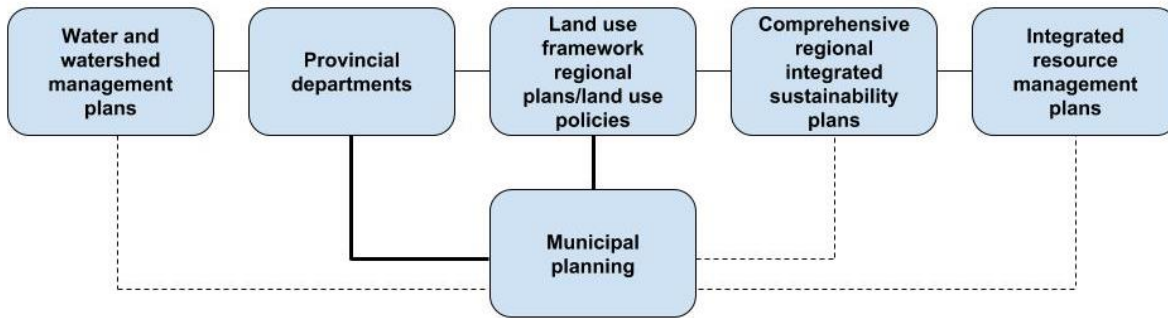
Provincial land use planning focuses on the management of Crown land (more than 60 percent of the land in the province belongs to the Crown), resource development, and achieving environmental objectives. Provincial plans extend over very large areas covering many municipalities, apply broad categories of land use to both public and private lands and address the cumulative impacts of development. Provincial plans do not address private development on private property or community governance and development. They may, however, give direction to municipalities on the use of land generally and specific direction with respect to achieving environmental outcomes.



Municipal land use planning on the other hand is focused on overall community development and the coordination of private development on private property to contribute to the broader economic, social, cultural and environmental goals of the municipality.

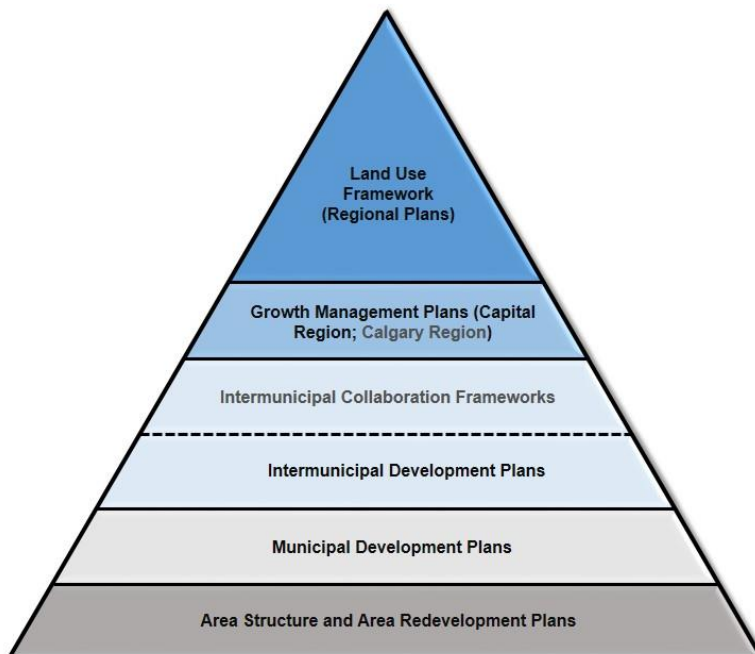
This section of the planning hub gives an overview of the tools used by each level of government and the relationship between provincial and municipal land use planning.

### Provincial Land Use Planning Influences



Regional plans under the land use framework, the land use policies adopted under the Municipal Government Act, and some provincial department policies directly affect municipal planning, while other provincial plans are more indirect in their impact. The overall hierarchy and relationship of provincial to municipal land use plans is shown in the Hierarchy of Land Use Plans figure below.

### Hierarchy of Land Use Plans



The hierarchy and relationship of provincial to municipal land use plans.

### Provincial land use planning

Provincial land use planning is centered on the Land Use Framework, the Alberta Land Stewardship Act and the regional plans authorized under this Act.

## The Land Use Framework and the *Alberta Land Stewardship Act*

In 2008 the government adopted a policy statement titled the [Land Use Framework](#) (LUF). The LUF sets out an approach to manage public and private lands and natural resources to achieve Alberta's long-term economic, environmental and social goals. The LUF identifies seven strategies to achieve these goals:

- Develop seven regional land-use plans based on seven new land-use regions.
- Create a Land-use Secretariat to oversee implementation of the LUF and establish a Regional Advisory Council for each region;
- Cumulative effects management will be used at the regional level to manage the impacts of development on land, water and air;
- Develop a strategy for conservation and stewardship on private and public lands;
- Promote efficient use of land to reduce the footprint of human activities on Alberta's landscape;
- Establish an information, monitoring and knowledge system to contribute to continuous improvement of land-use planning and decision making; and,
- Include Aboriginal peoples in land-use planning.

In 2009 the government adopted the [Alberta Land Stewardship Act](#) (ALSA). ALSA enables several of the strategies identified in the LUF to be carried out by establishing:

- Seven regions that cover the entire province for the purpose of establishing a regional plan.
- The position of the Stewardship Commissioner to oversee the development and implementation of regional plans.
- The scope of regional plans and the process for their preparation and adoption.
- Provisions for the establishment of tools for conservation and stewardship on public and private lands.
- A process for compliance and enforcement of regional plans.



*Land use Planning Regions (Source: Land Use Secretariat)*

## Regional plans

The LUF created seven regions that are congruent with the province's major watersheds and aligned with municipal boundaries. The province is leading the development of regional plans with the input of Albertans, including aboriginal peoples, land owners and users, community leaders, and other stakeholders.

Regional plans are intended to:

- Integrate existing provincial policies and strategies
- Align policies with regional economic, environmental and social outcomes
- Provide clear policy direction for land users and land-use decision-makers
- Follow a cumulative effects approach

Two regional plans have been approved to date. The [Lower Athabasca Regional Plan](#) (LARP) came into effect on September 1, 2012 and the [South Saskatchewan Regional Plan](#) (SSRP) on September 1, 2014. Both plans follow the same format and consist of four parts:

- Introduction
- Strategic plan
- Implementation plan
- Regulatory plan details

The LARP focuses on industrial development and conservation and as such does not address municipal planning matters extensively. The SSRP, however, does contain statements aimed at municipal planning, specifically around [efficient use of land](#) and achieving sustainable community development.

Work is now underway on the [North Saskatchewan Regional Plan](#) which will include the Edmonton region. Development of the remaining regional plans will be staged over the next few years. It is anticipated that work on the [Lower Peace Regional Plan](#) will start in late 2016 through convening a Regional Advisory Council to provide regional knowledge and expertise to the Government of Alberta on how to address specific issues and challenges for the region. The timing of the development of the remaining regional plans is uncertain but it is expected that they will be developed in the following order:

- [Upper Peace Regional Plan](#)
- [Upper Athabasca Regional Plan](#)
- [Red Deer Regional plan](#)

The Land Use Framework web page notes that “in some cases, detailed planning may be necessary within a region to address a subregional concern or specific issue. These plans go into more depth than a regional plan can, and focus on the specifics of the situation.” The ALSA allows subregional plans to be adopted or incorporated as part of a regional plan. Suggestions for inclusion as subregional plans included metropolitan plans for the Edmonton and Calgary region, integrated resource management plans and Comprehensive Regional Infrastructure Sustainability Plans (CRISPs). No subregional plans have been adopted in this manner and the precise implications of such an adoption remain to be determined. See the section on [Subregional Planning](#) for more information.

## The effect of regional plans

The relationship between a municipality and regional plan is established in both the ALSA and the *Municipal Government Act* (MGA). The *Alberta Land Stewardship Act* (ALSA) states that municipal plans and bylaws must be consistent with an approved regional plan. The MGA requires that municipalities and municipal planning authorities must each carry out their function and responsibilities in accordance with any adopted regional plan. This provision comes into effect immediately upon the adoption of the regional plan. Each regional plan sets out a specific time frame within which municipalities within the area covered by the regional plan must complete a review of their plans and bylaws and amend them where necessary to ensure consistency with the regional plan. Upon completion of this review, the municipality must provide the Land Stewardship Commissioner with an affidavit stating that municipal plans and bylaws are in compliance.

### Municipal Compliance with Regional Plans

| Step   | Activities/Details   |
|--|--|
| 1. Municipalities are required to carry out their functions in accordance with a regional plan immediately upon the regional plan coming into force. (MGA section 630.2) | <ul style="list-style-type: none"> <li>• Review all components of the regional plan</li> <li>• Identify aspects that affect the municipality</li> <li>• Consider these during day-to-day planning and decision-making</li> </ul> |

|   |   |
|---|---|
|   | <ul style="list-style-type: none"> <li>• Keep a record to demonstrate how the regional plan was considered in your regulatory and operational decisions</li> <li>• Show how the municipality considered the regional plans by referencing it in administrative reports and written decisions</li> </ul>   |
| 2. Municipalities are required to review its plans and bylaws, and make amendments as necessary to comply with the regional plan. (ALSA section 20) | <ul style="list-style-type: none"> <li>• Identify all aspects of the plan that may affect the municipality</li> <li>• Inventory all existing regulatory instruments</li> <li>• For every regulatory instrument, assess the potential impact of the regional plan</li> <li>• Decide whether there is a need to make any amendments to the instrument so it aligns with the regional plan</li> <li>• If there is a need, make the necessary changes to these instruments</li> </ul> |
| 3. After the review is complete, municipalities will submit the statutory declaration affirming that it is in compliance with the regional plan.    | <ul style="list-style-type: none"> <li>• Municipalities within the Lower Athabasca Region have until September 1, 2017 to declare their compliance with the Lower Athabasca Regional Plan.</li> <li>• Municipalities within the South Saskatchewan Region have until September 1, 2019 to declare their compliance with the South Saskatchewan Regional Plan.</li> </ul>  |

More details on compliance including the [Compliance Declaration form for Local Government Bodies](#) can be found on the [Land Use Framework Website](#). Municipal Affairs has also developed an [information bulletin](#) on the implication of the Lower Athabasca Regional Plan for municipalities in that region, including information on compliance. The Ministry is also working with the Land Use Secretariat to develop further guidance for municipalities in all regions on compliance with regional plans.

### AUMA and the Land Use Framework

AUMA and our members were significantly engaged in the development of the Land Use Framework (LUF). AUMA made several comprehensive policy submissions in relation to the development of the framework and Alberta Land Stewardship Act. We have consistently supported the need for regional plans, recognizing that there may be positive consequences for municipalities in terms of managing growth (e.g., limiting urban and rural sprawl). However, we have also highlighted areas where the process for developing and implementing regional plans could be improved particularly in relation to municipal engagement.

For example, In 2012, AUMA obtained a legal review *[will hyperlink to legal opinion]* of the impact of the LUF and ALSA on municipalities. One of the key conclusions of the review was that regional plans could place some limits on municipal autonomy with respect to land use planning. Therefore, AUMA has stressed the importance of having greater representation by municipalities on Regional Advisory Councils (RACs). We have also worked to promote member engagement in implementing regional plans and developing and implementing related initiatives such as environmental frameworks.

Overall, AUMA is guided by the following approach to engagement in the Land-use Framework:

- Support the need for the timely development and implementation of regional plans that enhance Alberta’s sustainability.
- Focus on the process for developing regional plans and province wide policy implications as opposed to the specific content of each plan
- Promote consistent integration of sub-regional, intermunicipal and sustainability plans.
- Advocate for a more transparent and accountable process particularly around the work of Regional Advisory Councils (RACs).
- Advocate for stronger urban municipal representation on RACs and improved communication between RAC appointees and municipalities.
- Promote opportunity for municipalities to directly participate in consultations.
- If municipalities notify AUMA that they are incurring transitional costs in the review of their regulatory instruments, advocate that the province fund these new requirements.
- Advocate that municipalities be fully engaged in the development of regulations and implementation of the regional plans.

To facilitate greater engagement between municipalities and the province, AUMA is working with the Land Use Secretariat (LUS) to host a series of webinars on land use planning. The series began in September 2015 with *Pulling in the Same Direction: Aligning Land Use Decision Making*. This webinar provided participants with an update on the status of regional plans, the requirement for municipal compliance with these plans, and an overview of efficient land use principles. Click [here](#) to watch a recording. See the sidebar on the right hand side of the screen for more information on the webinar series. *[Sidebar is under development]*

## Land use policies

The *Municipal Government Act* (MGA) provides that all municipal plans and bylaws, subdivision and development decisions, and appeal decisions must be consistent with land use policies adopted under the Act. [Policies](#) were adopted in 1996 to help municipalities to harmonize provincial and municipal policy initiatives at the local land use planning level.

The [Land Use Policies](#) are divided into eight sections:

- Introduction
- The planning process
- Planning cooperation
- Land use patterns
- The natural environment
- Resource conservation
- Transportation and
- Residential development

These are described in the land use policies as follows:

Section 1 sets out the purpose of the Land Use Policies and clarifies the implementation role of municipalities. Sections 2 and 3 contain policies which are operational in nature and which relate to a municipality’s general approach to planning and to municipal interaction with residents, applicants, neighbouring municipalities, provincial and federal departments and other jurisdictions. Sections 4-8 contain specific policies which address specific land use planning issues in which the Province and municipalities share a common interest.

Each section consists of one or more goals, with one or more policies attached to each goal. The policies are broadly worded allowing municipalities flexibility as to how they will be consistent with these policies. Here is an example from the planning cooperation section:

#### Goal

To foster cooperation and coordination between neighbouring municipalities and between municipalities and provincial departments and other jurisdictions in addressing planning issues and implementing plans and strategies.

#### Policies

Municipalities are encouraged to expand intermunicipal planning efforts to address common planning issues, especially where valued natural features are of interest to more than one municipality and the possible effect of development transcends municipal boundaries.

At the time the policies were adopted, municipalities were required to review and amend their plans and bylaws to be consistent with the policies. After this review, municipal plans and bylaws were deemed to be consistent. With the adoption of the Alberta Land Stewardship Act (ALSA), a provision was added to the MGA that the Land Use Policies did not apply to land covered by an ALSA regional plan. This provision was added to minimize the potential for conflict and confusion between land use policies. The South Saskatchewan Regional Plan for example now contains a number of policy statements directed at municipalities around land use efficiency that draw strongly on the principles contained in the Land Use Policies adopted under this section. The Land Use Policies are posted on the Alberta Municipal Affairs [planning and development webpage](#)

## Key provincial departments and agencies

Many provincial departments and agencies have a direct impact on municipal planning. A brief description of some key players is provided below. More details on specific issues these departments deal with (e.g. contaminated sites) are provided in the section on [How we plan](#).

### *Municipal Affairs*

Alberta Municipal Affairs is the principal ministry responsible for municipal matters. The ministry web site identifies the following principal responsibilities of the department:

- Assists [municipalities](#) in providing well-managed, collaborative, and accountable local government to Albertans.
- Administers a safety system that strives to ensure appropriate safety standards for the construction and maintenance of buildings and equipment.
- Manages the network of municipal and library system boards to provide province-wide access to high-quality [public library services](#) for Albertans.
- The [Alberta Emergency Management Agency](#) is responsible for coordinating a comprehensive, cross-government, all-hazards approach to managing emergencies in the province.
- The [Municipal Government Board](#) is an independent, quasi-judicial board that conducts hearings and renders decisions on such matters as property assessment, and provides recommendations to Cabinet on matters defined under the *Municipal Government Act* (MGA), such as contested annexations.
- The [New Home Buyer Protection Board](#) (NHBPB) hears appeals of decisions issued by the New Home Buyer Protection Office. Board members are appointed by the Minister of Municipal Affairs.
- The Safety Codes Council is a corporation established under the *Safety Codes Act* that reviews safety codes and standards and supports the Ministry's administration of the act.

- The [Special Areas Board](#) manages about 2.6 million acres of public land in the province's three Special Areas and provides municipal services, such as construction and maintenance of local roads and parks, and emergency and protective services, to the dryland region in eastern Alberta.
- The seven [Improvement Districts](#), located primarily in the National Parks, provide limited administrative services, such as budget preparation, and in the case of Improvement District No. 9 fire protection and ambulance services.

The department provides major funding through the Municipal Sustainability Initiative and administers other grant programs such as grants in lieu of taxes on provincial properties. Advisory assistance is available from department staff. Specific services and publications can be viewed on the [department website](#).

### *Land Use Secretariat*

The [Land Use Secretariat](#) provides administrative support to the Stewardship Commissioner and is principally responsible for the preparation and administration of regional plans prepared under ALSA.

### *Alberta Environment and Parks (AEP)*

The vision of the AEP is to foster the sustainable development of natural resources through the environmental stewardship of the air, land, and water, and prioritizing biodiversity.

AEP is responsible for several pieces of legislation, policy, and programs that are of particular relevance to municipal land use planning:

- The *Environmental Protection and Enhancement Act* addresses such matters as [contaminated sites](#) and landfills;
- The *Water Act* addresses water licenses, [water resource planning](#), and standards for [water and wastewater systems](#); and,
- The *Public Lands Act* addresses ownership and dispositions of Crown land including the [bed and shore of water bodies](#).

### *Alberta Energy Regulator (AER)*

The [Alberta Energy Regulator](#) (AER) is responsible for regulating the life cycle of oil, oil sands, natural gas, and coal projects in Alberta from application and construction to production, abandonment, and reclamation. The AER is authorized to make decisions on applications for energy development, monitoring for compliance assurance, decommissioning of developments, and all other aspects of [energy resource activities](#).

### *Alberta Transportation*

The vision statement for [Alberta Transportation](#) is to provide a safe, innovative and sustainable world-class transportation system that supports Alberta's economy and increases Albertans' quality of life. Key responsibilities include:

- Preserving and developing the provincial highway system;
- Managing transportation safety;
- Supporting municipalities with transit and water/wastewater facilities; and
- Developing a multi-modal transportation network

Provincial highways are a key access corridor for many smaller municipalities and provide vital links between municipalities. The *Traffic Safety Act* and the *Highway Development and Protection Act* are two pieces of legislation that address municipal authority and limitations with respect to roads and provincial highways.

## *Alberta Infrastructure*

Alberta Infrastructure is responsible for infrastructure planning, and building and managing government-owned infrastructure. The ministry works with other ministries to ensure Albertans have the schools, hospitals and other public infrastructure necessary to meet the needs of a growing economy and population.

## Subregional planning

### Provincial subregional plans

#### Comprehensive regional infrastructure sustainability plans

The development of CRISPs is led by the [Oil Sands Sustainable Development Secretariat](#) of Alberta Energy. [Comprehensive Regional Infrastructure Sustainability Plans \(CRISPs\)](#) are long term collaborative approaches to planning infrastructure in Alberta's three oil sands regions. Plans have been completed for the Athabasca Region, Cold Lake Region, and Peace River Region.

Although not specifically aimed at or binding on municipalities, the CRISPs will have a significant impact to the extent that the province implements the capital improvements outlined in each plan. The CRISP for the Athabasca Oil Sands Area for example states:

As a flexible blueprint for future infrastructure and community development, the scope of CRISP includes identifying the need and location for: Transportation (highways, rail, transit, air); Schools, health facilities, and correctional facilities; Water and wastewater treatment facilities; [Urban expansion](#), particularly land release for residential and commercial development; Utilities, including transmission lines (location only, not need); and Pipelines (location only, not need).

Similar statements are made in the other CRISP plans.

#### Integrated resource management plans

The focus of these plans is on the integrated management of resources located on Crown land. The [Alberta Environment and Parks website explains](#):

Integrated Resource Plans outline the land and resource management intent for a planning area based on a landscape assessment. These assessments:

- Include the resource, physical and biological characteristics and social values within a planning area.
- Identify objectives for long-term management of the area to promote responsible use of the land in the future.
- Describe the type of activities that are compatible with this land and resource management direction. For example, public land may be designated for recreation, grazing, oil and gas, forestry or other uses.

The impact on municipalities is more indirect as these plans may affect economic development of the region.



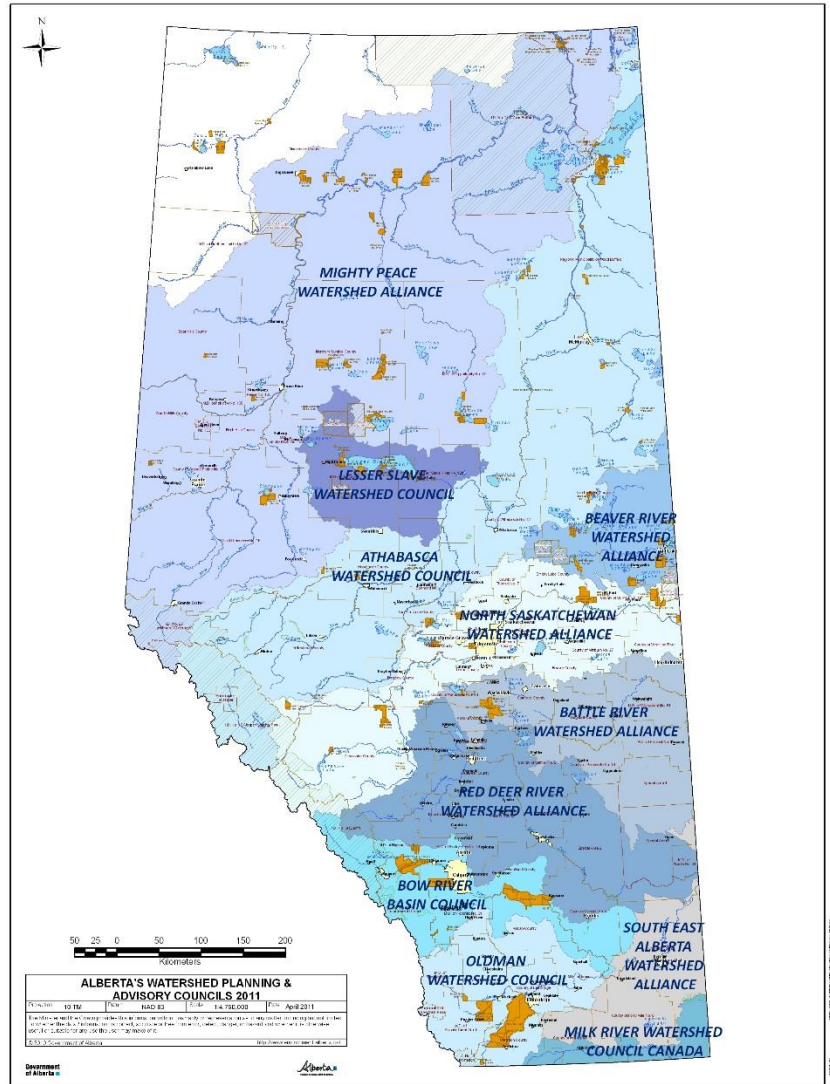
## Watershed and water management plans

A watershed is defined as an area of land where all of the water that drains off of it goes to the same place. In Alberta, watersheds are oriented around our major rivers and lakes. For example, Lake Athabasca is the core of the Athabasca Watershed. All of the rain, snow runoff, and hail that falls in the Athabasca Watershed will eventually drain into the Athabasca River and find its way to Lake Athabasca.

Land use has many impacts on our watersheds, from encroachment of development on riparian areas and wetlands, to creation of impervious surfaces that cause stormwater issues, to environmentally damaging uses that leech contaminants into our groundwater. It is important to combine land use management with watershed management to ensure that both our land and water are protected.

### Watershed Management Plans

To help coordinate activities that impact watersheds, eleven Watershed Planning and Advisory Councils (WPACs) have been established. WPACs are responsible for engaging partners and stakeholders in their basin area, including municipal, provincial, and federal governments, industrial sectors, conservation groups, aboriginal communities, and the public in watershed planning. The planning process includes the development of recommended actions aimed at the protection, restoration, or maintenance of watershed conditions while supporting the water needs and uses valued by the broad community. However, these plans are not statutory and rely on the buy-in and action of multiple stakeholders for successful implementation.



Watershed Planning and Advisory Councils - Source Alberta Environment and Parks

For more information on [watershed](#) management visit AUMA's [Water Management Webpage](#).

### “Approved” Water Management Plans

In areas where the province is particularly concerned about water quality or quantity it may develop a water management plan. Unlike watershed management plans, water management plans are statutory plans developed under the Water Act and approved by the Lieutenant Governor in Council. The plans must be considered in regulatory decisions made under the Water Act, including the establishment of minimum in-stream flows, conditions on diversions, and strategies for the protection of the aquatic environment. Water management plans often have a significant impact on municipalities and municipal planning. Information on two such plans are included below and full list of plans is available [here](#).

### *The South Saskatchewan River Basin Water Management Plan*

The South Saskatchewan River Basin (SSRB) Water Management Plan provides a key example of the implementation of a water management plan in Alberta. The first of its kind in the province, the SSRB marked a significant transformation of southern Alberta's water allocation framework.

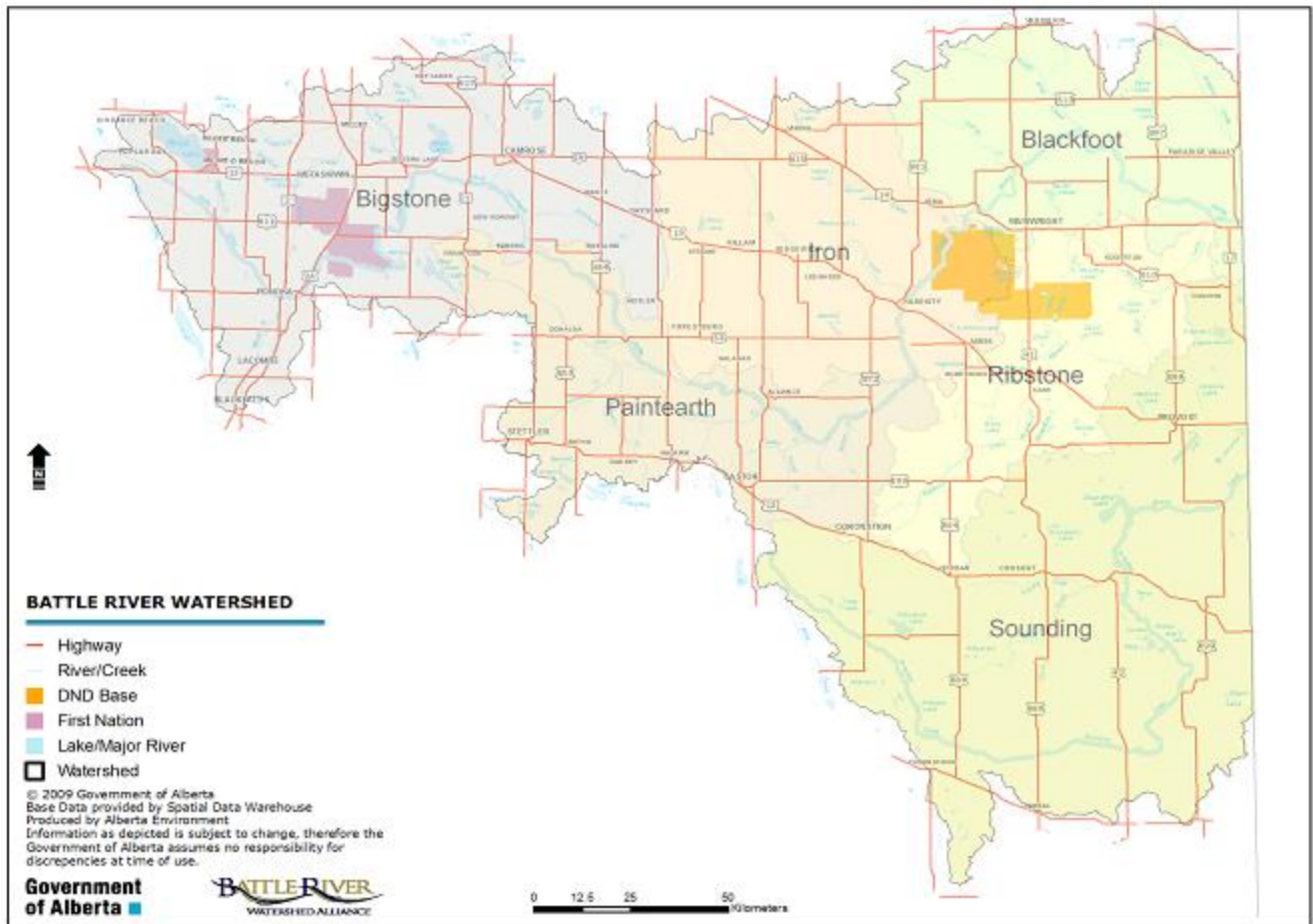
Since signing the Prairie Provinces Water Board Agreement in 1948, Alberta has had to adopt an interregional perspective on water management. This agreement led to developments in water management and the creation of the Master Agreement on Apportionment in 1969, which delineated an apportionment agreement for interregional rivers. Apportionment agreements commit nations, provinces, and states to the amount of water that must flow across borders. The 1969 Master Agreement required that "one-half of the natural flow of water of each...watercourse...flow into the Province of Saskatchewan" (Prairie Provinces Water Board, 1969). Historically, Alberta has allowed people, private companies, and municipalities to purchase water licences. In order to regulate water usage and fulfill apportionment agreements, the province uses a priority allocation water management system where high priority licence holders are given priority access when water is scarce. However, it was not uncommon for more water to be allocated through southern region water licences than was available to meet established apportionment requirement.

In response to increased water demands as well as allocation and apportionment challenges, the Government of Alberta initiated water management planning for the SSRB. On the recommendation of four basin advisory committees, and after consultation with key stakeholders and the public, the province decided not to accept any new water licences for the Bow, Old Man, and South Saskatchewan sub-basins. In 2006, Alberta Environment approved the plan and issued a moratorium on new surface water licence applications in the three sub basins. While the Province will no longer give out new water licences, water allocations can still be secured through transfers, which can be costly. In order to grow, many municipalities in the region must decrease their water use through water conservation or purchase a licence from another user. Some municipalities such as the Town of Okotoks have had to do both. More information on the water allocation system, its impact on municipalities and AUMA's recommendations to improve the system are available [here](#).

### *The Battle River Water Management Plan*

The Battle River Basin is a watershed in east-central Alberta, which relies entirely on rain, snow melt and groundwater without the benefit of the mountain/foothill snowpacks or glacial melt typical of other watersheds in Alberta. Maintaining water quantity and quality in this basin is an ongoing challenge because of the natural conditions of the basin combined with the cumulative effects of municipal, industrial and agricultural activities. Based on extensive input from municipalities and local stakeholders, the Approved Water Management Plan for the Battle River Basin was released in 2014 which:

- Places limits on the amount of water that can be allocated (or licenced) for various uses including municipal,
- Enables water allocation to be transferred between users,
- Sets water conservation objectives that specify a rate of flow in watercourses.



## Municipal Subregional Planning

### Capital Region Board

In 2008 the Government established by regulation the [Capital Region Board \(CRB\)](#) with a mandate to prepare and adopt a growth plan. The objectives of the plan were to:

- promote an integrated and strategic approach to planning for future growth in the Capital Region;
- identify the overall development pattern and key future infrastructure investments that would
  - best complement existing infrastructure, services, and land uses in the Capital Region, and
  - maximize benefits to the Capital Region;
- co-ordinate decisions in the Capital Region to sustain economic growth and ensure strong communities and a healthy environment.

The plan was approved by the Board and the Minister of Municipal Affairs in 2010.

As such, the Capital Region Growth Plan is a hybrid of provincial and municipal subregional planning. The mandate for the plan and its minimum content were spelled out in a provincial regulation. The plan itself, however, was prepared and adopted by the 24 member municipalities of the CRB before being adopted by the province. Municipal plans and bylaws must be consistent with the Capital Region Growth Plan.

Since the adoption of the plan in 2010 the CRB has undertaken a number of plans and studies to support plan implementation including:

- An integrated transportation study and prioritization process for regional infrastructure
- A 30 year intermunicipal transit service plan
- A regional housing needs assessment study
- A regional energy corridors master plan
- An economic roadmap for the capital region
- Operation of a capital region GIS database and web portal.

The CRB initiated a review of the regional growth plan beginning in 2013. A revised plan was adopted by the Board In October 2016 and submitted to the Minister of Municipal Affairs for approval. The draft plan addresses policies in the following areas:

- Economic Competitiveness and Employment
- Natural Living Systems
- Communities and Housing
- Integration of Land Use and Infrastructure
- Transportation Systems
- AgricultureEconomic competitiveness.

In December 2016 the Minister presented the CRB with proposals for revising the regulation establishing the CRB as part of the overall review of the MGA. Proposals include reducing the membership in the CRB to include only the rural municipalities abutting the City of Edmonton and urban centres with a population over 5,000 persons within these rural municipalities and adding some form of regional service delivery and economic development to its mandate.

## Calgary Regional Partnership

The [Calgary Regional Partnership](#) (CRP) was formed in 1999 as a collaborative network of municipalities in the Calgary Region that work together to ensure growth occurs in a sustainable manner. The partnership prepared the [Calgary Metropolitan Plan](#) (CMP) to provide a guide for sustainable development within the region. The current membership of [14 municipalities](#) adopted the current CMP in 2014. The CMP notes that the CRP does not have jurisdiction on local land use decisions. Rather,

“The municipal members of the CRP have committed to the CMP by aligning their plans with the CMP. Regional context statements will be included in CRP members municipal development plans to set out the relationship between the local MDP and the CMP. Regional context statements are policy tools that enable municipalities to develop locally appropriate approaches to aligning with the CMP.”

The CMP identified five principles of what the region needs to be successful and sustainable:

- Protecting the natural environment and watershed;
- Fostering the region’s economic activity;
- Accommodating growth in more compact settlement patterns;
- Integrating efficient regional infrastructure systems; and,
- Supported through a regional governance approach.

The CRP has urged the provincial government to formally adopt the CMP.

## Growth management plan boards and growth management plans

In 2013 the *Municipal Government Act* (MGA) was amended to enable two or more municipalities to initiate on a voluntary basis a growth management board to provide for integrated and strategic planning in their municipalities. The Capital Region Board Regulation establishing the Capital Region Board and authorizing the Capital Region Growth

Plan was deemed to have been made under these provisions. The government has announced an intent to amend the MGA to allow the province to initiate the establishment of growth management boards and specifically to establish a growth management board for the Calgary region. The relationship between the proposed growth management board and the Calgary Regional Partnership and Calgary Metropolitan Plan is to be determined.

## Intermunicipal planning

Until the adoption of the Capital Region Board regulation, regional planning at the municipal level was entirely voluntary. Municipalities were required to consider adjacent municipalities in their planning but formal arrangements were left to each municipality. Many municipalities used their natural person powers to enter into agreements with their neighbours to address shared services such as utilities, fire protection, recreation or other matters of mutual interest. The *Municipal Government Act* (MGA) provides two voluntary formal mechanisms for addressing intermunicipal relations. Regional Service commissions are aimed specifically at providing for shared services. These arrangements can significantly affect land use planning options for the affected municipalities. The other mechanism, intermunicipal development plans, is specifically aimed at land use.

## Regional service commissions

A Regional Services Commission (RSC) is a corporate entity through which municipalities partner to provide services regionally. Commissions must include at least two municipal entities and can include First Nations reserves, Métis settlements or armed forces bases. Formation of a regional service commission is entirely voluntary, however, formal establishment requires a provincial regulation which sets out the membership, services that are to be provided, the service area, and a number of other operating and reporting requirements.

There are currently about 70 RSCs in Alberta. Many were initially established to provide water, wastewater, or solid waste services. More recently the range of services provided has expanded to include such matters as transit, emergency services, airports, assessment and land use planning services. Most involve a limited number of partners (2-5 members), but some are quite large involving over 30 members. The establishment of RSCs has been encouraged through provincial government funding and regulatory requirements for solid waste, water, and sewer services that emphasized regional service delivery. RSCs have proved to be an effective means of service delivery in support of sound land use planning.

## Intermunicipal development plan

Two or more municipalities may jointly adopt an intermunicipal development plan (IDP) for lands lying within the municipalities to provide for the future land use, manner of and proposals for future development and any other matter relating to the physical, social or economic development of the area. While an IDP is not mandatory, if one is not adopted, the municipality must, in its own municipal development plan, address the coordination of land use, future growth pattern and infrastructure with adjacent municipalities.

There is no central record of the number of IDPs that have been adopted to date, but there are likely 75 or more. Most plans are between an urban and a rural municipality and focus on a limited area surrounding the urban municipality. More recently IDPs have been used to address multi-municipal planning issues. Examples include the plan between [The City of Medicine Hat, Town of Redcliff, and Cypress County](#) and the [Buffalo Lake Intermunicipal Development Plan](#) involving three rural municipalities and two summer villages.

This statement from the [Sylvan Lake- Red Deer County IDP](#) outlines the intent of the plan:

An IDP is a broad-based policy document that is designed to ensure that development, usually in and around an urban municipality, takes place in an environmentally responsible and sustainable manner without significant unnecessary costs and unacceptable negative impacts on either municipality.

The plan goes on to identify some of the benefits of intermunicipal planning as follows:

- Building positive and mutually beneficial relationships between municipalities;

- Recognizing the Town and surrounding rural areas as one diverse, mutually supporting community;
- Encouraging dialogue to reduce the potential for land use conflicts and foster a better understanding of each other's interests and views;
- Achieving a common purpose for growth and development in the broader area which is supportive of intermunicipal agreements and other cooperative initiatives in the provision of municipal services;
- Promoting certainty for rural land use and development activities by designating and safeguarding areas for continued rural development;
- Confirming future urban growth directions and land requirements and allowing for the efficient and economical expansion of the town;
- Enabling both parties to jointly consider the effects that a specific development in one municipality might have on the other;
- Promoting effectiveness and efficiency in the delivery of services including such things as coordinating of transportation planning; and
- Obtaining certainty around the types of land use allowed within the urban fringe and the development standards that will be applied.

The plan carries out the intent under the following main headings:

- Growth management
- Economic development and Fiscal health
- Potential Joint Development Area
- Land use Concept
- Transportation
- Utility Services
- Plan Implementation and Administration

A final section of the plan includes a Dispute Resolution Flow Chart.

## AUMA and IDPs

As part of the *Municipal Government Act* review, AUMA and AAMDC made a [joint submission](#) to the province advocating that the Act be amended to require mandatory intermunicipal development plans.

As a binding agreement, intermunicipal development plans help to guide the process of development regionally, which is important given Alberta's rapid population growth. These plans can address regional growth goals, economic development, or infrastructure requirements. In 2015, the province announced Bill 20 which will create a defined hierarchy of plans, placing intermunicipal development plans at the top. This makes this change even more important, as intermunicipal development plans will be essential to guide growth and development throughout municipal regions.

## Annexation

Urban municipalities are limited in their ability to accommodate growth within their boundaries. While there is a growing emphasis on increasing densities for both cost and environmental benefits, at some point urban municipalities may need to look at extending their boundaries. Typically, this occurs through annexation of land from an adjacent rural municipality.

Long term growth directions are generally established in the municipal development plan and in an intermunicipal development plan where one has been prepared. Applications for annexation are made to the Municipal Government Board (MGB). In making its decision the Board will look at a number of factors including the need for the land, whether the annexation is a logical extension of development and servicing, and the extent to which there is intermunicipal cooperation. The MGB has established a list of [15 annexation principles](#) to guide municipalities in preparing for annexation.

The MGB also provides an overview of the annexation process, an application checklist and rules and procedures for annexation on its [website](#).

## AUMA and annexation

As part of AUMA's [submissions to the MGA review](#), we are calling for the province to clarify regulations regarding annexations. Annexation is at its most fundamental a change in boundaries between two municipalities. Despite this simple premise, the annexation process has become increasingly contentious in recent years with a number of high profile contested annexations. The current process for annexation does not address the growth pressures faced by municipalities and is onerous.

AUMA is seeking additional changes such as expedited processes for annexations that are negotiated in an IDP, criteria that look at land use policies of both the initiating and responding municipality, extending the target annexation period from 25 to 50 years, and additional conflict resolution mechanisms around the issue of compensation. Further details are outlined in a [letter AUMA's president sent to the Minister of Municipal Affairs](#) in September 2015.

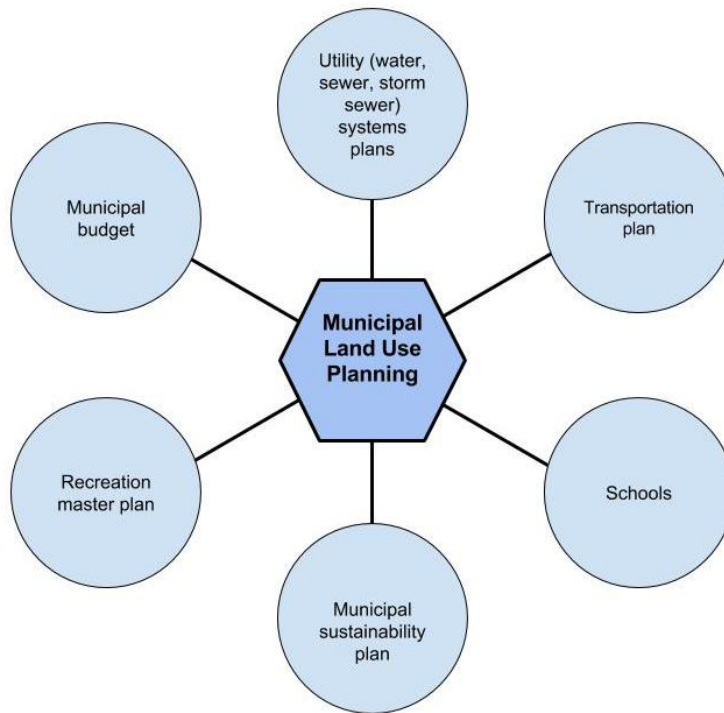
## Municipal land use planning

The authority for municipal land use planning is set out in Part 17 of the *Municipal Government Act* (MGA). Part 17 provides for the preparation and adoption of plans, subdivision and development approval, and a variety of tools through which municipalities can achieve land use planning objectives. These regulatory provisions, however, do not cover the entire range of plans municipalities undertake. A brief discussion of plans prepared outside the authority of the MGA is included in this section for reference.

## Municipal plans and land use bylaws

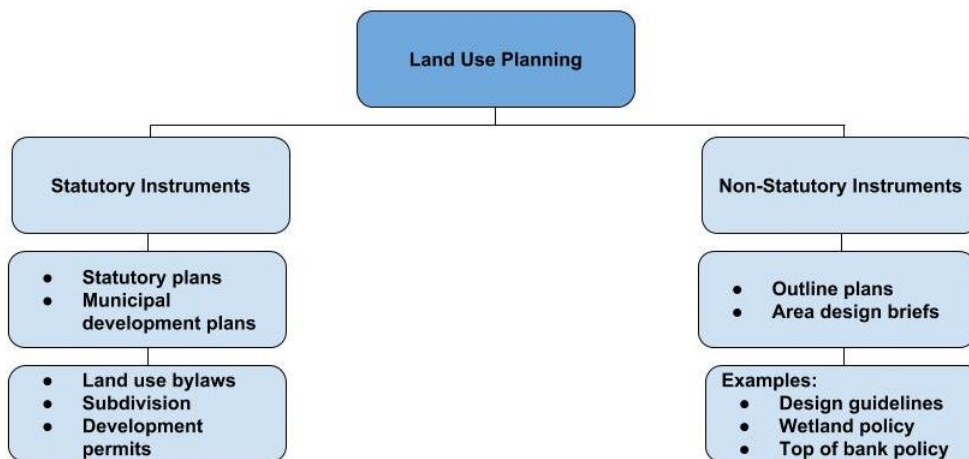
The *Municipal Government Act* (MGA) established a hierarchy of plans beginning at the intermunicipal level and proceeding through a plan for the municipality as a whole (Municipal Development Plan) and plans at the sub municipal level (Area Structure Plan and Area Redevelopment Plan). These are called statutory plans. The MGA requires that statutory plans be consistent with each other.

## Influences on Municipal Land Use Planning



*Municipal land use planning is directly affected by many planning activities undertaken by municipalities and other local authorities. Specific land use planning instruments are illustrated in the Municipal Land Use Planning figure below.*

## Municipal Land Use Planning Instruments



*Statutory instruments are specifically provided for in legislation, and are often mandatory. Non-statutory instruments are measures that are voluntarily adopted by council by bylaw or resolution to further assist in achieving planning outcomes.*



## Municipal development plan

All municipalities with a population of 3,500 persons or more must adopt a municipal development plan. Municipalities with a population of less than 3,500 persons may adopt a municipal development plan (MDP). An MDP must address the future use of land, the manner and proposals for future development, and the provision of required transportation systems and municipal services and facilities in the entire municipality. An MDP must also contain policies respecting development constraints, development in relation to sour gas facilities, the allocation of municipal and school reserves, and the protection of agricultural operations. Finally, an MDP may address proposals for the financing and programming of municipal infrastructure, the coordination of municipal programs relating to the development of the municipality, environmental matters, financial resources, economic development, and any other matter relating to the physical, social or economic development of the municipality.

The table of contents from the [Airdrie Municipal Development Plan](#) shown below illustrates how one municipality has responded to this broad mandate.

### Airdrie Municipal Development Plan Table of Contents

#### Part 1

##### Growth Management

- Social Well Being
  - Community services
  - Housing strategy
  - Emergency services
- Environmental responsibility
- Fiscal accountability
- Sequence of development

#### Part 2

##### Land use

- Residential development
- Commercial
  - Central business district
  - Highway commercial
  - Neighbourhood commercial
  - Regional commercial
  - Mixed use commercial
- Industrial
- Parks, Schools and Open Space
  - Schools
  - Community Facilities
- Agricultural operations

#### Part 3

##### Transportation and Utilities

- Utilities Public and Private
- Storm water retention drainage and flood mitigation
- Transportation
  - Noise
  - Public transit
- Waste management

#### Part 4

##### Implementation

- Hierarchy of plans
- The land use bylaw

- Intermunicipal planning

These excerpts from the introduction to the plan provide an excellent explanation of the purpose and function of the plan.

The Airdrie City Plan contains broad policies that influence a wide range of municipal concerns. It is intended that these policies be interpreted as guides in the City’s development management decisions, providing a strategic perspective to such decisions.

The theme of the Plan is set in Part I. The City intends to guide its activities with regard to Growth Management through reference to the “Triple Bottom Line” of Social well-being, Environmental responsibility, and Fiscal accountability. While these sub-headings contain policies unto themselves, they also provide a theme for the rest of the policy sections of the Plan. Part 2 contains the City’s Growth Management policies as related to the different general categories of land use, while Part 3 deals with major infrastructure issues. Finally, Part 4 describes the means through which the Plan is to be implemented.

The Plan contains reference to several other City of Airdrie policy documents. Rather than attempt to re-state these policies, a detailed listing is included at the back of this Plan.

## Area structure plan

A municipality may adopt an Area Structure Plan (ASP) to provide a framework for the subsequent subdivision and development of an area of land including the sequence of development, proposed land uses, density of development and general location of major transportation routes and public utilities.

The ASP is a bridge between the very broad policies of the Municipal Development Plan (MDP) and the creation of individual lots and issuing of development permits. An ASP will provide an assessment of the existing land and development constraints, the policy context for development as well as the proposed land uses, density, pattern and sequence of development. This table of contents from the [Lakeside Area Structure Plan in the Town of Blackfalds](#) illustrates how one plan addresses these needs:

### INTRODUCTION

- Purpose
- Plan Area
- Current Land Ownership
- Policies & Relevant Planning Documents

### BACKGROUND

- Existing Conditions
- Historic and Current Land Use
- Adjacent and Surrounding Development
- Existing Utilities

### CONCEPT PLAN

- Range of Housing Opportunities
- Public Open Spaces
- Transportation
- Community Image

### SERVICING

- Sanitary Sewer System
- Storm Sewer System
- Water Distribution System

### IMPLEMENTATION

- Offsite Roadway Improvements
- Phasing

- Environmental Preservation
- Redesignation and Subdivision

## Area redevelopment plan

A municipality may adopt an Area Redevelopment Plan (ARP) designating an area of land for the purpose of improving land or buildings, roads, public utilities or other services in the area. A municipality may also impose a redevelopment levy on development in the area for the purpose of providing land for municipal, park, school or new or expanded recreation facilities.

Many municipalities have adopted plans for the revitalization of older areas of their municipality, though not all have used the specific provisions of the *Municipal Government Act* (MGA). This excerpt from the [City of Edmonton's Jasper Place Area Redevelopment Plan](#) provides an explanation for how this plan will work:

The Introduction provides an overview of the ARP process and the existing policy framework. It also summarizes the community input and technical studies that informed the ARP. The Plan Vision sets out the overall vision for Jasper Place and shows how the City policy framework, community input and technical studies have come together to form a set of guiding principles. Objectives and Policies set out land use and civic infrastructure maps and policies to help guide future land use decisions and City investment in Jasper Place. Amendments + Monitoring provides a long-term plan for the ARP to ensure it remains up to date and is successfully implemented. The Glossary provides definitions of key terms used in the ARP.

A recent [plan for downtown Lacombe](#) addressed issues under the following major headings:

- Overview
- Existing Conditions and Trends
- Guiding Principles
- General Urban Design Guidelines
- Public Realm Plan
- Development Concept

## Land use bylaw

All municipalities in Alberta are required to prepare a land use bylaw to allow for the issuance of development permits for the use or development of land.

### *The structure of the land use bylaw*

The land use bylaw divides the municipality into districts and provides for permitted and discretionary uses in each district. The rationale for defining the different districts revolves around three main principles:

- Similar uses prefer to locate near each for reasons of efficiency, similar servicing standards and common design needs. Land use districting reinforces these benefits.
- Some land uses pose considerable risk to health and safety. Districting establishes effective distances from such uses and allows conditions to be attached to permits to reduce the risk.
- Districting allows appropriate aesthetic standards such as the height of buildings, distance between buildings and size of the lot to be established for each district.

Land use is typically divided into at least the following districts:

- Residential
- Commercial
- Industrial
- Institutional
- Park/open space

Most bylaws have created further distinctions within these land use districts to better achieve the three principles of land use bylaws noted above and to reflect the specific needs and preferences of the community. These two examples for residential use from the Town of Olds and the Town of Cochrane provide an illustration:

#### Town of Olds

- Low density residential district
- General residential district
- General residential narrow lot district
- Medium density district
- Manufactured home district
- Country residential district
- Country residential district A

#### Town of Cochrane

- Residential Single Detached Dwelling District (R-1) Land Use
- Residential Single and Two-Dwelling District (R-2) Land Use
- Residential Medium Density Multi-Unit Dwellings (R-2X)
- Residential Multi-Unit Dwellings District (R-3)
- Residential Mid-Rise High Density Multi-Unit Dwellings District (R-4)
- Residential High Density Multi-Unit Dwellings District (R-M)

Each district in the bylaw will then contain a list of uses that may be allowed in that district. The list of uses may be divided into permitted and discretionary uses. Permitted uses are those for which if the application meets all the provisions of the land use bylaw a development permit must be issued. Applications for discretionary uses, however, may be approved with or without conditions or refused. For example, the Town of Olds' low density residential district permitted uses include detached dwellings, limited day homes and class 1 home occupations. Discretionary uses include neighbourhood day care facilities, class 2 home occupations, secondary suites and manufactured homes. Each district also prescribes a number of standards for development in the district including the size of the building, the minimum parcel area, front, rear and side yards and the percentage of the lot that may be covered by structures.

The challenge in providing a list of allowable uses and setting standards for the development of these uses is that land use bylaws cannot anticipate every type of use that might be proposed. As a result, municipalities must deal with proposals from landowners that do not meet the specific provisions of the land use bylaw.

This challenge can be mitigated by:

- Allowing for discretion to be exercised within the bylaw itself
- Amending the bylaw
- Refusing the proposal (applicant may then appeal to the subdivision and development appeal board)

### **Discretionary authority**

Some discretionary authority is a necessary practicality. However, a question for council is how much discretion and how should this be achieved.

Discretion in a land use bylaw is achieved through:

- Determining what uses, if any, will be discretionary in each district;
- Determining whether standards can be relaxed. This is usually accomplished by allowing the development authority to vary a standard such as a side or front yard by a fixed amount such as up to ten percent of the distance allowed in the bylaw.

These features can be combined in different ways to create land use bylaws that have a great deal of flexibility or those that are more rigid but perhaps more transparent. The table below shows elements of bylaws that emphasize flexibility and those that emphasize transparency.

**General orientation of land use bylaws**

| <b>Emphasis on Flexibility</b>                 | <b>Emphasis on Transparency</b>               |
|--|---|
| Fewer land use districts                       | More land use districts                       |
| More discretionary uses in each district       | Few or no discretionary uses in each district |
| Broad language to describe land use categories | Tight definitions of land use categories      |
| Broad discretion to vary standards             | Limited or no authority to vary standards     |

Some communities prefer land use bylaws that emphasize flexibility. Such bylaws can allow for a quick response to situations that don't quite fit the provisions of the bylaw. The exercise of discretion however can be a cause for concern with residents leading to more appeals to the subdivision and development appeal board. Bylaws that are more transparent give the public greater certainty about what kinds of development will be approved. This can result, however, in more requests to amend the land use bylaw.

### **Direct control**

A direct control district sets out the general intent for land use in that district, and may provide for some broad standards of development. This allows an applicant to submit an application for a use and standard of development that does not fit the bylaw but may nonetheless be an appropriate development for that particular parcel of land. The use of direct control districts is normally limited to special situations involving a more detailed consideration of the design and impact of the development.

### **Non-conforming uses**

A further complication arises with land use bylaws when the existing use of land or the standards to which it was built (front yard, side yard, site coverage etc.) do not comply with the use of land or standards permitted in the land use bylaw. This may be deliberate where the intention is to see the land use eventually change in accordance with a plan or it may be a result of the bylaw not being able to meet all the unique circumstances of actual development. Such developments are classified as non-conforming. Non-conforming uses may either be legal – meaning that they were legally constructed prior to the current provisions of the bylaw being adopted, or they may be illegal – meaning that they were constructed without a permit.

The MGA provides that a non-conforming use or building may continue but if it is discontinued for more than 6 months the use of the land or building must conform with the land use bylaw. A non-conforming building may not be added to or altered except to make it a conforming building, for routine maintenance, or in accordance with minor variance powers permitted in the land use bylaw. If more than 75 percent of the value of a non-conforming building is destroyed it may not be rebuilt or repaired except in accordance with the land use bylaw.

### **Performance based zoning**

A recent trend in land use bylaws is to move away from the traditional strict separation of land use into residential, commercial, and industrial districts and encourage more mixed use developments. The emphasis is on creating more lively and integrated environments by mixing place of residence, employment and retail uses. Compatibility of land use is based on performance criteria that address concerns such as noise, traffic, parking, lighting and other factors

through design and conditions of approval. Performance based zoning can be incorporated into land use categories or by creating specific mixed uses districts.

## Non statutory plans

### Municipal sustainability plans

---

*Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs- Brundtland Report*

---

A municipal sustainability plan (MSP), often referred to as an integrated community sustainability plan (ICSP), is a collaborative and inclusive community planning process that identifies a future vision for the community – what it looks like, how it functions and how to achieve it. The main role of a MSP is to guide the ongoing growth and development of the community.

In the late 2000s many municipalities across Alberta developed MSPs to meet requirements set out in the [2005 Gas Tax Agreement](#) between the governments of Alberta and Canada. Recognizing the benefits of sustainability planning, AUMA provided [tools and resources](#) to help municipalities go beyond the agreement’s basic requirements and develop comprehensive long-term plans that include and integrate the five dimensions of sustainability (social, cultural, environmental, economic, and governance).

MSPs are the highest-level planning document in a municipality and set the direction for all other plans and policies. The vision and directions developed through the MSP process should be used to update the policy and vision in a municipal development plan and will help guide current decisions as municipalities plan new communities and redevelopment existing neighbourhoods through area structure plans and area redevelopment plans.



(Diagram adapted from Nova Scotia's [Implementation Guide for Sustainability Plans](#))

AUMA has developed [MSP guides](#) to help municipalities determine a path towards sustainability that is right for them. The [Federation of Canadian Municipalities, Green Municipal Fund](#) also provides a wide variety of related events, tools, case studies and related resources to support sustainable planning.

### Other plans

Although Part 17 of the *Municipal Government Act* (MGA) provides express authority for municipalities to prepare land use plans, some municipalities prefer to use the general authority of municipalities to do things by bylaw or resolution to adopt what are often called concept or outline plans. These are usually at the scale of an area structure plan covering perhaps a quarter section (160 acres) or two. Such plans serve as a general guide to development. However, they do not have the authority of a statutory plan.

A variety of other land use planning documents and policies that are important statements of council intent but which do not cleanly fit into the formal structure provided in Part 17 are often adopted by resolution. Examples include design guidelines, general historical preservation strategies, or a general policy on development near water bodies. These have the force of council approval and can be incorporated into planning decisions at the appropriate stage of planning approval through appropriate administrative procedures.

Most municipalities will prepare a variety of other non-statutory plans relating to the various functions of the municipality. Master plans for utilities (water, sewer, storm water) are critical elements in determining the capacity of the municipality to accommodate additional growth. Staged expansion of infrastructure must be linked to capital budgets and estimates of growth to promote efficient system development.

Cities are required under the *Highway Development and Protection Act* to prepare a comprehensive transportation study report for the development of a transportation system designed to serve the needs of the entire city. The council shall establish a transportation system in accordance with the study report. As towns grow the need for a similar transportation master plan becomes apparent. Other functions for which master plans are prepared include

parks and recreation facilities, trail systems, fire and police facilities services. Transportation and utility master plans in particular are fundamental components in determining estimates for development charges and offsite levies.

## Land use planning tools in the *Municipal Government Act*

The *Municipal Government Act* (MGA) provides municipalities with planning authority and several key tools to successfully enact municipal plans and bylaws.

### Subdivision approval

A person wishing to divide a parcel of land into two or more parcels must apply for subdivision approval from the municipality in which the land is located. A municipality may approve the application, with or without conditions, or may refuse the application.

### Development approval

A person wishing to undertake development must obtain a development permit from the municipality. Development is defined very broadly to include excavation, stockpiling, building, or the use of land or change in the intensity of use of land or buildings. The land use bylaw sets out the specific requirements for applying for a development permit and the conditions that may be attached to any development permit approval. The municipality may approve, with or without conditions, or refuse a development permit.

### Development agreements and offsite levies

A municipality may require an applicant for subdivision or development to enter into a development agreement to construct or pay for the construction of roads, walkways, and utilities. The agreement may also require the developer to construct or pay for the construction of an improvement with excess capacity. A companion agreement called a Servicing Agreement sets out the standards for construction of municipal roads and utilities. A developer is normally required to sign this agreement as well to ensure compliance with municipal standards. A municipality may require a developer to enter into an agreement to pay an offsite levy to cover the capital cost of new or expanded facilities and land relating to water, sewer, storm water or roads.

The Principles and Criteria for Offsite Levies Regulation sets out the factors to be considered in developing an offsite bylaw and the requirements for consultation with affected parties prior to adoption.

Standard practice is to undertake studies to determine the cost of improvements required to serve the developing areas. This information is used to determine the amount of any offsite levy and to aid in discussions with developers over the cost of items to be included in a development agreement. Levies are often differentiated by catchment area as defined by major utilities, as development costs can vary substantially between different areas of the municipality.

Two significant challenges arise in apportioning costs to developers. The first is determining the portion of improvements that are necessary to serve the new development versus those that benefit the municipality as a whole. Various court cases have determined that a reasonable allocation must be made between the two elements. The split in these costs is often a matter of contentious discussion with developers. The second challenge relates to limits placed on what costs can be included in development agreements and offsite levies. The legislation limits these to water, sewer, storm water, and roads. The real cost of new development extends to a much broader range of improvements including police stations, fire halls, libraries, recreation facilities, as well as a host of minor matters ranging from traffic lights and signs to survey monuments. Recent court cases have tended to re-enforce the more limited terms of the legislation notwithstanding the natural person powers of municipalities to enter into agreements. Many municipalities negotiate with developers to pay or construct additional improvements such as grading and seeding of park areas, special landscaping, traffic signals, and other matters. There is often considerable debate with developers over what road and infrastructure improvements should be considered in an offsite levy



depending on whether these costs are attributable to the proposed development or should be covered out of general revenue as the improvements benefit the entire community.

The larger challenge, however, is that, as several analyses have shown, new residential development does not generate sufficient revenue to cover the cost of servicing the development over its lifetime. In the past municipalities have relied upon increasing the amount of commercial and industrial assessment in a municipality and shifting an increasing proportion of taxes onto this commercial and industrial tax base. Municipalities can ensure that land use planning enables appropriate commercial and industrial development. Ultimately, however, the ability to attract such uses is subject to external market forces. Shifting the tax burden to commercial and industrial assessment also has limits. Changes to development agreement and offsite levy legislation may assist in redressing the imbalance but it may not be sufficient. Moreover, these charges place the burden of new development entirely on new residents which raises questions of the impact on housing prices and housing affordability as well as the fairness of placing all costs on new residents.

## AUMA and offsite levies

As part of the Municipal Government Act (MGA) review, AUMA and AAMDC made a [joint submission](#) calling on the province to broaden the scope of offsite levies to better enable municipalities to cover the capital costs of new infrastructure for essential and soft services.

The scope of how municipalities can utilize offsite levies is currently very narrow. The MGA restricts offsite levies to capital costs related to specific projects such as roads and water facilities. However, new developments also need many other municipal services such as new or expanded facilities for fire rescue services, police service, transit service, and recreation facilities. Therefore, AUMA and AAMDC recommend that offsite legislation be modernized to enable municipalities to recover the true costs of new developments.

Currently, many municipalities are using their natural person power to enter into master agreements or community investment agreements with developers to cover some of these community capital costs. In many cases, this practice has been mutually beneficial from the perspective of developers and municipalities. However, in other cases, there have been legal disputes between developers and municipalities. Such disputes can become quite complex since there seems to be a lack of alignment between the current legislation (i.e., MGA) and the notion of natural person powers when it comes to offsite levies as well as a lack of clarity about the responsibility of developers, municipalities, and the province in terms of supporting community infrastructure.

AUMA understands that some developers may be opposed to expanding the scope of offsite levies due to concerns that it will negatively impact the affordability of housing. However, the requested increases to offsite levies are a more sustainable and equitable than the current practice of passing these additional infrastructure costs to the property tax system.

Revisions to the scope of offsite levies will also help address the problem of infrastructure debt for municipalities. Many municipalities have had to borrow to finance capital projects not covered by the current scope of offsite levies. Growing debt is a short term solution to a long term problem of inadequate funding for municipal infrastructure. Municipal debt has grown significantly in recent years and some municipalities are bumping up against their legislated debt limits. Alternative forms of debt financing do not eliminate this issue. Current offsite levies and other municipal revenues are insufficient and this lack needs to be addressed. While AUMA understands that a number of tools may be needed to address the funding gap which municipalities face when financing growth and development, it is critical to address the current challenges with offsite levies in light of the recent legal disputes.

## Land dedications

At the time of subdivision a developer may be required to provide the following lands at no cost to the municipality:

- up to 30 percent of the land that is the subject of the application for roads and utilities

- land that is a swamp, gully, ravine, coulee, land that is subject to flooding or a strip of land not less than 6 metres in width adjacent to the bed and shore of a body of water as environmental reserve
- up to 10 percent of the land that is the subject of the application for park, school and recreation purposes or to separate areas of land that are used for different purposes

Reserve lands are designated on title as either environmental reserve (ER), municipal reserve (MR), school reserve (SR), or municipal and school reserve (MSR). Lands with these designations can only be used for park, recreation or school authority purposes. ER must be left in its natural state or used as a park. A municipality may pass a bylaw allowing ER to be used for some other purpose or lease an ER for a term not exceeding three years.

If a municipality no longer requires municipal reserve land to be used for park or recreation purposes, it may dispose of the land after giving notice and holding a hearing to consider the views of those affected. The proceeds from the sale of reserve land may only be used for park, recreation or school authority purposes. If a school board no longer requires a site that has been designated SR or MSR for school purposes it may not dispose of the land itself. Rather, it may declare the site surplus and if the Minister of Education approves this surplus declaration the school board may transfer the land to the municipality. The municipality may dispose of the land as noted above or alternatively, the municipality may designate the school building envelope portion of the site as community service reserve (CSR). A community service reserve may be used for a broader range of public purposes including

- A public library,
- A police station, a fire station or an ambulance services facility,
- A non-profit day care facility,
- A non-profit senior citizen facility,
- A non-profit special needs facility,
- A municipal facility providing direct service to the public, and
- Affordable housing.

## AUMA and environmental reserves

As part of the Municipal Government Act (MGA) review, AUMA and AAMDC made a [joint submission](#) calling on the province to expand the current definition of environmental reserves to allow for municipalities to be responsible environmental stewards and effectively protect other sensitive or high-value ecological areas from development (e.g. tree stands, wildlife habitat, and wetlands).

Environmental reserves are currently restricted to specific scenarios that are limited largely to bodies of water or areas likely to flood. The current legislation does not allow municipalities to effectively protect other sensitive or high-value ecological areas from development. Additionally, the legislation does not appropriately define bodies of water, or address the need for wetlands to be included for environmental reserves. Therefore [AUMA's 2013 Municipal Water Policy on Wetlands](#) calls for the MGA be amended to provide greater clarity in the definition of environmental reserve including:

- Adding wetlands to the list of eligible ecosystems in section 664(1) (a).
- Clarifying which classes of wetland are eligible to be designated as environmental reserves.
- Clarifying that the setback referred to in section 664(1) (c) applies to wetlands.

## Limitations on municipal planning authority

There are several limitations on municipal planning authority as noted below.

### Federal limitations

Federal government lands and undertakings are exempt from municipal planning authority. Examples include:

- Federal buildings
- Military bases

- National Parks
- First Nations Lands

Matters are less clear with respect to railways and airports. Inter-provincial and federally designated railways are exempt with respect to development for railway purposes. However commercial development on railway property that is not integral to railway operations is not exempt (i.e. a retail mall on railway station grounds). Some railways are provincially chartered and operate within one province. Development on these railway lands is not exempt. Federally owned airports and airport operations are exempt. However, non-airport related activities on privately owned airports are subject to municipal planning approvals.

Communications towers are exempt. While the federal government has established protocols requiring the applicant to consult with municipalities, final approval remains with the federal government.

Some matters fall within federal jurisdiction and may require the approval of the federal government before development can proceed. The *Fisheries Act* and the *Navigable Waters Act* require particular attention when municipal actions may affect fish habitat or navigable waters.

## Provincial government

The provincial government is exempt from the application of municipal planning provisions though it often voluntarily follows municipal planning approval procedures.

The *Municipal Government Act* (MGA) specifically exempts the following development from municipal planning approval:

- Metis Settlements;
- A well or battery within the meaning of the Oil and Gas Conservation Act;
- A pipeline or structure incidental to the operation of the pipeline;
- Confined feeding operations;
- Dams; and,
- Power lines.

In addition, Section 619 of the MGA provides that an application for a plan amendment, subdivision or development that is consistent with an approval granted by the Natural Resources Conservation Board, the Alberta Energy and Utilities Board, the Alberta Energy Regulator, or the Alberta Utilities Commission must be approved to the extent it complies with the approval granted by these provincial authorities. In other words, while the municipality may require subdivision or development approval, the approval is limited to considering matters not addressed in the approval granted by these agencies. More details on these issues are discussed in [How we Plan](#).

## Who does municipal planning?

As a councillor it is important to have a clear understanding of the role of council and the various planning authorities it establishes to carry out municipal planning responsibilities. It is also important for councillors to anticipate some of the challenges they will face as councillors in dealing with planning matters.

## Council

Council is responsible for establishing broad planning policy through the adoption of intermunicipal development plans, municipal development plans, area structure plans, area redevelopment plans and the land use bylaw and other non-statutory plans and policies as appropriate.

Different challenges will arise at each level of plan development. When dealing with intermunicipal development plans, challenges arise from a different understandings and expectations as to the role of each community and what

is necessary for each community to achieve success. Differences in community lifestyles, spending priorities, and perceptions of the impact on each other can prevent participants from looking at the long term. Often there is a history of either agreement or disagreement that can transcend the issues at hand. It is important to take a regional and long term perspective when looking at intermunicipal relations.

At the general municipal plan stage debates can centre on fundamental questions of whether, when, how, and where the community should grow. This stage can also include debates around the development of major transportation corridors (especially as these might affect existing communities) and the municipality's role in development. Public opinion on some matters as well as the views of developers can be very strong at this stage. Again, a long term perspective is important.

Rezoning is the stage at which matters tend to become very personal. Development proposals often affect the use and enjoyment of the private home. Emotions can run high when debating the impact on quality of life and character of the neighbourhood. Some impacts such as parking, traffic, and shadow can be addressed through changes in the site design, the location of parking areas, and/or access and egress from the site. Sometimes however these changes are not enough to satisfy the affected parties.

### *The lifecycle of communities and implications for council*

Residential neighbourhoods undergo change as both the houses and the population age. Changing demographics mean that once highly prized community services such as schools and active playgrounds are no longer in demand. Even with newer families moving in, household sizes are generally smaller. Where there once was a school in every neighbourhood, schools now must draw upon much larger catchment areas forcing school boards to consider school closures to rationalize classroom space. Older homes may be acquired for rental purposes. Absentee landlords may not have the same standards of maintenance and care leading to changes in the character of the neighbourhood. Depending on the economy in the community, there may be demands for higher density housing to replace lower density housing that is deteriorating. Even infill single family homes can present challenges with the size of the home and coverage on the lot being out of character with others in the community.

Commercial and industrial areas also undergo changes usually as a result of functional obsolescence. This means that uses and buildings which once were well suited are no longer able to meet the demands of the current economy. At the neighbourhood level this often affects the viability and mix of commercial uses in local strip malls. Larger commercial or industrial areas may be completely redeveloped to new uses which can cause stresses on neighbouring communities.

It is difficult for communities to ignore such changes and councillors will need to prepare themselves for proposals to redevelop that may be met with significant opposition. Broad policies on infill housing and neighbourhood redevelopment can assist in easing this transition by reducing the frequency and intensity of individual conflicts.

Difficulties can also arise in newer communities. Depending on the market, multifamily sites, neighbourhood commercial, and institutional uses such as schools, fire halls, or major recreation facilities may not be developed for several years. This can mean that early residents become accustomed to and prefer long time vacant sites which may have become informal parks or recreation areas. A changing economy can also result in demands for a different use than originally planned. It is an ongoing challenge to keep the public informed about future plans for vacant parcels.

As if these challenges were not enough, councillors must be ever vigilant in remembering that they are one of several who have been elected and that that they must work for the benefit of the whole community.

## *Bias and planning decisions*

People elected to council often come with strong views on issues that matter to the community. Indeed, it is often strong views that get councillors interested in running for office and elected in the first place. However, while an important part of municipal politics, strong views can become problematic when they prevent a councillor from considering the views of others. Bias in planning decisions can result in decisions being overturned in the courts at great expense to the municipality.

Planning documents and policies that have been approved by council are valid until amended. Councillors must adhere to adopted policies and plans when carrying out their planning duties, even if these policies run counter to their own views or contradict their election platforms. It is also important that councillors demonstrate a willingness to consider a broad range of views on planning issues. To help achieve this, councillors must distinguish their role on council from their role on a municipal planning commission or a subdivision and development appeal board. As a councillor they are elected to represent the views of their constituents and strong opinions are to be expected. The standard test for bias in a councillor acting as a member of council is whether the councillor demonstrates a “closed mind”, in other words, “an expression of a final opinion on a matter that cannot be dislodged”. Councillors must be careful when meeting with their constituents and when speaking at council that they not show an unwillingness to consider the opinions of others. When a councillor is acting as a member of an administrative body such as a municipal planning commission or a quasi-judicial body such as a subdivision and development appeal board the test for bias is much stricter. Here, bias is determined on the basis of whether a reasonable observer identifies impartiality. Thus, where a councillor has expressed strong opinions, or where the council as a whole has expressed opinions before and during the appeal, it may be best if the councillor does not participate in the appeal hearing.

## **Municipal planning commission**

A municipality may establish by bylaw a Municipal Planning Commission (MPC) and prescribe in the bylaw the functions and duties of the commission including, but not limited to, subdivision and development authority powers and duties.

As the formation of a municipal planning commission is enabled but not mandatory, a council should consider what functions a commission would perform and whether it would address the needs and expectations of council, administration, and the wider public.

An MPC that is strictly advisory can be valuable where there are substantial planning policy questions to be explored. The MPC, operating at arm’s length from the council, may have greater freedom in engaging the public, thus broadening support for planning actions. An MPC can openly assess options, allowing the council greater freedom in making a decision. There is a risk, however, that an MPC can become too attached to particular recommendations, causing the commission to challenge council’s authority. It is critical that the MPC have clear terms of reference for its activities, especially with respect to its function and relationship to council. It is recommended that MPCs be firmly integrated into governance frameworks and not be implemented as afterthoughts to the decision making process. Council and administration must have trust and confidence in the competence and value of MPC contributions. Finally, it is important that there be sufficient meaningful activities for MPC members to maintain their interest.

Many MPCs are also delegated authority to make decisions on subdivision and development permit applications. Council should carefully consider what problems it is trying to solve in delegating this authority. An MPC might prove valuable in relieving administration from making politically sensitive decisions. In some communities there may be a preference for any discretion in decision making to be exercised by a panel rather than a single individual. There may also be a feeling that a panel is less subject to bias. However, it is also important to remember that forming an MPC can significantly add to the time required to make decisions.

MPC member selection is crucial, and should be considered carefully. Attracting competent commission candidates can be a challenge, especially in smaller communities where the number of volunteers may be limited and already overburdened. In implementing an MPC it must be decided whether councillors should be appointed to the MPC. Having one or two councillors on the MPC can assist the commission members in understanding the background to issues. Council members of the MPC can also provide the council with a broader perspective on matters. Appointing a majority of councillors to the commission, however, may affect the utility of the MPC as an arm's length body.

### Subdivision authority

A municipality must adopt a bylaw to provide for a subdivision authority to exercise subdivision powers and duties on behalf of the municipality. A subdivision authority may include one or more of the following:

- Any or all members of Council;
- A designated officer;
- A municipal planning commission;
- Any other person or organization.

Most municipalities assign subdivision authority to a member or members of staff. Some municipalities assign more complex subdivision approvals to a municipal planning commission. Some smaller municipalities contract with a consultant or planning agency to carry out subdivision duties on behalf of the municipality.

### Development authority

A municipality must adopt a bylaw to provide for a development authority to exercise development powers and carry out duties on behalf of the municipality. A development authority may include one or more of the following:

- A designated officer;
- A municipal planning commission;
- Any other person or organization.

The development authority is usually carried out by one or more staff members. Some municipalities provide that applications for discretionary uses are referred to a municipal planning commission.

### Subdivision and development appeal board

A municipality is required to adopt a bylaw to provide for a subdivision and development appeal board (SDAB) to hear appeals from decisions of the subdivision or development authority. The Municipal Government Act (MGA) presently does not specify training or other requirements for appointees to the SDAB. Councillors may be appointed to the SDAB but may not form the majority of the board. The following persons, however, may not be appointed to the SDAB:

- An employee of the municipality;
- A person who carries out subdivision or development powers on behalf of the municipality;
- A member of a municipal planning commission.

The SDAB bylaw sets out the number of members on the board, typically 3 or 5. An odd number of members is preferred in order to avoid tie votes. A problem that is frequently encountered with an SDAB is failure to obtain a quorum for a hearing because one or more members are absent. Consideration should be given to appointing alternate members who may sit on the board in the event one or more regular members are unable to attend.

Smaller municipalities sometimes have difficulties finding sufficient volunteers to sit on the SDAB. The MGA allows a municipality to establish by agreement with one or more other municipalities an intermunicipal development appeal board with representatives appointed from each of the participating municipalities. Limitations on membership are the same except with respect to council participation. Councillors may not form the majority of the SDAB from the municipality where the appeal is located.

## Making planning decisions

The mechanisms for making decisions on development permits allow for varying degrees of direct council involvement. Council members can also participate on the Subdivision and Development Appeal Board but since persons who are involved in making decisions on development permits cannot also serve on the appeal board, council needs to decide on which body it wishes to participate. The range of choices and the relationship between participation in approval and appeal processes is illustrated in the chart below.

| Maximum council involvement   | Some council involvement   | Limited Council involvement                                      |
|---|--|--|
| Establish a municipal planning commission to act as a development authority. Appoint council or councillors to the MPC. | Establish a municipal planning commission to decide on development permit applications for discretionary uses. Appoint a minority of councillors to the MPC. | All decisions on development permits are made by administration. |
| No councillor who is acting as a development authority can sit on the subdivision and development appeal board.         | Appoint some councillors to the appeal board and some to the municipal planning commission.  | No councillors on the appeal board.                              |

Some councils prefer to maintain a high degree of involvement wherever discretionary authority is exercised. However, no municipality has gone so far as to establish a municipal planning commission consisting of all councillors with exclusive authority to issue development permits. Many, however, do maintain some involvement with some councillors sitting on a municipal planning commission to deal with discretionary uses and other members sitting on the subdivision and development appeal board. Some councils take the view that administrative matters should be left to administration, while council deals with policy. There is no absolute right or wrong approach; rather, configurations must be considered on a case by case basis. When deciding upon MPC membership it is important to keep in mind that sitting on these committees can be quite time consuming. It should also be noted that while council committees normally only meet once or twice a month, more frequent meetings are often required meet the time sensitive demands of development permits.

## Municipal land use planning and developers

Most development in Alberta is carried out by private land owners on private property. This may be a homeowner applying to renovate his or her home or build a garage or a development company proposing to subdivide a large parcel of land for housing and commercial development.

A development company wishing to subdivide and develop a large parcel of land may be required to prepare an area structure plan (ASP) for the area, which is then reviewed by the municipality and submitted to council for approval. A proposal to build a new retail outlet or industrial development may require an amendment to the land use bylaw, which also must come before council for approval. Subdivision approval and development permits will then follow any plan or land use bylaw amendments.

Both the municipality and the developer draw their inspiration from the public. Both aim to meet the needs and wants of people. The purpose of a municipality is to provide good government, provide services and facilities and to develop and maintain safe and viable communities. The municipality develops, with public input, a vision for the future of the community. The municipality owns the systems that make up the municipality (i.e. roads; utilities; park and recreation networks) and the developer owns the land. While the purpose of a developer is to make a profit, the developer operates to meet the needs of people. The developer uses market surveys and other information to

determine the demand for the types of homes, the type of shops, and the types of parcels needed to accommodate industry. These sometimes conflicting views of the wants and needs of the public meet in the planning approval and appeal processes.

Information on the wide variety of stakeholders involved in the planning process can be found in [Planning with others](#).

## Planning approvals and appeals

### The approval process

The planning, subdivision and development processes allow private aspirations for the use of land to be considered within the context of the municipal vision and rules for development. They also must provide opportunities for the public to be heard.

There are essentially three steps to consider:

- Is the proposal consistent with municipal plans and the permitted or discretionary uses allowed for that parcel in the land use bylaw?
- Does the proposal require the land to be divided into two or more parcels of land?
- Lastly, all development requires a development permit.

The specific steps in each part of the process are outlined below.

### *Land use plans and bylaws*

A landowner wishing to develop land begins by discussing the proposal with municipal planning staff. If the proposal is consistent with municipal plans and bylaws the applicant can proceed to apply for subdivision approval and development permits as required. If staff determines that the proposal is not consistent with municipal plans and bylaws, an amendment to the plan and/or land use bylaw will be required before subdivision or development can be approved.

The developer will request that administration prepare the necessary plan and/or land use bylaw amendment for consideration by council. Sometimes an application will require an amendment to both a plan and the land use bylaw. Separate bylaws are required but both may be considered at the same time. Costs of the application are normally borne by the developer.

The *Municipal Government Act (MGA)* requires that municipalities give notice to the applicant and affected persons of any plan or bylaw amendment. Moreover, council must provide an opportunity for affected parties to be heard. Hearings are held at a scheduled time as part of the business of a regular council meeting. The hearing may be held before first reading of the bylaw but must be held before second reading. After hearing from the parties, council may close the hearing or extend it to a later date for further consideration. Once the hearing is closed, council must not consider any additional information, but will deliberate on what it has heard and may approve, amend, or refuse the request. Any amendment to the request must be based on information that was considered at the hearing, otherwise a new application must be made. The decision of council on such matters is final and may only be appealed to the courts on a question of law or jurisdiction.

### *Subdivision*

If a proposal for development requires that land be divided into two or more parcels, the proponent must submit an application for subdivision approval. Applications are submitted to the municipal subdivision authority who must determine whether the application is consistent with the land use plans and bylaws of the municipality and whether the application should be approved.



To do this, the subdivision authority must circulate the application to various provincial departments, utility companies, any affected school boards, and to adjacent land owners. Referrals will also be made to other departments in the municipal administration that deal with utilities, transportation, parks, and recreation. Minor subdivisions may require a more limited circulation. After receiving comments from referral parties and assessing the application against the municipal plans and bylaws, the authority asks two basic questions: can the application be approved, and should the application be approved. The first question looks at whether the application is consistent with the approved plans and land use bylaw of the municipality as well as any other legal impediment to approving the plan. The second question looks at whether the land is suitable for the uses intended. Determining suitability may involve considering the following questions: Is the land subject to flooding? Can the area be provided with road and utility services? Is the soil and topography suitable? Does the proposed development meet acceptable standards for design?

At this stage the subdivision authority may negotiate with the applicant to make amendments to the application to meet the concerns of any referral agency or to bring the application into compliance with the plans and bylaws of the municipality. If the application can be approved, the subdivision authority will then determine what conditions, if any, should be attached to the approval. Typical conditions include a requirement to enter into a development or subdivision servicing agreement, an agreement to pay an offsite levy, or changes to the subdivision design. The subdivision authority must give its decision in writing showing the reasoning behind its decision, including how it has considered the factors required by the Subdivision and Development Regulation and any submissions from adjacent landowners. The entire process must be completed within 60 days of receiving a completed application or such longer time as the applicant may agree to. A decision of a subdivision authority may be appealed by the applicant, a government department to whom the application was referred, a school board in respect of any reserves, or the municipality itself if it is not the subdivision approving authority. Appeals are made to the subdivision and development appeal board or in certain cases to the Municipal Government Board.

## *Development*

The *Municipal Government Act* (MGA) defines development very broadly to include an excavation, a building, or changes to the use of land or a building. The land use bylaw identifies the specific permitted and discretionary uses of land and buildings and the process for applying for a development permit.

As with a subdivision application, the development authority may refer the application to various parties to determine whether there are any concerns with the proposal. The development authority must also give notice to affected persons with respect to the receipt of the application. A municipality typically sets out in the land use bylaw who must be notified of the various types of applications.

After receipt of any comments the development authority will assess the application and determine firstly whether it is consistent with municipal plans and bylaws and can be approved, and whether it should be approved. Discussions with the applicant may occur at this time to make amendments to bring it into alignment with plans, bylaws and best planning practices. The development authority may then approve the application with or without conditions, or refuse the application. A decision on a development permit can be appealed by the applicant or by an affected person to the municipal subdivision and development appeal board.

## **Planning appeals**

A right of appeal exists in most situations when an applicant, department, or agency to whom the application was referred or an affected landowner is not satisfied with a decision. Depending on the type of application, appeals may be made to the subdivision and development appeal board, the Municipal Government Board or the courts. The following sections discuss the process for appeals before each of these bodies.

### *Subdivision appeals*

As noted previously, decisions of the subdivision authority may be appealed to the Subdivision and Development Appeal Board (SDAB) or, if the appeal involves a matter of provincial interest as defined in the MGA, to the MGB. If a subdivision authority fails to make a decision within 60 days of receipt of a completed application or such longer period as agreed to by the applicant, the failure to make a decision may also be appealed.

The MGA provides strict timelines for initiating and hearing an appeal. An appeal may be launched by the applicant, a government department to whom the application was referred, the municipality if it is not the subdivision authority, or a school board in respect of the allocation or location of reserves. Note that there is no right of appeal by an adjacent landowner. The appeal must be submitted in writing to the SDAB within 14 days of the receipt of the notice of decision. The SDAB must give written notice of the hearing at least 5 days prior to the hearing to the parties identified in the MGA including the owners of adjacent land. The SDAB must hold a hearing within 30 days of receipt of the appeal and give a written decision with reasons within 15 days of concluding the hearing.

### *Development permit appeals*

An applicant or any person affected by a decision of a development authority may appeal the decision to the SDAB. As with subdivision appeals, the MGA provides timelines within which appeals must be heard. An appeal must be made in writing to the SDAB within 14 days of receiving notice of the decision. The SDAB must give notice of a hearing at least 5 days before the hearing commences and must hold the hearing within 30 days of receipt of the appeal. A written decision must be given within 15 days of concluding the hearing. Details on SDAB operating procedures are provided in a training manual available from [Alberta Municipal Affairs](#).

## **Municipal Government Board**

### *Subdivision Appeals*

As noted previously, subdivision applications that may affect a defined provincial interest may be appealed to the Municipal Government (MGB). Provincial interest is defined in the MGA as land that is the subject of a subdivision application within the distance of a highway, body of water, a sewage treatment plant waste management facility as set out in the Subdivision and Development Regulations. As with the SDAB, the MGB must adhere to strict timelines for processing subdivision appeals. The MGB must give notice of a hearing at least 5 days prior to the hearing and must hold the hearing within 60 days of receipt of the appeal. A written decision giving reasons for the decision must be given by the MGB within 30 days of concluding the hearing.

### *Section 619 appeals*

As noted previously, a municipality must approve an application for planning approval that is consistent with a decision of the [Natural Resources Conservation Board \(NRCB\)](#), [Alberta Energy Regulator \(AER\)](#), or [Albert Utilities Commission \(AUC\)](#). If the municipality, subdivision, or development authority refuses to approve such an application the applicant may appeal the decision to the MGB. The appeal must be filed in writing with the MGB and must include a statutory declaration indicating the attempts at mediation have failed or the applicant believes the municipality is unwilling to mediate. The MGB must hold a hearing within 60 days of the receipt of the appeal and must give a decision in writing with reasons within 30 days of concluding the hearing. The board may order the municipality to amend the statutory plan or land use bylaw or dismiss the appeal.

### *Intermunicipal disputes (Section 690 appeals)*

If a municipality is of the opinion that a statutory plan or amendment or a land use bylaw or amendment adopted by an adjacent municipality has or may have a detrimental effect on it, the municipality may appeal the action to the

MGB. The process for appeal is set out in the MGA and includes provisions for giving notice and attempting mediation before proceeding to a hearing before the board. The board may dismiss the appeal, or order the adjacent municipality to amend or repeal the provision if it is found to be detrimental.

## Courts

Decisions of a subdivision and development appeal board or the MGB can be appealed to the Court of Appeal but only in limited circumstances (if there is a question of law or jurisdiction). An application for permission to appeal must be filed and served within 30 days of the issue of the decision sought to be appealed. On hearing the appeal, the Court may confirm, vary, reverse or cancel the decision.

# How we plan

This chapter looks more closely at the role of council in achieving planning outcomes. The chapter begins by looking at the role of council in land use planning decisions before introducing tools and actions to support planning goals. The chapter concludes with an examination of some current land use planning issues.

## Actions in the pursuit of planning goals

The extent to which councils undertake actions to implement a plan generally reflects the attitude towards the role of government and the role of the private sector. Some take the view that development is a private matter and that the plan should rely on the private market to determine whether particular goals can be achieved. Others believe that the market sometimes needs a push. There are a variety of tools and techniques that can be used to leverage planning outcomes. The following discussion considers land use actions as tools to achieve land use planning objectives under three broad headings: economic development, social development, cultural development, and environmental development. The focus in these sections is on the contribution of land use planning to these outcomes. It is recognized that councils may embark on a variety of other initiatives in these areas within which the contribution of land use planning approaches need to be considered. However, this broader discussion is beyond the scope of the municipal planning hub.

## Achieving economic development objectives

### *Expenditures from general revenue*

Even the most avid proponent of free market development likely supports the use of municipal funds to expand municipal utilities and roads to facilitate growth. It is often in older areas of the community where plan objectives lag, and the downtown commercial area is a frequent target for improvement. The simplest approach is to invest public money in making improvements to public infrastructure. This can take the form of upgrading utilities to enable growth, replacing sidewalks, adding street furniture, and landscaping. This is done in anticipation that the improvements will make the area more attractive to visitors, encouraging private investments in building improvements and new structures, and result in higher tax revenues that will pay for the public expenditures.

### *Business revitalization zones*

Municipalities are limited in their ability to fund improvements out of general revenue alone. The Municipal Government Act (MGA) allows for the establishment of business revitalization zone (BRZ) to specifically address this need. The intent of a BRZ is to encourage the economic and physical improvement of local businesses through beautification and maintenance of streetscapes, buildings and structures in the area, and to promote the area as a business and shopping district. Business owners in the area must petition for the establishment of a BRZ. If the petition is sufficient then the council may establish a BRZ board of directors and set the boundaries for the zone. A special tax may then be levied on businesses in the area to achieve the mandate of the BRZ. Successful BRZs have

been established in a number of communities across the province. The City of Edmonton has developed an [excellent handbook on BRZs](#).

### *AUMA and business revitalization zones*

AUMA's [inventory of required changes to the Municipal Government Act](#) includes a recommendation that amendments be made to the BRZ regulation to enable councils to determine whether requirement for the boards that oversee BRZs to submit either an audited financial statement or a less onerous review engagement to council.

The recommendation is based on a [resolution](#) adopted by AUMA members in 2013 which points out that current regulatory requirements for BRZ boards to submit an audited financial statement places an undue financial hardship on these boards. Relaxing the requirement to enable a review engagement by an auditor would reduce costs while still ensuring accountability and transparency of public funds.

Municipal Affairs indicates that this issue has been added to the MGA review so stakeholders can consider if there is an appropriate balance in the annual reporting requirements between financial controls and accountability for the use of tax dollars by BRZ boards.

### *Community revitalization levy*

A newer tool is the Community Revitalization Levy (CRL). This tool allows municipalities to borrow funds to pay for improvements in an area, the cost of which is funded by a levy on the increase in assessment in the area over a fixed number of years. The levy must be equal to or higher than the regular tax levy on properties located outside the CRL area. The idea is that the improvements will attract new development, the taxes from which will be sufficient to cover the cost of the improvements. The increase in the education portion of the tax levy is also retained by the municipality and applied against the cost of improvements. This method of financing improvement in an area is a common practice in the United States where it is known as tax increment financing. A plan must be prepared showing the improvements that are to be undertaken, the cost of these improvements, and estimates of the increase in assessment on which the levy will be applied to cover these costs. This tool relies on a strong development market and poses some risk. If the projected development does not materialize within the time frame allotted, the cost of improvements must be borne by ratepayers for the entire municipality. Each CRL requires the approval of the province before the plan can be adopted by the municipality and the levy applied. CRLs have been approved in [Calgary](#), [Edmonton](#), and [Cochrane](#). However, the government has announced a moratorium on any new approvals.

### *AUMA and CRLs*

AUMA members adopted a [resolution](#) at the 2014 Convention to urge the Government of Alberta to lift the current freeze on approvals for new community revitalization levies and allow it as an option for all municipalities. Additionally, AUMA supports amendments to the *Municipal Government Act* (MGA) that would reduce ministerial oversight on the use of municipal tools such as the CRL.

### *Municipal owned development corporations*

Another approach is to form an arm's-length corporation to undertake development on behalf of the municipality. An example is the [Calgary Municipal Land Corporation \(CMLC\)](#). Incorporated in 2007 as a wholly owned subsidiary of the City of Calgary, CMLC's function is to implement and execute the Rivers District Community Revitalization Plan. Its mandate includes the disposition, exchange and acquisition of land, and the use of proceeds from sales and leases to finance future infrastructure projects. The advantage to establishing a wholly owned subsidiary to undertake this work is the greater flexibility the new entity has to conduct its business.

Other municipalities have taken a more direct lead in property development. Red Deer and Lethbridge, for example, have both had long established programs to develop and market municipally owned land for residential, commercial

and industrial purposes. Provincial approval is required for the creation of a municipally owned corporation if it is established as a for-profit corporation.

### *Density bonuses*

Density bonuses are a means of providing incentives to developers in exchange for community amenities. The City of Calgary has employed this tool in several neighbourhoods. The City's Beltline Plan provides an excellent description of the process:

Development sites can be developed up to the base density without providing any bonus items. In order to develop above the base density and up to the maximum density, developments may provide one or more bonus items in exchange for a defined amount of additional density, subject to the discretion of the Development Authority and the local content of the proposed development site.

The Plan goes on to outline five areas where bonus credits can be given:

- Provision of community amenity space;
- Provision of publicly accessible private open space;
- Provision of affordable housing units;
- Heritage designation; and,
- Incorporation of sustainable building features.

The potential for density bonuses to serve multiple objectives is obvious from this list. The application of density bonuses requires a strong market for development, a clear plan that outlines where and on what basis additional density will be allowed, and a transparent means of determining the value of the bonus and the linkage between the bonus and the amenities that are being provided.

### *Economic Development*

For more ideas on how to promote economic development in your municipality visit AUMA's Economic Development Hub *[will insert link]*

## **Achieving social objectives**

### *Housing*

Affordable housing is the most frequent social target for land use plans and bylaws. A minimum approach might be to review the land use bylaw to remove impediments to low cost housing alternatives such as basement suites and modular homes by making these permitted or discretionary in more districts. Some municipalities have developed selective incentives to facilitate particular housing objectives. An example from the City of Edmonton is the provision of grants for upgrading secondary suites to increase safe affordable housing options.

Density bonuses could also be used to provide for affordable housing. Where cash is provided in exchange for higher density approval, the funds can be used to directly support the provision of low cost housing. Another approach is to require a developer to provide a fixed number of units in a residential development at below market rents. The difficulty with this approach in Alberta is that there are limited means to ensure that the developer adheres to this low rent provision over time.

### *AUMA and inclusionary housing*

AUMA has also requested as part of the *Municipal Government Act* review for the province to enable the use of inclusionary housing (also known as inclusionary zoning) as a voluntary tool to provide affordable housing.

Inclusionary housing involves requiring a set number of affordable units to be developed as a proportion of the total

number of units in each new development within the zone. While this can be a powerful tool to enable affordable housing, there are also concerns that the market value units generally increase in price as developers transfer the cost of developing affordable units on to customers.

For more information on promoting affordable housing in your municipality, visit AUMA's Housing Hub [*will insert link*]

### *Planning for public health*

One of the most influential trends in planning is to incorporate methods of improving public health. This practice is not new, having been one of the original instigators in the emergence of modern community planning. However, changes in the way people live and use their environment have led to the creation of innovative new tools to achieve health outcomes through planning. Municipalities have a number of tools available to them for this purpose, including enabling active transportation through pedestrian and cyclist infrastructure, and ensuring that citizens have ample access to green spaces and recreation facilities. As well, consideration is often given to ensuring that developments are compatible with one another and the natural environment to protect human health. For instance, industrial developments are often zoned with a separation from residential developments.

For more information on planning for public health, click on the following links:

- [Transport Canada: Active Transportation in Canada - A Resource and Planning Guide](#)
- [Alberta Centre for Active Living: Built Environment and Active Transportation](#)
- [AUMA Resource: Healthy Alberta Communities](#)
- [CDC Paper: Introduction to Planning and Public Health](#)
- [The Community Guide: Resources for Local Efforts to Improve Public Health](#)
- [World Health Organization: Healthy Urban Planning](#)

### *Planning for safety and security*

The way that municipalities plan has a major impact on the safety and security of their residents. Municipal plans influence the rate of collisions in traffic, the safety of pedestrians and cyclists, resilience against natural disasters, and even crime on the street. Through traffic calming, pedestrian infrastructure, and community design for active transportation, municipalities can drastically improve traffic safety – an important cause given that [upwards of 350 people are killed and 18,000 injured on Alberta roads each year](#). Planning efforts for resiliency can help prepare for natural disasters, ensuring that citizens stay safe. Moreover, design guidelines can actively reduce crime in communities. For instance, requiring more permeable design with frequent doors and windows can prevent crime by increasing natural surveillance on the street.

For more information on planning for safety and security, click on the following links:

- [RCMP Resource: Crime Prevention through Environmental Design](#)
- [Calgary Police Service Resource: Crime Prevention through Environmental Design](#)
- [Institute of Traffic Engineers: Safety Benefits of Traffic Calming](#)
- [City of Calgary: Traffic Calming Policy](#)

## **Achieving cultural and aesthetic objectives**

Cultural objectives relate to the artistic and recreational assets of a community, reflecting its shared values, diverse traditions, customs, heritage, identity, and history. Land use planning can have a significant impact on the culture of a community affecting its attractiveness and how its residents interact. Municipalities are increasingly considering cultural aspects of planning and using a variety of tools to achieve cultural objectives.

## Placemaking

Placemaking is a multi-dimensional approach to planning that builds on the virtues of already existing assets to create vibrant, unique, and meaningful places. Arising out of the urban critiques of the 1960s, placemaking prioritizes inclusive, human-scale developments that get people out of their cars and into the streets. Placemaking is about collectively reimagining underused, dangerous, or otherwise unpleasant places to better serve the needs and desires of the community. As “the community” is often made up of different groups of people with different values and priorities, it is important that placemaking initiatives are inclusive, and prioritize conversation and engagement over top-down implementation. While placemaking is often discussed in larger metropolitan contexts, it is equally useful for smaller cities and municipalities to think critically and creatively about *making places* in their communities. Rather than an end in itself, temporary placemaking experiments can also be used to engage communities around future planning decisions and challenges.



[Edmonton's City Lab](#) unit uses placemaking as a tool to engage communities about key planning decisions. (Photo source: City of Edmonton).

## Transfer development credits

Transfer development credits (TDCs) are an emerging tool that can be used to assist in achieving social objectives. TDCs can be used on a very small scale where a developer owns two or more properties one of which the municipality wishes to see the building, use, or density retained. The municipality agrees to allow a higher density on the other property or properties than is normally allowed and places a caveat or other restrictive instrument on the property it wishes to conserve. The effectiveness of this approach is limited by ownership, market demand, and the ability to restrict development of the remaining property. TDCs can be also used to protect environmentally sensitive areas and farmland. More information on TDCs is available in the section on [achieving environmental objectives](#) and from the [Miistakis Institute](#).

## Design guidelines

Aesthetic objectives are largely achieved through the application of design standards in land use bylaws and subdivision design. Some municipalities have appointed a design review panel to evaluate and make recommendations on major developments, especially in downtown areas. In a recent and innovative example, the City of Calgary has developed a set of urban design guidelines focusing on commercial development sites outside of the downtown area, where big box stores and sprawling parking lots have become the norm. The guidelines support the planning priorities of Calgary's Municipal Development Plan (MDP), which calls for more vibrant and walkable commercial areas. Extending best practices of urban design to suburban commercial developments, the City of Calgary's new design guidelines help re-imagine Calgary's commercial landscape. Click [here](#) for more information on Calgary's award winning plan.

## Historic resources

Municipalities who believe that a land use planning decision may impact historic resources are encouraged to contact [Alberta Culture and Tourism](#). The department evaluates and coordinates the review of land-based development proposals that potentially impact historic resources, such as archaeological resources, paleontological resources, historic sites or structures, and Aboriginal traditional use site(s) considered as historic resources under the [Historical Resources Act](#).

## Provincial powers

The Act gives the Minister of Alberta Culture and Tourism the authority for the orderly development, preservation, study, interpretation, and promotion of appreciation for Alberta's historic resources. The Act provides a means to achieve these goals including requiring developers to conduct studies on potential impacts of their development on historic resources. These studies ensure appropriate consideration of historic resources during land use planning activities for developments within the Province. The Act applies to all developments in Alberta on both public and private lands, except land under federal authority. Sections 31, 32 and 37(2) within the Act are important for developers.

## Municipal powers

The Act also empowers municipalities to designate historic places through the passage of a local bylaw that legally protects designated resources from demolition or alterations that diminish from its heritage value. Before designating a historic place a brief document called a Statement of Significance (SoS) is developed to help guide the management of the site over time. The Standards and Guidelines for the Conservation of Historic Places in Canada provides further guidance for how to make appropriate conservation decisions. Further information is available from [Alberta Culture and Tourism](#)

## Learn more

In the fall of 2015 AUMA hosted the following webinars to provide municipalities information on the connection between land use planning and historical resources:

- [This old plan: Preserving Alberta's history through land use planning](#) featuring an overview of the assistance that the Historic Resources Branch of Alberta Culture can provide to municipalities in identifying potential historic resources when developing Area Structure plans and in meeting municipal obligations set out under the Historical Resources Act and Land Use Framework.
- [Living history: how municipalities can bring historic resources to life](#) featuring information on the opportunities and tools available to municipalities to preserve and protect locally significant historic resources including lessons learned by the City through implementing their award winning [Heritage Preservation Program](#).



*Historical Buildings in the City of Lacombe (Photo Source: Lacombe Historical Society)*



## Achieving environmental objectives

### *Need for policy*

The public increasingly looks to municipalities to take action to protect the natural environment. Municipalities should consider providing broad statements of intent in the municipal development plan which can then be followed up with specific strategies. An overall assessment of significant environmental resources and features will provide a useful framework for specific actions and priorities. A brief discussion of common areas of concern is presented below.

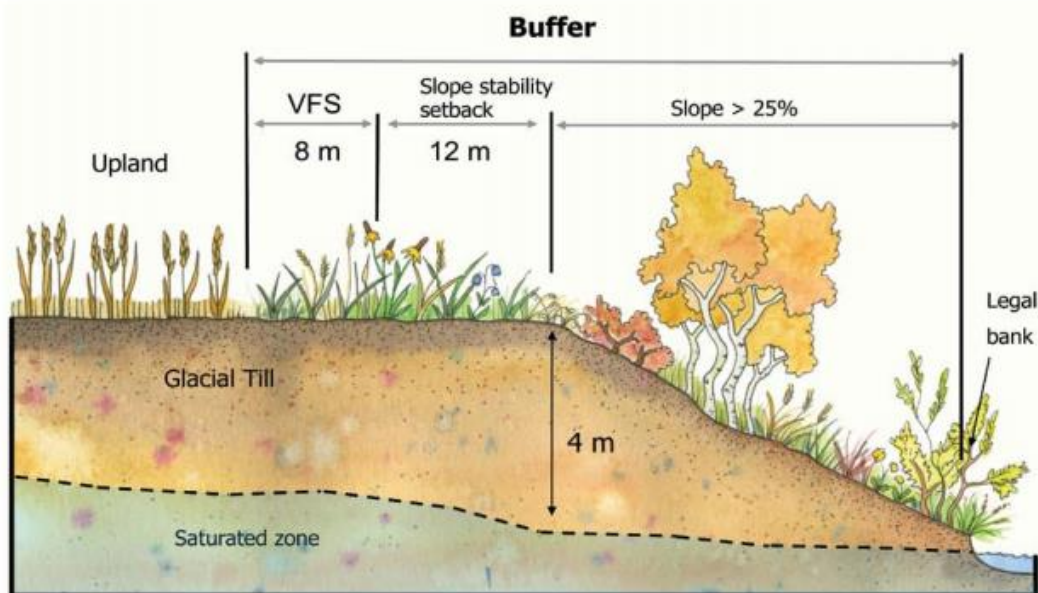
### *Top of bank*

Many municipalities contain rivers or other features that have steep slopes within their boundaries. Engineering studies can determine the likelihood of slope failure and the recommended distances for development setbacks from these slopes. Often however these slopes also provide important vistas which the community has come to recognize as valuable to the public at large. Some municipalities have opted to require development in these areas to be fronted by a public road to ensure the vista can be accessed by the general public. Public parks can also be incorporated into these areas where there are sufficient reserves.

### *Riparian areas*

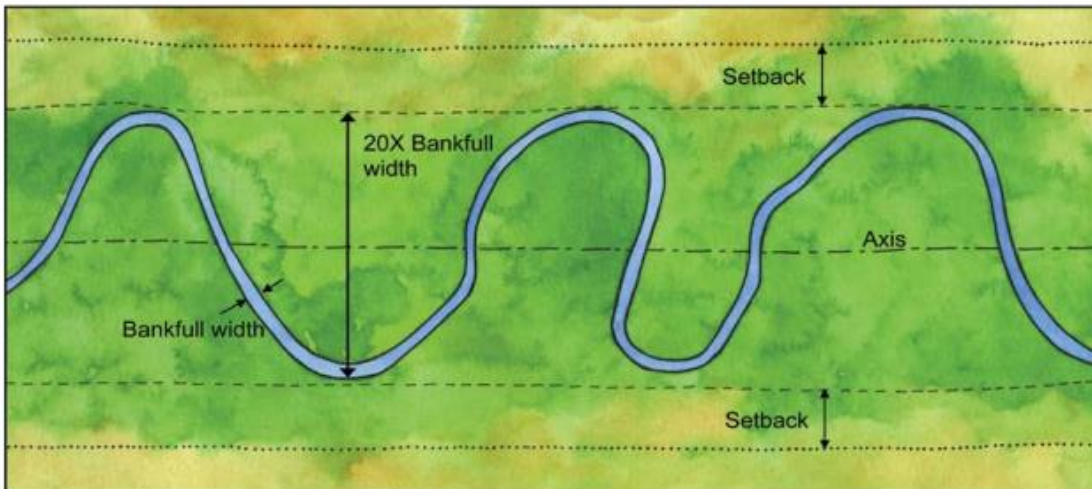
The term riparian area generally refers to the transition zone between a body of water and uplands. Riparian areas provide an important function in reducing soil erosion and the impact of floods and in maintaining water quality and for the impact they have on fauna and aquatic ecosystems. A previous section has discussed development in relation to flood plains. Flood plain protection however does not specifically address the need to protect riparian areas. Determining the width of a riparian area that requires protection depends on a number of factors and is best supported by analysis by a qualified professional. Alberta Environment and Parks has produced a guide book called [Stepping Back from the Water – A Beneficial Guide for New Development Near Water Bodies in Alberta’s Settled Region](#). For more information visit the [Riparian Area Management Section](#) of AUMA’s [Water Management Webpages](#).

**A stream buffer on glacial till, comprised of a steep slope, slope stability setback, and a vegetated filter strip. The steep slope does not count toward the vegetated filter strip.**



(Graphic Source: Government of Alberta, "[Stepping Back from the Water](#)" pg. 24)

### Schematic Diagram of a Meander Belt



(Graphic Source: Government of Alberta, "[Stepping Back from the Water](#)", pg. 21)

### Wetlands

Wetlands have been identified as playing a key role in flood mitigation and the maintenance of water quality. An assessment of wetlands within the municipality should establish the role that these play and the priority for conservation. Wetlands are particularly important for their cross boundary impact and should be a part of discussion with adjacent municipalities to ensure overall effective protection.

For more information visit the [Wetlands Section](#) of AUMA's [Water Management Webpages](#).

### Habitat protection

Some areas are particularly important for the protection of specific flora and fauna. These may be unique sites due to soil or microclimatic factors or part of linear systems that are integral to the movement of animals.

### Climate change mitigation and adaptation

Alberta's climate is changing rapidly. Although all levels of government have important roles to play to advance solutions, action at the municipal level is particularly important because that is where many of the impacts of climate change will be felt most directly and where there are opportunities to reduce greenhouse gas emissions. Land use is an important part of municipal efforts to reduce community greenhouse gas emissions and facilitate local adaptation to climate change

### Mitigation

Climate change mitigation refers to efforts to reduce or prevent emission of greenhouse gases. Developing complete communities that combine best practices in density, diversity of land uses, and appropriate site design can mitigate climate change by reducing dependency on automobiles, increasing energy efficiency, and encouraging the development of alternative energy sources.

For example, energy use in new developments can be optimized through strategic site planning:

- The street pattern would allow most buildings to be oriented for optimal solar access (within 25 degrees of south).
- The natural terrain can provide wind shelter and allow for closer spacing of taller buildings while maintaining solar access. The dimensions of the urban canyon, which relates the building heights and road width,

determines the availability of direct sunlight and air flow. Some commercial and industrial buildings that have a cooling dominant load or non-air-conditioned spaces, such as parkades, could be located in shaded areas.

- The location of vegetation can reduce wind and heat island impacts.
- Municipal regulations could determine building form, lot dimensions, setbacks, heights, etc., that affect solar access and landscaping.

To learn more about opportunities to reduce emissions through land use planning see the [Model Standard of Practice for Climate Change Planning](#) developed by the Canadian Institute of Planners and [Getting to Carbon Neutral: A Guide for Canadian Municipalities](#) developed by the University of Toronto's Sustainable Infrastructure Group.

### **Adaptation/resiliency**

Climate change adaptation involves taking practical actions to manage risks from climate impacts, protect communities, and strengthen the resilience of the economy.

Generally speaking, planning tools can be used to reduce climate risks in four ways:

- limiting development in hazard-prone areas
- ensuring that the built environment can withstand a range of environmental stresses
- helping to preserve natural environments such as wetlands that protect communities against hazards
- educating stakeholders and decision makers about risks and opportunities and fostering dialogue about adaptation

To learn more about adapting to climate change through land use planning see Natural Resources Canada's [Land use planning tools for local adaptation to climate change](#).

### **AUMA and climate change**

AUMA recognizes that climate change is among the most challenging issues of our time and that municipalities are on the front lines of mitigation and adaptation efforts. AUMA is home to the Municipal Climate Change Action Centre (MCCAC), a partnership with the Government of Alberta and Alberta Association of Municipal Districts and Counties. The MCCAC provides funding, technical assistance, and education to support Alberta municipalities in addressing climate change.

The MCCAC currently has three main programs

- The [Taking Action to Manage Energy \(TAME+\)](#) program provides tools and funding to help municipalities understand how energy is used in their buildings, identify key savings opportunities, and implement retrofit projects.
- The [Alberta Municipal Solar Program](#) (AMSP) provides financial rebates to Alberta municipalities who install solar photovoltaics (PV) on municipal facilities or land and complete public engagement for the project.
- The [Climate Resilience Express](#) programs provide Alberta municipalities with climate resilience action planning support and training.

## **Tools for achieving environmental objectives**

### *Environmental reserves*

Municipalities often look to the provisions of the *Municipal Government Act* (MGA) requiring developers to provide at no cost to the municipality at the time of subdivision land as environmental reserve and up to 10 percent of the remainder for parks, schools and recreation purposes. The provisions are somewhat misleading.

The term "environmental reserve" in the MGA refers to land that consists of:

- a swamp, gully, ravine coulee or natural drainage course,
- land that is subject to flooding or is, in the opinion of the subdivision authority, unstable, or,

- a strip of land not less than six meters in width abutting the bed and shore of lake, river or stream or other body of water for the purposes of preventing pollution or providing public access to the bed and shore.

The first two categories in the definition are perhaps better described as hazard lands with the intention of preventing development where it is not safe. The third category is limited to land adjacent water bodies. Together these definitions do not extend to the broad view of environmentally sensitive lands that many people have.

AUMA has requested as a part of the [MGA review](#) that the definition of environmental reserves be expanded to enable more effective protection of high-value ecological areas. This change would empower municipalities to be responsible ecological stewards and protect areas such as wetlands and wildlife habitat.

### *Subdivision design*

Standards for the design of new subdivision can play an important role in addressing environmental concerns. Storm water management measures that allow for controlled run off and filtering of storm water will improve overall water quality. Reduction of impervious surfaces will reduce peak flooding and restore groundwater levels. Allocation of reserves and the creation of larger multi-family development sites will allow significant features to be retained through a combination of public and private measures. Some measures can be incorporated into the servicing agreement which a developer can be required to sign as a condition of subdivision or development permit approval. Negotiations with developers at the time of approval can lead to other protection measures.

Visit the [Stormwater Section](#) of AUMA's [Water Management Webpages](#) for more information on improving stormwater management through approaches such as low impact development.

### *Developer incentives*

Density bonuses have been outlined as a tool to assist in achieving development objectives above. This tool can also be an effective means of achieving public and private protection of important environmental resources. Transfer of development credits is a means of allowing higher densities in one location in exchange for limited development in another area. This tool can be relatively straight forward where the land is owned by the same company. However, as noted previously, situations that involve multiple owners and longer periods over which development may occur requires a more sophisticated approach.

### *Conservation tools*

Building on the strategic direction provided by the [Land-use Framework](#), the [Alberta Land Stewardship Act](#) (ALSA) enables the development and implementation of the following conservation and stewardship tools, providing acceptable options for decision-makers: conservation easements, conservation directives, conservation off-sets and transfer of development credits.

The following information on the tools is provided by [Alberta Environment and Parks](#).

#### **Conservation easements**

A conservation easement is a voluntary legal agreement between a landowner and a qualified organization to protect, conserve, or enhance environmental, natural scenic or aesthetic value. The landowner is the easement donor, and a qualified organization can be the Government of Alberta, provincial government agency, local government body or registered organization that meets certain criteria.

Conservation easements help to preserve agriculture, ecological and cultural values, and the beauty of Alberta. Each easement can be tailored to the landowner's needs through discussion between the landholder and the qualified organization, as long as the conservation is reached.

The private landowner still owns the land, but both parties are responsible for carrying out the terms and conditions of the easement. An easement is registered on the donor's land title, protects land from certain types of development and applies to all future owners of the land. Under ALSA there is a [Conservation Easement Registration Regulation](#). An easement may be registered on Métis Settlement land subject to Métis Settlements General Council Policy.

The Land Stewardship's Centre online [Conservation Easement Registry](#) for Alberta is intended to support and assist land trusts, government agencies and private landowners in planning, delivering and reporting on the status of conservation easement projects in Alberta. Currently, searches can be performed at either the quarter section or section scale by entering the specific legal land description to determine if there is a registered conservation easement on the specific quarter section.

A conservation easement does not stop development for oil and gas. The [Surface Rights Act](#) and all other planning and regulatory processes apply on lands with conservation easements. A conservation easement can be used to support a conservation offset or a transfer of development credit program. A conservation easement may also qualify for the Canada-wide [Ecological Gifts Program](#), as long as it meets the established environmental criteria. This provides the landowner with a tax benefit.

Conservation easements have been legislatively enabled in Alberta since 1996 under the *Environmental Protection and Enhancement Act* and since that time have been restricted to the purposes of supporting conservation of biological diversity and/or natural scenic values. In 2009, with the proclamation of ALSA, the Government of Alberta took the step of expanding Alberta's conservation easement provisions to include agricultural lands.

In 2011, the [Environmental Law Centre](#) and the [Miistakis Institute](#), undertook an applied research project to better understand the legal and policy context, experience, challenges and opportunities as well as the legal structure surrounding application of [Conservation Easements for Agriculture in Alberta](#).

To find answers to questions regarding conservation easements, visit [Conservation Easements in Alberta](#).

### **Conservation directives**

A conservation directive is a new tool enabled under ALSA that allows Albertans to retain ownership of their land, and the Government of Alberta to ensure a specific area be protected. It can only be expressed in a regional plan to explicitly identify lands for the purpose of protection, conservation or enhancement of environmental, natural scenic or aesthetic values. It describes the precise nature of the directive and its intended purpose with respect to protection, conservation or enhancement.

A conservation directive cannot be used for commercial development such as electrical power transmission lines. A landowner who has a conservation directive on their land still owns the land, and can continue to do a number of land-use activities within the purpose of the directive. A landowner is entitled to compensation if there is a decrease in the market value of their land resulting from a conservation directive. The [Land Compensation Board](#) resolves disputes at the landowner's discretion. No conservation directives have been incorporated into any regional plans to date.

### **Conservation offsets**

A conservation offset is a tool that enables industry to offset adverse effects of their activities and development by supporting conservation efforts on other lands.

ALSA indicates, in general terms, where an offset may be applied and identifies provisions for accountability, including monitoring and compliance. ALSA also provides for setting out the rules for trading and defining an offset through regulations.

Currently there is work underway on development of the conservation offset tool. The goal of this work is to explore offset design options which would allow the government and Albertans to understand and establish an offset market in the future. This means taking a look at market design options including:

- offset requirements and eligibility rules;
- pricing and bidding rules for selling and buying offsets; and
- rules for combining buyers and sellers.

Refer to the [Experimental Economic Evaluation of Off-set Design Options for Alberta: A Summary of Results and Policy Recommendations](#) or the full report [Experimental Economic Evaluation of Off-set Design Options for Alberta: Research Report](#) for additional information.

### **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.

TDCs 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. TDCs can also be used to preserve historic resources or aesthetic aspects of a municipality as discussed in the section on [achieving cultural or aesthetic objectives](#).

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*.

There are certain ways a TDC program can be established:

- through a regional plan;
- by a local authority if the TDC program is first approved by the government; or
- by two or more cooperating local authorities if first approved by the government.

Some Alberta municipalities are already exploring options in developing TDC programs. More information is available in [A Practical Guide to Transfer of Development Credits in Alberta](#) by the Miistakis Institute.

### *Efficient use of land*

One of the [Land-use Framework's](#) seven broad strategies is to "promote efficient use of land to reduce the footprint of human activities on Alberta's landscape." This strategy was included in the Land-use Framework in response to

strong calls by the public and stakeholders to build on past and existing efforts to promote the efficient use of public and private land and reduce the [footprint of human activities](#) on Alberta's landscape.

To help promote the efficient use of land, the Government of Alberta has completed a review of tools and best practices by municipalities in Alberta and other jurisdictions. The results of this review have been compiled into the [Efficient Use of Land Tools Compendium](#) to serve as a resource for land-use planners, land users and decision-makers involved in land management planning and decision-making on public and private land.

## Planning with others

### Citizen engagement

#### *Statutory requirements*

The *Municipal Government Act* (MGA) sets out minimum requirements for giving notice and holding hearings on planning matters. A municipality must notify the public of the plan preparation process and of the means to make suggestions and comments concerning the plan. A land use bylaw must provide notice for how and to who notice of the issuance of a development permit must be given. Before giving second reading to a bylaw adopting or amending a statutory plan or land use bylaw the council must give notice and hold a public hearing. Notice of the hearing must be published at least once a week for two consecutive weeks in at least one newspaper or other publications circulating in the area or mailed or delivered to every residence in the area affected by the bylaw. At the hearing council must hear any person who claims to be affected by the proposed bylaw. After considering the comments the council may pass the bylaw, amend the bylaw or defeat it.

#### *The need to do more*

These minimum provisions often do not satisfy public demand for earlier and more extensive opportunities to engage on planning matters. The Alberta Municipal Affairs [Public Information Tool Kit](#) gives three reasons for expanding opportunities to engage with citizens:

- It leads to greater satisfaction and better relationships with citizens;
- It reduces complaints and concerns that arise late in the process and cause expensive delays and responses; and,
- It leads to better solutions.

A wide variety of engagement techniques can be employed depending on the nature of the decision that is to be made. Some common formal engagement methods include:

- Appointing public members to a municipal planning commission;
- Creating project based planning advisory committees;
- Conducting on line surveys; and
- Maintain opportunities for public feedback.

Successful citizen engagement requires careful thought, planning, and implementation. Municipalities should develop broad strategies of public engagement that apply across all aspects of municipal operations. Alberta Municipal Affairs' [Public Information Tool Kit](#) provides detailed information on the level of, and techniques for, public engagement that are appropriate to different types of issues.

AUMA has also developed a [Citizen Engagement Toolkit and Social Media Engagement Guide](#) that municipalities can use in their efforts to improve public participation and engagement.

## *Engaging diversity*

Municipalities may have the best intentions of engaging citizens whenever possible, but there may be norms and processes that inadvertently exclude or marginalize certain communities whose needs and concerns differ from those of majority or dominant groups. AUMA has developed [Engaging with Ethno-cultural Communities: A Guide for Municipalities](#), a practical and easy to use resource that municipal staff can use to engage with ethno-cultural communities. An ethno-cultural community is a group that has one or more shared characteristics such as ancestry, language, religion, geographical region of origin, or national identity. These characteristics are the basis on which the group distinguishes itself from other groups.

Your municipality may have many different ethno-cultural communities; some may be newcomers to Canada, while others may have lived in your community for a long time.

In the municipal context, some ethno-cultural communities may face barriers such as unequal access to services, perhaps due to language barriers or because available services and programs fail to address their unique needs. This may be exacerbated by other factors such as lack of employment opportunities, poverty, and social exclusion. Keep in mind, however, that not all ethno-cultural communities will encounter these barriers, or experience exclusion in the same way.

[The Engaging with Ethno-cultural Communities Guide](#) is part of a suite of resources that AUMA has created over the years to support municipalities in their efforts to create [welcoming and inclusive communities](#).

## *Engaging with Indigenous Peoples*

Alberta is privileged to have one of the largest, youngest, and fastest-growing Indigenous populations in Canada. Nearly 250,000 First Nations, Métis, Inuit, and urban Aboriginal people play an important role in the social, cultural and economic fabric of the province.

A number of Alberta municipalities, including Calgary, Edmonton, Grande Prairie, and Lethbridge have developed processes for engagement with their Aboriginal populations.

Many goals of Canada's Indigenous communities intersect with planning concerns. These goals include preserving language and culture, building governance and planning systems, investing in community health and wellness, practicing sustainable resource management, establishing self-reliant economies, developing sustainable food and energy systems, and improving community housing and infrastructure.

## *The City of Lethbridge: Traditional Knowledge and Use Assessment*

In April 2016, the City of Lethbridge initiated its Traditional Knowledge and Use Assessment ([TKUA](#)) by holding a ceremony jointly hosted by Elders and officials from the Kainai, Piikani and Siksika Nations. Through the TKUA, the municipality is able to work collaboratively with these three nations to create a greater understanding of the local Indigenous heritage of the region.

The project fits within the scope of regional development goals as promoted through the South Saskatchewan Regional Plan (SSRP) as well as through Lethbridge's SSRP Compliance Initiative (a comprehensive baseline data gathering project to support the City's legislative obligation to be compliant with the SSRP). TKUA also complements ongoing work within Lethbridge to document and protect heritage sites from the post-settlement era.

Traditional land use experts from these three nations are now working in partnership with a local archaeology firm to identify, document, and capture the history of the Siksikaisitapi (Blackfoot Peoples) in this region for thousands of years. The TKUA is part of a larger relationship building process between the City of Lethbridge and its Blackfoot—



and other Indigenous—neighbours in line with the Truth and Reconciliation Commission of Canada's [Calls to Action](#), as well as the United Nations Declaration on the Rights of Indigenous Peoples ([UNDRIP](#)).

When initiating planning developments, all municipalities are required to consider the impacts of development on heritage sites. Until now, however, these considerations largely excluded pre-settlement Indigenous heritage sites, many of which are more difficult for city planners to identify. These spaces will include ceremonial and sacred sites, wildlife corridors, traditional hunting grounds, as well as places with significant narrative history. The Lethbridge TKUA is working to highlight the 12,000+ year old history of the region, and assert the value of Indigenous historical sites to Alberta's heritage.

Reflecting the spirit and intent of reconciliation, the TKUA is working closely with the Blackfoot Confederacy to understand and protect this history. In this way, it is the Indigenous nations themselves who are empowered to gather information and tell their histories.

The work of the TKUA is an example of reimagining the relationship between municipalities and Indigenous communities, and promoting reconciliation at the local level. It also represents a significant effort on the part of Lethbridge to acknowledge Indigenous histories as essential and foundational to city planning, rather than something that can be accommodated after development.

### **South Saskatchewan regional planning**

The South Saskatchewan Regional Plan ([SSRP](#)) requires that municipalities consider the broader implications of land use, growth, and development, including on historical resources. The SSRP also calls for greater collaboration between all land use planners and decision makers, both Indigenous and non-Indigenous.

The implementation of the TKUA meaningfully incorporates two SSRP goals: It fosters increased understanding of local histories, and encourages relationship building with regional neighbours, particularly First Nations communities bordering Lethbridge.

### **Truth and Reconciliation Commission Calls to Action**

The Lethbridge TKUA is also an important step in implementing the Truth and Reconciliation Commission Calls to Action, and can serve as an example for other municipalities looking to engage in reconciliation. The TKUA addresses at least three of the TRC Calls to Action directly:

- The local implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP);
- A revision of policies in order to meaningfully incorporate Indigenous histories, heritage values, and memory practices into Canadian national heritage, and;
- The repudiation of the concepts of terra nullius and the doctrine of discovery.

For municipalities interested in implementing some of the recommendations of the TRC, but unsure of where to start, the Lethbridge TKUA provides an example of tangible reconciliation work at the local level. Not only does it address a number of aspects of the reconciliation framework, but it is also a project that will continue to guide development in Lethbridge in future years.

Significantly, the TKUA addresses not only the recommendations that concern the involvement of municipalities, but has gone further by reinterpreting some recommendations concerning provincial and federal governments, and considers how municipalities could meaningfully engage with those needs as well.

### ***United Nations Declaration on the Rights of Indigenous Peoples***

In addition to its work to implement the Calls to Action, the project is also part of a larger goal to implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) at the municipal level. Planners are hopeful that the project will help the city gain a more comprehensive understanding of the roles and responsibilities of

municipalities when it comes to treaty rights, consultation, and development. Furthermore, the work of the TKUA supports the cultural continuity of Indigenous nations by ensuring the history is acknowledged, preserved, and respected.

### **Challenges and opportunities**

The nature of this project requires particular sensitivities beyond what might be typically involved in planning initiatives. Significantly, the TKUA requires a willingness to work within the framework of Indigenous values and protocols. It is sometimes the case that traditional knowledges and outside perspectives are undermined by the assumptions of trained professionals. It is important to remember that all peoples involved in the project bring valuable perspectives that are important in reaching collective goals. Because there may be challenges associated with accessing various kinds of traditional knowledge, patience is key to ensuring respectful relations.

Planners in Lethbridge have noted the value of ongoing and effective communication. To ensure the success of the project, it has been crucial to bring together all the nations involved as early as possible in the planning process. This enables good relations from the outset of the project and allows all parties involved to have a shared vision moving forward.

## **The development community**

### *Statutory requirements*

Offsite levies represent a critical vehicle for municipalities to secure improvements necessary to the development of new subdivisions. These levies represent a significant expense for developers. Consequently, the legislation specifically requires consultation with affected parties. Section 3.3 of [The Principles and Criteria for Off Site Levies Regulation](#) states that there is a shared responsibility between the municipality and developers for addressing and defining existing and future infrastructure requirements, while section 10 requires calculation of the levy to be determined in consultation with affected landowners and developers.

### *General engagement*

Developers are often identified as a group for specific inclusion in project based consultations. Preparation of a downtown development plan, for example, would be remiss if there was not a specific effort to engage representatives of the development industry in an advisory committee. The participation of developers is also encouraged in developing broad policies on community development.

## **School boards**

### *Statutory requirements*

Municipalities play a critical role in meeting the community need for schools through their planning and development authority. When preparing statutory plans, municipalities must notify school boards operating in the municipality of the preparation of the plan and provide opportunities to those authorities to make suggestions and comments. Municipal development plans must include policies respecting the allocation of reserves and the identification of school requirements in consultation with school boards. School authorities must be given notice of subdivision applications if the application could involve the allocation of reserves and may appeal decisions relating to the allocation of reserves or the location of school reserve sites.

### *Joint use agreements*

As noted in Chapter 2, a developer may be required to provide up to 10% of the land to be subdivided for park, recreation and school purposes. Reserves are allocated to the municipality and each school board either in accordance with their needs as determined by the subdivision authority or in accordance with an agreement between the municipality and the respective school board. Many municipalities enter into joint use agreements with

school boards to address the process for allocating reserves for new school sites as well as to arrange for sharing recreation areas and providing public access to school facilities such as gymnasiums after school hours.

### *AUMA and school sites*

AUMA members passed a resolution at the 2015 Convention requesting the provincial government to develop a strategy that provides urban municipalities with increased involvement in the planning for an announcement of new school sites. An improved engagement strategy would allow municipalities to prepare for the requirements of new school developments such as road access infrastructure, and also assist the province in effectively siting schools so that they can be developed in a timely manner that does not burden local taxpayers.

## **Adjacent municipalities**

### *Statutory requirements*

When preparing a municipal development plan, the municipality must notify adjacent municipalities of the preparation of the plan and provide opportunities for those municipalities to make suggestions and comments. Similar requirements apply if an area structure plan is being prepared for lands that are adjacent to another municipality. Municipal development plans must address the coordination of land use, future growth patterns, transportation systems, and other infrastructure with adjacent municipalities. Subdivision applications affecting land that is adjacent to another municipality must be referred to that municipality unless otherwise provided for in a municipal development plan or intermunicipal development plan. The [Principles and Criteria for Off Site Levies Regulation](#) provides that where necessary and practicable, the municipality is to coordinate infrastructure provisions and services with neighbouring municipalities.

### *General practice*

Many municipalities have established joint committees or agreements with neighbouring municipalities. These may be related to shared services such as fire protection or recreation, or they may be of a more general nature relating the simple exchange of information and maintenance of good working relations.

AUMA has developed a resource page on intermunicipal cooperation to support municipalities in beginning or continuing effective working relationships with their neighbours. This resource can be viewed [here](#).

## **Some current land use planning challenges**

### **Flood plains**

Many Alberta municipalities are located near water bodies for ease of communication and transport. Periodic flooding has been a part of these communities since their inception. The *Municipal Government Act* (MGA) requires municipalities to take this into account when approving municipal land use plans and deciding on subdivision and development permit applications. Consideration begins with the municipal development plan (MDP). The MDP may address environmental matters and contain statements regarding any development constraints. Where flooding is likely to occur in a municipality, the MDP typically devotes a section to describing the nature of the flooding, the area affected, and policies regarding development in the area.

In deciding on an application for subdivision the subdivision authority must consider any potential for flooding. A land use bylaw may establish specific provisions regarding the development of buildings in areas subject to flooding. A joint federal provincial program led to sophisticated flood plain mapping being prepared for a number of Alberta communities. This mapping process identified appropriate land uses for areas affected by flooding, which municipalities were encouraged to incorporate into their MDPs and land use bylaws.

Recent experience with flooding in southern Alberta identified a need for more specific provisions. An amendment to the MGA in 2013 enables the adoption of specific regulations relating to the development of land in flood plains. Consultations on the proposed regulations were completed in 2014. The discussion paper produced by the Floodway Development Regulation Task Force (FDRTF) noted that once the proposed Floodway Development Regulation is in force:

- Municipalities will need to ensure that their statutory plans and land use bylaws are consistent with provisions of the Floodway Development Regulation, where applicable.
- Municipalities may not approve an application for subdivision in a floodway if the application is inconsistent with the provisions of the Regulation.
- Municipalities may not issue a development permit for any use or development of vacant land in a floodway if the proposed development is inconsistent with the provisions of the regulation.

Floodway typically include the river channels and overbank areas. The FDRTF's discussion paper identifies four areas for consideration in drafting the regulation:

- New development in floodways (prohibitions and authorized uses)
- Existing development in floodways (prohibitions and authorized uses and development)
- Exemption provisions; and
- Other related discussions.

Consensus was reached in a number of areas including:

- No new development should be constructed in the floodway;
- Elevating a building (above a determined flood level) as a form of mitigation above flood waters in a flood way is not considered appropriate;
- There is to be no redevelopment or additions to existing buildings in the floodway that will result in expanding the building footprint and/or changing the building use;
- There should be no infill development in the floodway; and,
- Any exemptions for floodway areas need to be based on an agreed set of criteria and need to demonstrate appropriate mitigation measures that are sufficient enough to reduce/minimize risk to life and property.

The regulation has not been finalized as of April 2016. The report can be viewed at <http://www.municipalaffairs.alberta.ca/1934>

## Energy projects

Energy developments pose a significant challenge for urban communities. As noted previously, oil and gas wells and pipelines are exempt from the requirements of the planning provisions of the *Municipal Government Act* (MGA). The relationship to energy projects is considered here under three headings: new facilities, existing facilities, and abandoned facilities.

### *New facilities*

Access to oil and gas resources in Alberta is obtained either through lease of exploration rights from the province or negotiation with private holders of titles to minerals. Once a company has obtained the right to explore it must obtain the approval of the Alberta Energy Regulator (AER) before any development occurs. The AER has set out in [Directive 056: Energy Development Applications and Schedules](#) the requirements and procedures for filing a license application to construct or operate any petroleum industry energy development that includes facilities, pipelines, or wells. The directive includes requirements for engaging with affected parties and notes that local authorities play an important part in the plan for orderly land use and should be involved at an early stage in planning an energy development and participant involvement program. Applicants are encouraged to resolve any outstanding concerns

before filing an application with the AER. If the concerns cannot be addressed the applicant must file a non-routine application for reasons of participant involvement, and include a written summary of concerns for AER review.

Resident concerns typically relate to safety, odours, and impact on land values. Of particular concern are facilities that deal with sour gas. When preparing a municipal development plan a municipality may include statements considering development constraints and must contain policies compatible with the Subdivision and Development Regulation to provide guidance on the type and location of land uses adjacent to sour gas facilities. Some municipalities have established the position of oil and gas coordinator in dealing with energy projects.

### *Existing facilities*

The AER is responsible for identifying and classifying sour gas facilities. A planning authority must not approve an application unless it is consistent with setback distances from sour gas facilities as identified by the AER. A planning authority must not approve an application that is within 100 meters of an existing oil or gas well unless a lesser distance is approved by the AER. There is no setback required from pipelines apart from the right of way of the pipeline unless the pipeline is identified as a sour gas facility in which case setback distances will be established by the AER.

### *Abandoned facilities*

The risk from abandoned wells is extremely low. However, such wells are not visible from the surface and thus pose a risk to excavation and construction equipment and the safety of the operator if they are not properly located. Abandoned wells rarely require maintenance, but adequate access to the site needs to be maintained should a leak occur. The Subdivision and Development Regulation requires municipalities to identify abandoned wells as part of a subdivision or development permit application review. Setbacks established by the AER are to be applied to prevent accidental contact with a wellbore, and to allow for well access if required. Detailed procedures and requirements are set out in Municipal Affairs information bulletins, which are available [here](#).

### *Contaminated sites*

Contaminated sites represent potentially significant risks to human health and the environment. The Environmental Protection and Enhancement Act administered by Alberta Environment and Parks sets out the regulatory requirements surrounding substance release, remediation, and reclamation. Municipalities have a responsibility to determine whether a site is suitable for the intended use.

Municipalities should establish appropriate policies in their municipal development plans respecting the assessment of land prior to approving an area structure plan, plan of subdivision, or issuing a development permit.

The City of Edmonton has recently adopted and published an [Environmental Site Assessment Guidebook](#). The report identifies four different stages of investigation which are briefly described below:

- An Environmental Overview is used solely for the purpose of area structure plans.
- Phase I ESA involves a non-intrusive desktop review of the current and historical environmental information relevant to the site.
- Phase II ESA involves intrusive investigation and delineation of areas of potential environmental concern for contaminants through characterization of soil and groundwater. This must be conducted if recommendations in the Phase I ESA indicate that areas of potential environmental concerns are present on the site or if the City (Environmental Energy and Coordination Unit) believes that it is warranted.
- Phase III ESA, which involves remediation and/or exposure control, includes various type of remediation technology which may include excavation and disposal, soil vapour extraction, risk management and/or exposure control of the site or a combination of the above.

The report then relates the different stages of investigation to each stage of the planning approval process. These are briefly described below:

- Area structure plan – an environmental overview is required.
- Rezoning – a level 1 Environmental Site Assessment (ESA) is required if the existing zoning is industrial, commercial, urban service, agricultural and reserve or special area. A level 1 ESA is not normally required if the existing zoning is exclusively residential.
- Subdivisions – a level 1 ESA should cover the entire parcel.
- Development permit – a level 1 ESA is required if the development officer believes contaminants exist.

A detailed description of the contents of each level of assessment is provided in the report.

The [City of Lethbridge's Sunridge Subdivision](#) provides an example of an environmental site assessment.

### *Brownfields*

Brownfields are derelict properties where past actions have resulted in actual or perceived contamination that is preventing redevelopment. Thousands of these properties blight main streets and neighborhoods in municipalities across Alberta.

At a time of economic uncertainty and increased concern about the state of the environment, brownfield redevelopment provides an opportunity for municipalities, the province, and the private sector to collaborate on solutions that enable efficient land use, promote economic development, and improve Alberta's reputation as a responsible steward of natural resources.

AUMA has developed an online hub to provide municipalities with information on legislation, policies, best practices, and resources related to brownfield redevelopment. The Brownfield Redevelopment Hub also profiles AUMA's advocacy efforts urging the province to address barriers to redevelopment. *Will insert link once hub is live.*

### **Agriculture**

Agriculture is an essential part of Alberta's economy and identity. In recent decades the agricultural sector has been under increasing pressure from expanding rural and urban developments. This has resulted in the permanent loss of some of the province's most productive farm and ranch lands.

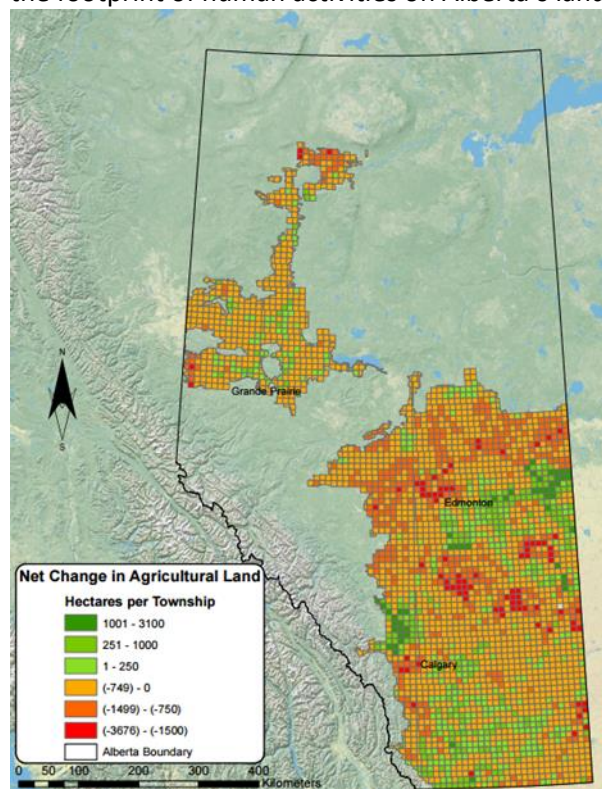
In response to this issue, the [Alberta Land Institute](#) (an independent, non-partisan research institute based at the University of Alberta that connects research and policy for better land management) commissioned a [study](#) to examine the extent of agricultural land conversion and fragmentation in the province. The first deliverable of this 3 year study was a report detailing [A Review of Land cover Patterns from 2000-2012 and Land use Policy](#).

Using high resolution satellite imagery, the review found that over twelve years approximately 123,900 hectares (0.82 percent) of the agricultural land base in the province was converted for development. While this loss may seem minor on a provincial scale, the concentration of development occurred in the Calgary-Edmonton Corridor. Within this region, about 38,250 hectares (4.3 percent) of the agricultural land was converted. The review also found that agricultural land conversion is happening at a significant level on the highest quality agricultural land within in the province. Of the agricultural land converted, 68.4 percent was from the two highest quality categories of agricultural land.

The Alberta Land Institute's review also looked at land use policies in the province. It concluded that one of the major issues is the disconnect between goals and directives to protect agricultural land set out in policy and the decisions made in practice. Short-term pressures and gains appear to override working towards long-term objectives. For example, the *Municipal Government Act* requires that municipalities include protection of agricultural operations in their Municipal Development Plans and bylaw. While many MDPs include protection of agricultural land,

municipalities are not bound to deliver on the contents of MDPs. Councils and local planners must be on board with the fundamental goals of land preservation in order to engage in proper implementation. The Alberta Land Institute's paper suggests that performance with respect to preserving agricultural lands might be improved if the provincial government were to follow-up on municipal plans.

In addition, the review points to land use tools that municipalities can use to including cluster zoning, purchase of conservation easements, tradeable development credits, urban growth boundaries and more comprehensive planning. These tools are featured in the [Efficient Use of Land Tools Compendium](#) as well as on the [Conservation and Stewardship Tools webpage](#) developed by Alberta's Land Use Secretariat to support land use decisions that reduce the footprint of human activities on Alberta's landscape.



*Net Change in Agricultural Land 2000-2012 (Source: the Alberta Land Institute)*

While development may be eating away at traditional agricultural land, many municipalities are finding ways of integrating agriculture into urbanized areas. There is increasing recognition of the importance of food in building community and identification of urban agriculture as an opportunity to increase the sustainability and quality-of-life of communities, as well as a means for economic development.

For example, in 2012 The City of Edmonton adopted [fresh: Food and Urban Agriculture Strategy](#) to guide the City towards the vision of “a resilient food and agriculture system that contributes to the local economy and the overall cultural, financial, social and environmental sustainability of the city.”

The City has already taken steps put that vision into action through

- Approving a [zoning bylaw](#) change to enable more urban agriculture activities throughout the city.
- Forming the [Edmonton Food Council](#) to shape the future of food and urban agriculture in Edmonton.
- Permitting [bee keeping](#) through a license process.
- Conducting [urban hens](#) pilot project!

- Partnering with [Northlands](#) to increase local food purchasing of major distributors and institutions.

In 2014 the City of Airdrie launched an [urban agriculture pilot project](#) which includes a community orchards initiative and a backyard hens pilot program. The City also promotes the local farmers market, community gardening, and the Food Bank’s Plant a Row Grow a Row program where residents can share some produce from their home gardens with the Food Bank.

The City of Red Deer has adopted a [Chicken Bylaw](#) to regulate and control the keeping of chickens on a property within an urban area. This bylaw requires residents to apply for and maintain a chicken license on an annual basis.



(Photo Source: City of Red Deer)

## Private Property Rights

Municipalities may wonder how far they can go in regulating private land and under what circumstances they may need to provide financial compensation to landowners impacted by municipal decisions.

The Alberta Land Institute (ALI) has developed an online [Guide to Property Rights](#) describing the scope of property rights held by landowners in Alberta and addresses issues of expropriation, regulation of property rights, and compensation.

The Guide to Property Rights also describes changes to the property rights framework arising from provincial legislation, including the *Alberta Land Stewardship Act* (ALSA). While the guide seeks to correct the myth that ALSA grants powers to the provincial Cabinet that are inconsistent with Canadian legal tradition, it also points out the need for greater clarity around what is eligible for compensation.

## Environmental Impact Assessments

An environmental impact assessment (EIA) is a process to predict the impact of projects on the environment before they are carried out. In Alberta, projects may trigger a provincial or federal EIA depending on what matters the project will touch on. Municipal projects such as dams have the potential to trigger both a provincial and federal EIA, leading to a long and resource intensive process before the project can be completed.

### Provincial Environmental Impact Assessments

The current EIA process in Alberta is based on the [Environmental Protection and Enhancement Act](#), with processes set out in the [Environmental Assessment Regulation](#) and activities that trigger an EIA set out in the [Mandatory and Exempted Activities Regulation](#). Some activities may also trigger an EIA under the [Water Act](#). EIAs for energy resources activities such as upstream oil, oil sands, natural gas, and coal development are processed separately by the Alberta Energy regulator. Activities that trigger a mandatory provincial EIA in Alberta include:



- dams greater than 15 metres in height;
- water reservoirs with a capacity greater than 30 million m<sup>3</sup>;
- hydroelectric plants that generate over 100MW; and,
- landfills that accept hazardous waste.

In preparing a provincial EIA in Alberta, proponents must assemble a detailed list of documents including a plan and guidelines for First Nations consultation, project summary tables and location maps, terms of reference for the EIA, and a proposal for how the public will be notified about the terms of reference. The proponent uses the finalized terms of reference to complete their full EIA report, which is then submitted to the provincial Environmental Assessment team for a technical review. This team decides whether or not the EIA report is complete, and forwards it on to a regulatory board to decide whether the proposal is in the public interest.

[Click here for more information on the provincial EIA process.](#)

### **Federal Environmental Impact Assessments**

The current federal EIA process is based in the 2012 *Canadian Environmental Assessment Act* (CEAA). Pursuant to this Act, the federal government developed a [regulation to designate physical activities](#) that automatically trigger a federal EIA. Example projects that trigger federal EIAs include:

- fossil fuel electrical generating facilities with a capacity of 200MW or more;
- dams or dykes that result in a reservoir of 1500ha or more;
- structures that divert 10,000,000m<sup>3</sup>/year of water from a natural water body into another natural water body;
- public highways requiring 50 km or more of new right of way;
- aerodromes in built-up areas of cities or towns; and
- interprovincial bridges or tunnels.

As well, the CEAA states that environmental effects of projects must be taken into account if they result in changes impacting areas under federal jurisdiction such as fish or migratory birds, changes on federal lands or outside the province where the project is carried out, or effects on Indigenous peoples. These clauses are highly important to municipalities, as numerous municipal projects may contain one or more of these impacts. For instance, road construction over migratory bird habitat and bridge or dam construction through navigable waterways or fish habitats may trigger a federal EIA.

[Click here for more information on the federal EIA process.](#)

# Additional Resources

## Land use planning webinar series

AUMA has partnered with the Land Use Secretariat to host a land use planning webinar series to provide the opportunity for municipalities to learn more about and discuss the Land Use Framework and related policies and strategies. Information on upcoming webinars is available on [AUMA's events page](#).

Recordings of Past Webinars:

- [Pulling in the same direction: Aligning land use decision making](#)  
Featuring an update on the status of regional plans, the requirement for municipal compliance with the plans that have been adopted and an overview of efficient use of land principles.
- [This old plan: Preserving Alberta's history through land use planning](#)  
Featuring an overview of the assistance that the Historic Resources Branch of Alberta Culture can provide to municipalities in identifying potential historic resources when developing Area Structure plans and in meeting municipal obligations set out under the Historical Resources Act and Land Use Framework.
- [Living history: how municipalities can bring historic resources to life](#)  
Featuring information on the opportunities and tools available to municipalities to preserve and protect locally significant historic resources including lessons learned by the City through implementing their award winning Heritage Preservation Program.
- [To conserve and Protect: Implementing Alberta's Wetland Policy](#)  
Featuring an update on implementation of the policy and how municipalities can support its implementation
- [Wetlands Why? What? When? Where? Who? How?](#)  
Featuring information from the province in response to municipal questions regarding Alberta's Wetland Policy and the further details on role of municipalities in implementing it.

## Planning related organizations

### Alberta

| Organization  | Details/Resources  |
|---|--|
| <a href="#">Alberta Land Institute</a>                  | <p><b>Research for decision makers</b></p> <p>Alberta Land Institute (ALI) is an independent, non-partisan research institute based at the University of Alberta that connects research and policy for better land management.</p> <p>ALI conducts and funds interdisciplinary academic research on land-use challenges in Alberta and Canada to develop and evaluate alternative policy options that consider social, economic and environmental perspectives.</p> <p>ALI's areas of study include municipal development, water, agriculture, and governance.</p> |
| <a href="#">Alberta Professional Planners Institute</a> | <p><b>Regulated Professional Planners</b></p> <p>The Alberta Professional Planners Institute (APPI) is a professional regulated organization under the provisions of the Professional and Occupational Associations Registration Act of</p>  |

|  |  |
|--|--|
|  | <p>Alberta, responsible for certifying members to achieve "Right to Title" and thereby are legally entitled to use the Registered Professional Planner (RPP) designation.</p> <p>APPI works to support its members so its professional planners can</p> <ul style="list-style-type: none"> <li>• Support civic leaders, business interests and citizens to envision new possibilities and consider the short and long term consequences of decisions facing the community</li> <li>• Lead in the development of innovations in regulation, programs and policy</li> <li>• Anticipate change to help communities synthesize and meet the challenges of growth and development</li> <li>• Design communities that create better choices for where and how people live and work</li> <li>• Strike a balance between public and private, individual and community interests</li> </ul> |
| <p><a href="#">Cities Region Studies Centre (CRSC)</a></p>                       | <p><b>Research and community development</b></p> <p>The CRSC is an innovative research and community engagement centre dedicated to sparking meaningful conversation and action in city-region planning, community development, governance and place making. Housed at the University of Alberta's Faculty of Extension, the CRSC engages rural and urban stakeholders to build sustainable, resilient communities.</p>  |
| <p><a href="#">Community Planning Association of Alberta (CPAA)</a></p>          | <p><b>Discussions on community planning</b></p> <p>The CPAA is a volunteer-based organization that provides a forum for the discussion of community planning-related concepts, ideas, and issues with a view towards solutions.</p>  |
| <p><a href="#">Land Stewardship Centre (LSC) of Canada</a></p>                   | <p>LSC's mission is to facilitate stewardship by improving understanding of healthy ecosystems, supporting community stewardship, and strengthening policies that affect resource use.</p> <p>LSC's core programs and services include:</p> <ul style="list-style-type: none"> <li>• <a href="#">Alberta Stewardship Network</a></li> <li>• <a href="#">Conservation Easement Registry</a></li> <li>• <a href="#">Conservation Land Registry</a></li> <li>• <a href="#">Green Acreages Guide</a></li> <li>• <a href="#">Green Communities Guide</a></li> <li>• <a href="#">Watershed Stewardship Grant Program</a></li> <li>• <a href="#">Septic Sense: Solutions for Rural Living</a></li> </ul>  |
| <p><a href="#">Urban and Regional Planning Program University of Alberta</a></p> | <p><b>Planning Degrees</b></p> <p>The planning program educates students in the scientific, aesthetic, and orderly disposition of land, resources, facilities, and services with a view to securing the physical, economic and social efficiency, health and well-being of communities.</p>  |
| <p><a href="#">Urban Development Institute (UDI) Alberta</a></p>                 | <p><b>Developers</b></p> <p>UDI is a non-profit, advocacy organizing representing the land development industry and professionals involved in the industry across Alberta.</p>   |

## Canada

| Organization   | Details/Resource   |
|--|--|
| <a href="#">Canada Walks</a>   | <p><b>Walkability Resources</b></p> <p>Walkability is an important emerging trend in municipal planning. Canada Walks has developed a <a href="#">series of resources</a> that can assist municipalities including walkability case studies, toolkits, surveys, and reports.</p>   |
| <a href="#">Canadian Institute of Planners</a>                             | <p><b>Planning Professionals</b></p> <p>The Canadian Institute of Planners works on behalf of over 6,300 planning professionals nation-wide, serving as the voice of Canada’s planning community. Its members work in both the public service and the private sector, across fields such as land use planning, environmental resource management, land development, heritage conservation, social planning, transportation planning, and economic development.</p> |
| <a href="#">Federation of Canadian Municipalities-Green Municipal Fund</a> | <p><b>Sustainability Planning Resources</b></p> <p>The Federation of Canadian Municipalities has developed an extensive series of resources on <a href="#">sustainable community planning</a> including case studies, tools and reports, webinars, videos, and interviews with municipal sustainability planning leaders across the country.</p>   |
| <a href="#">Natural Resources Canada</a>                                   | <p><b>Climate Change Adaptation Planning</b></p> <p>Climate change is rapidly introducing new challenges for municipalities to address, leading to increasing emphasis on preparedness in municipal planning. The Government of Canada has assembled a series of <a href="#">resources for climate change adaptation planning on this website</a>.</p>   |
| <a href="#">Nova Scotia Ministry of Municipal Affairs</a>                  | <p><b>Planning Resources</b></p> <p>The Province of Nova Scotia has assembled a list of <a href="#">planning resources</a> that can assist municipalities with geographical information systems, demographic changes, and urban development in rural areas. While this site is tailored for Nova Scotia municipalities, communities in Alberta often face similar issues and may benefit from this information.</p>  |
| <a href="#">Ontario Ministry of Municipal Affairs</a>                      | <p><b>Land Use Issues and Trends</b></p> <p>The Ministry has developed a <a href="#">Land Use Planning website</a> with detailed descriptions of many current issues and trends in planning such as brownfields, smart growth, healthy community planning, and more. While information is tailored to the Ontario planning system, these descriptions are a good introduction to many issues and trends that planners in Alberta address.</p>                      |

## International

| Organization                        | Details/Resources  |
|-------------------------------------|--|
| <a href="#">Smart Growth Online</a> | <p><b>Smart Growth Clearing House</b></p> <p>The <a href="#">Smart Growth Information Clearinghouse</a> provides information on relevant news, events, funding opportunities, awards and resources to help communities pursue development choices that deliver environmental, economic, public health and quality of life benefits. The goal of the clearinghouse is to support local decision-making that fosters healthy, resilient, and economically vibrant communities.</p> |

The clearinghouse is also the virtual home of the [Smart Growth Network](#), a nationally recognized coalition of leadership organizations that have formally endorsed the principles of smart growth.