
***SOUTH SASKATCHEWAN REGIONAL PLAN
COMES INTO EFFECT ON SEPTEMBER 1, 2014***

On July 23, 2014, the Government of Alberta released the South Saskatchewan Regional Plan (SSRP). The SSRP will come into effect on September 1, 2014 and is the second regional plan to be adopted under the province's Land-use Framework. **Municipalities have obligations under the SSRP.**

This information bulletin discusses the implications of the approval of the SSRP for municipalities in the South Saskatchewan Region. While the SSRP specifically applies to the South Saskatchewan Region, regional plans will eventually be prepared for all of the seven planning regions in the province. Municipalities in the other regions may find the discussion in this bulletin to be of interest.

This information bulletin is not a legal interpretation of the SSRP or the *Alberta Land Stewardship Act (ALSA)* that supports the Land-use Framework and the development of the regional plans. It is advisable that a municipality consult with its legal counsel on any matters arising during the implementation of the regional plan.

What is the South Saskatchewan Regional Plan?

In 2008, following a period of consultation with Albertans, the Government of Alberta adopted the provincial Land-use Framework. The Land-use Framework created seven regions in the province with a requirement to develop a regional land use plan for each region. The SSRP is the second plan approved under the framework.

The SSRP was developed by the Alberta government based on advice from a government-appointed Regional Advisory Council (RAC) and input received through extensive consultation with the public, municipalities, stakeholders and Aboriginal groups over a five-year period that began in November 2009.

Using a cumulative effects management approach, the SSRP sets policy direction for municipalities and other decision-makers in the South Saskatchewan Region over the next 10 years to achieve environmental, economic and social outcomes.

The SSRP has four key components:

- (i) **Introduction** – includes the purpose of the regional plan, land-use planning and decision-making in Alberta, and how the regional plan will inform land-use decisions.
- (ii) **Strategic Plan** – includes the vision for the future of the region along with desired regional outcomes. It builds on existing policies and initiatives by establishing a set of strategic directions that help achieve the regional vision and outcomes.
- (iii) **Implementation Plan** – includes regional objectives, strategies and actions that will be undertaken to support achievement of the regional vision and outcomes and indicators to measure and evaluate progress.
- (iv) **Regulatory Details Plan** – enables achieving the strategic direction and strategies and actions.

The SSRP also sets out monitoring, evaluation and reporting commitments to assess progress. Government will use various mechanisms to formally communicate regional plan progress to the public, including the release of reports on a regular basis that speak directly to the plan, and communications that address more specific aspects of the plan.

An audit committee will be appointed to determine if regional objectives and policies are meeting the purposes of the *ALSA* at least once every five years. A comprehensive review of the plan and a report on its effectiveness will be initiated by the Land Use Secretariat and submitted to the Stewardship Minister at least once every 10 years. This review may result in the plan being amended, replaced, renewed or repealed.

This ongoing cycle of monitoring, evaluating and reporting encourages continuous improvements in decision-making and actions, so current and future generations achieve the desired balance among economic, environmental and social outcomes in the South Saskatchewan Region.

What are some of the *ALSA* definitions that will affect municipalities?

When reviewing the SSRP, municipalities are encouraged to be familiar with the *ALSA* and its applications to municipalities. For example, *ALSA* contains definitions of terms that municipal officials should understand when they read the SSRP; such as “decision-makers”, “local government body”, “regulatory instruments” and “statutory consent.” These definitions appear in the appendix to this bulletin, along with some notes that elaborate on the definitions from a municipal perspective.

What are municipalities obligated to do upon the approval of a regional plan (e.g., the SSRP) under *ALSA*?

The SSRP does not change the municipal planning process for municipalities in the South Saskatchewan Region. The *Municipal Government Act (MGA)* provides the legislative

authority for municipalities to make land-use planning and development decisions within their municipal boundaries.

The relationship between a municipality and an *ALSA* regional plan is established in both the *MGA* and *ALSA*. The SSRP also provides direction on how the plan applies to municipalities within the South Saskatchewan Region. There are three ways in which a municipality is obligated to ensure it is acting in accordance with the regional plan. These are:

(1) Municipal planning authorities are required to carry out their functions in accordance with any applicable *ALSA* regional plan.

Section 630.2 of the *MGA* specifies that a subdivision authority, a development authority, an entity established under Section 625 (an intermunicipal services agency or regional services commission), a municipal planning commission and/or a subdivision and development appeal board must each carry out its functions and exercise its jurisdiction (as decision-makers) in accordance with any applicable *ALSA* regional plan. This section will apply immediately upon the regional plan coming into force.

(2) The municipal council is required to review its plans and bylaws, and make amendments as necessary to comply with the regional plan.

Section 20 of the *ALSA* specifies that when a regional plan is adopted, local government bodies (e.g., municipal councils) must review their plans and bylaws (and other regulatory instruments), determine what changes are required, make the necessary changes and file a statutory declaration with the provincial Land Use Secretariat stating that the review is complete and the municipality is in compliance with the regional plan (see below).

(3) After the review is complete, the municipality will submit the statutory declaration affirming that it is in compliance with the *ALSA* regional plan.

The SSRP specifies that local government bodies will have five years from the plan coming into effect to submit the statutory declaration to the Land Use Secretariat.

The SSRP provides a detailed description of how it will apply to municipalities in the South Saskatchewan Region under Part 1: General within the Regulatory Details component of the plan.

- Sections 1 and 2 provide definitions and indicate that the SSRP applies to the Crown, decision-makers and local government bodies.
- Section 3 notes that the Introduction, the Strategic Plan and the Implementation Plan are statements of provincial policy that are not intended to have binding legal effect on municipalities.

- Section 4 states that local government bodies, when carrying out their functions and duties, will need to consider the Strategic Plan and the Implementation Plan.
- Section 4(2) stipulates a municipality must not adjourn, defer, deny, refuse, or reject an application or decision-making process for the reason of an incompleteness or transitioning of undertaking a commitment or direction in the strategic plan or implementation plan (e.g., a municipality cannot deny an application because it is in the process of reviewing its statutory plans or waiting for the province to provide environmental management framework information).
- Sections 5 and 6 describe the delegated authorities of the Designated Ministers responsible for specific elements or provisions within the Regulatory Details, as well as their requirement to report on matters within a specific time frame.
- Section 7 details the compliance requirements for local government bodies and decision-making bodies.
- Section 8 relates to the transitional provisions applicable to statutory consents before or after the date the Regulatory Details come into force.

How are municipalities in the South Saskatchewan Region to meet these obligations?

Section 630.2 of the MGA and Section 4 of the SSRP Regulatory Details Plan

Municipalities in the South Saskatchewan Region should begin now to review all components of the SSRP and determine what sections of the plan have implications for their municipal planning and development decisions. This review will ensure that the development authority, subdivision authority, subdivision and development appeal board, municipal planning commission, and municipal council will be aware – once the SSRP comes into force on September 1, 2014 – of SSRP requirements that need to be considered in the course of their decision-making.

However, it should be noted that Section 11(3) of the ALSA allows a statutory consent that has been issued prior to the adoption of the SSRP to continue despite any inconsistency with the SSRP.

Section 20 of the ALSA

As noted previously, municipalities in the South Saskatchewan Region have five years to review their regulatory instruments and file a statutory declaration with the provincial Land Use Secretariat.

An appropriate process for a municipality to adopt to carry out this review might be as follows:

- (1) review the SSRP (all four components) to identify those aspects of the plan that may affect the municipality (this step may be coordinated with the review recommended above in relation to Section 630.2 of the MGA);

- (2) identify all the existing regulatory instruments (e.g., Municipal Development Plan, Area Structure Plan, or land-use bylaw) that will need to be re-examined as part of this review;
- (3) review these regulatory instruments with particular reference to those aspects of the plan identified under step 1;
- (4) decide whether there is a need to make any amendments to align with the SSRP;
- (5) if yes, make the necessary amendments to these instruments; and
- (6) file the statutory declaration with the Land Use Secretariat indicating that the review is complete and all regulatory instruments are in compliance with the SSRP.

For instance, the SSRP expects municipalities to maintain an agricultural land base by reducing the fragmentation and conversion of agricultural land [pp. 109: Strategies (8.19 – 8.22)]. In reviewing their regulatory instruments, municipalities will need to consider whether they have identified areas where agricultural activities should be the primary land use within their municipal boundaries. If these areas are not identified, municipalities will have to consider making any necessary amendments to these regulatory instruments.

Sections 692(8) and (9) of the *MGA* allow municipalities to decide whether public consultation is necessary in amending statutory plans and bylaws to conform to the SSRP. If council decides that consultation would not be beneficial, it may proceed to pass the bylaw without further consultation.

Regulatory Details Plan of the SSRP

Section 4 of the Regulatory Details Plan requires a municipal council to consider the Strategic Plan and Implementation Plan in the SSRP when carrying out any function in respect of council's powers, duties and responsibilities. This goes beyond the requirement (under Section 630.2 of the *MGA*) that a municipality's planning and development entities need to act in accordance with the regional land use plan. This requirement in SSRP means that a municipal council will need to keep the SSRP policies and directions in mind in making decisions or acting on any matter that falls within the jurisdiction of the municipality. For example, the municipality will need to consider the Strategic Plan and the Implementation Plan when looking at opportunities for economic development in the municipality.

What is the relationship between the SSRP and the Provincial Land Use Policies?

In the South Saskatchewan Region, the SSRP will replace the Provincial Land Use Policies developed pursuant to Section 622 of the *MGA*. Similarly, the Provincial Land Use Policies were repealed for the Lower Athabasca Region when the Lower Athabasca Regional Plan came into effect in 2012. However, all other municipalities in the province will continue to use the Provincial Land Use Policies to guide land use planning and development decisions until regional plans are developed in their regions and are approved by the provincial government.

The updated land use policy statements in the SSRP serve to modernize and streamline the provincial land use interests. These policy statements can be found in the Community Development section of the SSRP (pp. 103 – 111). Municipalities are expected to consider the SSRP land use policies in their land use decisions.

What is the Efficient Use of Land Implementation Tools Compendium?

The SSRP includes a section on Efficient Use of Land (pp. 88 – 89). The efficient use of land is one of the seven strategies identified in the provincial Land-use Framework. The intent is to promote the efficient use of land to reduce the footprint of human activities on the Alberta landscape.

To build awareness and understanding of the topic, an Efficient Use of Land Implementation Tools Compendium has been released to the public at the same time as the release of the SSRP. The compendium includes tools and best practices that can be used by land-use planners, land users, and decision-makers as a resource for land use decisions. A copy can be downloaded from the following link:
<https://landuse.alberta.ca/ConservationStewardship/EfficientUseOfLand/Pages/default.aspx>

What if a municipality is found to be not following the SSRP?

If a complaint for non-compliance is filed with the Land Use Secretariat, and if the Land Use Secretariat is satisfied that there is clearly a non-compliance issue with the regional plan, it may refer the matter to a designated Minister, a government department and/or a local government body (Section 62 of *ALSA*).

If, after investigation, a municipality is found to be non-compliant with the SSRP and the matter is referred to the Minister of Municipal Affairs, the Minister may take any of a number of actions as set out in Section 570.01 of the *MGA*, including:

- suspending the bylaw-making power of the municipal authority on any matter(s);
- making bylaws for the municipality on any matter(s);
- withholding money that is payable from the Government of Alberta to the municipality;
- or
- exercising other lawful authority.

How will Municipal Affairs support municipalities?

Municipalities will continue to receive advisory support during the development and implementation of the regional plans. For further information regarding this bulletin, please contact the Planning Unit of Municipal Affairs. For toll-free access, call 310-0000, then 780-427-2225.

To download a copy of the SSRP, or for more information on the regional plan development process or any documents relating to the Land-use Framework, visit <https://www.landuse.alberta.ca/>.

Appendix: *ALSA* definitions and notes

Four definitions from the *ALSA* that have implications for municipal operations are:

- (1) Decision-maker - a person who, under an enactment or regulatory instrument, has authority to grant a statutory consent, and includes a decision-making body.
- (2) Local government body - subject to any regulations made under Section 66,
 - (i) the governing body of a municipal authority as defined in the *MGA*;
 - (ii) the board of directors of a regional services commission under the *MGA*;
 - (ii.1) a growth management board under the *MGA*;
 - (iii) the council of a Métis settlement and the General Council;
 - (iv) a board of directors established under the *Irrigation Districts Act*;
 - (v) a board of trustees established under the *Drainage Districts Act*;
 - (vi) a management body established under the *Alberta Housing Act*;
 - (vii) any person or entity designated as a local government body by any regulations made under Section 66.
- (3) Regulatory instrument - subject to any regulations made under Section 66,
 - (i) a bylaw of a local government body;
 - (ii) a rule, code of practice, guideline, directive or instrument having binding, guiding or recommending effect that is enacted under or used for the purpose of administering an enactment;
 - (iii) any of the following instruments of a government department, local government body or decision-making body:
 - (A) policies, plans, objectives or procedures;
 - (B) rules, directions or administrative regulations to guide or direct administrative conduct;
 - (C) instruments used to administer, guide or direct the exercise of regulatory, administrative or decision-making discretion or authority;
 - (D) instruments that manage, authorize, permit or allow an activity, other than a statutory consent or a regulation made under an enactment;
 - (iv) any instrument designated as a regulatory instrument by any regulations made under Section 66; but does not include a General Council Policy.
- (4) Statutory consent - a permit, licence, registration, approval, authorization, disposition, certificate, allocation, agreement or instrument issued under or authorized by an enactment or regulatory instrument.

Notes:

“Decision-makers” are bodies or individuals who are responsible for issuing/granting statutory consents such as development permits, subdivision approvals, etc. The definition of decision-makers would include a development authority, subdivision authority, subdivision and development appeal board, municipal planning commission, municipal council (when acting as development authority to approve a direct control development), as well as special committees and boards appointed by council to make decisions. The SSRP requires decision-makers to make decisions in accordance with the regional plan. It

should be noted that Section 11(3) of the *ALSA* allows a statutory consent that has been issued prior to the adoption of the SSRP to continue despite any inconsistency with the SSRP.

Municipal councils are key entities included in the definition of “local government bodies”. In general, the SSRP will have two implications for municipal councils: (1) it will apply when a municipal council makes decisions on “regulatory instruments” such as bylaws (for adopting a land-use bylaw, approving a statutory plan), and/or approving a municipal policy or directives; and (2) it will apply when a council is conducting municipal business such as approving its budget.

“Regulatory instruments” would include, but not be limited to, land-use bylaws, bylaws to adopt/amend a statutory plan (municipal development plans, area structure plans, area redevelopment plans, etc.), a council resolution to adopt a non-statutory plan (outline plans, concept plans, etc.), policies (such as a top-of-the-bank policy, housing density policy, park space standards/allocations, transportation policy such as support for cycling, etc.), directives, development guidelines such as construction design manuals, and other plans such as transportation plans.

“Statutory consents” would include, but not be limited to, development permits, subdivision approvals, servicing agreements, development agreements, business licences, etc.