

THE ALBERTA LAND-USE FRAMEWORK AND THE ALBERTA LAND STEWARDSHIP ACT & REGIONAL PLANS



**Government
of Alberta** ■

Land-use Framework

Provincial leadership

Balancing environmental with economic and social considerations

Increased Certainty

- Integrate and coordination of provincial policy
- Align planning/decision making

Encourage stewardship and conservation



LUF Priority Actions

Immediate priorities

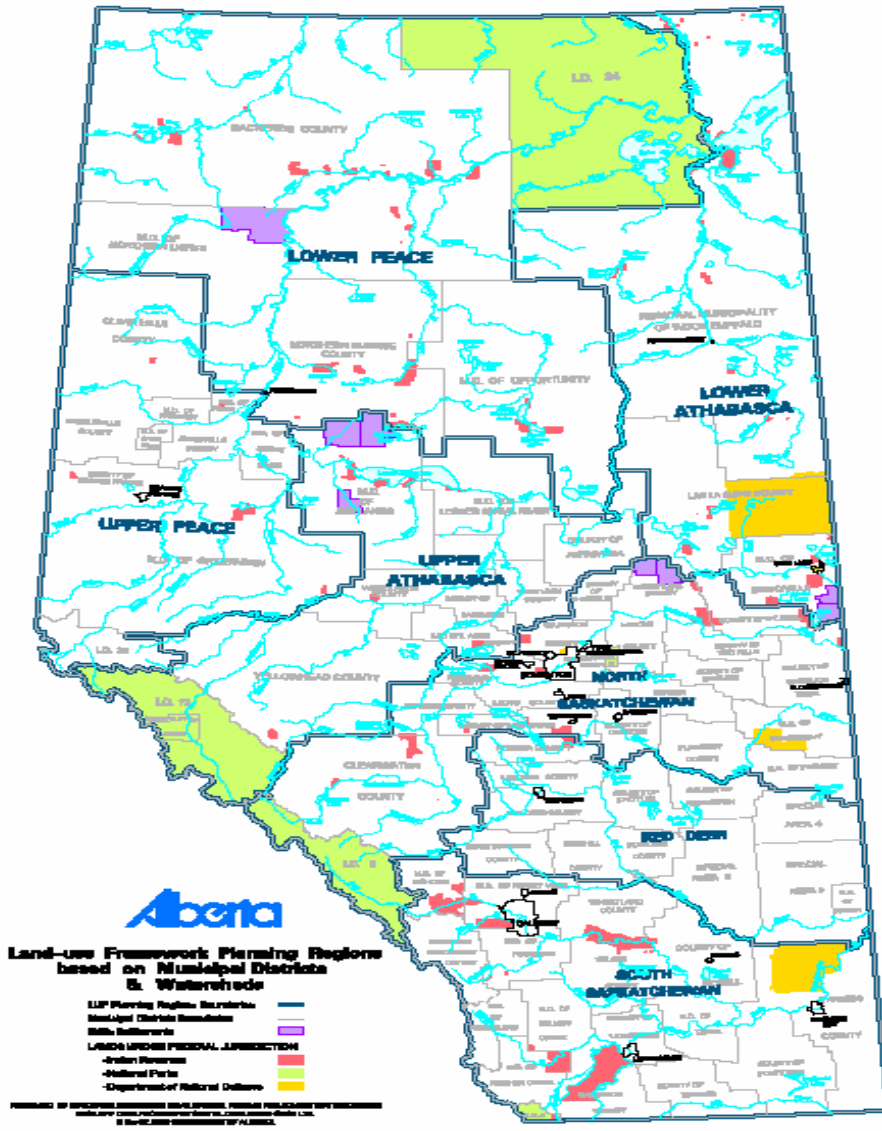
- ❑ Legislation to support the framework, Spring 2009
- ❑ Development of regional plans for South Saskatchewan and Lower Athabasca regions
- ❑ Completion of metropolitan plans for the Capital and Calgary sub-regions

Policy gaps and areas of provincial interest to be addressed

- ❑ Manage subsurface and surface activities
- ❑ Reduce fragmentation and conversion of agricultural land
- ❑ Develop a transportation and utility corridors strategy
- ❑ Manage recreational use of public lands
- ❑ Conserve and protect the diversity of ecological regions

Land-use Regions

- Lower Peace
- Upper Peace
- Lower Athabasca
- Upper Athabasca
- North Saskatchewan
- South Saskatchewan
- Red Deer



Regional Plans

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

Lower Athabasca Terms of Reference

- Economic growth and development scenarios
 - 2.0 mbd bitumen
 - 4.0 mbd bitumen
 - 6.0 mbd bitumen
- Land conservation objectives
 - Contribution to 20% conservation of the Boreal Forest
 - Feasibility of >20% while achieving economic objectives
- Regional air and water thresholds
 - Established for water quality/quantity
 - NO_x and SO₂
- Human development
 - First Nations and Métis
 - Recreation and Tourism
 - Transportation and Utility Corridors
 - Population Growth

ALBERTA LAND STEWARDSHIP ACT



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Authority

Lieutenant Governor in Council:

- Direction by Cabinet
- Alignment of planning and decision making with that direction:
 - provincial departments, municipalities, boards (eg. ERCB, NRCB, MGB)

Regional Plans: Built with Albertans

- Regional Advisory Councils established for each region
- Public, stakeholder, municipal, aboriginal consultation
- Legislated requirement to review at least every 10 years
- at least once every 5 years, appoint a committee to evaluate and audit the policies of regional plans to determine whether they are meeting the purposes and deliver a public report

Sub-Regional Plans

A regional plan may:

- ❑ authorize preparation of a sub-regional or issue-specific plan
- ❑ adopt or incorporate another plan as a sub-regional plan or issue-specific plan
e.g. Calgary, Capital metropolitan plans

Protection From Court Review By:

- Separating process from decision-making to prevent successful process challenges
- Making Regional Plans legislative instruments which typically the Courts will not second-guess
- Includes a privative clause to help stop contents of plans being grounds for legal action.

Enforcement of Regional Plans through:

- Other legislation (eg. Public Lands, ERCB)
 - Requires officials under other Acts to follow direction in regional plans and enforce under their legislation
 - eg. Municipal Affairs in relation to municipalities

Compensation

- Any compensation is provided:
 - under existing Acts or regulation,

Regional Plans: Legal Effect

Regional plans are legislative instruments having legal effect

- a) If there is a conflict or inconsistency between a regional plan and a regulation under any Act, the regional plan prevails
- b) If there is a conflict between an Act and a regional plan, the Act prevails
- c) If there is a conflict between the *Alberta Land Stewardship Act* (ALSA) and any other Act, ALSA prevails

Regional Plans: Binding Effect

- Regional plan binds Crown, local government bodies, decision-makers, others
- Business and affairs must comply with regional plan objectives.
- Actions to respond to an emergency do not contravene a regional plan
- Regional plans can provide for exceptions and exemptions

**Provincial
Authority**

Regional Plans

- Vision and desired future for the region
- Integrated economic, environmental and social outcomes
- Objectives/goals (quantitative , measurable targets, trade-offs and choices)
- Strategies/actions (both regulatory and non regulatory)



**Municipal
Authority**

Municipal Development Plan

- Future land use
- Transportation and services
- Coordination with neighbours



Area Structure Plans

- Specific pattern of land use and servicing



Land-use Bylaws

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



Subdivision Control

- Divides land into two or more parcels
- Municipality can take some land for municipal/school/environmental reserve

Private Lands

Section 11

- For the purpose of achieving an objective in a regional plan, it may by **express reference** to a statutory consent or type or class of statutory consent, affect, amend or extinguish the statutory consent or the terms or conditions of the statutory consent.
 - give reasonable notice to the holder of the approval
 - provide an opportunity for the approval holder to propose an alternative means of achieving or maintaining the objective

Conservation and Stewardship Tools

ALSA expands tools box to:

Provide options for decision makers

- ❑ Conservation Easements
- ❑ Conservation Offsets
- ❑ Conservation Directives
- ❑ Transferable Development Credits

Conservation Easements

- Voluntary legal agreements between a landowner and a qualified organization, such as a land trust or government agency.
- Moved from the *Environmental Protection and Enhancement Act (EPEA)*
- Expanded through *ALSA* to include agricultural land.

Transfer of Development Credits

- Direct urban development away from valued private landscapes, open spaces and agricultural lands towards areas better suited for increased urban development.
- Enabled at regional, sub-regional or local scales.

Transfer of Development Credits (TDC) Program Overview

Conservation Area

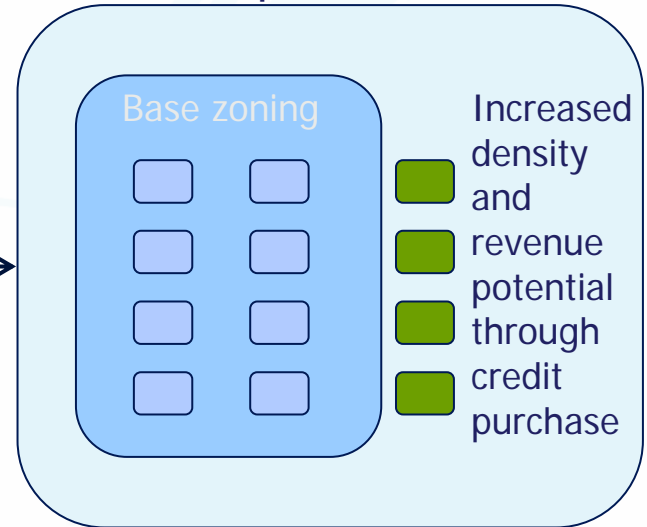


Areas for conserving natural landscapes, farmland protection, historic landmarks or cultural landscapes.



Credit available for sale to developers in Development Areas

Development Area



Areas appropriate for development due to market demand, existing services and infrastructure, and planning priorities.



Conservation Offsets

- Tool to counterbalance unavoidable loss; provide a complimentary mechanism to reduce loss of ecological values.
- ALSA defines activities that could qualify as offsets, including:
 - conservation and protection;
 - restoration or reclamation; and
 - creation or enhancement.

Conservation Directives

- Broad purpose to protect Alberta's environmental, aesthetic and agricultural values.
- Non-voluntary conservation tool.
- Areas identified through Regional Plans as needing permanent conservation and protection.
- Landowners would still own the land.
- Act grants landowner right to seek compensation for lost value through a compensation board.

www.landuse.alberta.ca

