



May 4, 2009

## ***Bill 36, the Alberta Land Stewardship Act and Municipal Government Act Consequential Amendments***

Edmonton... The Alberta Government has introduced Bill 36, the *Alberta Land Stewardship Act (ALSA)* and consequential amendments to more than 25 legislative Acts to support regional land-use planning in the province.

### **What is Bill 36, the *Alberta Land Stewardship Act (ALSA)*?**

Bill 36 establishes the legislative foundation to implement the Land-use Framework. This includes regional planning, the requirements for compliance with regional plans, the Land Use Secretariat and expanded use of conservation tools.

Bill 36 will be implemented through existing legislation and will use existing processes and structures to implement regional plans. The Bill includes amendments to the *Municipal Government Act (MGA)* to ensure that municipal plans, bylaws, and procedures align with regional plans. Details of the amendments can be found in the 'Backgrounder' of this fact sheet.

### **How will Bill 36 and the *MGA* consequential amendments impact municipalities?**

#### Regional Plans

Sections 3 and 4 of Bill 36, the *Alberta Land Stewardship Act* give the Province the power to establish integrated planning regions and adopt regional plans for each region, to achieve economic, environmental and social objectives. Once adopted, these regional plans will set policy directions for municipalities and other decision makers in the regions.

Municipalities are encouraged to become involved in the consultations on regional plans under development.

Regional Advisory Councils (RACs) will be created for each region and will provide strategic advice to the government in the development of a regional plan. These RACs will represent a cross-section of interests, experience and expertise and will include municipal and provincial bodies, industry, Aboriginal groups and environmental concerns. They will consider input from Albertans who live and work in the region.

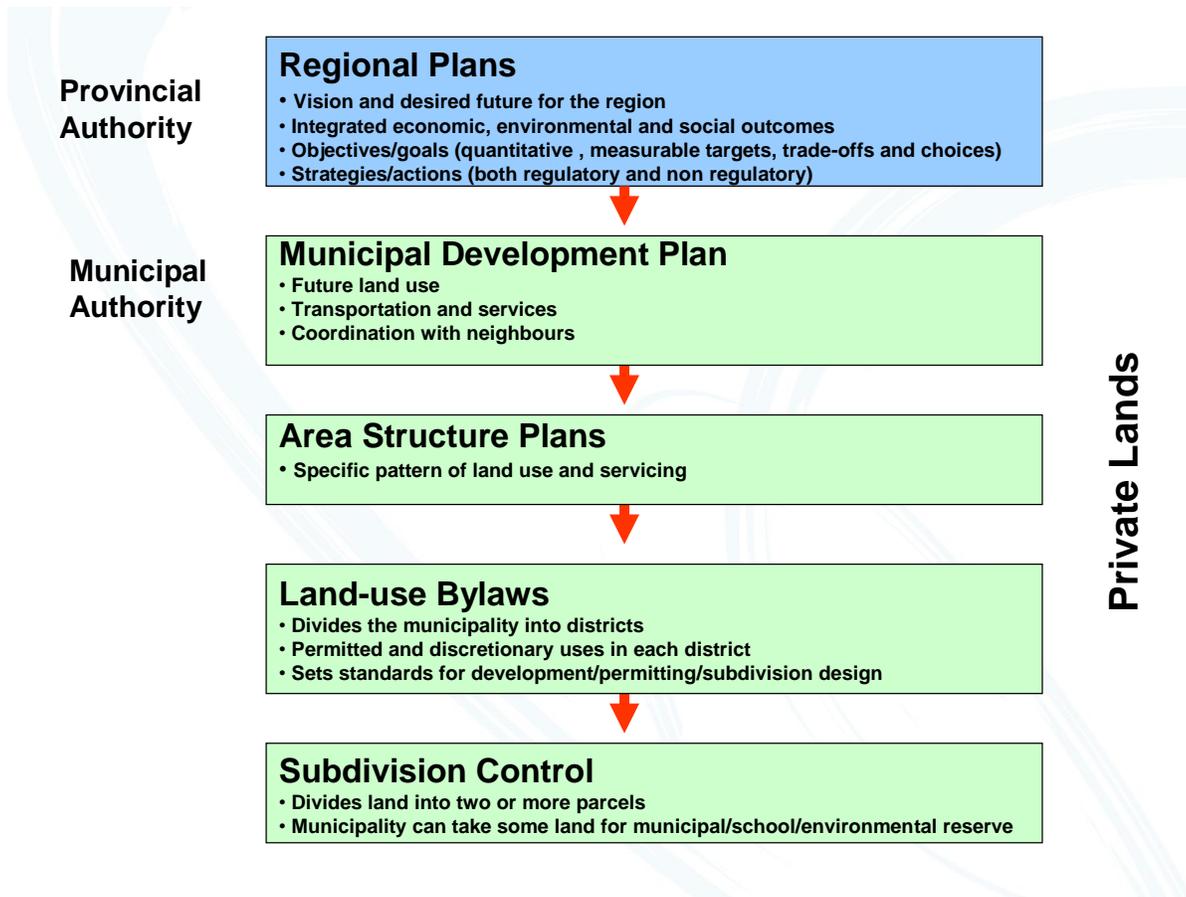
#### How will Municipalities Benefit from Regional Plans?

Regional plans will provide more certainty to municipalities through consistency of policies and strategies, and better allow them to better plan for the future.

## Adherence to Regional Plans and Compliance Declarations

Municipalities will have the same decision making powers as they now have. Once a regional plan is adopted, section 20(1) of Bill 36 requires municipalities in the region to review existing municipal development plans, area structure plans, land-use bylaws, policies and procedures and make any amendments to align with the regional plans. Each municipality will then file a statutory declaration with the Land Use Secretariat indicating the review is complete and that the municipality is in compliance with the regional plan.

Bill 36 will ensure that municipal decisions relating to subdivision authority, development authority, subdivision and development appeal board and municipal government board decisions align with regional plans' policy.



### **How much time do municipalities have to file the statutory declaration with the Land Use Secretariat?**

Regional plans will be prepared over the next few years, with the first plan scheduled for 2010 completion and the last in 2012. The regional plan will establish the timeline within which municipalities must review and amend their plans.

## **What if a municipality does not follow a region plan?**

Under Bill 36, the government will work with municipalities to help them align their plans and bylaws with regional plans. On the rare occasion when a municipality refuses to comply, under the proposed changes to the *Municipal Government Act*, government may:

- suspend the bylaw making power of the municipal authority;
- make bylaws for the municipality; or
- exercise other lawful authority.

## **What about intermunicipal issues?**

The Minister of Municipal Affairs, under *MGA* Section 631.1(1) to (2), may require two or more municipal authorities to establish an intermunicipal development plan and to define the matters to be included in, and the timeline for completion of, the plan.

## **Do municipalities require public hearings for bylaw amendments to bring alignments to regional plans?**

Municipalities will decide whether public consultation is necessary in amending statutory plans and bylaws to conform to a regional plan. If council decides that consultation would not be beneficial, it may proceed to pass the bylaw without further consultation.

## **How will Municipal Affairs support municipalities?**

Municipalities will receive advisory support during the development of regional plans, information on the process for compliance including how to determine compliance with the final approved regional plans, and support to implement any changes that may be required.

To download a copy of the *Land-use Framework* or for information on Bill 36, the *Alberta Land Stewardship Act* and the consequential amendments, visit: [www.landuse.alberta.ca](http://www.landuse.alberta.ca)

For further information regarding this fact sheet, please contact the Planning and Dispute Resolution Unit of Municipal Affairs. For toll free access, call 310-0000, then 780-427-2225.

**Backgrounder:** Legislative Changes to the *Municipal Government Act (MGA)*

Bill 36, the *Alberta Land Stewardship Act (ALSA)* includes 14 amendments to the *Municipal Government Act (MGA)* to ensure that municipal plans, bylaws, and procedures are consistent with the regional plans.

<b>ALSA Section</b>	<b>MGA Section</b>	<b>Details</b>
82(2)	488.01	adds regional plans to the Municipal Government Board's consideration when carrying out its functions.
82(3)	570.01(1) to (2)	provides the Minister of Municipal Affairs with authority to exercise additional options to ensure municipal compliance with regional plans.
82(4)	602.021	adds regional plans to the Regional Services Commission's consideration when carrying out its functions.
82(5)	619(12)	adds regional plans to decisions made by municipalities related to other authorizations (NRCB, ERCB, AEUB or AUC).
82(6)	622(4)	provides that land-use policies do not apply where there is a regional plan adopted for that region.
82(7)	630.2	adds regional plans as binding on the subdivision authority, development authority, municipal planning commission, or subdivision and development appeal board when carrying out their functions.
82(8)	631.1(1) to (2)	outlines the power the Minister of Municipal Affairs has to require two or more municipalities to establish an intermunicipal development plan.
82(9)	638.1	clarifies that in the event of a conflict or inconsistency between a municipal plan and the regional plan, the regional plan prevails.
82(10)	639.1	requires that the municipality comply with the regional plan regarding protection of agricultural operations.
82(11)	655(1)(a)	adds the regional plans to the conditions of subdivision approval issued by the subdivision authority.
82(12)	680(2)(a)	adds the regional plans to the matters a subdivision and development appeal board is bound by when making a decision on a subdivision appeal.
82(13)	687(3)(a)	adds the regional plans to the matters a subdivision and development appeal board is bound by when making a decision on a development appeal.
82(14)	690(5)	adds the regional plans to the Municipal Government Board's consideration of whether a municipal plan is detrimental to the municipality that files an appeal.
82(15)	692(8) to (9)	exempts the municipality from the requirement of giving notice and holding a public hearing for a bylaw amendment to conform to the regional plan if the municipal council determines that it is neither necessary nor desirable nor beneficial to consult the public on such amendments.