

2007 Bill 211

Third Session, 26th Legislature, 56 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 211

PLANNING FOR THE FUTURE OF COMMUNITIES ACT

MR. TAYLOR

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 211

2007

PLANNING FOR THE FUTURE OF COMMUNITIES ACT

(Assented to _____, 2007)

Preamble

WHEREAS growth presents challenges to municipalities that have implications beyond their boundaries;

WHEREAS it is desirable to promote a rational and balanced approach to decisions about growth in Alberta by involving various levels of government, stakeholders and communities;

WHEREAS it is necessary to plan for growth in a manner that reflects a broad geographical perspective and is integrated across municipal boundaries; and

WHEREAS, in order to plan for future sustainable growth, communities must consider economic factors in conjunction with many other diverse factors, including social and environmental needs, as part of effective regional planning to achieve a high quality of life for all Albertans;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definitions

1(1) In this Act,

- (a) “advisory committee” means an advisory committee on a growth plan for a growth plan area established under section 3 of this Act;
- (b) “growth plan” means a plan ratified by the Lieutenant Governor in Council under section 8;

- (c) “growth plan area” means an area of land designated by the Lieutenant Governor in Council under section 2;
- (d) “local authority” means a local authority as defined in the *Municipal Government Act*;
- (e) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (f) “Municipal Government Board” means the Municipal Government Board established under Part 12 of the *Municipal Government Act* and includes any panel of the Board;
- (g) “municipality” means a municipality as defined in the *Municipal Government Act* and may include a Métis settlement or an Indian reserve.

(2) Unless the contrary intention appears, an expression used in this Act has the same meaning in this Act as it has for the purposes of Part 17 of the *Municipal Government Act*.

Growth plan areas

2 The Lieutenant Governor in Council shall make regulations

- (a) designating an area of land as a growth plan area, and
- (b) indicating the municipalities that are part of the growth plan area established under clause (a).

Advisory committees

3(1) The Lieutenant Governor in Council must establish advisory committees for every growth plan area.

(2) The advisory committee shall consist of

- (a) at least 1 representative from each municipality in the growth plan area,
- (b) representatives from the Government of Alberta,
- (c) representatives from the general public within the growth plan area.

(3) Members of an advisory committee shall be appointed for a 2-year term which is renewable once, except for members appointed pursuant to subsection (2)(a), whose term may be renewed more than once.

(4) An advisory committee does not cease existence after the ratification of a growth plan.

Contents of growth plan

4 A growth plan may contain

- (a) population projections and allocations,
- (b) an assessment and identification of priority growth areas, emerging growth areas and future growth areas over specified time periods,
- (c) growth strategies for all or part of the growth plan area,
- (d) policies, goals and criteria in relation to
 - (i) intensification and density,
 - (ii) land supply for residential, employment and other uses,
 - (iii) expansions and amendments to the boundaries of areas of settlement,
 - (iv) the location of industry and commerce,
 - (v) the protection of sensitive and significant lands, including agricultural lands, and water resources,
 - (vi) non-renewable resources,
 - (vii) the conservation of energy,
 - (viii) infrastructure development and the location of infrastructure and institutions,
 - (ix) transportation planning,
 - (x) municipal waste management planning,
 - (xi) the co-ordination of planning and development among municipalities,
 - (xii) growth-related capital spending and financing,

- (xiii) affordable housing,
 - (xiv) community design, including the heritage character of buildings and neighbourhoods and community historical resources,
 - (xv) specified actions to be taken by municipalities to implement or achieve the policies or goals,
- (e) such other policies, goals or matters that the Minister considers advisable.

Public participation in growth plan

5(1) An advisory committee shall, during the preparation of a growth plan, provide an opportunity to the councils of those municipalities and local authorities situated in the growth plan area and persons affected by it to make representations with respect to the plan.

(2) The opportunity for making representations referred to in subsection (1) shall include publication of one or more notices in a newspaper circulating in the growth plan area to the following effect:

- (a) that a growth plan is proposed and its effect on the growth plan area;
- (b) if a draft has been prepared, an invitation to review the proposed plan and supporting material at times and places specified in the notice;
- (c) an invitation to make suggestions and representations within the time specified in the notice.

(3) Nothing in subsection (2) restricts the ability of an advisory committee to advertise by other means, including the Internet.

(4) A copy of the proposed growth plan must be sent to

- (a) the Minister,
- (b) the council of each municipality within the growth area,
- (c) any other local authority whose powers extend to the growth plan area, and
- (d) any other person or organization that the advisory committee considers necessary,

inviting comments within the period of time specified in the notice.

(5) A notice provided under subsections (2), (3) and (4) shall allow for a period of not less than 45 days for any person, organization, council or entity to make submissions to the advisory committee.

Changes to proposed growth plan

6(1) After the public participation referred to in section 5 has been completed, an advisory committee shall consider the representations made to it and may make changes to the proposed growth plan that it considers necessary.

(2) The advisory committee shall give at least 30 days' notice in writing to every municipality in the growth area of its intention to consider the adoption of the proposed growth plan.

Adoption of growth plan

7(1) An advisory committee may, after having given notice under section 6(2), accept the proposed growth plan according to the procedure established by the Minister.

(2) An advisory committee may prepare a report to accompany a proposed growth plan.

(3) When an advisory committee approves a growth plan, it shall send the plan and report to the Lieutenant Governor in Council.

Ratification of growth plan

8(1) On receipt of the recommended growth plan provided pursuant to section 7(3), the Lieutenant Governor in Council may

- (a) return the recommended growth plan to the advisory committee with suggestions for changes, or
- (b) ratify the plan.

(2) A growth plan comes into effect

- (a) on the date specified by the Lieutenant Governor in Council, or
- (b) if no date is specified by the Lieutenant Governor in Council, on the date the Lieutenant Governor in Council ratifies the plan.

Plans referred back to advisory committee

9(1) If a recommended growth plan is referred back to an advisory committee, the committee shall reconsider it at a meeting called in the same manner as required under section 6(2).

(2) If the advisory committee votes in favour of the suggested changes or any other changes in the same manner as required under section 7, the committee must then return the plan to the Lieutenant Governor in Council, and on doing so, section 8 applies.

Effect of growth plan

10(1) When a growth plan has been ratified by the Lieutenant Governor in Council, no municipality shall approve any statutory plan, enact any bylaw, take any action, authorize or undertake any development that is inconsistent with the growth plan for that growth plan area.

(2) Every statutory plan, land-use bylaw and action taken or thing done by a municipality, municipal planning commission, subdivision authority, development authority, subdivision and development appeal board, the Municipal Government Board or any other organization under Part 17 of the *Municipal Government Act* must conform with the growth plan.

(3) An intermunicipal dispute on the application of the growth plan to a statutory plan, land-use bylaw or any action or thing done by a municipality on the grounds that it violates a growth plan shall be undertaken pursuant to section 690.1 of the *Municipal Government Act*.

(4) A growth plan prevails over any licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board or Alberta Energy and Utilities Board.

(5) If there is a conflict between a growth plan and any other enactment, plan or policy, except as otherwise provided in this Act, the one that provides more protection for the natural environment or human health prevails.

Crown bound

11 This Act binds the Crown.

Regulations

12 The Minister may make regulations

- (a) setting the number of members for an advisory committee,
- (b) appointing members to advisory committees,
- (c) designating 1 member of each advisory committee as chair and 1 as vice-chair,
- (d) establishing procedural requirements for meetings of an advisory committee, including the procedure to be followed for voting for each advisory board,
- (e) prescribing rates of pay for members of an advisory committee,
- (f) extending any deadline for the presentation of a proposed growth plan but a first extension shall not exceed 60 days and a second extension shall not exceed 30 days,
- (g) selecting organizations that may have representatives on an advisory committee.

Amends SA 2000 cM-26

13(1) The *Municipal Government Act* is amended by this section.

(2) The following is added after section 690:

Growth plans

690.1(1) In this section, terms and expressions used have the same meaning as in the *Planning for the Future of Communities Act* unless a contrary intention appears.

(2) If there is a dispute over whether there is a contravention of or conflict between a growth plan and a statutory plan, land-use bylaw or any action or thing done by a municipality, the matter shall be referred to the Municipal Government Board.

(3) The Minister may refer a matter to the Municipal Government Board under this section if the Minister believes there is a contravention or conflict under subsection (2).

(4) Section 690 applies to a dispute under this section except that the chair of the advisory committee shall have standing before the Municipal Government Board and on any appeal.

(5) The Minister must be provided with notice of an application under this section and, if the Minister requests, be added as a party.

Explanatory Notes

13(1) Consequential amendment.

