REGIONAL PLANNING IN ALBERTA: THE EVOLUTION OF ALBERTA'S SYSTEM OF REGIONAL PLANNING COMMISSIONS

by

GRAHAM N.G. DRAGUSHAN

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Department of Community and Regional Planning

The University of British Columbia
2075 Wesbrook Place
Vancouver, Canada
V6T 1W5

Date October 15, 1979

ABSTRACT

Planning legislation in Alberta, particularly in the area of regional planning, has long been thought to be in the forefront of planning efforts in Canada. However, Albertå's experience has also been described as a lost opportunity and with the enactment of Alberta's new Planning Act, it is now appropriate to review the system of regional planning in Alberta. The objective of the thesis is to provide an understanding of the system of regional planning in Alberta by analysis of the evolution of the structure of the regional planning commission - the institution responsible for regional planning.

In this thesis, a sequence of theoretical perspectives was identified including: Regionalism (establishing the concept of regions and regional evolution and identifying centralizing and decentralizing strategies for government organization); Regional Planning (defining criteria for successful institional arrangements for regional planning); and Representation (providing a context for analysis of political representation of regional authorities). This was followed by a description of the evolution of the regional planning commission system in the province, especially that of the Edmonton Regional Planning Commission. It was traced through statute research, relevant literature, and strategic interviews with authorities and participants within the regional planning system in Alberta.

From the application of the theoretical perspectives, it was then possible to assess the structure of the regional

planning commission system as it has evolved in Alberta, and to generate some general observations related to regional planning in that province. In addition, the theories themselves were reviewed for relevance in light of the thesis research.

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1 Introduction: Chapter One

1.1 Regional Planning in Alberta

In late 1977, the Legislature adopted a new statute, the Planning Act, 1977, the latest in a long line of planning acts in Alberta. The Act came into effect early in 1978 and heralds a new era for planning in the province. Planning legislation in Alberta has long been thought to be at the forefront of planning efforts in Canada, especially in the area of regional planning. Glowing descriptions of Alberta's pioneering efforts to establish urban-centered regional planning authorities appear in the literature from the late 1950's up to the present (see Marlyn and Lash, 1961; and Gertler, 1976). More recently, however, there have also appeared less positive reviews. Alberta's regional planning commissions, as these regional authorities are known, have received rather unconstructive criticism, having been portrayed as hapless organizations whose plans are labouriously produced - if at all - and then easily circumvented (see Bettison, et al, 1975).

Alberta's experience has also been described as a lost opportunity. While regional planning commissions have had the responsibility (and the power) to enact regional plans for a considerable number of years, the commissions were prevented from doing so because of (among other things) inadequate staffing, lack of provincial policy guidelines, and excessive demands of other responsibilities, especially subdivision approval (Perry, 1974, p. 11). The relevance or appropriateness of regional planning

commissions has also been questioned since they have no authority over highways, pipelines, and railways, nor authority to undertake other regional functions (Perry, 1974, p. 11). In addition, regional planning commissions were considered vulnerable to ad hoc agencies created to assume special responsibilities such as water supply or waste treatment, Perry having contended that commissions could not assume supplemental functions (Perry, 1974, p. 11). Finally, regional planning commissions were considered isolated, with few formal local or provincial linkages because their boundaries were "delineated for planning purposes", not to coincide with "other-purpose agencies, regional forms of government" or in accord with a provincial regional planning program (Perry, 1974, p.13). These are serious charges that illustrate the controversial nature of regional planning in Alberta.

1.2 Thesis Concept

This thesis is intended to provide a current perspective on the regional planning commission model developed in Alberta by examining the evolution of the regional planning system in that province. The evolution will be described on the basis of statute, literature, and interview sources and will be examined on the basis of three broad theoretical perspectives. The objective of the thesis is to understand the evolution of regional planning in Alberta and, within the context of the theoretical perspectives employed, to identify evolutionary trends within the system. The thesis is limited to consideration

of the evolution of system structure as opposed to system performance.

1.2.1 Theoretical Context

In order to explain how regional planning has evolved and to make analysis of the system possible, it is necessary to establish a theoretical context. Relevant theories include those of Regionalism, Regional Planning and Representation; each is presented in Chapter 2. The formal research question is:

> Do theories of Regionalism, Regional Planning and Representation offer explanations for the evolution of Alberta's regional planning commissions to their current form or suggest what might become of them in the future?

One concept of Regionalism establishes the idea of regions and regional evolution, the importance of regional authorities and an associated model purporting to explain the mechanisms for regional evolution and the role of government in the process. Another concept of Regionalism is also presented; it identifies two different philosophical perspectives for the rational organization of society. Regional Planning theory is presented to facilitate an assessment of the conception and practice of regional planning in Alberta. Finally, Representation theory is presented to provide for analysis of regional authorities within the context of the democratic system of government.

1.2.2 Data Base

The evolution of the regional planning commission system in Alberta is the subject of Chapter 3. A review of available literature on regional planning in Alberta, interviews with key people involved in Alberta's regional planning system (See Appendix I) and a detailed analysis of legislation relevant to regional planning in Alberta provide the necessary data base for this chapter. Available literature includes reports and publications of regional planning commissions, especially the Edmonton Regional Planning Commission (ERPC) as well as more widely published material. The interviews provide clarification of detail and candid observations from participants in Alberta's regional planning system. Legislation referred to in this thesis consists of Alberta's Planning Acts dating as far back as 1913; also included are regulations and orders under the authority of those Acts as well as other related statutes.

1.2.3 Analysis and Conclusions

Chapter 4 contains an analysis of the Alberta experience based upon the theoretical perspectives developed in Chapter 2 - those of Regionalism, Regional Planning and Representation. In Chapter 5, these theories are, in turn, briefly evaluated for usefulness in light of the thesis analysis. Finally, overall conclusions are drawn concerning the concept of regional planning as developed in Alberta.

2 Theoretical Milieu: Chapter Two

2.1 Introduction

The purpose of this chapter is to provide a theoretical framework within which developments in Alberta's regional planning system may be placed and examined. To aid in an analysis of changes in institutional structures and planning mechanisms, theories of Regionalism, Regional Planning and Representation are of particular value.

The theories of the process and philosophy of regionalism establish the importance of regional authorities by explaining the relationship between regions and institutions. Regional planning theory is necessary in the analysis to define the scope of a regional authority and the ambit of its planning mandate. Representation theory is useful because of the role of that concept in democratic local government in Canada.

2.2 Regionalism

Regionalism may be examined from two related but distinct perspectives. In one sense, it is a natural force, a process resulting in the evolution of regions that come to be perceived by people as distinct from other regions. In another sense, regionalism is a philosophy or strategy for rational organization of society. The philosophy of regionalism is based upon an implicit recognition of the realities of the process of regionalism.

In the next part of this chapter, each sense of regionalism

will be presented. A major part of the discussion of regionalism as a process is taken up in the presentation of a model: Regionalism, Change and Intervention. The discussion of regionalism as a philosophy or strategy will concentrate on what is referred to as "regionalism from below" and "regionalism from above."

2.2.1 Regionalism As a Process

2.2.1.1 A Systems View - The Basis for the Model

The process of regionalism can best be understood in terms of complex interacting systems. Central to a systems perspective is the premise that any attempt to control or manage a system without an adequate understanding of its dynamics will often result in completely unexpected results elsewhere in the system (Hall, 1975, p. 271). The development of a systems model, therefore, is of considerable value as it facilitates an understanding of the system's interacting parts. The model that follows, in which a systems approach is used to represent the process of regionalism, relates this process to subsystems of particular interest.

2.2.1.2 Model of Regionalism[1]

The model represents the dynamic process of regionalism.

[1]This model is based upon an earlier version developed in association with fellow students Vladamir Aleksandric and Margaret De Grace. The earlier model was presented in an unpublished paper in 1977 and in a revised form in the M.A. thesis of Aleksandric (Aleksandric, 1978).

It relates this process to subsystems illustrating the emergence of problems and regional identity as a product of change, and the mechanism of institutional intervention into the process of regionalism.

A central concept in the model is that of the "region". The term may describe purely physical phenomena - a coastal region, an arctic region, a prairie region, or it may be used in conjunction with cultural phenomena that have economic, social or political components. Regions of the latter type arise because culture - language, forms of social organization, customs etc. - are spatially distributed. Hence, the concept of "region" has developed out of the need to identify, interpret and explain the incidence and distribution of these physical and cultural phenomena (Aleksandric, De Grace and Dragushan, 1977, p. 6). The concept is thus an hypothesis, an attempt by people to rationalize their universe.

The phenomena encapsulated by the term region result from interactions between people and their environment. Hence, a region is "an area within which interaction is more intense than its interaction with other areas" (Blumenfeld, (circa 1960), p. 287). Regions so created become differentiated from others and thus are recognized both by residents and by those from outside the region. People living within the region develop "a conception of themselves and acquire a more or less stereotyped conception in the minds of others" (Wirth, 1951, p. 391). The self-consciousness developed through regionalism is the source of the conception of the regional fact - that is, the hypothesis that a region exists (Aleksandric, De Grace and

Dragushan, 1977, p. 8). The presence of the hypothesis, in turn, influences the behavior of the region's residents and its institutions such that the interactional activity is modified.

2.2.1.3 The Process of Regionalism and Regional Systems

Regions exist as a result of the process of regionalism - it is the mechanism through which regions evolve. In this context, the concept of regionalism may be viewed as a natural force or a process involving complex interactions between the residents, resources and institutions in a particular area, resulting in the development of regional characteristics and identity. Interactions occur in a continuous state of flux as resources change within the region and as the national context is modified by other evolving constituent regions and changes in international conditions. Full description of interlinking relationships would be futile and in any case not helpful since a description of the system is not the aim of the model. Suffice it to say that the dynamic process referred to as regionalism results in the evolution of regions by interactive activities among the resources, residents and institutions of the region within a national and international context.

2.2.1.4 Regional Variation - Regional Problems

Within this model, the process of regionalism leads to the evolution of discrete regional units that may be distinguished from one another. The characteristics that allow one to discriminate between regions are regional variations (Aleksandric,

De Grace and Dragushan, 1977, p. 8). These may be differences in language, in resources, or in institutional or technological development and they affect the evolutionary development of the region via the dynamic process of regionalism. The interactions may bring about relatively marked imbalances between regions (or regional disparities) that result in serious handicaps or significant advantages when the region is contrasted with its national environment (Aleksandric, De Grace and Dragushan, 1977, p. 10). The manifestations of regional imbalances are, by and large, regional problems such as environmental pollution, unemployment or housing shortages; the latter two reflect the negative aspects of a region in either the decline or growth phases of its evolution, respectively.

2.2.1.5 Articulation

The nature of regionalism as a self-conscious process is such that people recognize the unique features of their region (or of another region), including its advantages or problems. The recognition of regional features requires articulation, however, so that the region's residents share a common view of their region. Furthermore, problems that exist will not be perceived as regional problems without an articulation of them as characteristic of the region. Since the definition of a problem determines the design of measures to cope with it, this perception is important. When unemployment is perceived as a regional problem, for example, people may decide to leave the region, moving to another region that is perceived to have job

opportunities, rather than remaining in the region, waiting for jobs to become available.

Alternatively, a demand for government action may arise within the region. The demands may come from many quarters - the individual whose income or access to housing is restricted, the union whose membership finds themselves in the price-income squeeze. Pressures for action impinge upon particular institutions of government which are perceived as contributing to the problem or which are seen to hold solutions to it. Again, before any action on a problem may be taken by an institution, the problem must be perceived. Problem perception may also occur directly within an institution based upon its own view of the dynamics of the region. The subsequent actions of the institution to cope with the problems are interventions in the process of regionalism.

2.2.1.6 Intervention

The manifestation of a regional, economic, or social problem may require a specific response tuned to the realities of the region if the problem is to be effectively dealt with (Aleksandric, De Grace, and Dragushan, 1977, p. 14). These responses are interventions - actions undertaken by an institution which modify existing relationships or introduce new relationships between the region's resources, residents and institutions within the regional system. As stated earlier (See 2.3.1) an understanding of the system interrelationships is a prerequisite to well founded management and control of

the system. For example, regional unemployment perceived as a general problem and followed by interventions at the national scale will have either little regional effect or may make matters worse within the region. On the other hand, a regional intervention sensitively designed to affect critical relationships within the region will have a much better chance of effecting the desired changes and working towards the resolution of the region's problems.

Indirect intervention may also be undertaken by an institution. This may be achieved by making modifications to the internal characteristics of institutions intended to control and manage the process of regionalism. These interventions may include the creation of new institutions or modification of existing institutions. Whatever strategy is chosen for this indirect form of intervention, the design of the strategy depends upon the philosophy of regionalism - that is, the institution's perspective on the rational organization of society. This will be discussed later in this chapter.

2.2.1.7 Institutional Characteristics

The identification and definition of regional problems by an institution is significantly affected by characteristics of the particular institution that is impelled to act on the problem. This articulation is affected by biases found both within and outside of the institution. External factors would include the existing political milieu (including political articulations of the problem) and the relative power or prestige of the institution vis-a-vis all other institutions. A

government whose main policy concern was economic growth would have a different view of the world than a government whose main concern was cultural well-being. High prestige institutions will see a multitude of problems as being within their perview whereas weaker institutions will view their sphere as being tightly circumscribed. An excellent example is to be found in the interdepartmental arena within the government of Alberta, where the Environment Act was used as a zoning tool for matters that could have been dealt with under the Planning Act (See 3.19).

Internal characteristics of the institution are important as well, for they affect its ability to act. This includes such things as whether the institution is a centralized or decentralized arm of the government, whether the institution is merely advisory or has specific powers, and so on. All characteristics internal or external to the institution will thus filter the perception of regional problems and by extention will also affect the way in which the institution reacts to the problem. A regionalized institution will perceive problems in a qualitatively different manner than a more centralized authority - regional problems will probably be more easily defined and recognized as regional and ultimately dealt with in that context.

Institutional characteristics are important for another reason. These characteristics may have a specific and direct effect upon the conception of a region by its residents. When a decentralized institution or one with devolved powers is

created, the conception of the region is modified. The representative nature of a regional authority will affect how it is perceived by the region's residents, other institutions, etc., and will directly influence its ability to carry out its responsibilities. The location of a regional office in a particular center will reinforce the focus of the region upon that center. Furthermore, the defined area of a regional jurisdiction will modify the perceived extent of the region.

2.2.1.8 Use of the Model of Regionalism

It is intended that this model, based upon the "process" concept of regionalism, be used to assess in a general way the province's design of regional institutions such as the regional planning commission. That is, do regional planning commissions have the power and organization necessary to achieve what they have been set up to achieve? Specific characteristics relevant for this inquiry include the composition and boundaries of a regional planning commission, its membership, legal status, staffing, financing and its responsibilities and powers. Given the limitation of the thesis to structural considerations, the staffing characteristic is not useable as it relates primarily to performance of a regional planning commission. Composition, boundaries and membership characteristics are considered in the theoretical areas of regional planning and representation. Thus legal status, financing, responsibilities and powers are considered in the context of the model of Regionalism.

Besides drawing attention to institutional characteristics, the model of Regionalism also sets the stage for analysis of the regional planning system in Alberta in terms of the organization or conception of the role of the regional planning commission as may be explained by the philosophies of regionalism as well as the theories of regional planning and representation.

2.2.2 Regionalism as a Philosophy and a Strategy

The philosophy of regionalism is the second of the two major meanings of regionalism being discussed in this chapter. It developed out of intuitive recognition of the process of regionalism - the natural unfolding of regions as a product of that process. The philosopy of regionalism manifests itself in theories and strategies for the rational organization of society. These strategies of organization are applied, within the context of the model of Regionalism, Change and Intervention, in the design of institutions intended to interact with, control, or manage various aspects of society.

The literature on the philosophy of regionalism is implicitly split along two lines of argument. Sharpe has identified what he calls "two regionalisms" - one from "below" and one from "above" (Sharpe, 1972). Regionalism from below is concerned with economies of scale for local services and the strengthening of local government, while regionalism from above is concerned with the effectiveness of central government (Sharpe, 1972, p. 132). The objectives are similar, that of

the identification of "levels of authority" that are greater than local and lesser than national. Thus, in the middle ground is a rational unit of authority at what is called the "regional" level.

2.2.2.1 Decentralizing Regionalism

Parallel to Sharpe's "regionalism from above" is what Cornford describes as a reaction to centralization in government (Cornford, 1975). Reaction to government centralization may take several forms depending upon either managerial or participatory motives and upon either a territorial or functional basis (Cornford, 1975, p.8).

TABLE I

FORMS OF DECENTRALIZATION IN GOVERNMENT

basis / motive	Territorial	Functional
Managerial	Deconcentration	Hiving-Off
Participatory	Devolution	Interest Group, Workers' Control

(Cornford, 1975, p.8)

As illustrated in Table I, decentralization based on territory and motivated by management concerns will result in "deconcentration". An example of this form of decentralization is the creation of the seven Resource Management Regions

in British Columbia for the regional administration of provincial resource departments with Regional Resource Management Committees providing inter-departmental coordination. Decentralization based upon territory and motivated by participatory concerns leads to devolution of powers to elected regional governments. This form of decentralization is represented by authorities who hold powers to perform certain functions or exercise powers that are usually delegated by statute from the central government. Good examples of the devolution form of decentralization are represented by the current proposals for a Scottish assembly and some of the proposals for "provincial" government in the U.K. (U.K., 1973) and the current debate on provincial status for the Yukon and Northwest Territories in this country. These two forms of decentralization based upon territory are of primary interest in this thesis, as regional authorities are territorial entities.

Decentralization based upon functional lines and motivated by participatory concerns will result in interest group or worker control such as that proposed by the social democratic movement and current practices in several industries in Europe. Examples of this form are rare but professional associations such as those for engineers or medical doctors are provincially created and controlled by the interest group. Where decentralization is based on function and motivated by management concerns, the result is "hiving off". Excellent examples of this are provincial Boards which are created for a particular purpose

or function. In Alberta, the Local Authorities Board is an example; it was created to administer financial control of municipalities, to order changes in municipal boundaries and to carry out related matters. The Board is a corporate entity and has the powers of the Supreme Court of Alberta.

Using this matrix of forms of decentralization, it should be possible to identify what form is represented by regional planning commissions. It should also be possible to identify those changes in form represented in the evolution of these commissions.

2.2.2.2 Centralizing Regionalism

Of Sharpe's "two regionalisms", that from "below" relates to rationalizing local administration and government. This is particularly well illustrated in the vigorous debate in England on the reform of local government - a debate that began in the early years of this century and culminated in the Local Government Act of 1972.

One of the parties to the debate was the Fabian Society. The Fabians argued persuasively for a rationalization of local government function and the area of jurisdiction for each local government unit. Their argument was based on the premise that

> "local government gets its value as the concrete expression of the democratic principle that the people themselves, through their chosen representatives, should exert the maximum control possible over public services" and that this democratic control "should operate at every level which becomes necessary" (Self, 1949, p. 46).

The rationalized regional-scale local government units that

were proposed by the Fabians would, in addition to assuming responsibility for service functions, have had the powers of planning for their regions including the location of new industry and the location and development of New Towns - two major functions that had been centralized to Whitehall (Self, 1949, p. 92).

More recently, the Royal Commission on Local Government in England (chaired by Lord Redcliffe-Maud) produced a majority report recommending a system of unitary authorities - those responsible for all local government functions (U.K., 1969, Vol I). In a memorandum of dissent, Derek Senior argued for a two-tier system, one being a "city region", the other a "town district". The city region was conceived of as being similar in scale to the then existing administrative countries in England, the proposed districts considered somewhat smaller subdivisions of the city regions but larger in any case than the then existing districts (U.K., 1969, Vol II).

A similar debate has taken place in Canada, although with less vigour than was the case in the U.K. (See Rowat, 1969). Whereas the local government situation in the U.K. had been a long-standing problem derived from the industrialization and urbanization of the country over the last century, the corresponding situations arose very quickly in Canada - largely after World War II. The relatively dispassionate approach to the issues is illustrated in the next chapter where mechanisms for coping with urban growth around Edmonton in the late forties were recommended by a consultant adopted by the

City, recommended to the Province by the City and enacted by the Province within the space of about one year (See 3.04.1). Admittedly, the changes in this case were not nearly as drastic as those enacted in 1953 in Ontario to establish a metropolitan authority for Toronto effecting a federal plan for local government, or those proposed for the Halifax metropolitan area in the early 1950's (Rowat, 1969, p. 80 et seq).

2.2.2.2.1 The Need For Regional Authorities

The major factor supporting the development of rationalized local authorities throughout the regionalism movement was the inability of existing local governments to meet the servicing needs and control the effects of rapidly expanding urban centers. This was because the constituent units were usually too small to provide the necessary services and were unable to coordinate their activities in the provision of services. Another consideration was the fact that the effects of urban growth in one unit had direct and indirect impacts upon neighboring units. Thus there has arisen a demand for rationalized units of local government that are able to supply needed services efficiently and equitably throughout the urban area.

At the same time, fears are expressed that rationalization of local government to effect more efficient service delivery will destroy local identity. This was a forceful theme in the British debates and was equally valid in Canada. The solution often advanced is two-tier local government -

the lower (smaller) level assuming the most local functions and the upper level being assigned the service functions requiring the larger jurisdiction.

This conception of regionalism thus provides one with the local government rationalization perspective. From this perspective the actions of the province in creation and modification of regional planning commissions may be assessed.

2.2.2.3 Use of Regionalism as a Philosophy and a Strategy

From the description of the two philosophies of regionalism, it is clear that the design of an institution may be founded upon a desire to decentralize central government or centralize local government to achieve a more rational organization of society. The structure of regional planning commissions in Alberta will be reviewed from this perspective in order to identify strategies that may have been used by the province in its design of the regional planning system.

2.3 Regional Planning

In the model of Regionalism, it was pointed out that institutions effect changes in the interactional systems in response to regional problems. Regional planning is one form of intervention specifically designed to modify particular aspects of the interactional process and to bring about problem solution.

2.3.1 Regional Planning Defined

As a form of intervention in the process of regionalism, regional planning is characterized by strategic efforts to resolve regional-scale problems. It has been defined as "a process, based on law and undertaken by a form of responsible government directed towards influencing private and public development in a manner which results in the best environment and the soundest use of resources of which we are capable" (Gertler, 1961, p. 30). Curiously, this definition contains elements that are features of the practice of regional planning as opposed to more strictly theoretical elements. For example, the legal basis and government involvement are not essential elements of regional planning except as these are helpful in ensuring the success of regional planning. The values exhibited in the "best" environment or "soundest" use of resources suggest that other goals are not relevant. Obviously this cannot be the case.

Elsewhere, regional planning has been defined in terms of a function tied to a geographic unit - planning for a region (Alberta Task Force, 1971, p. 5; Hall, 1975, p. 81). When the concept is so defined, one must search out the operational concept of "planning" and the operational concept of "region" and attempt a synthesis. A particular synthesis of criteria for regional planning that includes a reasonably comprehensive inventory of principles for regional planning is as follows:

1. Sensitivity to existing regional perceptions:

   Regional boundary definitions should be determined on the basis of their effectiveness

in achieving the support and participation of the people in the region.

2. Part of a provincial hierarchy:

Regional planning must be guided by broad social, economic and physical planning at the provincial level.

3. Based in local government:

The regional area, in that it would be required to be large enough to embrace a number of constituent urban centers and rural areas must be represented on a principle considered equitable by the constituent municipalities.

4. Regional-Provincial coordination:

A highly sophisticated liaison should be maintained between the regional planning areas and the provincial departments involved with their areas.

5. Planning legislation:

The planning function itself must have a strong statutory base in order to be effective.

6. Interim plans:

Authority must be given the regional planning body to establish an interim regional policy to guide growth until a comprehensive regional plan is implemented.

7. Commitment to regionalism:

Development choices...are philosophic choices (and) this calls for the tangible--leadership and policy guidelines--and, as well, the intangible--cooperation and communication--down through all the tiers of the planning process.

(Gertler and Lord, 1973, p.A-3)

Since the objective of this thesis is to consider system structure as opposed to system performance, two of these criteria are of limited value. The second and seventh criteria

are unuseable within this context as they require an analysis of provincial policy. The remaining criteria will be considered in the context of structural features.

2.3.2 The Use of the Theory of Regional Planning

As noted earlier, regional planning is a form of intervention - in this case direct intervention in the process of regionalism. Gertler's criteria for regional planning are not purely theoretical but include elements of practical value reflecting awareness of the process of regionalism and the problems of creating new regional institutions between the local and provincial levels of government. However, since the major objective or function of regional planning commissions in Alberta is the exercise of regional planning, the criteria enumerated will enable an assessment of the regional planning commission structure as a mechanism for this responsibility.

2.4 Representation

In the model of Regionalism, the characteristics of an institution were identified as pivotal to the effectiveness of the institution in meeting its responsibilities. In the case of institutions of local or regional government, the representative nature of the institution commands considerable attention in the literature. For example, the concept of representation appears in two important Royal Commission Reports from the U.K. The Redcliffe-Maud Commission spoke of representation in terms of how the representative relates

to the demographic characteristics of the constituency represented (U.K. 1969, p. 64) and in terms of the relationship between a local council member and his council when he is sitting on a regional board (U.K. 1969, p. 114). The Kilbrandon Commission Report spoke of the dilemna of the indirectly-elected regional council member, namely whether he represents the region as a whole or represents his local authority (as a delegate) (U.K. 1973, p. 290). In a review of the "Council of Governments" regional concept that has evolved in the U.S., M.B. Mogulof identified a conflict developing over the representational base in the trend from unit of government representation to population-based representation (Mogulof, 1971, p. 81). A.W. Bromage, another American, placed representative forms on a continuum from direct election to private interest group nomination and appointment (Bromage, 1962, p. 5).

In the Canadian arena, D.C. Rowat suggested that regional councils "be made up of representatives either directly elected or chosen by the councils" in order that these regional councils will be "truly democratic organs of local government" (Rowat, 1949, p. 141). Similar criteria for representation were established by L.O. Gertler for regional authorities in Canada:

> "...the governing council (board or commission) will have to be based on a principle of representation that will be considered equitable by the constituent municipalities".
>
> (Gertler, 1972, p. 28)

It is apparent that the concept of representation has considerable value in terms of regional planning but exactly why the concept is important and what is meant by representation is not explicitly stated.

2.4.1 The Meaning of Representation

The concept of representation is more complex than it appears on the surface; in fact, it is possible to define the word "representation" in several ways.

One such possibility is suggested by the Gallup Poll. It surveys, selects and interviews people, using random sample techniques which are said to represent all Canadians. In another context, the Governor General represents the Sovereign (according to the BNA Act, Sections 9 and 10). The Sovereign in turn, represents the "embodyment" of the whole nation - including past and future generations. In legal issues or in commerce, one might represent the interests of a client. Members of the provincial legislative assemblies and the federal parliament are said to represent the people of the province and of the nation. In each case, the representation is of a different sort; powers and responsibilities (among many other things) vary widely from one sort of representative to another. Pitkin argues that representation has an essential meaning common to all uses (See Pitkin, 1967 and 1969) although her approach to the term makes it difficult to grasp exactly what is meant. H.J. Spiro makes the generalization that "life without representation is impossible in

contemporary societies (Spiro, 1965, p. 2). In his arguments, Spiro appears to mean that government is representative either because it is elected, or because of its composition vis-a-vis the religious, ethnic, racial, economic, professional or other composition of the constituents. Spiro's discussion is interesting but confusing because of this juxtaposition of meanings.

2.4.2 Political Representation

In an attempt to rationalize the use and understanding of representation, A.H. Birch has developed a much more helpful conceptual framework. By way of introduction, he has identified four main uses for the word, each of which he claims is logically distinct from the others. Of these, three have both political and non-political aspects while the fourth is entirely political:

(a) 'delegated representation' - where an agent or spokesman acts on behalf of the principal (lawyers, sales representatives, ambassadors, and spokesmen for pressure groups

(b) 'microcosmic representation' -where the representative shares personal characteristics with the larger group - the representative sample

(c) 'symbolic representation' - where the representative symbolizes some aspect of the identity of a large group (the Queen, the Pope, etc)

(d) 'elective representation' - where the representative is authorized by the larger group to exercise power.

(Birch, 05/ 1971, p. 5 et seq)

2.4.2.1 British Theory

Historically, Birch notes that the British Parliament and the Assemblies of France relied upon a system of delegated representation. The English Whigs developed the notion of political representation in response to the belief that the Parliament ought to be the center of power rather than simply a check on the power of the crown (Birch, 05/1971, p. 9). The French adopted similar notions in the first revolutionary constitution in which the elected assembly was said to embody the "will" of the nation and in which mandates or instruction to representatives were prohibited (Birch, 05/1971, p. 9).

Edmund Burke summarized the Whig arguments in a 1774 address to the electors in Bristol by saying that the English Parliament was

> "not a congress of ambassadors from different and hostile interest, which interests each must maintain, as an agent and advocate, against other agents and advocates; but Parliament is a deliberate assembly of one nation, with one interest, that of the whole - where not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole."
>
> (Pitkin, 1969, p. 175)

Thus Burke describes succinctly the difference between delegated and elective representation.

2.4.2.2 American Theory

A contrasting notion of elective representation developed in the United States. Birch points out that Americans did not subscribe to the Whig notion of the supremacy of Parliament.

Indeed, the American political system developed from "the radical notion that sovereignty rests with the people and (that) political representatives are the peoples' agents" (Birch, 1971, p. 48). The result is frequent elections, intended to keep Congress accountable - dependent upon the electorate and responsive to the sectional interests of the local level (Birch, 1971, p. 42, 43). What is particularly interesting in this comparison is the promotion of sectional interests in the U.S. while a very similar notion - localism - is feared in Britain.

The American Constitution provides for a sheltered chief executive whose responsibility is the interpretation of the national interest. Thus the Americans arrived at a system of elective representation lacking the concept of the independence of the legislature and being entirely unique in the world with biennial elections (Birch, 1971, p. 81). This fundamental difference in representative institutions might suggest a different approach to the concept for American theorists as opposed to those from Parliamentary systems.

2.4.2.3 Political experience in Canada

The constitutional conventions of the British and Canadian systems define the supremacy of Parliament and the responsibility of the individual legislators in terms of a concern for the best interests of the state as a whole. However, this role of the 'elective representative' does not mean that an elective representative may not also act as a

representative in one of the other meanings (delegated, microcosmic, or symbolic).

By way of illustration, it is currently thought to be a good thing to increase the number of women in Parliament or in the Legislatures to more adequately 'represent' women (microcosmically). An electoral 'mandate' is often sought by a political party as part of an election platform. This was the case in the 1979 election campaign of the Alberta Conservatives in which the party sought a mandate to 'deal with Ottawa on resources'. Their sweep of 90% of the seats in the Legislature suggests that they won that mandate.

Winning such a mandate may lead one to assume that the new government would be bound by its promises in a manner similar to the way a delegate is bound by his contract with his principal. Such is, however, not the case as demonstrated by the events surrounding the 1974 federal election in Canada. In this case, the Liberal party platform was strongly opposed to wage and price controls, a proposal supported by the Conservatives. Shortly after taking office, however, the new Liberal government imposed wage and price controls, an action that caused considerable debate about the 'good faith' of the government. Thus, what appeared to be a mandate, a party platform that one might assume lead to the success of the Liberals at the polls and which might also be assumed to be tantamount to an instruction by the electorate, had only the force of influence.

2.4.2.4 Functions of Political Representation

In order to assess the 'representativeness' of a political system, Birch has developed a series of operational definitions of the concept of representation. These are applicable to any system of government that claims to be representative. Birch identifies the main function of political representation as follows:

"1. Popular control: to provide for a degree of popular control over the government.

   (a) Responsiveness: to ensure that decision makers are responsive to the interest and opinions of the public.

   (b) Accountability: to provide a way of holding political leaders publicly accountable for their actions.

   (c) Peaceful change: to provide a mechanism for replacing one set of leaders by another without violence.

2. Leadership: to provide for leadership and responsibility in decision making.

   (a) Leadership: to provide for the recruitment of political leaders and the mobilization of support for them.

   (b) Responsibility: to encourage political leaders to pursue long-term national interests as well as reacting to immediate pressures.

3. System maintenance: to contribute towards the maintenance and smooth running of the political system by enlisting the support of citizens.

   (a) Legitimation: to endow the government with a particular kind of legitimacy.

   (b) Consent: to provide channels of communication through which the government can mobilize consent to particular policies.

> (c) Relief of pressure: to provide a safety valve through which aggrieved citizens can blow off steam and to disarm potential revolutionaries by engaging them in constitutional forms of activity."
>
> (Birch, 1971, p. 107)

Birch discusses but does not adequately operationalize these functions. However, for the purposes of this thesis, the following criteria should suffice:

Responsiveness:	Can decision-makers be influenced or controlled before a decision is made?
Accountability:	Can decision-makers be controlled or influenced by the threat of defeat at the next election?
Peaceful Change:	Can decision-makers be replaced without violence?
Leadership:	Is there a party system or other mechanism available to recruit, train and promote leaders?
Responsibility:	Do leaders have some level of security in office such that they will take the longer view?
Legitimation:	Are the decision-makers authorized to exercise power in a manner consistent with democratic government principles?
Consent:	Are the decision-makers able to explain policies and convince the public of their veracity?
Relief of Pressure:	Is it possible to adapt the system to co-opt or involve dissenting groups acting outside the system?

These criteria are consistent with Birch's discussion of the functions of representation (Birch, 1971, p. 107 et seq) although it cannot be certain that they are exactly what Birch intended. In any case, these criteria will serve for the purpose of assessing the representative characteristic of the system of regional planning commissions in Alberta.

3 Evolution of Regional Planning Commissions: Chapter Three

3.01 Introduction

This discussion of enabling legislation for regional planning in Alberta follows the development of the province's planning legislation from its beginning in the early 1900's.[1] The objective of this chapter is to identify the origins of regional planning in Alberta as these are found in the legislation of the province. Appendix 2 lists the major statutory landmarks of significance for regional planning in Alberta. Within this chapter, Figures 1 and 2 place the more important enactments within the context of population and employment growth within the province.

3.02 The 1913 Act

Planning-specific legislation in Alberta dates from The Town Planning Act of 1913, although prior to that date, the Land Titles Act of 1906 included specifications of street and lane widths (Bettison et al, 1975, p. 18). The 1913 Act is essentially a copy of Part II of the British Housing, Town Planning Etc. Act, 1909, although modified to suit the legal and administrative circumstances in Alberta. The 1913 Act

[1] Although the Statutes of Alberta form the basis of this Chapter, very useful interpretations and analyses have been provided by David Bettison, John Kenward, and Larrie Taylor, in Urban Affairs in Alberta. Another excellent source was material prepared for the University of Alberta Department of Extension by Noel Dant, one of Alberta's first Town Planners, appointed by the City of Edmonton in 1940 (Ward, 1975, pg 30). The first director of the ERPC from 1952-1957, Leonard Gertler, has also written a great deal on this subject.

is the first example of what was to become almost standard practice up to the 1950's, that is, the incorporation of ideas from planning legislation in the U.K. into Alberta planning law. British-trained planners such as Thomas Adams, John Bland, Harold Spence-Sales and Noel Dant, have helped to transmit those ideas into Planning thought in Alberta.

The 1913 Act enabled the preparation and implementation of town planning schemes "...with the general object of securing suitable provision for traffic, proper sanitary conditions, amenity and convenience in connection with the laying out of streets and use of the land and of any neighbouring lands for building or other purposes"[1] (Section 1). Any municipal council interested in using this device could apply to the Minister of Municipal Affairs[2] for permission to prepare a town planning scheme. Once the scheme was prepared it required the sanction of the Minister to be effective. Amendment or cancellation also required the sanction of the Minister. While the 1913 Act mirrored the 1909 British Statute, there were a few sections that were not found in the original. The most interesting one for this thesis also illustrates the influence of American planning ideas by introducing the 'town planning commission'. Such a commission may have acted as a 'responsible

1 Each reference in this thesis to a specific section of legislation is a reference to the Act as amended (as it existed during the period being discussed) and not to sections of the amending Act. The reference will include only the section involved.

2 This department was set up in 1912 (Bettison et al, 1975, p. 17).

authority' as an alternative to the municipal council:

> "The Authority to be responsible for the carrying out of a town planning scheme, herein referred to as the "Responsible Authority" may be either:
>
> (a) The local authority applying for approval of the scheme;
>
> (b) Where land included in a town planning scheme is in the area of more than one local authority or in the area of a local authority by whom the scheme was not prepared, the responsible authority may be one of those authorities, or for certain purposes of the scheme it may be one local authority and for certain purposes another local authority; or
>
> (c) A body constituted especially for the purposes of the scheme as hereinafter provided and all necessary provision may be made by the scheme for constituting such body and giving it the necessary powers and duties.
>
> For the purpose of preparing a town planning scheme and carrying the same into effect, a local authority, or the local authorities, where more than one is interested, may singly or jointly appoint a commission of not less than five, or more than ten members, whose names shall be submitted to the Minister for approval, and upon the approval by the Minister of the scheme, and of the constitution of the commission named therein, the commission thus appointed shall become the responsible authority for carrying the scheme into effect, to whom shall be delegated all the powers conferred by, and for the purposes of this Act upon the local authority" (Section 2).

3.02.1 Powers of a Responsible Authority

The powers of a responsible authority went far beyond the preparation of town planning schemes, and where the responsible authority was a town planning commission, the powers were more extensive than in any subsequent planning legislation in the province. For example, when approved by the local

municipality and the Minister, the responsible authority was able to raise money by bond issue (Section 2). It also had the power to enforce a scheme by demolishing non-conforming buildings or by undertaking works where necessary (Section 4). In addition, action could be taken as required by the scheme to purchase or expropriate lands. (Section 2). The Act included the compensation and betterment provisions of the 1909 British Act, and here again, the responsible authority was liable for compensation (100% of incurred loss) and entitled to betterment (50% of increase in value) (Section 5).

A town planning commission created by joint municipal action and sanctioned by the Minister would therefore have had extensive powers potentially outside of the control of the municipalities that created it. This fact, together with the extensive involvement of the Minister in the process, the financial difficulties of the compensation/betterment provisions (Wiesman, 1977, p. 6), and the end of the 1911-13 land boom (precipitated by both the war in Europe and the end of European immigration) (Bettison et al, 1975, p. 23) made the Act essentially unusable; a town planning scheme was never prepared nor implemented (Dant, 10/1971, p. 2).

Despite this, the 1913 Town Planning Act provided the first legal framework for regional planning in Alberta. The meaning of 'regional' here is greater-than-municipal. A town planning commission could be considered a regional phenomenon if it had been inter-municipal in authority and concerned with urban

development spanning more than one municipality.

In addition to this regional aspect, the 1913 Act introduced an even more fundamental idea to Alberta legislation. The 1913 Town Planning Act can be seen as a clear indication that the province recognized the need to manage urban growth and that this management was a public responsibility. The province was aware that urban growth and development was a product of community investments, not simply the results of investments of land owners or developers. The rights of the community to the benefits of land development were found not only in the betterment provisions of the Town Planning Act, but also in the Unearned Increment Tax Act of 1913. This statute provided for a 5% tax (later 10%) on the increase in value of land (exclusive of improvements) at the time of sale (with certain exemptions - for example, for small agricultural operations) (Section 3). The Unearned Increment Tax Act remained in force from October 1913 until it was repealed in April, 1956.

3.03 The 1929 Act

Legislation which first specifically mentions 'regional planning' was enacted in Alberta as the Town Planning Act of 1929. This statute was based on the 1922 Town Planning Act (a redraft of the 1913 version) and the 1928 Town Planning and Preservation of Natural Beauty Act, both the products of the United Farmers of Alberta (UFA) Government which was then in power (Dant, 10/1971, p. 3).

3.03.1 Powers of Planning Authorities

The Act enabled a city or a town to appoint a "Town Planning Commission' charged with preparing and administering 'Official Town Plans', 'Official Schemes' (being proposals for specific public improvements) and zoning by-laws (Section 17). Any municipality could prepare an official town plan for the 'orderly and convenient' development of its municipal territory (Section 19). Thus, any municipality was able to prepare and implement official plans, while cities and towns alone could delegate this authority to in-house town planning commissions. The power to delegate could be extended to any municipality if it acted jointly with neighbouring municipalities. Two or more adjoining municipalities (including both urban and rural authorities) were able to jointly form a 'Regional Planning Commission' with whatever powers were necessary to 'carry into effect a town planning scheme', except where raising money or expropriating land were concerned (Section 18).

The 'regional planning' implied in the statute was physical planning and zoning on a greater-than-municipal scale, similar to the concepts found in the 1913 Act. These regional planning commissions were intended to be supported by contributions from member municipalities in proportion to their tax base (Section 18). According to Bettison, the regional planning commission was consistent with the UFA principle of co-operation although biased in favour of urban municipalities since they carried weight in proportion to their contributions (Bettison et al, 1971, p. 51).

This form of co-operation amongst municipalities was considerably enlarged by another statute, also enacted in 1929. "An Act Respecting the Union of Municipalities for Certain Purposes" (The Union of Municipalities Act, 1929, Chapter 48) enabled rural municipalities to collectively administer any of their responsibilities including tax assessment and collection, road works, and indigent relief. It was possible for co-operating municipalities to delegate supervision of the jointly-administered function or functions to a 'committee composed of representatives of the councils' (Section 4). Herein lies an interesting difference between committees found in this statute and the commissions of the Town Planning Act of 1929.

3.03.2 Structure of Regional Planning Commissions

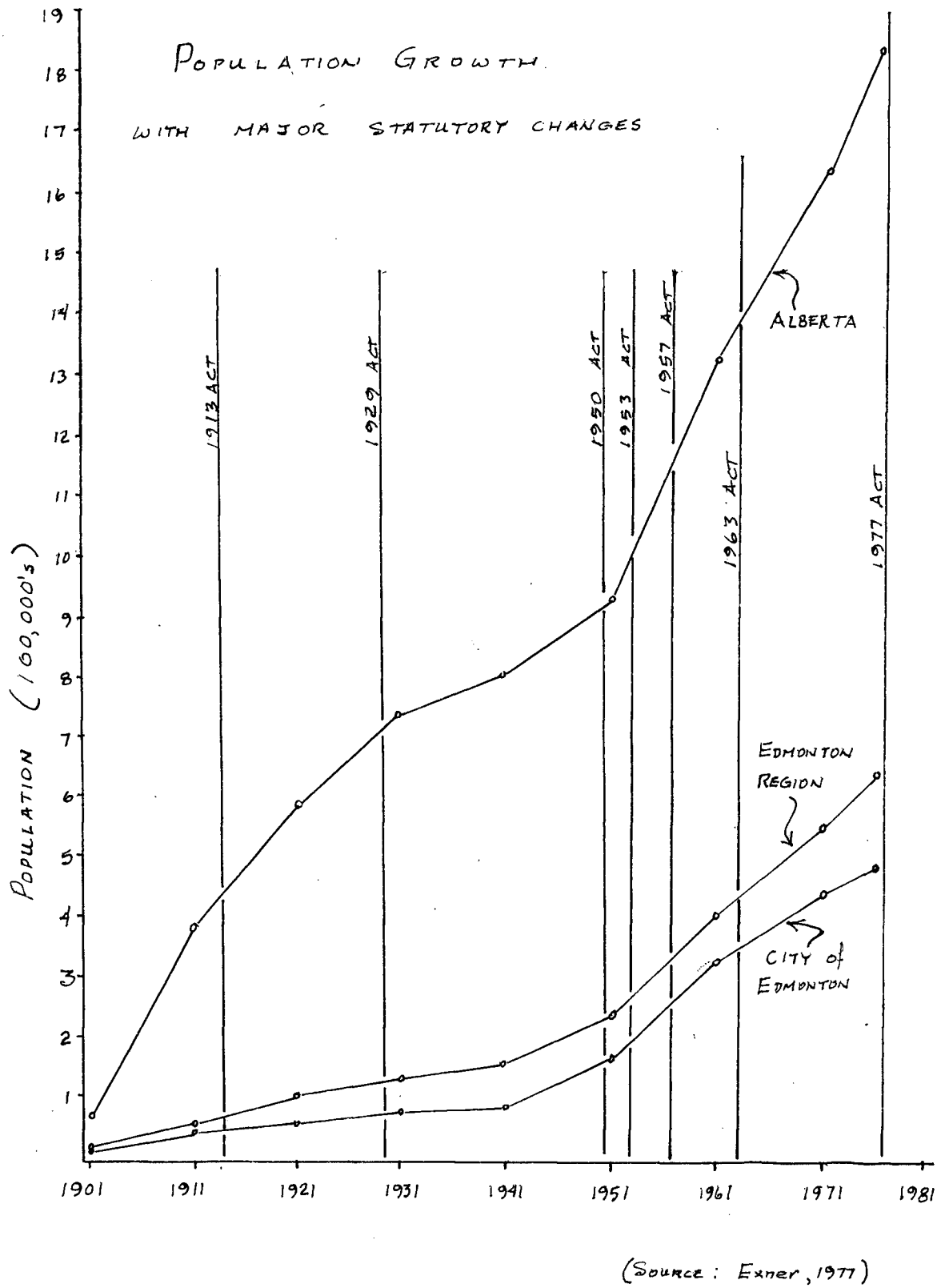
The members of Town or Regional Planning Commissions were to be appointed by the council for overlapping three year terms (Section 18). Regional planning commissions were to consist of "not more than three representatives from the jurisdiction of each council interested" (Section 18). There was no specificaiton about who was or was not eligible for appointment as a commission member.

The 1929 Town Planning Act remained in effect for twenty years with only minor administrative revisions (Dant, 1971, p. 4). Unhappily, the regional planning provisions of Section 18 of the Act were not ever used; nowhere in Alberta was a regional planning commission established (Dant, 10/1971,

p.6). Blamed for this was the unexpected economic collapse of October 1929 (Dant, 10/1971, p. 4), only seven months after the 1929 Act was given Royal assent.

3.04 Alberta's Post-War Growth

The post-war development of Alberta, accelerated by the 1947 Leduc Oil Field discovery, has been well documented (Gertler, 1968, p. 89, Marlyn and Nash, 1961, p. 69, Bettison et al, 1975, p. 87 et seq) and the growth rate has since been maintained. From 1947 to 1956, agricultural productivity rose from 286 million dollars to 368 million dollars. Over the same period, agriculture's share of the province's net value of production dropped from 55% to 25%. The increase in the proportion of productivity was captured by the expanding oil and gas, manufacturing, and construction industries (Marlyn, 10/1967, pg. 4, 5). Figure 1 illustrates the population growth of the Edmonton region and the province. Figure 2 illustrates the growth in the labour force for the Edmonton region and the province. (Upon each figure is superimposed the dates of important changes to or redrafts of planning legislation in Alberta). These figures illustrate the dramatic growth of Edmonton, a situation which was duplicated in Calgary. The impact of this tremendous growth surge in Edmonton and Calgary was such that these cities were unable to keep up with development pressures. In response, the province centralized certain planning controls, placing them in the hands of the Minister of Municipal Affairs and his department by amendments to the



(Source: Exner, 1977)

FIGURE 1

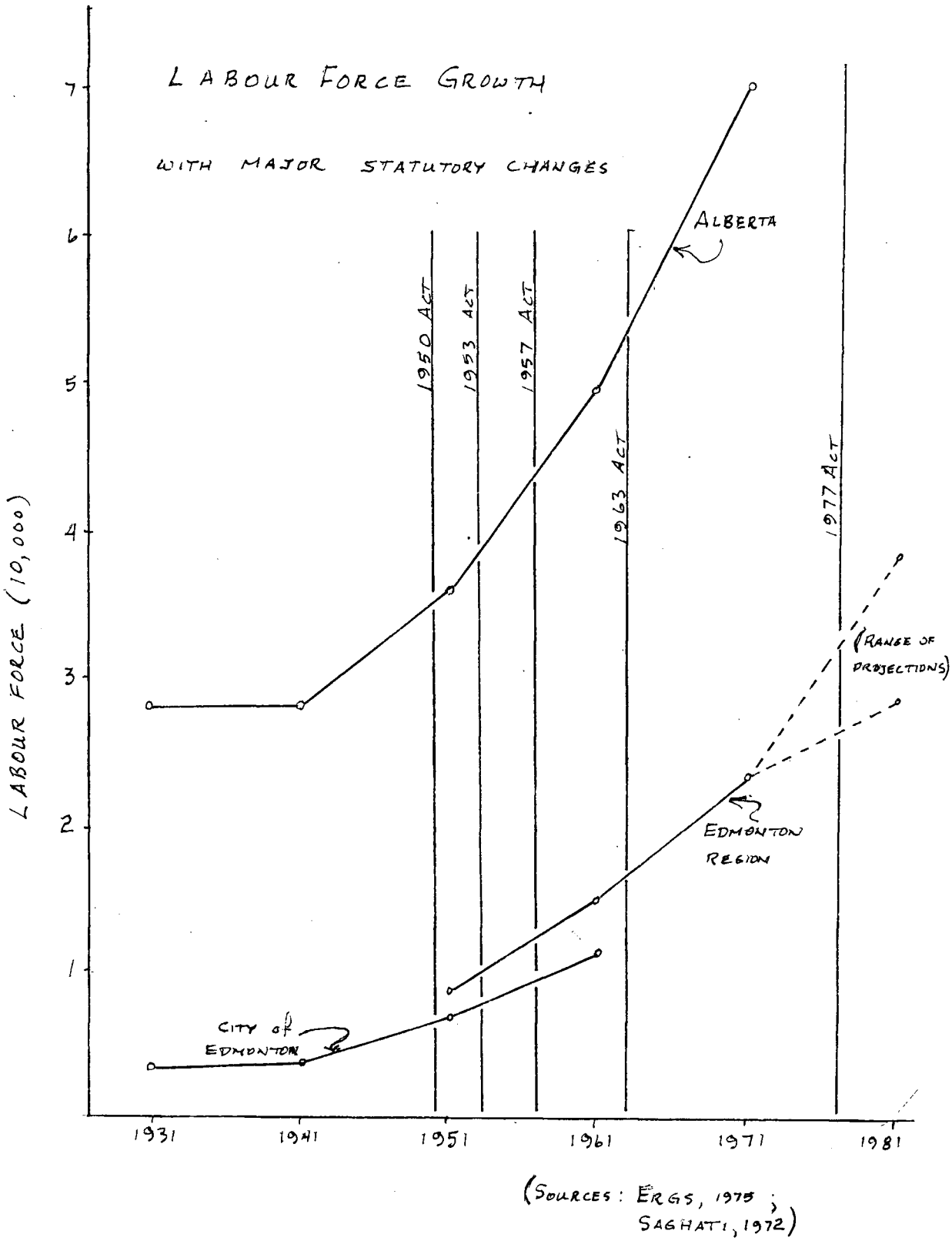

LABOUR FORCE GROWTH
WITH MAJOR STATUTORY CHANGES
LABOUR FORCE (10,000)
7
6
5
4
3
2
1
1931
1941
1951
1961
1971
1981
1950 ACT
1953 ACT
1957 ACT
1963 ACT
1977 ACT
ALBERTA
(RANGE OF PROJECTIONS)
EDMONTON REGION
CITY of EDMONTON
(SOURCES: ERGS, 1975; SAGHATI, 1972)

FIGURE 2

Town Planning Act which were enacted in 1948 (Bettison et al, 1975, p. 92).

3.04.1 The Bland and Spence-Sales Report

The inability of the City of Edmonton to cope with new development proposals within its jurisdiction and the threats posed by ad hoc developments on its periphery (Bettison et al, 1975, p. 94), prompted retaining Professors John Bland and Harold Spence-Sales[1] of McGill University to advise the city. Bland and Spence-Sales foresaw the emergence in the Edmonton area of a metropolitan form of urban development - "a complex of inter-dependent cities and towns" whose emergence and integration "may be more beneficial than the continuous expansion of the area of jurisdiction of the City of Edmonton" (Bland and Spence-Sales, 1949, p. 36). In their report, they noted the possibility of coping with these problems by using a regional planning commission as enabled under the 1929 Act; in this circumstance, however, they considered the commission model found in the 1929 Act inappropriate. Thus the report's authors recommended the establishment of the 'Edmonton District Planning Board' with area municipalities as 'constituent members'. The Board would be composed of one person nominated by the Minister of Public Works and one person from each of the constituent members (Bland and

[1] Spence-Sales was a veteran of the Ministry of Town and Country Planning in England and his ideas reflect this experience and the British Town and Country Planning Act of 1947 (Wiesman, 1977, p. 7-8). He and Bland toured Canada as provincial planning consultants for CMHC, surveying the planning framework across the country (Spence-Sales, 1948).

Spence Sales, 1949, p. 38). The Board would exercise planning control in the interests of orderly urbanization. This Board was to be staffed by the Provincial Town Planning Branch and supported by provincial funds with contributions coming as well, from the constituent members (Bland and Spence-Sales, 1949, p. 39). (Appendix 3 contains the relevant excerpts of the Bland and Spence-Sales Report).

The model of the regional planning authority that was designed by Bland and Spence-Sales was based on the problems of the urbanizing Edmonton area plus their own notions and perceptions of urban growth and structure from Montreal and England. These issues were seen to involve the City of Edmonton and the immediately surrounding country-side; thus Bland and Spence-Sales referred to the required planning control mechanism as 'sub-regional or district' control. It does not appear that these controls were intended by the City's consultants to be exercized over the entire extent of the participating municipalities. Instead, Bland and Spence-Sales seem to refer to the area immediately surrounding the City of Edmonton - that area directly affected by the process of urbanization. The point, then, is that this limited area was considered a sub-regional unit or a 'district'.

Another matter which should be noted relates to the membership and composition of the proposed District Planning Board as seen by Bland and Spence-Sales. Membership of the proposed Board would have included persons representing the constituent municipalities, and a person nominated by the

Minister of Public Works (most likely a civil servant) (Bland and Spence-Sales, 1949, p. 38). Thus, the Board was not conceived of as a purely political entity having only elected persons participating, but potentially as a mix of municipal councillors and provincial civil servants.

These, then, are a few points to be noted in the report prepared by Bland and Spence-Sales; they are of abiding interest as they have coloured the nature of regional planning in Alberta since that time.

3.05 The Amending Act of 1950

As a result of the Bland and Spence-Sales report presented to City Council in 1949, Edmonton made representations to the provincial government for legislative amendments. These suggestions were incorporated into the statutes by amendments in 1950.[1] The title of the Act was altered to emphasize the inter-dependence of urban and rural developments; it became known as the Town and Rural Planning Act. Under the amended Act, rural municipalities were extended powers that previously were available only to urban centers, including the ability to create boards with planning authority (Section 11).

3.05.1 District Planning Commissions

Most important for this thesis is the implementation of one of the Bland and Spence-Sales recommendations; the 1950

[1] There is no evidence to illuminate the reasons for the Legislature adopting the Spence-Sales recommendation (verbatim Hansard record of legislative debates did not begin until 1971).

amending Act gave the Lieutenant Governor in Council (i.e. Cabinet) the power to create a 'district planning commission' upon the request of two or more adjoining municipalities. If the request was granted, an Order-in-Council established the commission, which provided the middle-tier of planning between local and provincial levels as suggested by Bland and Spence-Sales. Also to be set out in the Order were the area included, the form of representation, the financial resources, and regulations for organization and transaction of business.

The 1950 amendments permitted commissions to be created at the direction of the province where local interest was demonstrated and the need apparent. The new commissions were partly funded by the province, thus reducing the demand on municipal resources (Section 11 b). By contrast, the 1929 Act had provided for a voluntary mechanism for joint planning by co-operating municipalities, funded from local resources. The sections of the 1929 Act enabling joint municipal action etc. were repealed with the 1950 amendments although they reappeared in 1963 (Section 95) following the evolution of district planning commissions.

In order to emphasize the co-operative aspects of district planning commissions (as one must assume that the government had envisioned them), a commission was prohibited from taking any action that affected a local council if that council's representative was not present at the meeting in which the action was being discussed[1] (Section 11). Unfortunately,

[1]This restriction has become customary and persists today, even though the prescription no longer exists.

this section made it possible for a municipality to withdraw participation and prevent a commission from making decisions or taking action affecting it. This occurred briefly, in fact, in 1951 when the Municipal District of Sturgeon withdrew its member over an annexation dispute with the Edmonton District Planning Commission and the Town of Beverly (Bettison et al, 1975, p. 134). Another section of the statute, however, was available to prevent a concerted effort to subvert district planning commissions:

> "If a municipality fails or neglects to comply with an order providing for its participation in a District Planning Commission, the Minister shall give notice of the default by publishing it in The Alberta Gazette and may thereupon authorize the Commission to act on behalf of the defaulting municipality."
>
> (Section 11 e)

3.05.2 Powers of District Planning Commissions

District planning commissions were authorized by the 1950 Act to advise on planning matters that were of inter-municipal or municipal-provincial concern (although exactly who was to be advised was not specified). They could also prepare 'general plans' and zoning by-laws for municipal councils of 'official schemes' for two or more concerned municipalities, thus providing planning expertise to small councils or groups of councils who could not otherwise afford these services. A district planning commission was charged with promoting public interest in 'district or regional planning'. Commissions also had authority to exercise other powers that might have been delegated to

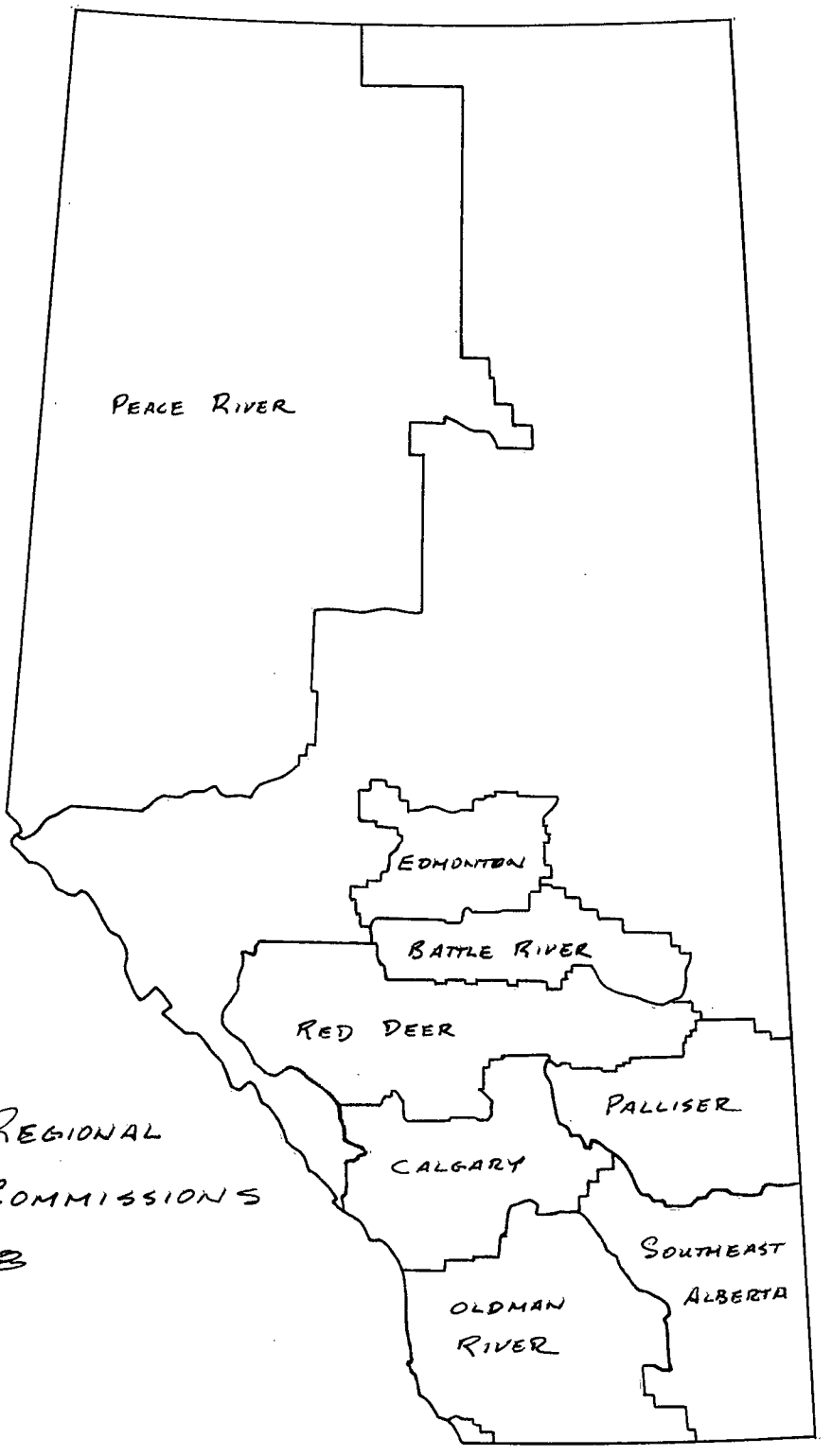
them by the Cabinet or by member councils (Section 11 c). District planning commissions, then, were essentially advisory, and relied upon the cooperation of member municipalities for their success.

The first district planning commission was established in the Edmonton area in 1950 - the Edmonton District Planning Commission - (Minutes, EDPC, 10/07/1950), presumably initiated by the City of Edmonton and a neighbouring municipality. Although the structure and authority of district planning commissions has changed significantly since 1950, this was the beginning of the continuous existence of regional planning authorities in the province of Alberta. Map 1 shows the location and jurisdiction of existing regional planning commissions in Alberta and the dates of their creation.

3.05.3 Composition of District Planning Commissions

The 1950 Act did not specify the composition of a district planning commission. This was to be spelled out by the Cabinet in the Order-in-Council that created the commission. Guidelines for membership, however, are contained in the Act:

> "The District Planning Commission shall consist of:
>
> (a) such number of members to be appointed by and to represent each of the municipalities as may be provided for in the order establishing the Commission; and
>
> (b) not more than three members representing the Province and appointed by the Provincial Planning Advisory Board".
>
> (Section 11 b)



ALBERTA'S REGIONAL PLANNING COMMISSIONS 1978

MAP 1

In the Edmonton District Planning Commission, each municipality had one representative, and in addition, three provincial departments were represented. Although most municipalities in the EDPC were represented by council members, the City of Edmonton was represented until 1953 by officials of its town planning staff. This was possible because in the Act, the membership criteria was not specific for municipal representation. The following is an excerpt from the minutes of the Edmonton District Planning Commission held on July 10, 1950 in the Legislative Buildings. It can be seen from the minutes that a commission was conceived as consisting of the major urban center, the surrounding rural municipalities, and the more important towns and villages in the area, almost exactly as had been recommended by Bland and Spence-Sales. As well, the Province was represented by its Planning Director from the Department of Public Works and representatives of the Departments of Municipal Affairs and Education. Public Works, (later to be known as Highways) and Municipal Affairs had long been actively involved in planning matters, while Education became involved presumably because of its interest in student populations and school location.

> "The meeting opened at 2:15 p.m. under the provisional chairmanship of J.H. Holloway, Director of Town and Rural Planning.
>
> The following municipalities and government departments were represented as below:
>
> The City of Edmonton, Mr. Weisman (sic), substituting for Mr. Dant;

The Municipal District of Sturgeon, Mr. Walters, substituting for Mr. Rowswell;
The Municipal District of Strathcona, Mr. Moyer;
The Municipal District of Stony Plan, Mr. Evjen;
The Municipal District of Leduc, Mr. Zeiner;
The Town of Fort Saskatchewan, Mr. Rocque;
The Town of Beverly, Mr. Payne;
The Village of Jasper Place, Mr. Stone;
The Town of Devon, Mr. Stover, substituting for Mr. Powell;
The Town of Morinville, Mr. Labonte, substituting for Mr. Soataert;
Department of Municipal Affairs, Mr. Potts;
Department of Education, Dr. Swift;
Department of Public Works, Mr. Holloway.

(The) Town of St. Albert and the Municipal District of Morinville were not represented."

(Minutes, EDPC, 10/07/50)

As far as representatives of the province are concerned, for the first three years the chairman of the Edmonton District Planning Commission was a civil servant. In fact, for the first two, the chairman was the Director of Town and Rural Planning who was also an ex officio executive member of the Provincial Planning Advisory Board (Section 57). The limit of three civil servants who may be appointed to a district planning commission was dropped in a minor amendment in 1952 (Section 11 b); as a result, the Edmonton District Planning Commission had four or five members representing the Province from 1952 to 1956. The following are the members representing the Province for the 1953-54 year:

"Department of Municipal Affairs . . . H.M. Lash
Provincial Government . . . . . J.H. Holloway
Department of Education . . . . . J.F. Swan
Department of Agriculture . . . . . R.M. Putnam
Department of Highways. . . . . C.W. Lester"

(Annual Report, EDPC, 1954)

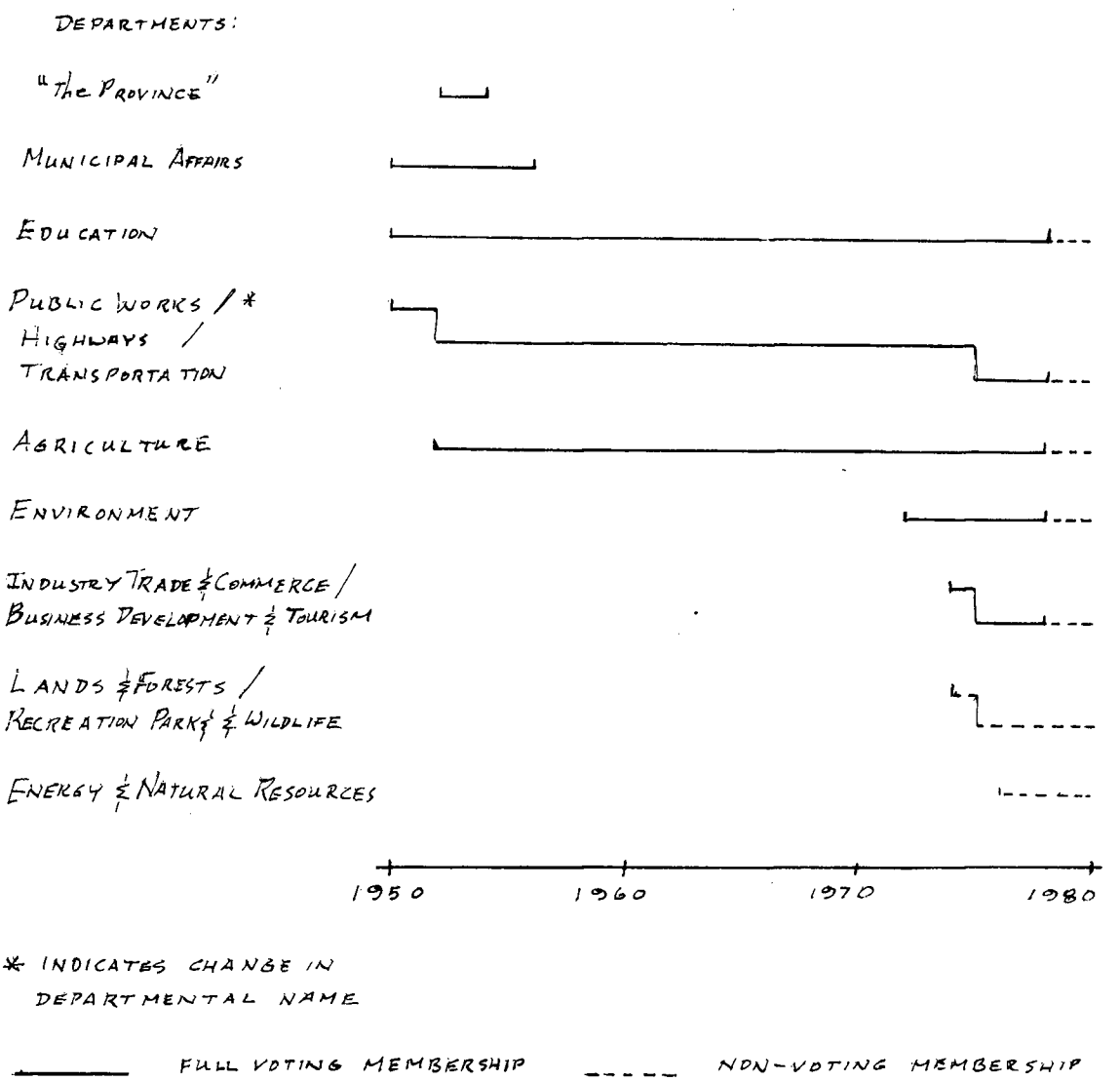
The member representing the 'provincial government' is the executive member of the Provincial Planning Advisory Board - the same individual who had represented Public Works. Public Works became the new Department of Highways. Figure 3 traces departmental representation on the Edmonton Regional Planning Commission from 1950.

A popular explanation for the inclusion of civil servants in commission membership is that the Province was eager to see district planning commissions get off on the proper footing.[1] By providing civil service expertise in planning and related fields within the commissions, the Province was more able to ensure adequate professional competence in the preparation of plans by the commission[2] (Dant, Marlyn, etc., interviews, 1978). In this respect, the Edmonton District Planning Commission seems to have fulfilled that aim. In May of 1951, an overall plan for the 'metropolitan area' was being discussed. One year later, the commission had adopted an "Outline General Plan' based on the earlier proposals. This plan covered the City of Edmonton and its immediate vicinity - the area covered being equivalent to what Bland

1
Exactly what the province wanted from the commissions was not clear, One can assume that the intent was to implement the Bland and Spence-Sales recommendations; however, this was not articulated (Wiesman, 1979). After its creation, a commission charted its own course.

2
A more pessimistic view suggests that the province placed civil servants in district planning commissions to cope with the competition between local authorities in planning matters (Bettison et al, 1975, p. 97)

PROVINCIAL DEPARTMENTAL REPRESENTATION IN REGIONAL PLANNING COMMISSIONS: THE ERPC EXAMPLE



* INDICATES CHANGE IN DEPARTMENTAL NAME

——— FULL VOTING MEMBERSHIP - - - - - NON-VOTING MEMBERSHIP

FIGURE 3

and Spence-Sales referred to as the Edmonton 'district'. The plan was intended to be used as an interim control measure over urban development and was to be replaced by a series of more specific plans for the 'evolving general plan' for the whole metropolitan area (Minutes, EDPC, 16/05/51, 9/04/52).

3.06 The Evolution of Planning Legislation from 1913 to 1950 - A Summary

The concept of regional planning existed in embryonic form in the 1913 statute. Little development of the idea took place until 1950, when specific initiatives were made by the City of Edmonton.

3.06.1 Regional Plans

Over this period, the precursor of a regional plan began in 1913 as a greater-than-municipal 'town planning scheme'. This form remained through the new Act of 1929 until 1950 when it became 'official scheme of development'.

3.06.2 Regional Authorities

3.06.2.1 Composition: The authority responsible for regional planning began as a jointly appointed 'town planning commission' in 1913 created by cooperating municipalities. A town planning commission could have consisted of from five to ten members appointed by each participating council subject to the Minister's approval. The 1929 Act changed the name to 'regional

planning commission' and enabled cooperating councils to create a commission by by-law with the Minister's approval. A commission would have consisted of up to three representatives from each municipality. In 1950, the Cabinet was empowered to create 'district planning commissions', to which member municipalities could appoint the number of representatives as directed by Cabinet. Additionally, up to three representatives could be appointed by the Provincial Planning Advisory Board to represent the province.

3.06.2.2 Powers: A joint town planning commission created under the 1913 Act would have had all the powers available to a municipality under that Act. In the 1929 Act, these powers were reduced to whatever powers were needed except raising money or expropriating land. In the 1950 amendments, powers were more closely defined - limited to advice and assistance for planning matters and promotion of public interest in planning, although Cabinet could delegate other powers to a commission.

3.06.2.3 Finance: Under the 1913 Act, a commission would have had the power to raise its own money in the same manner as a municipality. The financial basis changed in 1929 with commissions relying on contributions from municipalities in proportion to the tax base. In 1950, municipal contributions were specified by the Cabinet and supplemented by funds from the province.

3.07 The 1953 Act

Following the first years of experience with the new mechanisms introduced in the amendments of 1950, the planning legislation in Alberta was completely redrafted in 1953 (Dant, 10/1971, p. 7). District planning commissions retained the power to advise a municipality on municipal, inter-municipal or municipal-provincial issues related to 'planning and orderly development', the advice to be specifically directed at the municipality (Section 14). A commission continued to be able to prepare general plans and related by-laws as a service to member municipalities.

3.07.1 New Powers of District Planning Commissions

A new responsibility was added as district planning commissions were to "study the resources and development of the district planning area with a view to preparing a general plan for the area" (Section 14). Although the mandate to prepare regional plans was worded in a remarkably clumsy manner, the intention was clear that such a plan be based upon the realities of existing development and on the resources of the area. It is, of course, interesting to note that the Edmonton District Planning Commission had already prepared and adopted an 'Outline General Plan' for Edmonton and vicinity which had the support of all municipalities on the commission (Minutes, EDPC, 09/04/52). Also contained in the 1953 Act was an amended version of a section found in the 1950 Act which allowed planning commissions to exercise certain powers that

may have been delegated from the province or from a member municipality.

In June, 1953, the Edmonton and Calgary District Planning Commissions were delegated the province's powers of subdivision control[1] (Dant, 10/1971, p. 7), which could be exercised throughout the district planning area (except for the areas within the cities of Edmonton and Calgary where the local Technical Planning Boards exercised subdivision control (Dant, 11/1971, p. 4). The status of subdivision approving authority gave these commissions implementation and control powers that could be used to work toward what had become known as the 'evolving general plan'. This status also facilitated greater contact between a district planning commission and the region's municipalities.

3.07.2 Commission Membership

Another change introduced in the 1953 Act was the clarification of vague membership criteria for municipal representation. A council, by resolution, could appoint its representatives only from members of the council. Prior to the 1953 Act, it appeared that anyone could qualify for membership. With this change, the City of Edmonton was no longer able to send its staff planners to the district planning commission

[1] By 1953, three district planning commission had been established: the Edmonton, Calgary and Red Deer District Planning Commissions. Of these, Edmonton and Calgary were the predominant metropolitan centers of the province.

and so a council member was appointed.

The absence of a municipal representative no longer prevented action by a commission under the 1953 Act. Previously a member's absence halted all activity by the commission that affected the municipality he represented. The dropping of that restriction also made it possible for a commission to exercise its powers in member municipalities who did not have a representative on the commission. The Order-in-Council establishing a commission specified those municipalities who were to be represented on a district planning commission and, independently, that area within which a district planning commission could exercise its powers (Section 11).

This change was evidenced by changes in membership in the Edmonton District Planning Commission. In 1955, three municipalities were included in the list of members in the EDPC Annual Report with the accompanying note, "no permanent representative appointed" (EDPC, Annual Report, 1955/56). While these municipalities were under EDPC jurisdiction, they had no direct voice in the ongoing affairs of the Commission. (This issue was addressed in amendments in 1957 - See 3.08.4).

3.07.3 The Cooperation of Municipalities Under The 1953 Act

The continuing provincial philosophy behind inter-municipal planning was that municipalities were participating voluntarily in a spirit of co-operation (Bettison et al, 1975, p. 131). However the success of district planning commissions' planning efforts was compromised by the deep-rooted philosophy of the

government to respect the autonomy of local authorities. Where the wishes of a local council and a district planning commission were in conflict, the local council was usually able to achieve its goals in the end (Bettison et al, 1975, p. 131). For example, the Provincial Planning Advisory Board - as the appeal authority in the province - maintained a policy of granting appeals on subdivision proposals that had the support of the local council. The province did not appear to recognize the fact that a district planning commission was composed primarily of local council representatives. Decisions of a commission could therefore be considered decisions of local councils. (On the other hand, the commission was not 'pure' in that regard, as there were civil servant members).

When the Municipal District of Strathcona met stiff opposition from the Edmonton District Planning Commission in 1954 for a 'new town' proposal that was not permitted in the Commission's Outline General Plan, it petitioned the government for withdrawl from the Commission. The Act did not provide for this circumstance - stating that, upon application by a municipality (and with support of the Board), Cabinet could amend an Order-in-Council establishing a commission so as to "provide for the representation of the municipality on a commission, or alter the district planning area..." (Section 13). When Strathcona petitioned the province, the Minister of Municipal Affairs and his Deputy were out of town. The Attorney General was available and he interpreted the Act permissively and recommended approval of Strathcona's withdrawl request.

Strathcona remained outside of the EDPC from August, 1954 to August, 1956 during which time the municipality secured the approval of their new town of Sherwood Park (Giffen, interview).

As a result of this and other concerns about urban growth in the province, the government appointed a Royal Commission on Metropolitan Development of Edmonton and Calgary in 1954 (Bettison et al, 1975, p. 97). The McNally Commission, as it was known, reported in 1956, making recommendations to the government that were subsequently enacted in the legislative amendments of 1957 (Bettison et al, 1975, p. 192). Not surprisingly, the Royal Commission concluded that:

> "The enforcement of a general plan, whether inter- or intra-municipal, thus depends entirely on the willingness of the municipality or the Provincial Planning Board to enforce it. Since the policy of the Board is not to overrule the municipality, in practice the control of the spread of subdivisions into rural areas depends entirely on the willingness of the individual municipality".
>
> (McNally Commission, in Bettison et al, 1975, p. 131)

The McNally Commission was convinced that "there can be no orderly development in any area (where) ... the dissent of one member municipality alone could disrupt the entire (district) plan" (Alberta, 1956). Thus they stated that "the time has come to amend the legislation to authorize enforcement of a district general plan" (McNally Commission, in Bettison et al, 1975, p. 135).

3.08 The Amending Act of 1957

The 1957 legislation was a major milestone for regional planning in Alberta. By then, the system's basic dilemna had been recognized - the split between plan preparation and plan implementation (Gertler, 1960, p. 84). While it is even now quite common for a planning authority to have the power and resources necessary to prepare plans, it is the exception for it to have the power to ensure that such plans are followed. This issue was addressed in the 1957 amendments.

3.08.1 The District General Plan

The 1957 amendments added a completely new part to the Act.[1] It defined a structured formula for the "district general plan" which a "commission shall prepare and adopt...to secure the orderly and economical development of the district planning area as a whole" (Section 101). The 'area as a whole' reference is an explicit expansion of the planning function from an 'official scheme of development' or the general plan for the area of the 1950 and 1953 Acts. A district general plan "shall divide the district planning area...into zones of permitted land uses, define permitted uses for each zone, specify stages of development for each zone, prohibit contrary development, and propose various public works" (Section 101). Nine specific zones were defined in the Act in considerable detail, although a commission had the option of using the zones from the Act or defining zones of its own (Section 99).

[1]Complex statutes are often divided into parts (Milner, p. 164, in Lane, 1975, p. XI-2) and Alberta's Planning Acts are no exception.

An interim device called a preliminary district plan was required while the district general plan was being prepared. It was to include a map of the district planning area (or a part of it) divided into zones, and a schedule of controlled uses (Section 114). Clearly, the province had some pre-conceived notions about what sort of plan would be produced, and that was a broad brush, zoning-style plan which would be used to manage the physical development of the region.

The requirements for both preliminary district plans and district general plans applied to any district planning commissions which had within it a municipality whose population exceeded 50,000 people (Section 100). Of the five commissions existing in 1957, only the Edmonton and Calgary Commissions met this criteria, although Cabinet had the power to specify others upon recommendation of the Provincial Planning Advisory Board (Section 100).

3.08.1.1 Plan Adoption

Following the completion of a preliminary district plan, a commission was able to adopt it by a 2/3 majority vote (Section 113, 115, 116). Once adopted, a preliminary district plan was to be respected by all member municipalities;[1] in fact, contradictory by-laws were to be made to conform (Section 117).

1 The District Planning Part of the Act applied to a "municipality and the council of a municipality represented on" the commission (Section 100). Thus, non-represented municipalities were not bound. The conception of representation was therefore important in the operation of the district general plan.

While the interim plan was in force, a commission was required to prepare the district general plan. Adoption procedures for district general plans were laid out in the Act as well, although these were more complicated than those required for the interim plans (See Figure 4). The commission was required to adopt the plan by a 2/3 majority vote, and in addition, advertise the adoption, hold a public hearing, and finally, to confirm the plan's initial adoption by another 2/3 majority vote (Sections 103-107). Upon being confirmed, the plan was binding on all municipalities represented on the commission and on all school, health, hospital and other similar local authorities having jurisdiction in the district planning area (Section 109, 112).

It was, of course, possible for a commission to amend a district general plan or preliminary plan. However, amendments could also be initiated by third parties, that is, "a person or a council" (Section 118). Procedure for an amendment was the same as for adoption of the original district general plan or preliminary district plan (Section 119).

3.08.1.2 The Appeal Process

The power of a district planning commission to impose a plan upon a municipality (or any other local authority) within the region appears, on the surface, to be a remarkable departure from the previous stance of the province whereby the tradition of local autonomy in Alberta was respected. However, a commission was composed by and large of municipal representatives, so

ADOPTION PROCESS 1957:
THE DISTRICT GENERAL PLAN

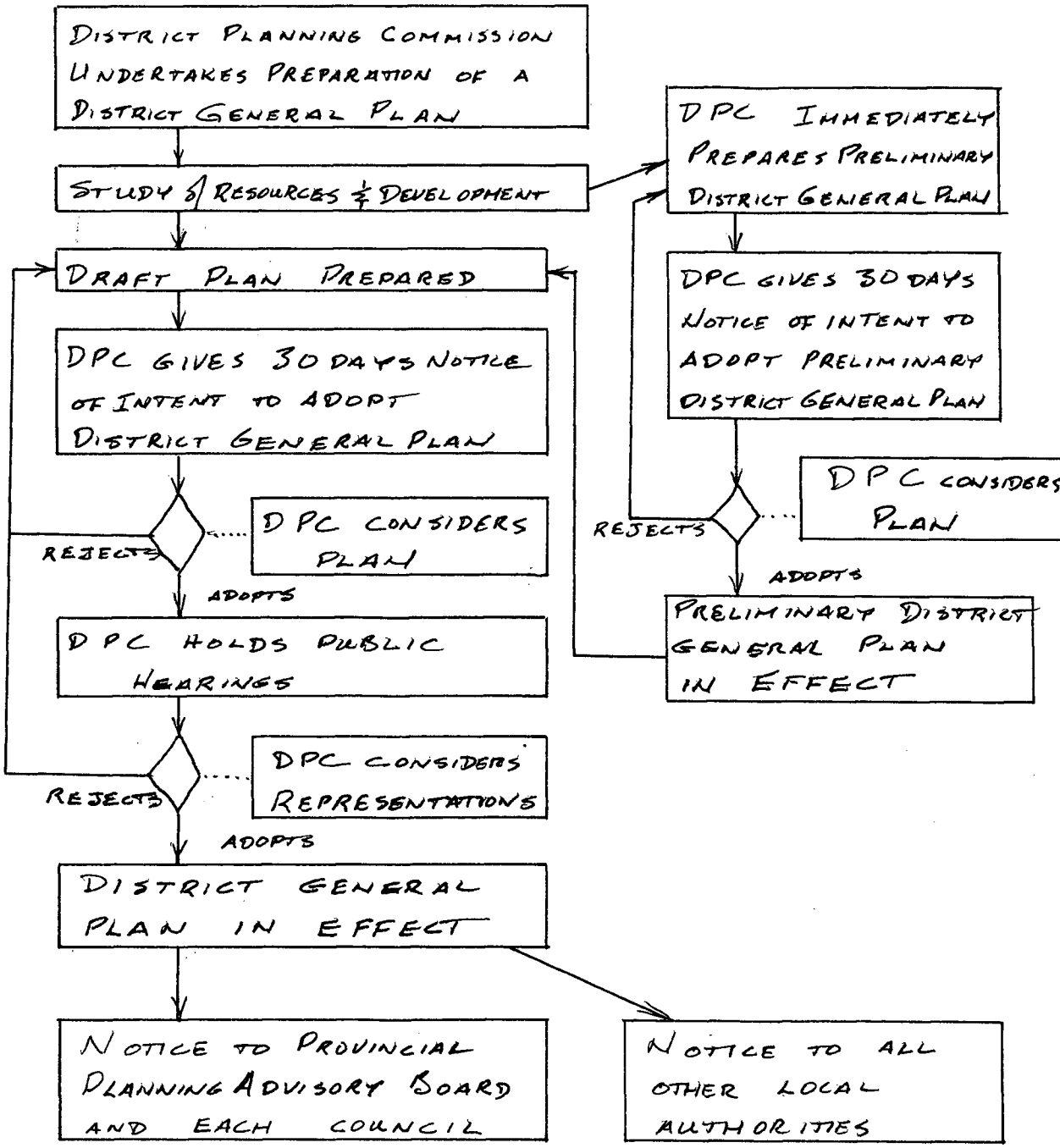


FIGURE 4

that its decisions could have been seen as self-imposed by municipalities acting collectively. Moreover, municipalities and other local authorities or persons who objected to a district general plan were able to appeal to the Provincial Planning Advisory Board (Sections 112, 118, 121, 123). All appeals to the Board were decided after a public hearing and the decision was final and binding, except on questions of law, where the matter could proceed to the courts (Section 127).

On the other hand, the district planning commissions could appeal to the Board where a local council refused or neglected to carry out its responsibilities under a plan, or where the council acted contrary to the provisions of a district general plan or a preliminary district plan. In deciding upon an appeal, the Board was bound to consider the intent of the Act, to have regard to "the scope and intent" of the plan and to weigh "the merits and circumstances of the particular case" (Section 126).

3.08.2 New Powers

Besides outling the powers for district-wide plan preparation, the 1957 amendments enabled district planning commissions to arbitrate inter-municipal disputes and to make proposals on matters of concern to the district as a whole. A commission's power of arbitration could be used, for example, upon application by a council which claimed to have been aggrieved by the actions of another council. Matters that could be brought forward to a district planning commission were restricted to

those that arose under the Planning Act but were not limited to actions relevant to a district general plan or a preliminary district plan. The commission's decision was "binding", although an appeal could be made to the Board (Section 120).

A commission was also empowered to recommend to the appropriate authority proposals for annexation or boundary adjustment, water and sewer service, resource conservation, flooding and pollution control, land and resource utilization, and industrial development (Section 102).

3.08.3 Effects of New Powers

All of the new powers available to the metropolitan district planning commissions under the 1957 amendments strengthened the commission as an integrative instrument for regional planning. The Edmonton and Calgary District Planning Commissions were empowered to prepare a plan for development of their respective regions which would be acceptable to the majority of the councils. The plan could be amended as conditions warranted, although when in effect, a plan would be binding on all local authorities and could be enforced.

The powers of commissions to resolve local dispute, their powers to take initiative in matters of regional importance, together with their binding plans and higher public profile suggests that the province saw in district planning commissions a mechanism for coordination of local effort and a forum for responsible inter-municipal decision making. Whether or not the commission could fulfill this potential was dependent upon

its will as expressed in the collective actions of the constituent municipalities and also upon the will of the Province as found in the actions of the Provincial Planning Board to ensure that the required district general plans were prepared and effective.

3.08.4 Commission Membership

Important changes affecting composition and membership were included in the 1957 amendment covering new criteria for appointment of members by a municipality to a district planning commission. Previously, appointment was limited to members of council, but now, others could be included, "...provided that... one member shall always be a member of the council (while) any other member...may be either a senior official of the municipality or a resident of the municipality" (Section 86). The option to use civic officials or residents was only available to cities since they were the only municipalities that could have more than one member. The City of Edmonton's option to appoint a senior staff member or a resident (since 1957) has never been used in the ERPC (Giffen interview, 1978). Figure 5 traces municipal representation on the Edmonton Regional Planning Commission from 1950 to the present. Appendix 4 contains excerpts of statutes, regulations, ministerial orders etc., which specify membership criteria for regional planning commissions.

Another modification of the membership criteria created the possibility of shared representation on a commission by

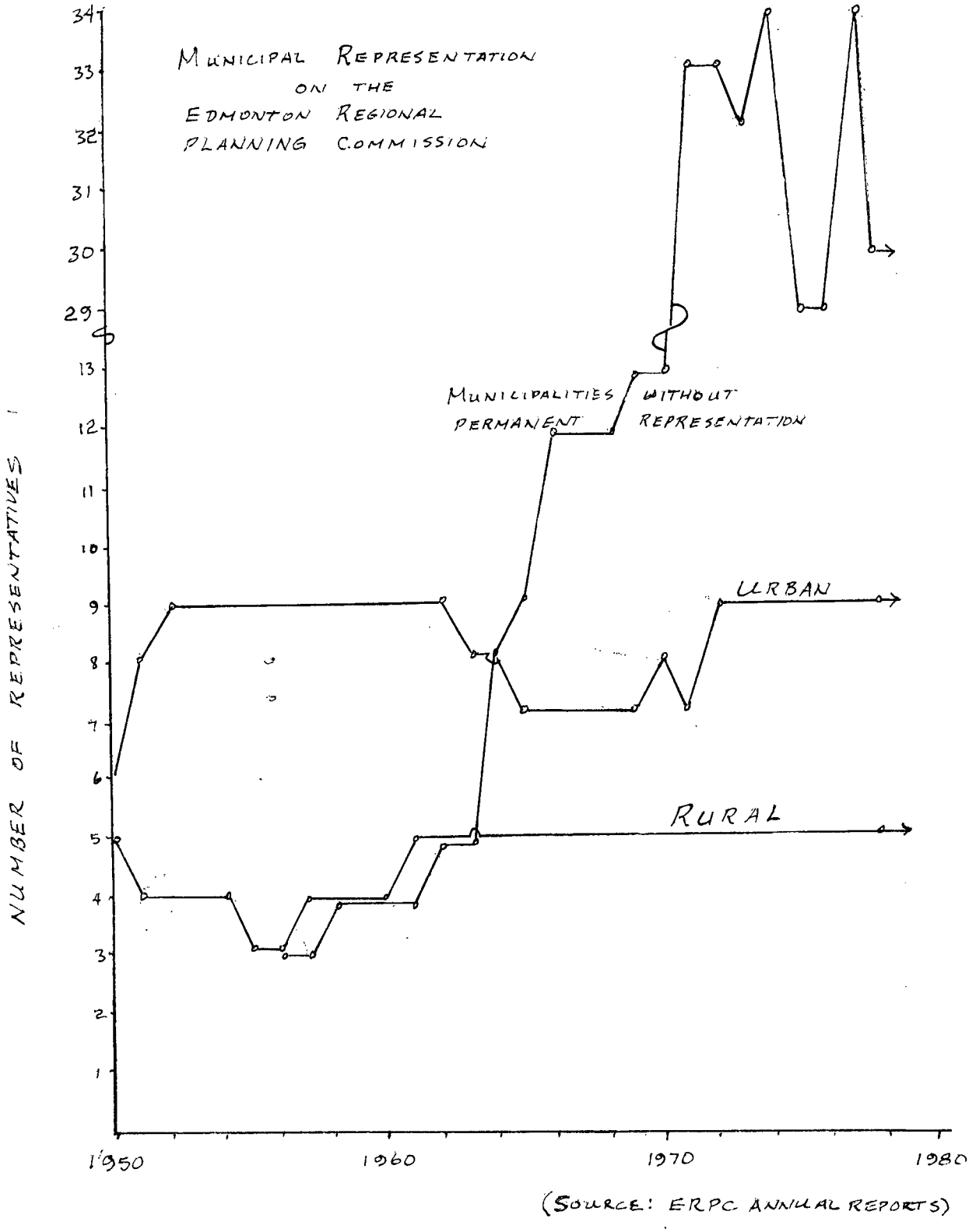

MUNICIPAL REPRESENTATION ON THE EDMONTON REGIONAL PLANNING COMMISSION
NUMBER OF REPRESENTATIVES
MUNICIPALITIES PERMANENT
WITHOUT REPRESENTATION
URBAN
RURAL
1950
1960
1970
1980
(SOURCE: ERPC ANNUAL REPORTS)

FIGURE 5

small municipalities:

> "The order (establishing a commission) may provide that two or more municipalities shall be represented on the commission by the same member who shall be appointed by the councils of those municipalities, jointly or in rotation as the order may prescribe".
>
> (Section 12)

This provision made it possible for several small municipalities to be officially represented by a voting member. This regularized a situation in the Edmonton District Planning Commission, where, since 1955, three municipalities had been members without specific representatives. Figure 5 also illustrates the number of municipalities indirectly represented in this fashion on the EDPC.

3.09 The Amending Act of 1958

In this short amendment, given assent in April of 1958, the province reduced the membership possibilities for civic officials. Provided the first representative was a council member, others could be

> "a resident of the municipality who is not a municipal official, or in the case of a municipality other than a city or town, the secretary-treasurer of the municipality".
>
> (Section 86)

It appears that the possibility of having municipal staff sitting as members of a district planning commission was intolerable. It is not particularly clear why municipal staff were excluded from membership when provincial department staff were members representing the province. Practically speaking, since the only municipalities in the province with

multiple commission membership were cities, this provision was superfluous as it only referred to those other than cities or towns.

3.10 The Amending Act of 1959

A section introduced with the 1959 amendments adds a revealing statement of provincial philosophy on planning legislation in Alberta:

> "The purpose of this Act is to provide means whereby municipalities, either singly or jointly, may plan for orderly and economical development without infringing on the rights of land owners except to the extent that is necessary, for the greater public interest, to obtain orderly development and use of land in the province".
>
> (Section 2 a)

This section clearly stated that planning was conceived of as the business of local government. Municipalities acting alone, or supposedly together in district planning commissions, were responsible for the physical planning of the province, bound only by the limitations imposed by property rights in their quest for the greater public interest. The unspoken implication was that the province had little interest in planning or at least was not to be expected to lead the way, and by association, that local goals were rather more important.

Also amended in 1959 was the adoption procedure for preliminary district plans. Whereas from 1957 a preliminary district plan came into effect upon adoption by the commission, such a plan would thereafter require the approval of the Provincial Planning Advisory Board (Section 117). Amendments to a

plan also required Board approval before they took effect (Section 119). This provincial supervision of district planning commissions' plan making powers appears, interestingly, to be contrary to the tone of the 'purpose' section just described.

At the end of 1961, the Minister established terms of reference for the review and redrafting of the Act (Dant, 10/1971, p. 8). The terms of reference included a revealing expression of the Government's attitude towards delegation of authority to non-elected officials:

> "At the local and regional levels, all planning decisions shall be made by the elected authorities and their decision making powers may be delegated to appointed officers only within the terms of Provincial Planning Board rules and regulations which cover clean-cut 'yes' or 'no' situations or where the exercise of discretion in decision making is covered by specific and explicit limitations".
>
> (Dant, 11/1971, p. 2)

This policy statement has influenced the operation of planning offices since that date (for example, in subdivision approvals) and has resulted in further changes in the legislation.

3.11 The Act of 1963

The new statute, enacted in 1963, was called The Planning Act. It contained some important changes for regional planning in Alberta as well as several changes of lesser significance that nonetheless illustrate the development of regional planning in the province. For example, the 'purpose' clause of the Act

was redefined:

> "The purpose of this Act is to provide means whereby plans and related measures may be prepared and adopted to achieve the orderly and economical development of land within the province without infringing on the rights of individuals except to the extent that is necessary for the greater public interest".
>
> (Section 3)

The implied restrictions of planning to municipalities found in the 1959 version was dropped in recognition of other plan-making agencies such as regional planning commissions or, for that matter, the Provincial Planning Branch of the Department of Municipal Affairs.

A more important change was the new name for the district planning commissions - they were to be called 'regional planning commissions' and were responsible for the preparation of 'regional plans' in place of the former district plans (Section 14). This name change signified an awareness of the regional character these commissions had acquired - a fact that had already been recognized in the literature (See Gertler, 1960, or Marlyn and Lash, 1961), and shook off the semantics derived from the days of Bland and Spence-Sales.

3.11.1 Changes in Regional Planning

The provision for preparation of regional plans was not mandatory in the 1963 Act as it had been under the 1957 amendments. Whereas the 1957 amendments stated categorically that a district planning commission "shall prepare and adopt a district general plan...of the district planning area as a whole"[1]

[1]This had not applied to all commissions - see 3.08.1.

(Section 101), the 1963 Act stated that a commission "may resolve to prepare and adopt a regional plan for the whole or such parts of the regional planning area as are specified in the resolution." Thus while all commissions had the opportunity to prepare regional plans, they were not bound to do so.

The option of preparing these plans was couched in terms of a duty, however, in another section. Specifically, one of the stated functions of a regional planning commission was "to prepare a preliminary regional plan for the purposes of development control during the period of preparation of a regional plan" (Section 14). Another was "to study the resources and development of the regional planning area, with a view to preparing a regional plan" (Section 14). The drafting of these provisions exemplifies an irresolute approach of the province to the issues of regional planning, and is probably one of the reasons for the lack of performance in regional plan preparation characteristic of regional planning commissions.

As was the case in 1957, should a regional planning commission opt to prepare a regional plan, the Act stated "the commission shall prepare and adopt a preliminary regional play by which development shall be governed...by the regions' municipalities" (Section 71). The adoption process is illustrated in Figure 6. After either a regional or a preliminary regional plan had been adopted by the commission by a 2/3 majority vote, the plan required approval of the Provincial Planning Board before it had any effect (Section 78), a step initiated in

ADOPTION PROCESS 1963
THE REGIONAL PLAN

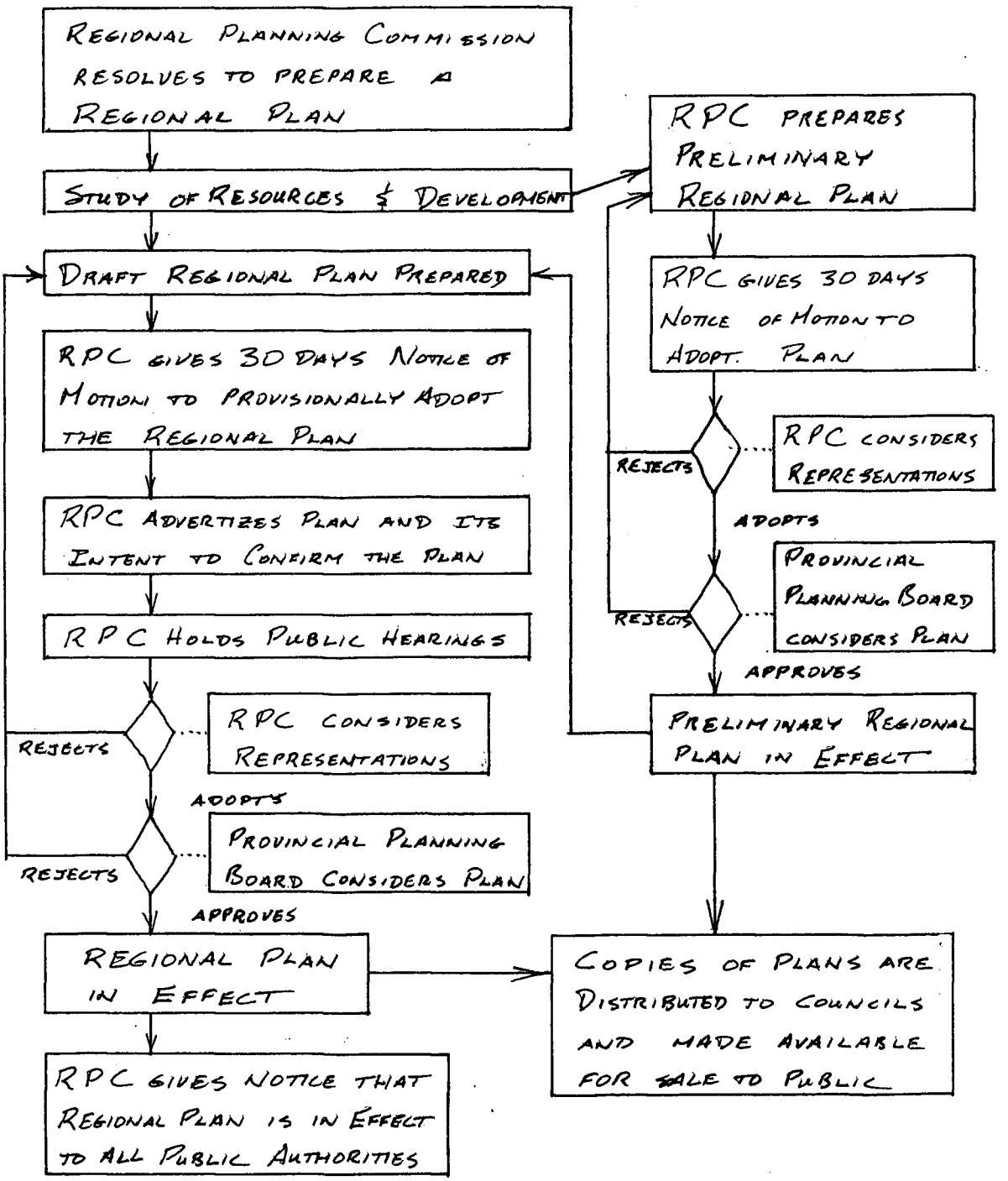


FIGURE 6

1959. This particular provision is curious in light of the terms of reference established by the Minister for the writing of this Act. The Minister had required that major decisions be made by elected officials, as opposed to non-elected officials, such as the people who make up the Provincial Planning Board.

This reticence of the province to delegate complete authority to adopt a regional plan may however, have been due to another change in the Act:

> "(1) When a regional plan comes into effect the commission shall give notice thereof to any public authority having jurisdiction within the regional planning area.
>
> (2) Upon receiving a notice in accordance with subsection (1), each public authority having jurisdiction within the regional planning area shall thenceforth refrain from enacting any by-law, taking any action, or undertaking any work or any construction project that conflicts with or is inconsistent with the regional plan."
>
> (Section 80)

Thus a regional plan bound all public authorities which were defined in the Act as including:

> "...a Minister of the Crown and any council, school board, hospital board or other public body with power to use or develop land for public or community purposes;"
>
> (Section 2 (0))

There can be no doubt that the intention was that a regional plan was to have the force of law - all activity touched by a regional plan that lay within the constitutional jurisdiction

of the province would have been affected by such a plan.[1] By requiring provincial sanction through the Board, a regional plan would thus have been considered acceptable to the province as a guide for all development activity and land use within the region. If a regional plan was unacceptable to the province, the Board's approval could have been withheld. Provincial action contrary to an approval plan may not have been prohibited, but would likely have caused considerable political opposition.

While a regional plan would have bound all public authorities, a preliminary regional plan would have bound only municipal councils. Zoning and other by-laws, a municipality's general plan and,

> "any action taken or powers exercised by a council... shall be in conformity with any preliminary regional plan or regional plan that is being prepared or has been adopted..." (Section 91).

This is an extension of the control of such a plan over municipal action (as was found in the 1957 amendments) to include the period of preparation of the plan. The Act did not, however, contain direction to a council to <u>amend</u> existing by-laws or a general plan already in place, as was specifically stated for regional plans elsewhere (Section 79) and as had been stated in the 1957 Act (Section 117).

[1]The Planning Act does not explicitly state that the Crown is bound by the provisions of the Act as is required by the Interpretation Act:

> "No enactment is binding on Her Majesty or affects Her Majesty or Her Majesty's rights or perogatives in any manner unless it is expressly stated therein that Her Majesty is bound thereby." (Section 13)

Once a plan was in place, the procedures used for amendments and appeals in the 1963 Act were essentially unchanged from those outlined in 1957, except in one respect. Previously, it had been possible for an individual to apply for amendments and launch appeals; the 1963 Act, however, eliminated that option. Only councils had the right to apply for amendment of the plan, (Section 82) while any public authority (including councils) had the right to launch appeals against objectionable provisions of the plan (Sections 80, 85).

In order to ensure that a plan remain relevant, it was required that it be completely reviewed every five years (Section 83).

Finally, the Act stated that:

> "no person is entitled to compensation by reason of the adoption or the carrying out of a provision of a regional plan or preliminary regional plan..." (Section 92).

Although this prohibition concerning compensation had existed since at least 1953, it had related only to local by-laws (Section 86 of 1953 Act). Its inclusion in the part of the Act dealing with regional plans gives recognition to the potential impact of these plans on individual property owners. This section reinforces the pre-eminent position of the regional community and rejects the concept of an unlimited or unbridled right-to-develop flowing with the title of land.

3.11.2 Other Changes in the Act: Powers and Membership

The 1963 Act contained a few other changes respecting the

powers and composition of regional planning commissions. The Provincial Planning Board was added as an agency that could delegate powers to regional planning commissions (Section 14). Regional planning commissions retained subdivision approving authority (a delegated power) for their regions as well as the powers of studying the region, advising local councils and preparing plans on their behalf, and promoting public interest in planning (Section 14). As was previously the case, the expenses of a regional planning commission were met by funds from its constituent municipalities and contributions from the Province, once its budget had been approved by the Provincial Planning Board (Section 10, 11).

A chance of more significance in the 1963 Act was found in membership criteria. The Act contained the following specifications:

> "Where a municipality is represented by one member, that member shall be a member of the municipal council.
>
> Where a municipality is represented by more than one member, one member shall be a member of the municipal council and any other member may be
> (a) a member of the council, or
> (b) a resident of the municipality who is not a municipal official."
>
> (Section 11)

Thus, the potential that existed since 1958 for the appointment of the secretary-treasurer as a representative of certain municipalities was eliminated.

3.12 The Evolution of Planning Legislation from 1950 to 1963 - A Summary

3.12.2 Regional Plans

3.12.1.1 Purpose: The purpose of a regional plan as implied by the circumstances surrounding the 1950 Act was to guide and control the process of urban growth in Alberta's metropolitan areas. This continued in the new Act of 1953, although the regional plan was referred to as 'a general plan for the area'. Specific detail first appeared in the 1957 amendments when the 'district general plan' was intended for 'orderly and economical development' of the entire planning area including regional zoning and use designation, development standards and sequencing and proposals for capital works. A 'preliminary district plan' was required to guide and control development in the interim. 1963 saw regional plans named as such but otherwise unchanged from the intentions of the 1957 Act.

3.12.1.2 Enactment: Procedures for enactment of regional plans were not defined in either 1950 or 1953. However in 1957, plans became mandatory, proceeding through a process which included referrals, public hearings and eventual adoption. Amendments moved through the same process. In 1959 an adopted plan required Provincial Planning Board approval. This system remained essentially unchanged in the 1963 Act.

3.12.1.3 Effect: A regional plan as it existed in 1950 and 1953 was intended to guide urban development. Where a plan existed, its effect rested on cooperation among regional municipalities. In 1957, the regional plan was greatly strengthened by the requirement that local councils and other local authorities conform to the plan. This requirement could be enforced by the Board upon appeal by a commission. In 1963, the authorities bound by an approved plan included, if only tacitly, the province. In addition, subdivisions came under explicit control of a regional or preliminary plan.

3.12.2 The Regional Authority

3.12.2.1 Composition: In 1950, regional authorities - 'district planning commissions' were created by Order-in-Council. Commission members were appointed by each municipal council, with up to three members appointed by the Board to represent the province. In 1953, municipal representatives were restricted to members of council while the limit of three provincial representatives was removed. In 1957 it became possible for smaller municipalities to share a member on the commission. Otherwise, municipal representatives could include officials or residents of the municipality, although in 1958 officials were no longer able to participate. Membership criteria remained unchanged in 1963.

3.12.2.2 Powers: In 1950 a regional authority was charged with advising and assisting member municipalities and promoting public interest in planning. Additionally, a regional authority could have other powers as delegated by Cabinet. Added to these in 1953 was the power to study the resources and development of the region and the implied power to prepare a 'general plan for the area'. In 1953, subdivision approving authority was delegated to commissions by Cabinet. In 1957, preparation of a 'district general plan' and an interim 'preliminary district plan' became a mandatory responsibility. Once adopted, the plans of a commission could be enforced by appeal to the Board. Commissions also gained the power to arbitrate inter-municipal disputes that were referred to it. In 1963, regional plans were not specifically required although this was one of a commission's responsibilities. Otherwise, powers remained much as they were in 1957.

3.12.2.3 Finance: In 1950, financing of a district planning commission was dependent upon contributions from member municipalities (50%) and from the province (50%) as defined in the order establishing the commission. This remained the basis for finance through the 1953, 1957, and 1963 Acts, although the proportion of provincial support grew to 60%.

3.13 The Amending Act of 1965

The 1965 amendments were of relatively little significance compared to the changes that had been enacted in 1963. The Planning Act was, however, placed within a jurisdictional framework:

> "This Act does not apply when a development or a subdivision is effected solely for the purposes of providing for
>
> (a) public roadways, highways, highway maintenance garages and sites, government weigh scales, or
>
> (b) drainage ditches, irrigation ditches and irrigation canals, or
>
> (c) wells or batteries within the meaning of The Oil and Gas Conservation Act, or
>
> (d) pipe lines within the meaning of The Pipe Line Act, or
>
> (e) rights of way for public utilities within the meaning of The Public Utilities Act, or
>
> (f) rights of way of railways, or
>
> (g) any other thing that the Lieutenant Governor in Council may determine".
>
> (Section 18)

Without reference to certain things that were largely beyond the jurisdiction of the province such as interprovincial railways, this amendment demonstrated the provincial significance of the enumerated areas excluded from the terms of reference for municipal and regional planning. The implication was that planning for these major transportation and resource areas would be undertaken at the provincial level. While such province-wide planning has taken place, it has failed until recently to significantly control pipeline location such that pipelines

seriously fragment land, resulting in subsequent urban development problems in and around Edmonton in recent years.[1] In general, the lack of publicized provincial framework has been identified by local and regional authorities as being one of the serious impediments to planning at the local or regional level (Saghati, 1972, p. 45).

The 1965 amendments also affected regional planning by allowing a regional planning commission to propose an amendment to an adopted regional or preliminary regional plan (Section 82); the 1963 Act had enabled only a council to initiate amendments to a plan.

And finally, the 1965 amendments clarified an aspect of the relationship between a municipal council and a regional planning commission. Where a regional planning commission had been requested to prepare a general plan for a member municipality, it would "be responsible to the council" (Section 96). This reinforced the consultative position of a commission in relation to the municipal council expressed in Section 14 (advice and assistance).

3.14 The Amending Act of 1968

The 1968 changes to the Planning Act included two rather important modifications. The first of these relates to the powers and responsibilities of regional planning commissions

[1] The importance of this issue was illustrated by the evacuation of about 119,000 people from a sector of Edmonton in March of 1979 following a gas pipeline rupture.

in general. A commission was previously bound to advise and assist only municipalities who were represented on the commission. With these amendments, a commission had the duty to advise and assist the council of any municipality "situated within the regional planning area" (Section 14). This amendment makes the planning service supplied by the commission available to all constituent municipalities. The effect of this amendment can be seen in what took place in the Edmonton region. By 1971, twenty unrepresented "summer village municipalities" were entitled to planning services (ERPC Annual Reports, 1968, p. 2).[1] In addition to these twenty unrepresented municipalities, there were now twelve municipalities that were indirectly represented (See Fig. 5) by sharing a representative from another council.

3.14.1 A Planning Deadline

The other change of note in the amendments of 1968 concerned the imposition of a deadline for the preparation of preliminary regional plans and the mandatory requirement for such a plan:

> "(1) A commission shall prepare a preliminary regional plan for the whole of the regional planning area, and development within the area may be governed by the exercise of development control or by adopting a zoning by-law.
>
> (2) A preliminary regional plan shall be completed in its entirety before January 1st, 1972 or such further time as may be prescribed by the Board.
>
> (Section 71)

[1] The summer village is a part-time or seasonal municipality consisting of recreational cottage owners and located on one of the region's several lakes.

The 1963 version had required the preparation of a preliminary regional plan only if a commission had resolved to prepare a regional plan.

The deadline of January 1st, 1972 had remarkably little effect on regional planning commissions in Alberta; the Board has had to authorize regular extensions to the deadline. After three years, only the Edmonton and Calgary commissions had preliminary regional plans in place (Alberta, 1971, p. 11). The ERPC, in fact, had made virtually no progress beyond the 'Metropolitan Part' of its Preliminary Regional Plan of 1972, despite the fact that the plan had been in existence in varying forms since 1952.[1] Although the Edmonton Regional Planning Commission is still relying upon the same 'part', a Draft Regional Plan for the whole region is now being considered (ERPC, 12/1978).

3.15 The Amending Act of 1969

Several sections of the 1963 Act were redrafted in this amendment although there were new sections regarding membership and financing.

[1] The 'Highway Commercial Zoning Section' of the Preliminary Regional Plan was first adopted in 1959 and a review was undertaken in 1964 (ERPC Regulations, 1973). Other than that, it appears to have been ignored. Considering the requirement for a complete review every five years, and given the lapse (to this date) of fifteen years, the Commission clearly has abandoned that part of the plan (Fillmore, 1975, p. 24).

3.15.1 Commission Membership

3.15.1.1 Members-At-Large

Under the 1963 Act, the Order-in-Council and Regulations establishing a commission contained specifications for the number of members who were to represent each municipality and the province. These specifications were set out in full in the Act with the 1969 amendments. In most respects the new provisions were the same as those in the Order-in-Council prior to the change. A major departure from the 1963 Act, however, was the inclusion of:

> "Not more than two members to represent the public to be appointed by the Board upon the recommendation of the commission." and,
>
> "A person appointed to a commission to represent the public may only be a resident of the regional planning area (Section 10).

Thus, for the first time, members of a regional planning commission could include persons who represented the regional population in general. They were known as members-at-large. The change suggests that representatives of a municipality were understood to represent the interests of the municipality as a corporate entity. The representative of the public, the so-called 'member-at-large', was supposedly an unbiased representative of all citizens of the region co-opted by the commission. In the Edmonton Regional Planning Commission, appointed members-at-large were, in fact, long-standing municipal council representatives who were no longer council members.

3.15.1.2 Other Representatives on Commissions

Municipal representation was slightly changed in the 1969 amendments. Previously, a city council could appoint two members to a commission, provided the commission agreed (Alberta Regulation 216/68, Section 6). The 1969 amendments raised the limit of city council representation to three persons (Section 10). Provincial representation had been limited to five under the former regulation and this was continued in the 1969 Act (Section 10).

3.15.1.3 Alternate Members

Another change involved the establishment of specific criteria for appointment of alternate members. Included here was the re-introduction of a former option, that of appointing a municipal secretary-treasurer:

> "An alternate member appointed to a commission may be a member of a municipal council, or a resident or municipal secretary or a municipality represented on the commission."
>
> (Section 10)

The appointment of alternate members allowed a municipality to be represented at commission meetings when the regular member was unable to attend.

3.15.2 Funding of Commissions

A change in the 1968 amendments which expanded the responsibilities of regional planning commissions to include those municipalities who were not members (See 3.14) was followed up in the 1969 amendments by a corresponding change in financial support:

> "The Council of a municipality situated in a regional planning area which is not represented on the regional planning commission shall pay to the commission
>
> (a) the funds required of it to meet its portion of the annual expenses of the commission, and
>
> (b) the cost of any planning services performed by the commission upon the request of the municipality."
>
> (Section 11 a)

This amendment corrected the inequity which arose from the 1968 legislation whereby non-member municipalities were, in effect, subsidized by those who were members of planning commissions. This rationalization of planning functions and financial responsibility, however, resulted in rather complicated accounting procedures.

The annual budget of a regional planning commission required approval by a majority of represented municipalities (and subsequently the Board). The approved funds were then to be payed to the commission:

> "by the province and the represented municipalities in the following proportions:
>
> (a) by the provincial government - 60 per cent
>
> (b) by the member municipalities in such proportion as may be found equitable by the commission in session - 40 per cent."
>
> (Alberta Regulation 216/68, Section 17)

In the Edmonton Region, the total number of municipalities had grown to 45, and following instructions from the province, the ERPC decided to invoice all municipalities who received planning services but were not members of the Commission (ERPC Annual

Report, 1970, p. 4). The complications involved in this procedure contributed to changes in finance in 1971. In the meantime, another amending Act was passed.

3.16 The Amending Act of 1970

In this year, amendments affected the operation of a regional planning commission and the efficacy of preliminary regional plans. The former change enabled a commission to:

> "appoint standing or special advisory committees consisting of not less than three of its members"

and to delegate to the committee:

> "any matter for consideration and inquiry, and
>
> any of the duties and powers conferred upon the commission..."
>
> (Section 14)

Analagous provisions had previously been expressed in the regulations established by Order-in-Council, although the wording implied a more limited delegation of powers but to a wider range of delegates:

> "The commission may delegate such of its duties...to the...executive director or to any person or persons..."
>
> (Alberta Regulation 216/68, Section 15)

Thus, it appears to have been formerly possible for duties to be delegated to persons other than members of the commission. The 1970 amendments exclude, by implication, all non-members from committees to whom the commission delegates specific powers. However, another corresponding change allowed the commission to delegate very limited power to its director to approve

subdivision applications where they conformed to the applicable regulations (Section 14).

3.16.1 Preliminary Regional Plans

A final change of interest in the 1970 amendments involved a slight rewording of the section of the Act that required every council in the region to enact new by-laws or amend existing ones as necessary to give effect to a regional plan. The amendment required councils to react to a preliminary regional plan in the same manner. Preliminary regional plans were thus elevated to the level of regional plans, and in fact, were returned to the full status they had under the 1957 Act.

3.17 The Amending Act of 1971

Another of the annual 'touch-up' acts to amend the 1963 Planning Act was enacted in 1971. It contained three changes relevant to this review of regional planning legislation in Alberta.

The first change simply displaced membership criteria from the Act and delegated these specifications to the Minister. The resulting Ministerial Order was identical in all respects to the criteria specificied in the 1969 amendment which first set them out in the Act (Alberta - M/O # 148/71). A subsequent order in 1976 contains slight modifications of the wording effecting little substantial change (Alberta - M/O # 407/76).

3.17.1 Special Representation for Non-Represented Municipalities

The second change modified the representation afforded municipalities who were not represented on the commission by a council member specifically appointed by the Minister. All such municipalities were empowered to appoint a member of council who could represent them at the annual general meeting of the commission (Section 9). This representative could also attend any regular meeting of the commission where a matter that affected his municipality was before the commission (Section 9). The special representative was able to participate in the debate as a full member of the commission and then vote on the specific question of interest.

This amendment revealed a sensitivity to the level of interest an indirect representative might have to a question that affects him only in principle. The change also recognized the problems of differing positions that two municipalities, represented by the same person, might encounter on a particular question.

3.17.2 The Alberta Planning Fund

The last change of interest in the 1971 amendments was one concerning financing of regional planning in Alberta.[1] This was one of the most important changes in many years, centralizing and simplifying the funding of regional planning commissions. No longer were commissions required to collect funds from each

[1] Appendix 5 contains the relevant sections of the 1971 amendment.

constituent municipality. Instead, municipalities payed into a provincially-adminstered fund. The section contains a clause with tremendous power to encourage municipalities to make their contributions promptly:

> "In default by any municipality of the payment required of it, the Minister may require the Provincial Treasurer to withhold any monies payable by the province until the amount owing by the municipality is paid."
>
> (Section 11)

It might be suspected that it was tardy payments to commissions and the complexities of the former funding arrangements which lead to the centralization. However, in the report that gave rise to the Fund, it was clear that the issues being dealt with were more fundamental:

> "To date little has been accomplished in the preparation and implementation of regional plans due to a variety of reasons: shortage of trained planners, concentration on day-to-day problems, the inability of the commissions and the province to have complete representation of municipalities on the commissions, and the problems of financing regional planning commissions. If the province intends to achieve proper and viable regional plans a new approach must be taken to the task."
>
> "Financing of regional planning commissions is without doubt the most pressing problem confronting the commissions..."
>
> "The province has recognized the importance of regional planning commissions and has supported them to the extent of 60 percent of their operating expenses. However,..."
>
> "If the province is convinced of the merits of regional and municipal planning, then it would appear necessary that a uniform levy be applied by the province to all municipalities in order that all municipalities pay their rightful share of the cost of planning."
>
> (as quoted in Bettison et al, 1975, p. 202)

Thus, the government recognized the staff shortage of regional planning commissions. The ERPC, for example, had ten staff members in 1960, and in 1970 still had only ten people on staff (Giffen, 1977, p. 2). By 1973, however, the fund was having the desired effect on staffing, with the ERPC staff totalling twenty, and by 1975, it numbered forty-seven (ERPC Annual Reports, 1973, 1975). With this new support, the ERPC had developed two specialized staff arms, one to investigate the issues of metropolitan growth, the other to develop and prepare a regional plan. This left the balance of the staff with the day-to-day matters that the report had cited as consuming the productivity of all commission staff.

3.17.2.1 Operation of the Fund

Operationally, the new Alberta Planning Fund established a measure of equality across the province - the Fund concept tacitly recognized the province-wide implications or urbanization. Cabinet established mill rates and corresponding classes of municipalities each year; the appropriate mill rate was then applied to the equalized assessment for each municipality and the required amount paid into the Fund. From the Fund, and from grants authorized from the general treasury, the Board paid annually to each commission the monies required for its operation.

The proportion of contribution remained the same, on average, as it had been under the regulations of 1968, with the province contributing an amount 60 percent or 1.5 times that

amount contributed by local government (Alberta, 1971, p. 6). Since then, this position has changed, with provincial contributions rising to $2.96 million or about 80 percent (Johnston, 1975). The mill rate formula placed Edmonton and Calgary (cities with their own extensive planning departments) at 0.05 mills, with all others between 0.10 mills for rural municipalities, and 0.45 mills for the largest of Alberta's non-metropolitan cities (Alberta, 1971, p. 6).

3.18 The Amending Act of 1973

1973 saw the last minor amendment to the 1963 Act. This amendment was significant in that it revealed a telling lack of confidence on the part of the government in the abilities of regional planning commissions to adequately protect the major airports of Alberta. Severe pressures were being placed upon the Edmonton International Airport by the growth of the Town of Leduc and it may be assumed that federal pressure for control was being exerted upon the Alberta government. Neither a regional plan nor a preliminary regional plan had been adopted for this part of the Edmonton Region.

The amendments enabled Cabinet to establish airport protection areas by Order-in-Council (Section 93.1), and to issue regulations establishing standards to be contained in local zoning by-laws (Section 93.2). Such an Order and regulations were binding on all local authorities and regional planning commissions; each of these authorities was further obligated to amend or adopt appropriate plans and by-laws when

an airport was declared as being included in a protection area (Sections 93.3, 93.4). In October of 1975, the Cabinet issued regulations known as the Airport Vicinity Protection Area General Regulations, (Alberta Regulations 291/75) and subsequently named the Edmonton International Airport as a protected airport.

3.19 Related Legislation of the 1970's

There are three statutes that demonstrate the provincial commitment to regional planning. The first two are directly relevant to this thesis as they contain specific planning controls while the third proves that regional development planning is thriving in Alberta.

The Department of the Environment Act enables Cabinet to establish a 'restricted development area' (or an 'RDA') for environmental protection (Sections 15, 17). With a remarkably liberal interpretation of 'environment', these provisions were applied to the proposed route of a freeway ring road around Edmonton, first suggested in a Commission report in 1963 (ERPC, 1963, p. 24). This provides a clear example of a vacuum in planning legislation, or at least the use of existing legislation, with the application of a statute for environmental protection for what are quite obviously land use planning purposes.

Another piece of legislation reinforces this notion. The Land Surface Conservation and Reclamation Act was passed in 1973. Regulations under the Act, approved by Order-in-Council in August of 1977, required that detailed land use suitability

plans be prepared for fifteen Alberta lakes, seven of which lie within regional planning areas (all but one in the Edmonton Region). No development could occur until these plans were approved and unless it conformed with the approved plan (Alberta Regulation # 233/77).

The North East Regional Commission Act of 1974 provided for the consolidation of government authority and other powers in the office of the Commissioner of the Northeast Alberta Region. The Commissioner, whose office is located in Fort McMurray, has the authority to assume the powers of existing governments either by agreement or by order of Cabinet. These powers are remarkably comprehensive and reveal a desire of the Alberta government to ensure co-ordinated development of the rapidly developing Fort McMurray region.

3.20 New Legislative Initiatives

Because of the funding arrangements of the 1971 amendments, the preliminary regional plans and regional plans (the essential raison d'etre of regional planning commissions) were finally receiving the staff attention they required. Nevertheless, the 1972 deadline established by the 1968 amendments came and went with nothing particularly notable occurring in regional plan preparation. The Conservative government, first elected in 1971 and re-elected with an overwhelming majority in 1973, took its first steps toward drafting planning legislation in 1972. Early in that year, a letter to Alberta's planning commissions from the Minister of Municipal Affairs announced his intention to present a new Planning Act to the

following Spring Session of the Alberta Legislature (Russell, 1972). The Minister, sensitive to the realities of planning in Alberta, requested suggestions from the commissions and their constituent municipalities on the underlying principles for the contemplated legislation and proposals for changes. The response from the ERPC contained a staff-prepared section-by-section review of the Act and comments from member municipalities (ERPC, 1972). However, despite the province's self-imposed deadline for a draft act in the spring of 1973, it was not until 1974 that proposals were made. Even then, these were in the form of a working paper.

3.20.1 The 'Red Book'

Published in January 1974 by Alberta Municipal Affairs, Towards a New Planning Act for Alberta introduced 'a philosophical and structural pattern for a possible new Alberta Planning Act' (Russell, 1973). In the format of a working paper, it was colloquially known in planning circles as the 'Red Book' (inasmuch as the report was bound within red covers). The working paper was published ostensibly to generate public comment and debate, with the ultimate objective being the drafting of a new act (Russell, 1973). The authors identified a 'modest' goal stated by the Minister for the planning act proposals: "...the new Planning Act was to be the best in North America" (Alberta, 1974, p. 1).

Other than this best-in-the-west exhortation, the authors had no other guidance from the Minister (Dant, interview).

Nevertheless, the 1971 election platform of the new Progressive Conservative government revealed some of the guiding policies for reinforcing local government and decentralization, which would have the tacit support of the government. These policies include:

> "to return, wherever practical, the decision making process to local government",
>
> "to recognize the "very different problems of the metropolitan centers of Edmonton and Calgary",
>
> to "build a much more diversified economy",
>
> "to create a more balanced province wide growth; and hence, encourage decentralization of both public and private investments".
>
> (ERGS, 1975, p. 18, 19)

The 'Red Book' did in fact propose rather remarkable departures from the status-quo, and generated considerable debate and excitement in the province's regional planning commissions and municipal councils.

The authors revealed areas to tension in the planning environment that they felt would be resolved by the proposals of the 'Red Book'. The proposals would offer, "an attempted reconciliation of the often conflicting interests of an owner of land and the interests of the general public" (Alberta, 1974, p. 1), as did the 1963 Act. The report then states that because land

> "is more a resource than a simple economic commodity... is so vital and yet so limited, it is taking on more and more of provincial and indeed, national perspective, and yet we still think in terms of protecting local autonomy at all costs."
>
> (Alberta, 1974, p. 1)

The allusion to the inadequacy of local or regional planning efforts becomes more apparent when the authors conclude that:

> "the planning of land use must be made with the greater interest in mind, and this greater public interest cannot be viewed from the point of view of residents of towns, cities and counties and municipal districts, but rather from the point of view of Albertan's (sic) collectively. This requires a greater provincial input than in the past."
>
> (Alberta, 1974, p. 1)

These arguments for centralization of planning powers and the several accompanying proposals were countered in a study prepared by the Edmonton Regional Planning Commission in reply to several of the specific proposals. In general, it was stated that:

> "the Commission considers that centralization of planning is contrary to existing government policy (decentralization of activities of government and industry) and further that there is no evidence that...(these proposals)...would be more effective than under the existing structure."
>
> (ERPC, 12/74, p. I-3)

More basic criticism of the 'Red Book' centered on the fact that it contained proposals for changes in legislation, seemingly without adequate review of the existing planning system in the province. The Commission noted the lack of comprehensive analysis concerning:

> "the operations, problems and effectiveness of the existing system and organizational framework; the current planning and zoning laws and their operation; the changing pattern of urbanization; the changing concerns of the people; and, the whole question of intergovernmental relations and planning."
>
> (ERPC, 12/1974, p. 7)

The 'Red Book' did, however, have another focus - a review of existing legislation both in Alberta and elsewhere, supplemented by submissions on the proposed Act and public hearings (Russell, 1973).

In any case, the province had developed other sources from which the critical analysis desired by the ERPC could be obtained. The Task Force on Urbanization and the Future, established in the last months of the 35 year reign of Social Credit in Alberta, was to investigate urban-oriented problems in Alberta, to identify key urban issues and prepare policy recommendations to Cabinet (Ward, 1975, p. 40). The Alberta Land Use Forum was appointed in 1973 to enquire and report to the Cabinet on, among other things, land use, agriculture, and housing costs. Its Report and Recommendations were published in 1976 (Alberta, 1976, p. (i)). Thus, while the research to be used as background for the planning legislation may not have been what the ERPC wanted, it must be noted that research and public debate on the issues was generated.

3.20.2 Proposals for Regional Planning Commissions

In general, the 'Red Book' recommendations for regional planning retained the commission structure for most of the province, except for the metropolitan areas around Edmonton and Calgary which would be included in "metropolitan planning commissions" (Alberta, 1974, p. 4, 8). The province was to be divided into planning regions, within which a regional planning commission (or a metropolitan planning commission)

would be established. Specific criteria for definition and delineation of regional planning areas were not laid out in the proposal. The omission of these criteria was seen as a deficiency by the ERPC (ERPC, 12/1974, p. I-8), although to include that level of detail would have rendered the act overly constrained and subject to continual revision.

All commissions were proposed to consist of council members and other persons appointed by Cabinet for a three year term[1] (Alberta, 1974, p. 4, 9). Reasons for Cabinet involvement were not given, but this proposal reflects the thrust of the 'Red Book' to centralize powers. The ERPC questioned who 'other persons' might be and what the meaning of 'member' was. At the extreme, if each municipality in the ERPC had one member, the village and summer village municipalities with 30 out of 50 members and only one percent of the regional population, would control the Commission (ERPC, 12/1974, I-10).

The 'Red Book' further proposed corporate status for all commissions, althoughthis was done in a circuitous fashion by specifying several powers that are associated with corporate status. In response, the ERPC stated that it was "not in favour of having the responsibility" associated with corporate status, citing administration and staffing requirements as the major obstacles (ERPC, 12/1974, p. I-11).

[1]This proposal reveals a discrepancy between the contents of the Speech from the Throne of March, 1972, in which representatives were to be elected rather than appointed for the consideration of "new and better policies and legislation" (Alberta Hansard, 1972, p. 4).

Also considered in the 'Red Book' were duties and responsibilities of regional planning commissions - at least for those outside of metropolitan areas. These included preparation of regional plans, assistance to councils in planning matters, co-ordination of policies and programs for land use, and promotion of the public's interest in planning. Most interestingly, a commission would also be able to enter into agreements with municipalities for transportation, recreation, and utility purposes (Alberta, 1974, p. 5, 6). The latter provision is new insofar as specific reference is made to particular services. This change departs from the idea of delegation of duties from municipalities to commissions, a provision that dates from the 1929 Act. Thus, as a corporation, a commission would be able to contract with its municipalities to provide joint services. The ERPC expressed its aversion to this proposal, stating that it represented 'a regional government function' (ERPC, 12/1978, p. I-12) - which it no doubt does. It is perhaps not unexpected that the ERPC would take this position. Current responsibility for municipal services lies with local government. The proposition of a regional government, even in this form, thus threatens to remove jealously guarded responsibility from local councils. Certainly, this view could be expected from a 'council' of local governments such as a regional planning commission.

3.20.3 Proposals for Regional Planning

The 'Red Book' set out detailed specifications for the contents of a regional plan, touching on population distribution,

land use, environmental, economic and resource concerns. Additionally, it stated that a regional plan was to contain generalized long term and detailed short term proposals for development, including project cost-benefit analysis and regulations. The level of detail found in the proposals, compared to the 1963 Act, was considered unnecessary by the ERPC; some of the required provisions would be unnecessary or superfluous in some regions (ERPC, 12/1974, p. I-16). In response to the short or long term implementation provisions, the ERPC contended that the 'plan aspect should be distinct from the implementation aspect' - rather an astounding assertion - and furthermore, that a regional plan should be prepared in two phases:

> "Firstly, a comprehensive regional development plan should be prepared and adopted...After adoption of this plan, an Implementation Plan should be prepared and adopted."
>
> (ERPC, 12/1974, p. I-16)

This reveals a palaeolithic understanding of planning and may hint at the source of the ERPC's historical problems in regional plan production.

Adoption of a regional plan would require a public hearing (for 'full' participation) and a two-thirds majority vote, not unlike the provisions of the existing 1963 Act. A regional plan would, however, require a higher level of final sanction than was the case under the existing Act - in addition to the Alberta Planning Board (the former Provincial Planning Board), Cabinet approval would be required, a factor that the ERPC considered would add unwanted inertia to the plan (ERPC, 12/1974, p. I-12).

The plan, when in effect, would require complete compliance at the local level as was the case under the 1963 Act (Alberta, 1974, p. 8). Thus, the 'Red Book' proposals for a regional plan were not particularly innovative - the only important change, aside from the extensive detail concerning plan content, was the proposal for Cabinet approval of a regional plan. There was, however, a rather curious proposal in this section of the 'Red Book'. It was that a regional plan be prepared by consultants responsible to the Board, although one of the purposes of a regional planning commission was the preparation of a regional plan. The contradiction was not specifically noted by the ERPC; however, the Commission strongly recommended that reference to the Board in regional plan preparation be dropped (ERPC, 12/1974, p. I-15).

3.20.4 Proposals for Metropolitan Planning

Metropolitan planning commissions were proposed for the Edmonton and Calgary metropolitan areas and were proposed to be composed of members selected in the same manner as was set out for regional planning commissions. However, these commissions would be completely emmasculated versions of the regional planning commission; metropolitan commissions were not intended to have any staff, nor were they intended to carry out any function other than to adopt a metropolitan plan. Responsibility for plan preparation was to be assigned exclusively to the Alberta Planning Board (Alberta, 1974, p. 9, 10). The object of creating a 'metropolitan planning commission' was not spelled out in the

'Red Book'. It would appear that the formal adoption and amendment of a metropolitan plan was its only real function, and insofar as the commission would hold the required hearings etc., it would be charged with explaining the justifying a plan prepared by others outside of its control. The logic behind these provisions is remarkably elusive. Additionally, the de-facto centralization of metropolitan planning, a part-and-parcel of these proposals, is directly contrary to Alberta tradition of local control of planning, especially as this relates to the cities of Edmonton and Calgary, although this approach to centralization is consistent with the stated position of the authors. The predictable response of the ERPC to the proposed metropolitan commissions was an unqualified rejection. The Commission found no useful relationship between a metropolitan planning commission and other authorities and it noted that the planning process would be isolated from the authorities responsible for implementing the plan (ERPC, 12/1974, p. I-19).

Associated with the proposals for Metropolitan Planning Commissions were suggestions for considerable centralization of power in the Alberta Planning Board. The Board was envisioned as an agency involved in provincial-level policy formulation and the coordination of planning efforts of other agencies (Alberta, 1974, p. 3). The Board as thus described would have a higher profile and greater responsibilies for administration which would displace its current role as a quasi-judicial board. As might have been expected, the ERPC

strongly opposed the transfer of planning responsibility to the Board, although the assignment of provincial-level policy planning was greeted by the Commission with favour (ERPC, 12/1974, p. I-3 et seq.).

3.20.5 Other Proposals

Two other areas are covered which are of interest here. The first concerns the Alberta Planning Fund, for which the 'Red Book' proposed no changes. The ERPC, however, suggested that a change was in order, namely, that funds be earmarked specifically for regional and local planning purposes (ERPC, 12/1974, p. I-19, 20). The Commission felt that this would encourage better evaluation of planning performance and would provide incentive for the preparation of local plans (ERPC, 12/1974, p. I-20). Interestingly, the ERPC refrained from making proposals which would encourage preparation of regional plans.

The second proposal which deserves mention here relates to Special Areas which would be established by Order-in-Council. This proposal, having the general support of the ERPC, (ERPC, 12/1974, p. I-20, 21) recognized that there might be special areas of provincial or regional concern requiring decisive action at the provincial level. This provision implicitly recognizes the apparent inability of a regional planning commission to act with the speed and strength necessary to achieve desired results. The circumstances envisioned here are sites for major public investments such as airports, new towns, or

other areas that require provincial protection from development such as ecological or recreational areas (Alberta, 1974, p. 11). The concept here was already in place under the 1973 amendments relating to airports and under other statutes (See 3.18).

3.20.6 Overall Implications

The 'Red Book', then, identified the directions in which the province proposed to proceed. Many of its proposals constituted a clear threat to the Edmonton and Calgary Regional Planning Commissions and to their municipal members insofar as local control over the planned fate of their regions was concerned. Certainly, the proposals for Special Areas could be interpreted as a threat as far as local control of land use was concerned. Of lesser concern were the proposals for commission composition, legal (corporate) status and powers of regional planning commissions, and for the content and format of regional plans. Before drafting a Bill for presentation to the Legislature, however, the government received the final report of the Land Use Forum, thus adding further to the information base from which the Act was to be written (although the Forum Report did not have any noticeable impact on regional provisions in the new Act).

3.21 Bill 15, the Proposed Planning Act for 1977

After completing seven redrafts of the 'Red Book' proposal, the Minister of Municipal Affairs presented Bill 15 to the

Legislative Assembly in the spring of 1977 (Dant, interview). It was given third reading and Royal Assent in November of 1977, becoming the Planning Act, 1977. The Act was proclaimed by Order-in-Council to be effective on April 1, 1978 (O/C 356/78). Between the presentation of Bill 15 to the Legislative Assembly and third reading of the Bill, the Minister of Municipal Affairs received representations from interest groups and authorities throughout the province. The difference between the Bill and the enacted version are, for the most part, minor. This review of the new Act includes appropriate reference to Bill 14 and representations made. Excerpts of the Act are found in Appendix 6.

3.22 The Planning Act, 1977

The Planning Act, 1977, the current statute in Alberta, bears the marks of its legislative predecessors as well as the 'Red Book'. Nonetheless, the Act is completely rewritten and reorganized. The former Act had been organized in a way that revealed the priority of the front-line planning activity - the subdivisions of land - which consumed and continues to consume the bulk of the time and energy of regional planning commissions in Alberta (ERPC, 1978-79 Budget, p. 6). In the 1963 Act, subdivision provisions occupied the first operational part of the statute, following after the specification of authorities.

The new Act re-orders these operational areas, beginning with 'Regional Plans and Statutory Plans' (including 'regional', 'general municipal', and 'area structure' plans), followed by

the 'Implementation of Plans', 'Development Control' and, finally, 'Subdivision of Land'. Thus, the Planning Act, 1977 is rationally organized; it places planning activity in a hierarchy from implied provincial and regional levels, through the municipal, to the local by-law levels and finally, it concludes with the subdivision of land (See Figure 7). By way of this clear hierarchical structuring of the Act, the government reveals a conscientious attempt to re-order the priorities of planning in the province. Thus, the Act sets the implementation tools of zoning and subdivision in a subordinate position in relation to regional and municipal planning.

3.22.1 Application and Administration of the Act (Part I)

The Planning Act, 1977 contains explicit sections defining the purpose of the Act and exempted activities, both of which are similar to the former provisions. The purpose section includes interesting modifications revealing current popular notions of planning:

> "The purpose of this Act and the regulations is to provide means whereby plans and related measures may be prepared and adopted to
>
> (a) achieve the orderly, economical and beneficial development and use of land and patterns of human settlement, and
>
> (b) maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,
>
> without infringing on the rights of individuals except to the extent that is necessary for the greater public interest."
>
> (Section 2)

THE HIERARCHY OF STATUTORY PLANS, BY-LAWS AND PERMITS

(WITH REFERENCE TO THE PLANNING ACT, 1977)

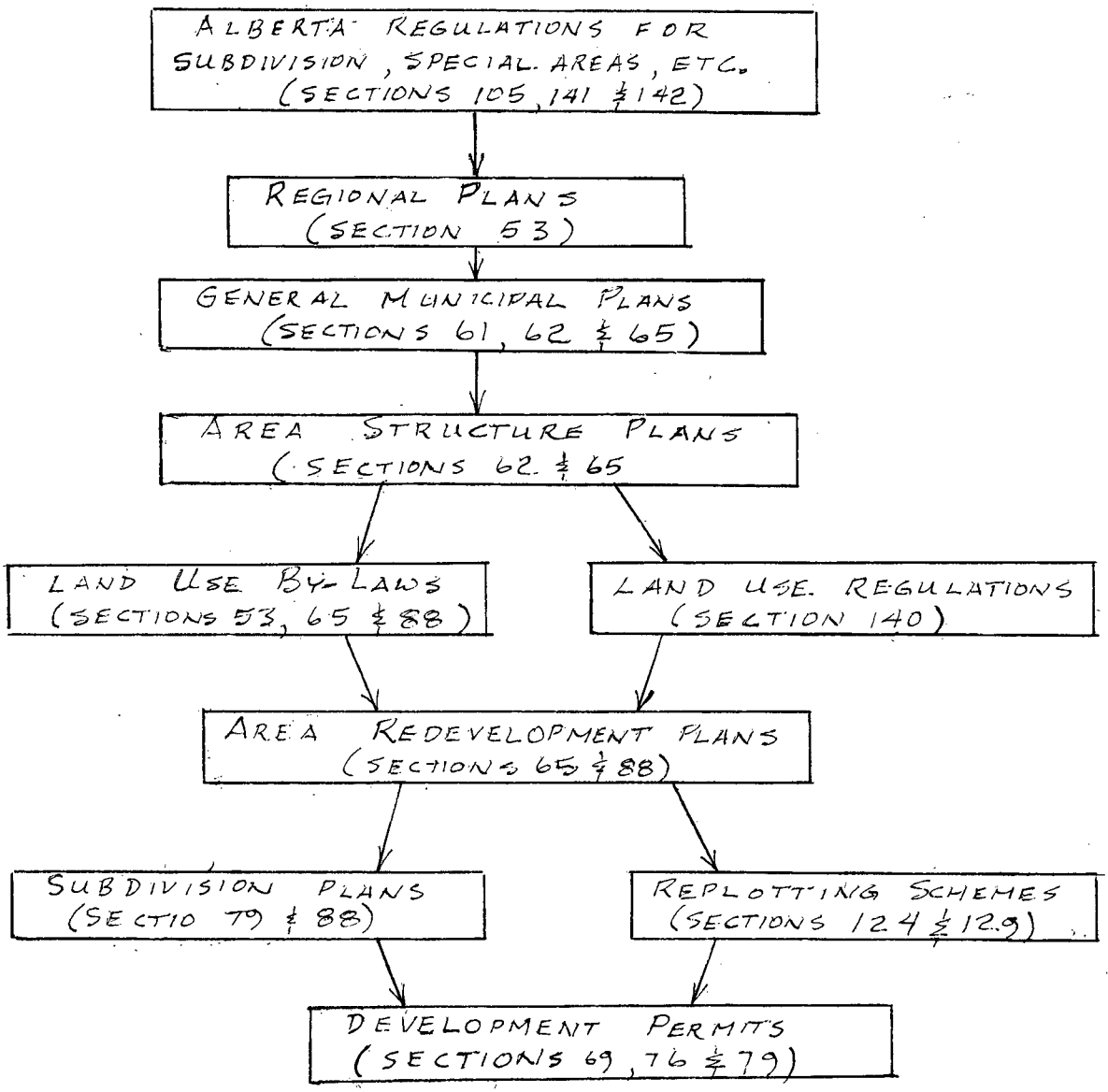


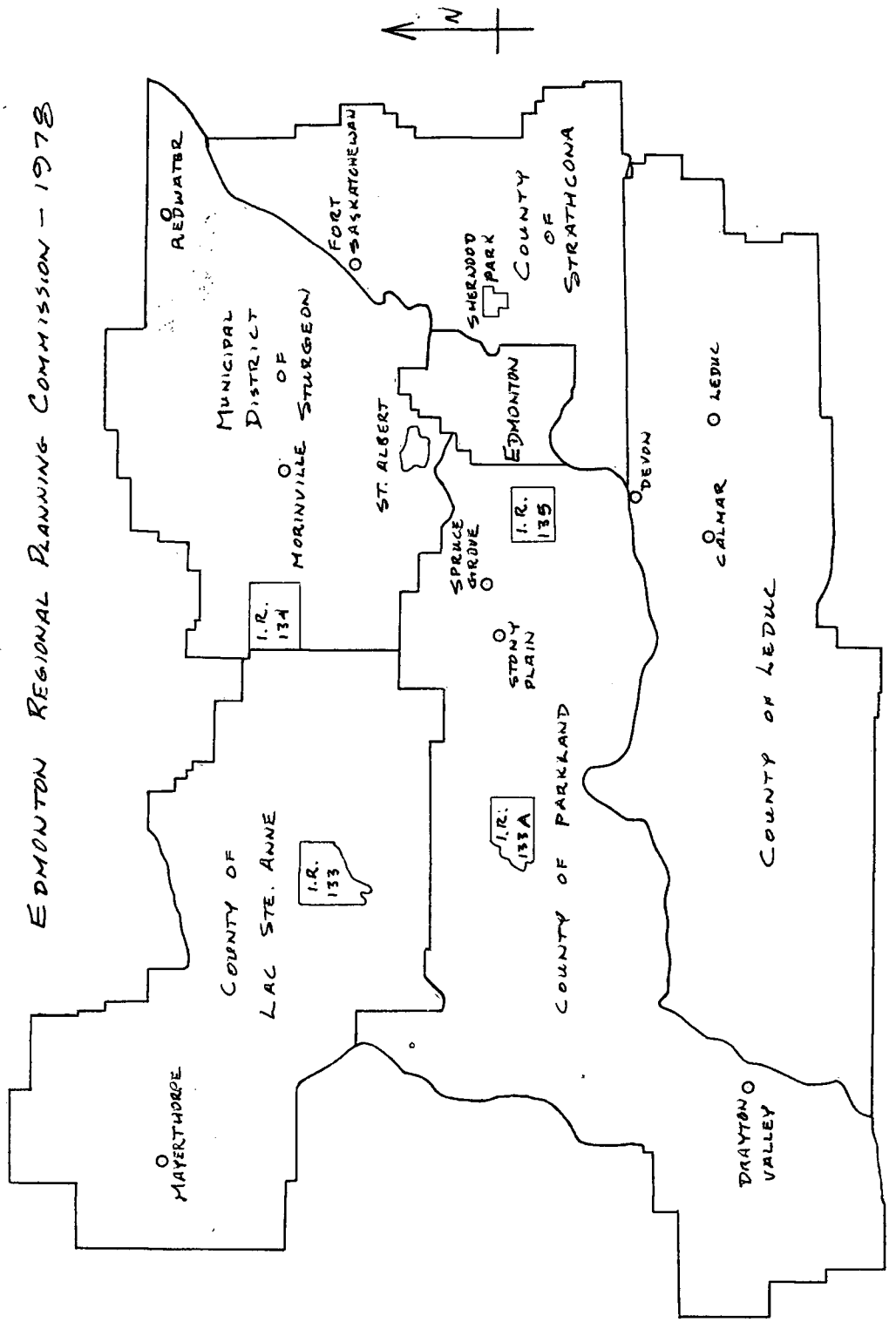
FIGURE 7

The changes suggest the need in planning considerations for net benefits, and a concern for 'settlements' and the physical environment. This part of the Act (Part I) also defines the Alberta Planning Fund with provisions essentially the same as those found under the 1971 amendments. The new Act, however, expands the number of purposes on which money from the Fund may be spent. The 1971 amendments specified regional planning commissions as the only possible recipients of money from the Fund. Now, however, it is possible for other persons to receive funds for plan preparation or for planning studies (Section 12), a fact that has the support of regional planning commissions (PRRPC, 1977, p. 2; ERPC, 12/1974, p. I-10) as it could lead to increased funding for municipal planning or province-wide research (See also 3.20.5).

3.22.2 The Regional Planning Commission - A Corporation

The power to establish regional planning commissions rests with the Cabinet, as it had since the amendments of 1950. The Cabinet creates the commission, specifies its name, and defines the area of its jurisdiction by regulation (Appendix 7 contains the relevant orders respecting the ERPC while Map 2 defines its area). A commission so created is a corporation (Section 21). The implications of corporate status are best expressed by reference to the Interpretation Act:

> "Words in an enactment establishing a corporation
>
> (a) vest in the corporation power to sue and be sued, to contract and be contracted with by its corporate name, to have a common seal and to alter or change it at pleasure, to have perpetual succession, to acquire and hold personal


EDMONTON REGIONAL PLANNING COMMISSION - 1978
N
REDWATER
FORT SASKATCHEWAN
MUNICIPAL DISTRICT OF STURGEON
MORINVILLE
ST. ALBERT
SHERWOOD PARK
COUNTY OF STRATHCONA
EDMONTON
DEVON
LEDUC
CALMAR
I.R. 134
SPRUCE GROVE
I.R. 135
STONY PLAIN
COUNTY OF LAC STE. ANNE
I.R. 133
I.R. 133A
COUNTY OF PARKLAND
COUNTY OF LEDUC
MAYERTHORPE
DRAYTON VALLEY

MAP 2

property or movables for the purposes for which the corporation is constituted and to alienate the same at pleasure,

(b) vest in a majority of the members of the corporation the power to bind the others by their acts, and

(c) exempt from personal liability for its debts, obligations, or acts such individual members of the corporation as do not contravene the provisions of the enactment incorporating them."

(Section 14)

This provision was vigorously opposed by some regional planning commissions when proposed in the 'Red Book' and presented in Bill 15; none-the-less, it was enacted as proposed in the Bill. Objections related to perceived problems associated with corporate status - the advantages (being able to own office furniture) not appreciated as being significant (PRRPC, 1977, p. 3). However, as an unincorporated body, the members and staff of a commission had been open to direct legal action should an individual wish to challenge the activities of the commission in a court of law - commissions previously had no legal status and thus could not be sued (Dant, interview).

Incorporation, furthermore, opens up the opportunity for a commission to participate actively in the implementation of its plans. Since corporate status confers upon a commission the status of a "person known to the law", a commission could employ the legal remedies of mandamus, certiorai, or prohibition to enforce a regional plan or to ensure implementation of the plan by any local council or other local authority.

3.22.3 Composition of Regional Planning Commissions

Membership specifications in the Planning Act, 1977 constitute a sharp break from membership provisions in previous acts. The 1963 Act enabled Cabinet specification of "the municipalities that are to be represented on the commission" (Section 8). The Minister was empowered to determine the "number of members to be appointed" to the commission (Section 9). The new Act changes the emphasis in this area from 'municipal representation' to 'commission membership'.

> "...the Minister shall designate the councils that are to appoint the members of the commission... (and) specify the number of members of each council...that are to be appointed."
>
> (Section 22)

Thus the new Act provides for commission membership rather than municipal representation; the members of the commission as a corporation are drawn from members of the elected municipal councils. This is interpreted as reflecting an attempt to encourage commission members to view themselves as members of a district entity rather than as delegates to an assembly of competing or cooperating municipalities.

Also not included in commission membership, by their explicity omission, are those who are not elected members of a municipal council. Under the former Act membership provisions for regional planning commissions had included representatives of the public (residents of the region) and of the province (civil servants). An alternate member for a municipality could have been one of its residents or the municipal secretary (Ministerial Order 407/76). Under the new Act, again, only members of a

municipal council could be appointed to a regional planning commission. Thus those who were non-elected members of commissions under the 1963 Act do not have access to membership under the new Act. This situation is somewhat disruptive in that these members often had key roles on the commissions. In 1976, for example, "members at large" served as chairmen for two regional planning commissions and another was chairman of a committee of a third commission, while civil servants held positions of secretary-treasurer and vice-chairman in two commissions (Dant interview). These members were clearly seen as providing an unbiased opinion on local questions. Indeed, civil servants were identified as providing an impartial view and a steadying influence as they were not involved in local, intermunicipal disputes (LaBranche, interview). The contributions of these former commission members will not necessarily be lost to regional planning commissions, however, as they may be members of committees as will be discussed later in this chapter (See 3.22.4).

Municipalities within a commission's jurisdiction that are not designated for membership may appoint a councillor to attend annual meetings and any meeting dealing with matters of direct interest to that municipality. For these purposes, that person is considered a full member of the commission (Section 24), as was the case under the former Act. In this case, "member" appears to have a meaning closer to representative as delegate - thus weakening the argument made for the meaning of member as it was described earlier in this section.

Regional planning commissions objected to changes in the membership status quo for various reasons. Commissions felt that civil servants and members at large provided the commission with needed continuity due to long experience presumably stretching across electoral terms of council members. Additionally, commissions were recognized as providing a forum for inter-municipal, inter-region, and intra-provincial debate (ERPC, 1977, p. 6, 7; PRRPC, 1977, p. 4)

From the provincial perspective, however, this change grew out of a realization that the membership structure under the former Act was out of touch with what were perceived as political realitites. Although the issue had not been recognized in the early stages of the drafting of the 1977 Act - there having been no public objection raised - (Dant, interview) it became clear that having non-elected members was in conflict with one of the stated policies of the government, that being the decentralization of decision-making (Marlyn, interview). In essence, the regional planning commission is a policy-making body as it is charged with the making of regional plans. Canadian democracy is founded upon the electoral system as the means for choosing those who are to guide society. Deciding how this is to be done is the policy-making role of government. Thus, if credence is to be given a regional plan, the body creating it ought to be as unassailable as possible. By not diluting the representation of elected members of a regional planning commission, the regional plan will have greater standing (Marlyn, interview). The Minister explained,

> "...we concluded that the regional planning commissions should be composed entirely of local municipal elected officials since the responsibility for planning in this Province rests at the municipal level and more municipal autonomy was an objective in this legislative review process. The decisions taken by a commission are of a regional nature and should be made by the elected person representing his or her municipality."
>
> (Johnston, letter)

It is to be hoped that the reference to the reponsibility for "planning in this province" refers only to municipal and regional levels.

3.22.4 Membership on Committees

The bulk of a regional planning commission's work is undertaken in committee, a working arrangement common in Canadian parliamentary tradition. When the Minister of Municipal Affairs was asked about the loss of members from regional planning commissions, he replied:

> "While the commission membership will be exclusively composed of elected persons, there is nothing to prevent a commission from utilizing the expertise and advice of public servants or members at large or other citizens in terms of committees that the regional planning commissions may wish to establish."
>
> (Johnston, letter)

This was made possible in the new Act by enabling a commission to appoint committees which would consist of commission members and could also include "such other persons as (the commission) considers necessary" (Section 25). Except for the adoption or amendment of a regional plan, a committee may have whatever

powers the regional planning commission wishes to delegate to it.[1] The committee provisions of the new Act are similar to those found in the 1963 Act; however, the membership requirements are more specific - the former Act had only specified a minimum of three commission members but did not address the possibility of participation by other persons. With the freedom to design committee membership for any purpose, a commission may now draw upon any and all sources of expertise desired, perhaps including its own staff (CRPC, 1977, p. 2). At this time, however, commissions have changed committee membership very little. Those who were representatives of the government or the 'public' have remained as committee members in their capacity as local citizens (Suelzle, 1978).

3.22.5 Powers of Regional Planning Commissions

The 1963 Act had placed the regional plan in a 'never-never land' of an implied but not stated requirement; the commission was required to study the region, merely with a view to regional plan preparation (Section 14). When Bill 15 was presented to the Legislature, it had not referred to the regional plan when outlining commission responsibilities but had referred to it elsewhere, in the provisions for a regional plan. One commission responded rhetorically with, "Why have a commission?" (CRPC, 1977, p. 3), a point well taken, and it was suggested

[1]Appendix 8 contains an excerpt of the minutes of the organizational meeting of the ERPC under the new Act in April of 1978. The excerpt details commission membership, the committee structure of the Commission and committee membership.

that the Act should contain a mandatory expression of a commission's duty to prepare a regional plan (Conference, 1977, p. 7). The new Act imposes specific duties upon a regional planning commission, the first being the preparation of a regional plan (Section 26).

Additional duties of a commission include plan preparation and assistance for constituent municipalities, representations before the Local Authorities Board (annexation hearings), encouragement of public involvement in planning and, upon negotiation, other assistance for municipalities. This latter duty reads as follows:

> "A regional planning commission shall...provide such advice and assistance to a council...as is agreed upon by the regional planning commission and the council"
>
> (Section 26)

When taken in the context of a commission's corporate status, a commission may be able to enter into almost unlimited contractual agreements with constituent municipalities. The 'Red Book' had included a more explicit proposal for contractual servicing, transit or other agreements (Alberta, 1974, p. 60; See 3.20.2). However, the provision in the new Act allows flexibility in that a commission and a constituent municipality may develop agreements, if desired, to suit the region's needs of administration or program delivery.

The Planning Act, 1977 contained no reference to the metropolitan planning commissions which had been proposed in the 'Red Book'. This must have been a great relief to the Edmonton and Calgary Regional Planning Commissions (not to mention their

staff who would have been rendered redundant under the earlier scheme). The fact remains that these two regions are unique in the province and this reality is politically recognized (Notley, 1977). The accommodation of the special needs and effects of these regions will likely be met by adaption of the commission model as has occurred in the past, with committees and special projects such as the Growth Study project (See 3.20.1).

Also absent from the new Act are provisions that were found in the former Act which enabled a regional planning commission to assume, when requested to do so, a judicial role in inter-municipal disputes (See 3.08.2). Commissions had noted this omission and had recommended that these provisions be included in the new Act (ERPC, 1977, p. 16). However, commissions have long acted as a forum for negotiation and debate amongst municipal neighbours within the region (without using the section) and this role is unlikely to change. The former Act's provisions placed the regional planning commission in the role of a court - a role inconsistent with all other duties and responsibilities of a commission. Thus the new Act, in eliminating the judicial role, further refined the duties and responsibilities of regional planning commissions.

The new Act omits other sections of the former Act as well, a fact that was apparently unnoticed by regional planning commissions in the Bill 15 review. These were provisions that dealt with the delegation of authority from municipalities to regional planning commissions (dating from 1913) and from Cabinet to

regional planning commissions (dating from 1950) except powers or duties related to subdivision administrations (Section 141). The delegation of authority from a municipality is not as necessary in the new Act. Since a regional planning commission is a corporate entity, a council can enter into contractual arrangements with a commission for any of the purposes which could possibly have been delegated under the former Act. Delegation of powers from the Province will however, now require an amendment to the Act. On the other hand, the fact that delegation is essentially absent from the Act makes it easy to see just what powers a commission does have.

3.22.6 The Regional Plan

Part 3 of the Planning Act 1977 sets out specifications, deadlines and procedures for regional plans. The Act requires that a commission adopt a regional plan by the end of 1982 (Section 45). While the 1968 amendment that had imposed a similar deadline on preliminary regional plans allowed a commission three years to complete and adopt the required plans, the 1977 Act allows five years. When one reviews the past record, it is hoped that the government is not being overly optimistic.

The new Act also enables regional plans to be prepared under the authority of the Minister for those areas outside of a planning region. Staff of the Department of Municipal Affairs has been preparing regional plans for some of these areas (Dant, interview). Under the former Act, a regional

plan prepared by the Department would have no standing under statute. This change places such a plan, when officially sanctioned (as will be described shortly) in the same position as a regional plan prepared by a commission with respect to municipal plans and the activities of local authorities. Therefore, despite the fact that regional planning commissions are not found throughout Alberta, it is conceivable that regional plans may one day overlay the province.

Preliminary regional plans are not mentioned in the 1977 Act except in the transitional provisions at the end of the Act. It is stated there that an adopted preliminary regional plan remains in force until the end of 1982 (by which time a regional plan must be adopted) and, while in force, functions as a regional plan for all intents and purposes (Section 151).[1] While a regional plan is being prepared (that is, prior to the end of 1982), a commission may prepare a plan for various parts of the planning region (Section 45). In some respects, this is similar to the way that some commissions had undertaken the preparation of a regional plan - preparing parts of the plan in a sequence, thus incrementally developing a plan to cover the region. This was the model that was used by the ERPC until the early 1970's when the Commission developed a research

[1] The Battle River Regional Planning Commission adopted a preliminary regional plan in early 1978, the plan being approved by the Board on March 29, 1978. This brought it into effect under the former Act only days before the proclamation of the new Act (BRRPC, 1978).

oriented approach to regional plan making (ERPC, 02/1974).[1]

As far as content of regional plans is concerned, the Planning Act, 1977 contains very general specifications:

> "A regional plan
>
> (a) shall provide for the present and future land use and development of the planning region, and
>
> (b) may regulate and control the use and development of land in the planning region."
>
> (Section 46)

A regional plan may include:

> "(a) maps, diagrams and other graphic aids, and
>
> (b) such written statements, policies, proposals, and forecasts as are considered necessary and appropriate for the plan in which they appear."
>
> (Section 44)

Given the variation found within regional planning commissions in Alberta, such general specifications are particularly practical. However, when proposed in Bill 15, their lack of descriptive language (compared to the former Act) was cause for concern among regional planning commissions; they recommended that the provisions of the former Act be included as guidelines for regional plan preparation (ERPC, 1977, p. 11; PRRPC, 1977, p. 7).

A careful reading of Section 46 suggests that there are considerable constraints and limitations on regional plans. The word 'development' is defined in the Act and its meaning is limited to the way land is used or occupied and to physical construction upon the land. A regional plan is therefore required to focus on land use. It would tread on other

territory at some risk for, if challenged, the courts may construe the wording of this section to imply deliberate exclusion.

Thus, while a regional plan may contain the policies of a region for such varied goals as industrial diversification or improvements in 'quality of life' it would appear that these policies must relate in some way to the use and development of land. This is, after all, the area where Alberta's regional planning commissions have expertise.

3.22.7 The Adoption and Effect of a Regional Plan

The process of regional plan preparation as delineated in the new Act (See Fig. 8), reveals an increased sensitivity to the concept of public participation - a regional planning commission is bound to provide the Board, all local authorities and affected persons with an opportunity to make suggestions and representations concerning the intended plan. When a draft plan has been prepared, comments are to be solicited from the Minister, all councils and local authorities within the region, and other interested persons or organizations (Section 47). This phase is to be followed by public hearings and, finally, consideration of the plan by the commission. Adoption requires a 2/3 majority vote at a meeting for which at least thirty days notice has been provided to all municipalities eligible to vote, i.e. all municipalities within the region (Sections 48-50). Amendments require public hearings and the same procedure for adoption as for a full plan (Section 54). This process of

ADOPTION PROCESS 1977: THE REGIONAL PLAN

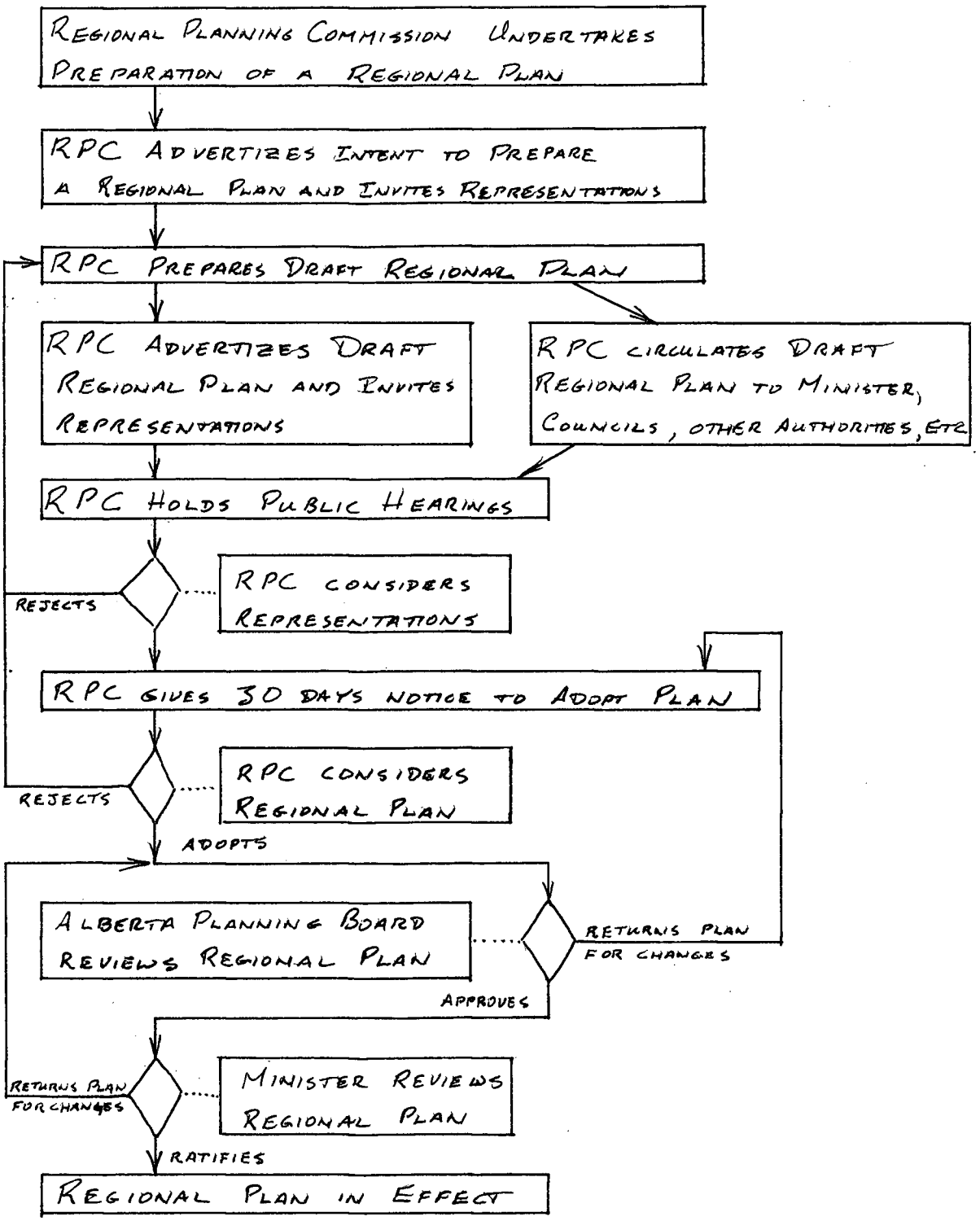


FIGURE 8

public involvement is much superior to that provided for in the 1963 Act. The former Act required only the holding of public hearings prior to final adoption. Thus a regional plan prepared under these conditions could hardly be criticized for lack of opportunity for public input.

Once adopted by a regional planning commission, a regional plan now requires two levels of approval before it has legal effect. As in the former Act, the Alberta Planning Board is required to review the plan; however, when the Board is satisfied with a plan, the new Act requires it to forward the plan to the Minister. Upon approval by the Minister, the regional plan comes into effect (Section 51). Of course, at either level, changes may be required.

Commissions feel, however, that there are two possible problem areas associated with this procedure. The first involves the potential for long delays in the review process at the provincial level and further delays in discussions and negotiations on changes requested by the Board or the Minister (ERPC, 1977, p. 12; PRRPC, 1977, p. 8).

The second problem reflects an erosion of local autonomy feared by a commission where the Minister could veto a plan (ERPC, 1977, p. 12). It is not likely that an entire plan would be rejected by the Minister, given (and assuming) his involvement in plan preparation enabled by the Act. Even under the former Act, a regional plan had no effect unless approved by the Board, a provincial agency. However, it was recognized that the Minister's approval, once given, should add greatly to the credence of a regional plan and "thus should work toward

greater acceptance of it by government departments and municipalities" (ERPC, 1977, p. 12), Indeed, the endorsement of the Minister adds provincial political credibility not available from the civil service Alberta Planning Board. Ministerial approval carries with it, by implication (although not in fact) the weight of the Cabinet and, by extension the Government as a whole. This endorsement has the weight of a policy statement by the Minister and is, in this researcher's opinion, well worth the perceived loss of local autonomy, and any time delays should be considered time well spent.

Ministerial approval brings the regional plan into effect and authorizes the commission to send copies of the plan to all affected local authorities within the region. The former Act had required that once in effect, a regional plan bound the actions of all 'public authorities' which included, by statutory definition, municipal and other local authorities and a Minister of the Crown (See 3.11.1). The new Act has a similar provision - all 'local authorities' are bound by a regional plan that is in effect (Section 53), however, local authorities are defined in the Act to include councils, local school and hospital authorities, etc. Noticeably absent are Ministers of the Crown (Section 1). Commissions felt that if the Minister was to endorse a regional plan, there should be no reason for not binding government departments (ERPC, 1977, p. 12).

Although an adopted and ratified regional plan prevents any inconsistent action by local authorities, the 1977 Act does not specify how a regional planning commission might enforce

its plan upon unwilling or tardy local authorities, a power available since 1957 (See 3.08.1.2). This omission was seized upon by commissions as a withdrawl of their rights to ensure conformity with regional plans (ERPC, 1977, p. 14; PRRPC, 1977, p. 8). Corporate status, however, allows regional planning commissions much more powerful means of enforcement then Board orders available under the former Act. Under the new Act, a commission - corporation and therefore a "person known to the law" - may apply directly to the courts using whatever means are appropriate to enforce its regional plan. Here again, the Act provides (by omission) for a higher authority to lend credence to an adopted regional plan.

There is, finally, one section of note in the former Act which was not included in the Planning Act, 1977. This provision had related to the requirement for a complete and thorough review of a regional plan by the regional planning commission after a period of five years. Commissions responded to this omission by saying that they ought to be required to monitor a regional plan and its implementation and review it at regular intervals (ERPC, 1977, p. 13). But experience with the City of Calgary General Plan, which was covered by a similar provision under the former Act, may have illustrated the practical danger of this kind of deadline. The City missed the review date and the plan lapsed, resulting in the forced use of interim ad-hoc development control mechanisms. The new Act will therefore prevent oversights from extinguishing a plan and additionally requires a regional plan to be consciously abandoned - by the use of repeal provisions (Section 58).

3.22.8 Special Planning Powers

There are also found in the new Act sections which give the Cabinet wide planning powers that supercede regional and other plans. One section enables Cabinet to make regulations affecting development near "any thing which creates or may create a danger to the health and welfare of any person or property" (Section 142). This section appears to replace the provisions added in the 1973 amendments concerning airport protection areas (See 3.18). The section of the new Act is more general, however, and could also be used to good effect to control development in other hazard areas such as sour soil and gas facilities (du Cloux, 1975).

Another special provision found in the new Act relates to 'special planning areas' that may be created by Order-in-Council (Section 144). The Cabinet's powers under this section were suggested in the 'Red Book' (See 3.20.5) and appear to parallel Cabinet powers under the Environment Act. That Act enables the Cabinet to create 'restricted development areas' in order to protect the environment (See 3.19).

These proposals prompted expressions of concern about the need for prior consultation (PRRPC, 1977, p. 22) and unbridled power of Cabinet (ERPC, 1977, p. 59). However, these powers may be very useful when regional planning commissions or local authorities are unable to take command of a problem situation.

3.22.9 Summary of the Planning Act, 1977

This statute, enacted sixty-four years after the first Planning Act, represents a few major shifts in regional planning

for Alberta. The first is the rationalization of the hierarchy of planning activities in the province (See Fig. 7) from an implied provincial level, to regional plans, municipal general plans, area structure plans, and finally, to local land-use by-laws (to emphasize this change, jargon has changed as well). The second change relates to the new corporate status of regional planning commissions which might be seen as another incremental step in the evolution towards formal regional government. This evolution is further enhanced by the change to indirect elective representation in the criteria for membership on regional planning commissions. Another change is found in the major responsibility of regional planning commissions - the preparation of a regional plan. The regional planning process has evolved to include all local authorities in the process. The affected parties - the local authorities - now have direct input into changes in the regional plan. Finally, a regional plan, when adopted, must have Ministerial sanction to be effective, a change that lends considerable credence to such a plan.

3.23 The Evolution of Planning Legislation from 1963 to 1977 - A Summary

3.23.1 Regional Plans

3.23.1.1 Purpose: The regional plan in 1963 was to provide for the orderly and economical development of the region by dividing it into zones with established sequences of development and proposals for services, capital projects

and regional development. A preliminary regional plan consisting of a zoning map and schedule of uses was intended to govern development pending the adoption of a regional plan. The regional plan mechanism remained largely unchanged until 1977.

The 1977 Act, which is considerably more permissive, requires only that a regional plan provide for present and future land use of the region with the option of land use control (there is no preliminary plan under this Act). The objective of the Act is to plan for land use in the public interest.

3.23.1.2 Enactment: The process for enacting regional plans in 1963 included referral of the proposed plan to councils and authorities in the region, provincial adoption, the holding of public hearings, the confirmation of adoption, and Board approval of a plan. A preliminary regional plan did not require public hearings or confirmation of adoption. A regional or preliminary regional plan required 2/3 majority votes for adoption and confirmation and complete review every five years. In 1968, a deadline four years hence was set for completion of a regional plan in an attempt to encourage commissions to complete these plans.

In the 1977 Act, the public participation aspect was moved from a reactive position - after provisional adoption of a plan - to a much more pragmatic position -

during the plan development phase - where participation has some prospect of having an influence on the plan. A five-year review is no longer required.

3.23.1.3 Effect: The effect of a regional plan in 1963 was to control the subdivision of land and bind the actions and by-laws of all councils and other local authorities and to some extent, the Crown. A regional plan could be enforced by appeal by a commission to the Board. A preliminary regional plan had a similar effect which was strengthened in 1970, equating it with a regional plan.

In 1977, a regional plan had a similar effect on all local authorities - by-laws, actions and development must conform with the plan. Enforcement of a plan is not defined, being left to the good will of local authorities or ultimately, the courts.

3.23.2 The Regional Authority

3.23.2.1 Composition: The composition of regional planning commissions was specified by the Cabinet in the Order-in-Council creating the commission. Small municipalities could share representation with others, while municipalities with more than one representative could appoint a resident in addition to a council member. The province was represented by civil servants appointed by the Board. Amendments in 1969 added up to two

persons to represent the 'public'. Committee structures were specified in the 1970 Act composed of commission members.

Under the 1977 Act, a commission set up by an Order-in-Council has a much more restricted membership - only council members can be members. However, committees of a commission are completely unrestricted in membership.

3.23.2.2 Powers: The 1963 Act spelled out powers for regional planning commissions including preparation of regional and local plans, planning advice to councils, promotion of the public interest in planning, as well as delegated powers from local councils or the province (for example, subdivision approving authority). A commission could enforce an adopted regional plan by appeal to the Board and could, upon request, act as an intermediary in inter-municipal disputes. In 1970, a commission could appoint committees and delegate powers to them for consideration. The 1977 Act requires regional planning commissions to prepare regional or local plans, to provide planning advice to local councils, and to encourage public participation in planning. The 1977 Act established commissions as corporate entities, thus bestowing upon them powers to contract, take legal actions, etc.

3.23.2.3 Finance: Regional planning commissions were supported, in 1963, by contributions from the province and from member municipalities. In 1971, amendments created the Alberta Planning Fund into which all municipalities in the province contributed. From this fund, and from provincial contributions, the operations of regional planning commissions were supported. The Fund continues under the 1977 Act, only slightly changed; the province now also makes contributions to the Fund, from which the Board authorizes payments for regional planning commissions, other planning projects or special studies.

3.24 Conclusion of Chapter Three

This chapter has traced the evolution of regional planning in Alberta over the past seven decades from its rudiments in England to its maturation as a distinctively Albertan system. Together with the previously identified perspectives, it is now possible to undertake an analysis of Alberta's experience over this period. This is the objective of the next chapter. In the final chapter, the usefulness of the theoretical perspectives will be evaluated and some conclusions drawn concerning the model of regional planning functioning in Alberta and its future.

4 Analysis: Chapter Four

4.1 Introduction

In this chapter, the evolution of the regional planning system in Alberta will be considered, using the theoretical perspectives developed in Chapter 2. It will be recalled that these theories were those of Regionalism (establishing the concept of regions and regional evolution and identifying strategies of government organization); Regional Planning (enabling assessment of regional planning in Alberta); and Representation (providing a context for the analysis of regional authorities in a democratic system).

4.2 Regionalism

Two concepts of regionalism were identified in Chapter 2; regionalism as a process through which regions evolve, and regionalism as a strategy for the rational organization of society. Each will be considered in turn with regard to the evolution of the regional planning commission system in Alberta.

4.2.1 Regionalism: The Process of Regional Evolution

The model of Regionalism developed in Chapter 2 is useful in examining the regional planning commission as an institution capable of intervening in the process of regionalism. It will be recalled that when regional problems develop as a result of the process of regionalism, these problems may become recognized as regional problems. As a result, a demand for action may be made to the institutions of government.

The institution may respond by direct intervention, or indirectly by modifying its characteristics or those of other institutions. Modification of institutional characteristics may alter the perception of the region by the region's residents or may alter the ability of the institution to identify and define regional problems.

Thus the model of Regionalism provides a systems view of the interaction between regions and regional institutions. In the next section, the model will be tested by applying it to selected events of the later 1940's and early 1950's. Subsequently, changes in the institutional characteristics of Alberta's regional planning commissions will be examined to see if these changes reflect changes in sensitivity to regional processes.

4.21.1 Application of the Model

In the late 1940's, the rapid growth of the Edmonton region resulting partly from the discovery of oil nearby (regional variation), spilled into neighbouring communities and threatened the orderly development of the city itself (regional problem). The City of Edmonton engaged a consultant who made recommendations that were accepted by city council (social articulation). The problem was identified as a regional problem requiring a regional solution (regional hypothesis). The City presented recommendations to the province which evidently concurred in the prognosis (institutional articulation) and created district planning commissions by statutory amendment (indirect intervention) - the first of which was the Edmonton

District Planning Commission.

The statute specified the composition and powers of the commissions (institutional characteristics). The existence of a regional authority formed out of the municipalities in the Edmonton area reinforced the notion of a greater-than-municipal reality (regional hypothesis). Members of the Edmonton District Planning Commission included civil servants from key provincial departments and, as well, the Commission maintained a professional staff (institutional characteristics) which enabled the Commission to interpret regional problems and to design strategies for their solution (institutional articulation). By 1951, it had adopted a plan for the Edmonton area (direct intervention) which attempted to control the direct urban growth.

Having no powers of enforcement, commissions had only the ability to persuade. This dictated a strategy maximizing co-operation and mutual benefit. The McNally Commission reported in 1956 that an unenforceable plan was less-than-satisfactory (social articulation) and recommended changes in the statute. The province again concurred (institutional articulation) and the 1957 Act made District Plans mandatory (for the Edmonton and Calgary District Planning Commissions) and enforceable (indirect intervention). The Commissions subsequently were able to enforce their district plans upon uncooperative municipalities (direct intervention).

As a result of the planning interventions made in the Edmonton Region since 1950, the urban development of the region

(an aspect of the process of regionalism) has been well controlled[1] - especially when compared to other jurisdictions (mitigation of problems). Urban development is restricted for the most part to urban municipalities; most exceptions such as Sherwood Park were approved by the province after refusals of the Commission (direct intervention) (See 3.07.3). The edges of urban communites are well defined; leap frog or sporadic urban development, characteristic of the suburbs of the Lower Mainland of British Columbia, is not in evidence.[2]

Thus it would appear that the model of Regionalism can indeed be used as a frame of reference from which to view the actions of institutions in response to or as a stimulus for events within the region. From the perspective of the model, it should also be possible to assess the sensitivity of the institution to regional processes. More extensive consideration of these matters, however, would require a comprehensive review of the performance of the regional planning system - research outside the scope of this thesis.

1 These conclusions or impressions are based upon the personal experience of the writer within the regional planning system in Alberta.

2 This is true except for exurban development in the form of rural acreages - a matter of continuous heated debate within regional planning commissions.

4.2.1.2 Changes in Institutional Characteristics

Since the establishment of the Edmonton District Planning Commission in 1950, the regional planning system has been constantly modified in response to changing needs of the region, to political pressures, and to the maturation of planning theory. These changes in the characteristics of the planning institution center on areas such as its legal status, financing, responsibilities and powers. Each of these will be discussed in turn, using primarily the example of the Edmonton region. In each case, the most notable effect of the changes will be identified within the model of Regionalism, recalling that an institution's characteristics can influence the perception of the regional reality, the abilities or capacity for institutional articulation, and the effectiveness of the institution to intervene in the process of regionalism.

4.2.1.2.1 Legal Status

The legal status of regional planning commissions remained constant from 1950 to 1978. During that period, the commissions remained an ad-hoc organization without defined legal status, although corporate status had been recommended in 1956 by the McNally Commission (Dant, interview). With the new Act in place, commissions are now able to act as corporate entities - able to engage in contracts, to own property, etc. as distinct from its members. This status also empowers a commission to enforce its plans by using legal remedies when the pressures of persuasion fail (See 3.22.2 and 3.22.7). Explicit legal status may also have an impact on the perception of the

region as a reality.

4.2.1.2.2 Financing

Financing is a critical characteristic of an institution. It affects its very existence since an institution's ability to function relies upon its solvency. The financial stability of the regional planning commission has improved considerably from the early 1950's, when it could not always rely on funds due. With the resources of the Alberta Planning Fund, a commission can depend upon committed funding and can focus its energies upon its constituted responsibilities.

In the final analysis, however, an institution's finances have only an indirect effect upon the concept of the region, the ability of the institution to articulate regional problems or the efficacy of interventions in the process of regionalism.

4.2.1.2.3 Responsibilities and Powers

An institution's responsibilities are those duties which it is established to perform, while its powers are the institution's ability to carry out its responsibilities or to enforce compliance with its decisions. These aspects of an institution will affect the way it is perceived and will primarily affect, in the case of regional planning commissions, their ability to intervene in the process of regionalism.

Since 1913, regional planning commissions have been able to assume certain responsibilities when delegated to them by the municipalities that make up the commission. This ability to assume a delegated responsibility is indirectly available

to a commission under the 1977 Act, since planning related services may be assumed by a commission under contract.

Several responsibilities were established for regional planning commissions with the passage of the amending Act in 1950. They were made responsible for a public education function, variously described as encouraging public interest in planning (See PRRPC, 1974-77) or, as in the 1977 Act, the participation of the public in planning. Commissions also became responsible for providing planning advice and assistance to member municipalities. This describes one of the commission's fundamental responsibilities in planning which enabled all member municipalities to have available professional planning services, regardless of their size. Related to this responsibility was that of the commission to prepare local municipal plans and draft by-laws at the request of a member municipality. These functions remain the responsibility of the regional planning commission under the new Act. These powers and responsibilities are effective in modifying public perception of the region (public education) or in modifying another institution's perception of problems and interventions by undertaking certain local government functions (local plan and by-law preparation).

A power related to preparation of local plans was assigned to regional planning commissions in 1950, namely the power to prepare inter-municipal plans. In 1953, regional planning commissions had the option of preparing 'district or regional plans'. Neither the inter-municipal or the district plans

were binding on local municipalities, although district plans did become enforceable in 1957.

The situation again changed in 1963 when plans once again became optional; if they were adopted, however, they were enforceable. By 1968, commissions were required to prepare interim plans (preliminary regional plans) within a three year period. The full regional plan was not a mandatory requirement again until 1978 with the passage of the new Act. The new Act excludes mention of any interim plan.

Regional or preliminary regional plans were, and are, enforceable once established. These plans bound the other activities of the commission (for example, subdivision approval) and they bound the development and plan-making activities of member municipalities. A full regional plan bound all other local authorities and appeared to bind the Crown as well (See 3.11.1). Enforcement of the plan upon other authorities prior to the 1977 Act required an appeal to the Provincial Planning Board. Under the new Act, this mechanism is missing although a corporation under the Act, a commission can challenge recalcitrant municipalities or others in the courts. Changing the venue of the enforcement action from the Alberta Planning Board to the courts should lend considerable credence to an existing plan.

The implication of the regional planning powers of a commission is that a recognized plan will direct future development by either specifying criteria (policies) or designating areas (zones) within which proposals for development would be

most favourably received. A regional plan is therefore a specific and direct intervention in the process of regional interaction.

Besides regional planning responsibilities, since 1953 commissions have administered the subdivision process for their regions. This function has placed regional planning commissions in a very intimate position vis-a-vis the implementation of their regional development policies - another direct intervention into the regionalism process. Administration of this function requires a considerable proportion of the time and energies of regional planning commissions and provides an ongoing topic for active debate over regional policy (this also, incidentally, provides for a means of drawing provincial development policy before municipal councils and the concerns of local government into the heart of provincial bureaucracies. This interaction results in indirect changes to regional perceptions and to the articulation of regional problems by participating municipalities and government departments.

One responsibility that was not continued under the new Act was that of resolving inter-municipal disputes which was first assigned to regional planning commissions in 1957. This mechanism was not included in the 1977 Act, in all liklihood because it had little to do with planning. (A mechanism such as this belongs in a statute such as the Municipal Government Act or the Local Authorities Board Act).

Thus, it can be seen how the responsibilities and powers

of regional planning commissions directly affect the perception of the region, the articulation of problems, especially by other local and provincial institutions, and the design and efficacy of interventions in the process of regionalism.

4.2.1.3 Summation

This review of the institutional characteristics of Alberta's regional planning commissions indicates that the system has evolved to the point where commissions have the powers and capacity needed to fulfill their role as regional authorities. Commissions have a specific legal status as a corporation, they have financial stability, and, in addition to their related planning powers, commissions can enact and enforce a regional plan. The evolution of the regional planning system does suggest an increasing sensitivity to regional processes although examination of the functions of the system in Alberta would more adequately support this notion.

4.2.2 Regionalism; the Philosophy and the Strategy

Chapter 2 also includes a discussion of the philosophy of regionalism. It focuses on the two extremes of government organization - central (national and provincial) and local. Regionalism applied to central government focuses on democratization and humanization of government through decentralization. In terms of local government, the philosophy of

regionalism focuses on limited centralization into a regional amalgam of local government.

4.2.2.1 Decentralizing Regionalism

Of Cornford's four forms of decentralization of government, interest here is with decentralization on a territorial basis motivated by primary concerns for either management or participation. Where concerns are for management, the form is 'deconcentration'; where the concern is participatory, the form is 'devolution' (See 2.2.2.1).

Within the constitutional environment in Canada, all local authorities are the product of one of these forms of decentralization or the other. Municipal councils and school boards, for example, are the product of devolution of provincial powers to a locally elected body. On the other hand, civil servants work in local settings throughout the province because some functions of the central government could not possibly be achieved if all officers of the province worked out of the capital city of Edmonton. Examples of these officials abound - public health officers, district agriculturalists, district highway engineers, wildlife control officers, and park officers. These civil servants act within limited territorial areas, their location being motivated by managerial concerns - thus a product of 'deconcentration' of provincial powers.

Regional planning commissions from 1950 to 1978 were characterized by a mixed form of decentralization. With civil servants as members (managerial motivation), as well as locally-elected municipal councillors (participatory motivation), the

commissions could not be considered as being strictly participatory. This lack of clarity was noted in the late stages of the drafting of the 1977 Act (Dant, interview), resulting in the statement that "decisions taken by a commission are of a regional nature and should be made by the elected person representing his or her municipality" (Johnston, letter) (See 3.22.3). Thus, when the 1977 Act came into effect, with regional planning commissions having only locally-elected members, the motivation for the commission structure was clarified and regional planning commissions became examples of the devolution form of decentralization in government.

As far as what was devolved, regional planning commissions have been assigned several functions by the province, the most significant of which is the subdivision approval authority. This is a function normally performed by the Department of Municipal Affairs, except within a planning region (See 3.07.1). Most other functions assigned to commissions were not performed before (for example, the public education function, the planning advisory service, or the operation of a commission as a forum for local and provincial government discussion), although they were certainly within the constitutional authority of the province. Regional planning commissions thus possess specific powers decentralized from the province's authority and since they are based on a territorial jurisdiction and are motivated by participatory concerns, regional planning commissions are clearly the product of a devolution of provincial powers.

4.2.2.2 Centralizing Regionalism

The philosophy of regionalism focussed upon local government has resulted in specific attempts to rationalize local government by designing larger units to assume some local government responsibilities. The end is to improve the efficiency and effectiveness of typically fragmented or inappropriate local government units.

In Alberta, three strategies have developed to cope with the changing circumstances in local government primarily due to rapid urbanization over the last 30 years. One of these strategies is the modification of municipal boundaries. Where urban growth affects adjacent urban municipalities, they are often merged. This has been the case with the Cities of Edmonton and Strathcona in the early 1900's, the City of Edmonton and the Towns of Jasper Place and Beverly, and the City of Calgary and the Towns of Bowness and Forest Lawn, all in the 1960's. Annexation is now proposed by the City of Edmonton to include a massive area around the City involving both urban and rural areas.

The second strategy for coping with change is the ad-hoc organization for provision of service. These are primarily arrangements among municipalities for particular services such as the Parkland and the Northeast Water Boards, set up for the distribution of water on a regional basis from the major plant owned by the City of Edmonton. Another example is the transit agreements between the City of Edmonton and the County of Strathcona and Edmonton and the City of St. Albert. These structures are set up by interested municipal-

ities see fit.

The third strategy is the regional planning commission system, although strictly speaking, regional planning commissions are ad-hoc organizations as well since they are organized for one purpose only (Oxford, 1976, pg. 13). Edmonton's demands in 1949 for a regional authority to control urban development resulted directly in the province's creation of the system of regional planning commissions. Although there are other regional needs besides planning (such as water, sewer and transit services noted above), planning remains the only local service provided on a regional basis, although regional planning commissions may also agree to prepare local plans and by-laws for municipalities that request such help).

One apparent reason for the restriction of responsibilities of these commissions to planning matters has been the fear of 'another level of government' (Clark, interview). Another reason is a lack of obvious need for a regional authority to manage such things as water or transit services since cooperating municipalities have been able to jointly provide those services, something they had been unable to do with planning.

There may be circumstances arising in the coming years where a more comprehensive regional authority may be a more attractive alternative than, for example, approval of the City of Edmonton's current massive annexation bid. One of the findings of research undertaken by the Edmonton Regional

Planning Commission[1] shows that there is a considerable identification with one's community. This would support an alternative to the current annexation proposal by Edmonton by suggesting a transfer of more area-wide powers to a regional authority. By establishing a regional level of government overlying smaller local units, discrete urban communities with which residents could continue to identify, would be preserved. Whether or not the regional planning commission would be able to play a role in the future of an expanded local government in Alberta remains to be seen.

4.2.2.3 Summation

When the regional planning system in Alberta is viewed from the perspective of decentralizing provincial authority or from the perspective of centralizing local authority, one must conclude that the system contains aspects of both strategies. Some of the powers that were within the jurisdiction of the province and had not been delegated or assigned to local government were decentralized to the territorially-based regional planning commission whose authority to act in the regional context is motivated by participatory concerns. According to Cornford's criteria therefore, regional planning commissions are an example of the devolution form of

[1]A major research project the Edmonton Regional Growth Study was undertaken by the ERPC to identify alternative strategies for meeting the growth demands within the Edmonton Region.

decentralization of government authority.

In terms of centralization of local authority, the regional planning commission has assumed only one local function, that of regional planning. This is partly due to fears of another 'level of government' and partly due to the fact that existing institutional arrangements for inter-municipal services are working satisfactorily.

In sum, Alberta's regional planning commissions exhibit features of both decentralization and centralization strategies although it appears that powers are more effectively devolved from the province than are centralized from local government.

4.3 Regional Planning

In Chapter 2, regional planning was described as a particular kind of institutional intervention designed to modify particular aspects of the interactional process to bring about problem solution. Gertler and Lord defined regional planning in terms of seven criteria (See 2.4.1) which will be used in this chapter to assess the evolution of the regional planning commission system in Alberta. Each criteria will be used to estimate system performance. These individual assessments will then be reviewed to yield an overall performance assessment of regional planning commissions.

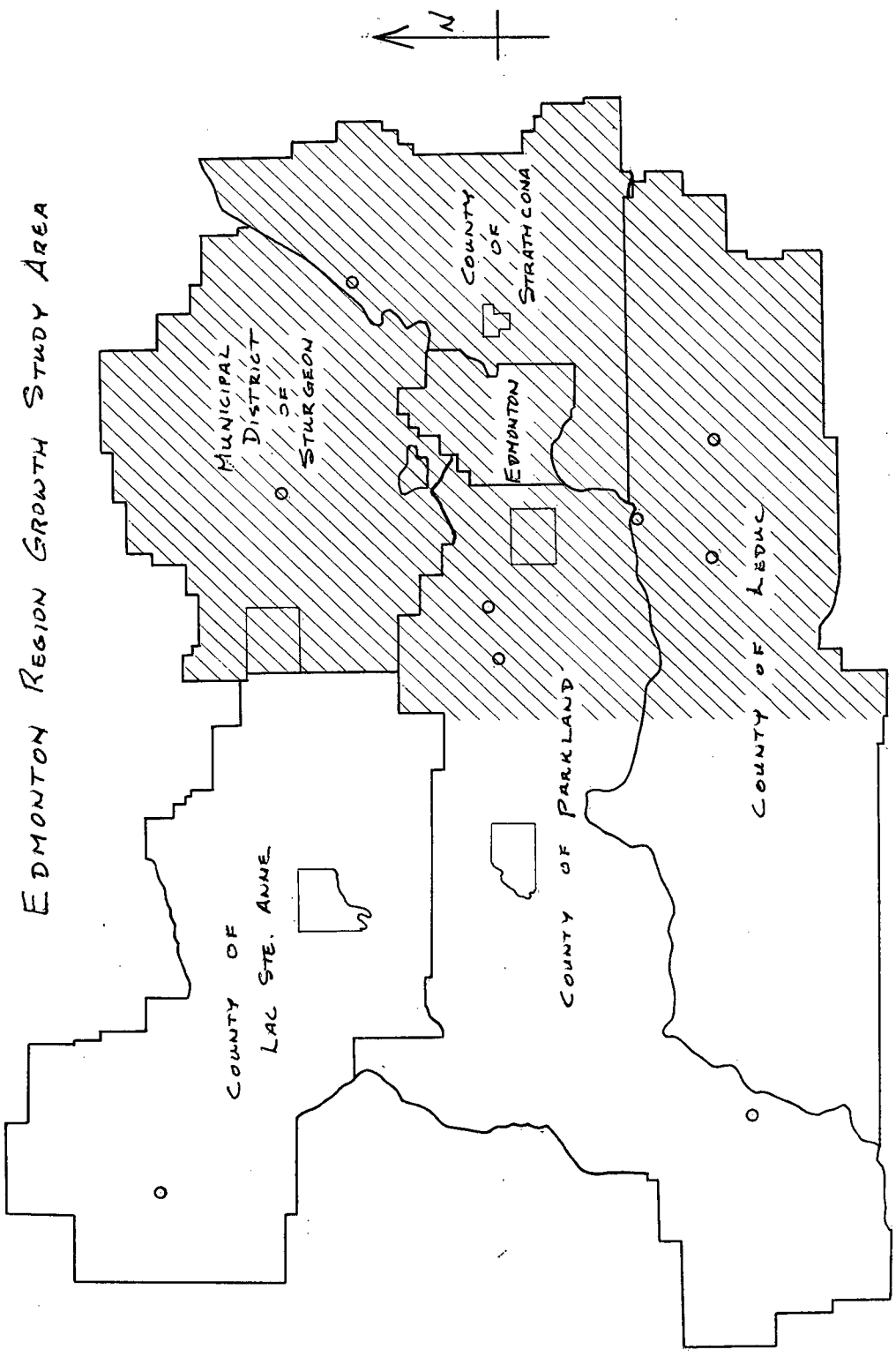
4.3.1 Sensitivity to Existing Regional Perception:

> "Regional boundary definitions should be determined on the basis of their effectiveness in achieving the support and participation of the people in the region."

Commissions in Alberta are based on the concept of 'city region' (Gertler, 1976, p. 88 et seq) and by and large form a community of communities. This situation has evolved partly because of the way in which regional planning commissions were formed in Alberta; they were established only after a specific request from a group of municipalities was received by the province (Suelzle, interview). The municipalities designated as members are those expressing interest in the formation of a commission (Suelzle, letter).

A contrasting premise is implied by the choice of the study area for the Edmonton Region Growth Study. It comprises only the eastern half of the Commission area (Map 3) and was chosen as it was that part of the Commission that was subject to "metropolitan pressures for urbanization...patterns of employment, retail trade", etc. (ERGS, 12/1974, pg. 5). The implication is that the people of the region - as opposed to the municipalities of the region - would recognize a region more like that described by the study area.

The active participation of more remote municipalities in regional planning commissions (such as the Town of Drayton Valley) and the request by the Town of Redwater for inclusion in the ERPC despite the fact that (at the time of the request) the town lay beyond the boundaries of the Commission, support this criteria. The choice of boundaries for regional planning


EDMONTON REGION GROWTH STUDY AREA
N
MUNICIPAL DISTRICT OF STURGEON
COUNTY OF STRATHCONA
EDMONTON
COUNTY OF LEDUC
COUNTY OF PARKLAND
COUNTY OF LAC STE. ANNE

MAP 3

commissions in Alberta has thus been based upon an implicit recognition of this principle, although the case of the Growth Study boundaries suggests that there is often more than one 'region' to contend with.

4.3.2 Based in Local Government:

> "The regional area, in that it would be required to be large enough to embrace a number of constituent urban centers and rural areas, must be represented on a principle considered equitable by the constituent municipalities."

Regional planning commissions in Alberta are indeed large enough to embrace both urban and rural municipalities. The representative nature of these commissions is, according to this criteria, a matter of importance to the constituent municipalities.

Since regional planning commissions are essentially voluntary associations (at least when formed) and participation is generally a matter of local interest, the municipal perception of commission representation could be expected to be reasonably satisfactory. Since the system or representation of municipalities has relied essentially on one municipality-one vote (with up to 3 voting members for cities) there have been some associated feelings of disenfranchisement among the more populous centers (Murchie, 03/1978, p. 2) (See 4.4.6). For the most part, however, commissions and constituent municipalities were satisfied with the representation system existing at the time of the enactment of the new Planning Act (Murchie, 03/1978, p. 2). In terms of the non-municipal representatives, no objections had been raised

anywherein the province to the continued membership of civil servants or area residents (Suelzle, interview). In fact, the commissions lobbied for the status quo (See 3.22.3).

Both of these aspects of representation have historically been handled by commissions, where inequities were perceived, through a modification of their working committees to achieve desired balance (Murchie, 03/1978, p. 30, 31). Committees are now used, as well, to include civil servants and area residents who, under the new Act, cannot be voting members of the regional planning commission itself (Johnston, 1978; Suelzle, letter).

Under the latest membership system with only certain municipalities permanently represented, this committee mechanism has proved to be quite useful. However, despite a municipality's non-membership on the commission, where it is affected it can participate as a full member. Therefore, there have been few complaints concerning representation - with the exception of the apparent under-representation of the largest municipalities.

4.3.3 Regional-Provincial Co-ordination

> "A highly sophisticated liaison should be maintained between the regional planning areas and the provincial departments involved with their areas."

From 1950 - the beginnings of the practice of regional planning in Alberta - the province has been intimately involved with regional planning commissions. Until 1978, civil servants working in the regions participated as voting

members on the commissions. Additionally, civil servants held prominent positions, chairing commissions or various committees throughout the province (Dant, interview). This history of almost thirty years of participation has developed into a well entrenched pattern of local-regional-provincial interaction. Fears of losing provincial involvement in regional planning commission activities (expressed by commissions) have not been borne out; civil servants have continued to be involved in committee activities where they may participate as voting committee members (Suelzle, letter). Provincial involvement has in some cases expanded, with more departments becoming involved in committee activities (See, for example, the ERPC Minutes of Organizational Meeting, 1978, in Appendix 8).

Despite thispositive experience, the removal of formal membership of civil servants must be seen as weakening the regional planning system in terms of this criterion. Without formal provincial-regional linkages, it is possible that the current practice may give way to a more isolated regional authority. In any case the performance of the system in this respect is outside of the scope of this investigation.

4.3.4 Planning Legislation

> "The planning function itself must have a strong statutory base in order to be effective."

The statutory basis for regional planning began in 1913 and has evolved through many changes, reaching its most advanced

position with the new Act. The new Act makes regional plans mandatory and enforceable for all regional planning commissions in the province. These plans take precedence over all local plans, by-laws or actions of local government. Additionally, the new Act requires all larger urban municipalities (population over 10,000) to prepare 'general municipal plans' which are also enforceable - although subject to the regional plan. Finally all municipalities with a population over 1000 must prepare a land use by-law which is enforceable although subject to regional and municipal general plans. Thus all but the smallest municipalities are bound to prepare a plan or planning-related by-law. In addition other optional plans may be prepared which may also be enforced when adopted. Thus, provided the will exists to draft well thought out plans and to enforce them, regional planning commissions and other planning authorities have a well developed statutory base for planning.

The powers to enforce all of these plans are similarly well developed. Development control provisions of the Act spell out the use of stop work, demolition and other orders available to local government to enforce locally enacted plans or by-laws (Section 79). Where a regional planning commission wishes to enforce a regional plan upon a recalcitrant municipality or other local authority, the Act is silent, unlike previous statutes where the Alberta Planning Board was specified as the appeal authority. It should be stressed, however, that the Act explicitly states that all local plans,

by-laws, or actions must conform with the regional plan. Thus, the supremacy of the regional plan may be now enforced by the courts.

In addition, the authority to administer subdivision approval is well developed in statute and regulation. With over twenty five years of experience with regional planning commissions in this area, the province has developed a workable system of subdivision control that is effectively an implementation tool for regional policies. The system includes extensive referrals and an appeal system involving the Alberta Planning Board.

All of these planning-related functions have evolved since 1950 into what is now a reasonably well integrated system. In turn, the system is built upon a reasonably well integrated and well organized statute.

4.3.5 Interim Plans

> "Authority must be given the regional planning body to establish an interim regional policy to guide growth until a comprehensive regional plan is implemented."

When regional planning powers were clearly defined and assigned to regional planning commissions in 1957,[1] commissions were also empowered to prepare interim regional plans. This power of commissions to prepare interim plans remained in

[1] Regional planning commissions could prepare a 'general plan' for the regional area - although this was not spelled out very clearly (See 3.07.1).

effect until 1978. The new Act allows an existing preliminary regional plan to remain in effect, although only regional plans may now be adopted.

In light of this criteria, one might conclude that the regional planning system in Alberta has taken a backward step. However, it should be recalled that in 1969, regional planning commissions were given three years to prepare and adopt a regional plan. By 1978, when the new Act was brought into effect, no regional planning commission could claim a regional plan in force. There were preliminary regional plans - such as the Edmonton Regional Planning Commission's Preliminary Regional Plan, Metropolitan Part which had been in effect for more or less the same area since 1951 - however the interim planning tool had tended to become an end in itself. Where a commission had an interim plan in effect, the preparation of a full regional plan would have taken a rather low priority. Thus it might be seen that preliminary regional plans were, for all practical purposes, a hindrance in the preparation of full regional plans.

Under the new Act, the content of a regional plan is rather open-ended and may include maps and written text, as appropriate, to achieve the objectives of providing for "present and future land use and development of the planning region" (Section 44, 46). In fact, the plan may be prepared in stages for various parts of the region, provided that by the end of 1982, a plan exists for the whole region. It may be prepared to the standards suited to the particular region

rather than meeting standards set for the whole province. There is, therefore, considerable flexibility as to content and preparation of a regional plan.

In summary, the system of regional planning has likely outgrown the need for an interim device. The need is for formal regional plans and the new legislation is an attempt to urge the process onward.

4.3.6 Summation

The theory of regional planning delineated by Gertler and Lord applied to Alberta's regional planning commissions suggests that Alberta's sytem of regional planning is still maturing but has been well designed. Of the five criteria established by Gertler and Lord that are used in this thesis, the system of regional planning in Alberta meets two criteria very well, one moderately well and two rather inadequately.

Their criteria for legislation and a planning hierarchy are realized in the regional planning commission system in Alberta. First of all, the system is based upon clearly articulated legislation that sets out the authority for regional planning and specifies how regional plans may be implemented (Part 4 of the Act is entitled "Implementation of Plans"). The Act delineates a logical hierarchy of plans, each of which must be consistent with plans or regulations higher up in the hierarchy. This ensures that provincial regulations are met throughout the province, that regional policies are followed throughout the region, that municipal by-laws

are followed within the municipality, etc.

Gertler and Lord's criterion for the design of regional boundaries in recognition of regional perceptions is moderately well achieved in the province's sytem for regional planning. The design of commission boundaries has always been defined in terms of constituent municipalities, thus building upon existing groupings of recognized and related communities. However, constituent municipalities, especially the province's large rural counties or municipal districts, are designed to maximize administrative convenience and fiscal stability rather than to delineate social communities. Thus regional planning commissions are as sensitive to existing perceptions of the region as one might expect under such circumstances.

The two remaining criteria, requiring interim plans and regional-provincial coordination, are not well achieved within Alberta's system of regional planning. The system no longer provides for interim plans as was the case under previous statutes, perhaps because interim plans have proven somewhat of a barrier to regional plan development rather than a means of facilitating their preparation. Insofar as regional-provincial coordination is concerned, the formalized linkages between regional planning commissions and provincial departments have been abandoned in favour of more informal linkages. In both of these cases it appears that the regional planning system in Alberta has evolved to the point where these criteria have lost their relevance. Dropping the interim plan

requirements will likely facilitate preparation of regional plans while elimination of civil servant membership has resulted in a regional authority that is consistent with principles of responsible and democratic local government.

4.4 Representation

Using Birch's conception of the main functions of representation for analysis, the advancement of representation in the evolution of regional planning commissions can be illustrated. Each aspect of representation will be treated separately and then considered collectively to enable an approximation of the changes in representation over time.

4.4.1 Responsiveness:

> "Can decision-makers be influenced or controlled before a decision is made?"

In evaluating responsiveness, the primary concern is with mechanisms for public input into the plan making powers of a regional planning commission. The 1913 statute enabled an inter-municipal commission to prepare a town planning scheme that required the signature of the Minister of Municipal Affairs (See 3.02). Notice of the intention to apply for this Ministerial approval was to be published in the Alberta Gazette (hardly daily reading for most people), whereupon an interested person would file an objection and be heard (Section 1). For all intents and purposes, this mechanism was a mere

formality.[1]

The 1929 Act established much more workable mechanisms for public input to a proposed plan. Before a plan could be adopted, newspaper advertisements were required, the proposed plan had to be available for inspection, and any objections heard (Section 16). This increased the responsiveness of the regional planning commission, although the plan really would have been a fait accompli.

District planning commissions created in 1950 had no plan-making powers of their own (they were able to recommend plans to member municipalities, see 3.05.2), although one of their specific functions was to promote public interest in planning. Thus, in one sense, district planning commissions were less responsive than they could have been under the 1929 Act. On the other hand, they were charged with a much more positive role in public education that could have resulted in more overall public involvement in the planning process.

In 1957, commissions were assigned specific regional planning powers and had associated responsibilities for public involvement not unlike those of the 1929 Act. Newspaper advertising was necessary as were public hearings (See 3.08.1.1). For the preliminary district plan (required to 'hold the fort' while the full district plan was being

[1] Outside of the statutory framework, there is, of course, the extensive lobbying influence of interested parties, an aspect which is not of particular interest and is outside the scope of this thesis.

prepared), advertising and hearings were not required. This system remained in effect until 1978 when the new Act came into force. Thus, for the twenty years from 1957 to 1978, when the most that any planning commission had in force was a preliminary regional plan, no direct contact was required with the public. Had a regional plan been in place, the mechanisms for public involvement would have been activated.

This changed with the Planning Act, 1977, where creation of a regional plan (interim plans being eliminated) requires a two-stage public involvement process (See 3.22.7). During the preparation of the plan, representations are invited from the public (and from councils and other authorities). Subsequently, after a draft plan has been prepared, advertising and public hearings are required.

It is quite clear that much has been gained in terms of responsiveness since the early beginnings of regional planning in Alberta.

4.4.2 Accountability:

> "Can decision-makers be controlled or influenced by the threat of defeat at the next election?"

Until 1950, the membership criteria for regional planning commissions were rather loosely defined, although such commissions would likely have been composed of members of the municipal councils. In 1950, civil servants representing the province were introduced to commissions. In 1953, except for the provincial civil servants, a commission member could only be selected from the municipal council. This was the

first specific designation of council membership as a criterion for commission membership. In fact, from 1950 to 1953, the City of Edmonton was represented at the Edmonton District Planning Commission by a staff member. In 1957, membership criteria for representatives of municipalities was expanded to include officials or residents of the municipalities, although municipal officials were dropped from eligibility the following year, except for secretary-treasurers of rural municipalities, who were subsequently dropped in 1963. In 1969 members of commissions could include two persons "representing the public" and the municipal secretary (as an alternate to the regular member). Finally in 1978, the membership criteria was changed to allow only council members to sit as commission members.

In terms of the accountability criteria, in as much as municipal councils are elected bodies, where a member of a regional planning commission is selected from a council, the member may be concerned with the relationship between his actions as an elected representative and his chances at the next election. It should be noted that the commission activities of a municipal councillor would represent a very small proportion of his responsibilities as a municipal politician. Thus this criteria should not be over-rated.

Where a commission member is appointed - especially for an undefined term - he need only fear removal for unconscionable behavior. At this extreme are the members-at-large. In between are municipal officials or civil servants who may be more easily

replaced by their employers should they exceed their authority.

Assuming that prior to 1950 all members of regional planning commissions would have been municipal councillors, commissions prior to that date would have been high on the scale in terms of accountability. When appointed civil servants were added in 1950, and where civic employees were able to be appointed (such as they were in Edmonton), the commission became less accountable. In 1957, the formal addition of residents or employees as representatives of municipalities further reduced the level of accountability until 1963, when this category of representative was essentially removed. In 1969, with the addition of persons "representing the public" and the possibility of employees again representing a municipality, accountability dropped to its lowest level. The passage of the new Planning Act in 1977 resulted in elimination of all representatives except elected councillors, thus raising the level of accountability back to the pre-1950 levels.

4.4.3 Peaceful Change:

"Can decision makers be replaced without violence?"

This criterion is rather more difficult to adequately assess because of the fact that violence as a mechanism for political change is exceedingly rare in the Canadian experience. There are a sufficient number of mechanisms for chaning political leaders that where violence is used politically, those who use it do not enjoy the support of the citizenry. The research

for this thesis does not, however, support any conclusion for this particular criterion.

4.4.4 Leadership:

> "Is there a party system available to recruit, train and promote leaders?"

In Alberta's local government civic parties are by-and-large limited to ad-hoc organizations that arise before elections, if at all, and then subside into the background. However the data that forms the basis for this thesis does not support further assessment other than noting that only elected municipal councillors would participate in party politics whereas appointed representatives would tend to be comparatively apolitical. Thus the level of this criterion, when applied to the evolution of the regional planning commission, has remained more or less constant at a minimum level throughout.

4.4.5 Responsibility:

> "Do leaders have some level of security in office such that they will take a long-range view?"

Normally, a criterion such as this would be sensitive to the political system and party politics in a manner similar to the Leadership criterion. However, given the lack of significant party organization, local politicians tend to take a very short view. This is most obvious in terms of the contrast between commission members who were civil servants, and those who were councillors. Local governments can be seen as being

much more sensitive to immediate pressures and often primarily concerned with generating property tax revenues. On the other hand, provincial departments appear to be concerned with long term effects of decisions, especially in terms of how decisions would affect provincial programs or expenditures.[1]

In any event, civil servants have generally been seen as a steadying influence in regional planning commissions as opposed to municipal councillors who tended to take a much more immediate view of the world (LaBranche, Kuchinski and Clark; interviews).

Those members of commissions who were employees of a municipality would likely react to given questions in a manner similar to that of a municipal councillor. On the other hand, a member-at-large could view questions from either point of view. Therefore the application of this criterion to the evolution of regional planning commissions would result in a minimum level from 1913 to 1950 when municipal councillors were the source of commission members. With the introduction of civil servants in 1950, a longer termview would have been supported, thus raising the level of responsibility within the commission structure. Responsibility was further increased

[1]Two examples related to highway development are relevant here: In the Edmonton Region, the decision by the County of Strathcona to develop the residential suburb of Sherwood Park outside of Edmonton resulted in a major freeway development paid for by the Province. The urbanization of the Towns of Stony Plain and Spruce Grove and the rural area of the County of Parkland is forcing the re-locating of 20 miles of Highway 16 west of Edmonton to an alignment four miles north of the original.

in 1969 with the introduction of members-at-large. The elimination of these persons as representatives in 1978 reduced the level of responsibility of the commissions to its pre-1950 level.

It is noteworthy that this is the only criteria so far to indicate a consistently higher level of performance for non-elected members (especially for members-at-large) of regional planning commissions.

4.4.6 Legitimation:

> "Are the decision-makers authorized to exercise power in a manner consistent with the principles of democratic government?"

Legitimation relates primarily to fair election by popular vote (Birch, 1971, p. 118). Where a representative has been selected by election and where the elections are not distorted, the exercise of powers by the representative is viewed as legitimate. Since the accountability criterion also considers the election of representatives, this criterion will be used to assess the fairness or distortion of the elective process of selecting representatives.

Within the regional planning system in Alberta, two aspects of this question have appeared: 'representation-by-population and 'indirect' or 'shared' representation.

In terms of the representation-by-population criterion, fairness in the elective process requires that each representative represents an electorate of a similar size to all others. This criterion is modified by considerations of population

density, remoteness etc. in such a way that, for example, the result for the Parliament of Canda is widely accepted as a reasonable solution to the problems of selecting representatives for the City of Toronto and the NorthWest Territories.

In Alberta's regional planning commissions, it was not until 1950 that the legislation provided for a clear definition of the membership for each represented municipality - each municipality was entitled to one representative. In the Edmonton Region this meant that the small towns and rural municipalities had the same voting power as the comparatively larger towns or the City of Edmonton. For example, in 1951, the representative of the Town of Devon represented 850 people while the delegate from the City of Edmonton represented about 170,000 people (Exner, 1977, p. 56). This situation remained more or less static, even with the multiple representation of the City of Edmonton. This aspect of regional planning commissions was a province-wide feature (Murchie, 03/1978, p. 10). With the new Act in place this basic situation remains. It is quite clear that in this situation the larger municipalities are proportionally disenfranchized in that the larger a municipality is, the lower the ratio of commission membership to population for that municipality.

The second aspect of the question to arise within Alberta's regional planning commissions is indirect or shared representation. From 1913 to 1950, each municipality forming a regional

planning commission would have had up to three representatives on the commission. In 1950, when the first regional planning commission was formed, each municipality could appoint one representative to the commission. In 1955, there were three municipalities in the Edmonton District Planning Commission that did not have a 'permanent' representative (formalized in the 1957 amendment). This number rose rapidly to 34 member municipalities without a permanent representative in 1975. (See Fig. 5 in 3.08.4). After the new Act came into effect in 1978, the number of municipalities without a permanent representative dropped to 30. After an amendment in 1971, such a municipality could send a representative to a particular meeting of the commission and that person could participate and vote on matters relating to the municipality. However, this was a rather rare event. These otherwise unrepresented municipalities (usually the smallest in the region) were informally represented through a variety of mechanisms including a 'shared' representative such as the representative of summer villages in the Edmonton Region; they were, however, not chosen by the municipal electorate. Thus, these municipalities were under-represented in regional planning commissions.

In terms of the legitimation criterion, the pre-1950 regional planning commissions would have had the highest rating. In 1950, the varying ratio of representation to population reduced the legitimation level. In 1957, with the introduction of shared representation, legitimation was

again reduced. The possibility of direct participation of non-represented municipalities on an ad-hoc basis introduced in 1971 results in a slight rise in terms of legitimation. This status remains under the new Act.

In terms of legitimation, the highest rating could be achieved by a system characterized by direct election to a regional council. Persons elected to a regional council in this way would unquestionably exercise legitimate authority. In the case of elections based upon a constituency system, the regional council would be seen to exercise its powers on behalf of all of the regions citizens equally.

4.4.7 Consent:

> "Are the decision-makers able to explain policies and convince the public of their veracity?"

The criterion of consent hinges upon the communication powers and capabilities of a regional planning commission. As with most other criteria, consent will vary with the legislated role of the commission as well as the will of the commission to fulfill the role. The role was formally assigned to commissions in 1950, when they became responsible for 'public education' regarding planning, and has remained essentially unchanged since. The power was largely unexercised until the early 1970's when the concept of public participation became popular. In the Edmonton Region, an ambitious program of public meetings and seminars was undertaken in 1974 as part of the Edmonton Region Growth Studies. This program

proceeded into 1977 (ERGS, 10/1977, pg. 10) and was followed by public meetins and hearings related to the draft regional plan (ERPC, 12/1978). Only since the mid-1970's, then, have the commissions begun to exercise their powers of public education. Under the new Act, regional planning commissions are bound to an extensive program of public involvement in addition to their educational role (See 3.22.7). Thus for the criteria of consent, 1950 and 1978 were the important dates for successive increases in representation.

4.4.8 Relief of Pressure:

> "Is it possible to adapt the system to co-opt or involve dissenting groups acting outside the system?"

The criterion of relief of pressure has some of the same characteristics as the criterion of peaceful change (See 4.4.3) insofar as dissenting groups are rarely excluded from participating in democratic processes. At the federal level in Canada, all political groups are politically active in the elective process. A similar range of points of view is present at the local level, although not usually involved in official political parties. Within the regional planning commission system, the involvement of groups outside of the established system has been facilitated by and large indirectly. Since 1950, operating commissions have used a system of committees to manage some of the commission's affairs or to respond to particular problems. However, it was not until 1970 that a commission could delegate specific powers to a

committee. Membership on a committee was implicitly (as well as in practice) restricted to members of the commission until the new Act came into effect (See 3.22.4). With the new Act, committees with the powers to make decisions could be established, and they could include members of the community, and in particular, people representing dissident groups. There has not, however, been any significant change to date in committee membership (Suelzle, letter).

With respect to this criterion, it is evident that since 1950, a commission could react to a problem by striking a committee. In 1970, such a committee could have some form of decision-making power, and after 1978, such a committee could involve groups outside of the commission. Thus, the possibility of representation in terms of this criterion has steadily increased since regional planning commissions were established. There has not been any evidence in the research for this thesis, however, that the practice of regional planning in Alberta has made use of these possibilities.

4.4.9 Summation

Reviewing the individual criteria reveals that prior to 1950, the legislation provided for high levels of representation in the areas of accountability and legitimation, with responsiveness and peaceful change at a moderate level. In the pre-1950 era, the system was lowest in the areas of leadership, responsibility, consent and relief of pressure.

In the period from 1950 to 1977, considerable fluctuation

is noted in the levels of the criteria. In 1950, with the introduction of civil servant members to regional planning commissions, the criteria of peaceful change, responsibility, consent and relief of pressure rose, while accountability and legitimation dropped. 1957 saw the level of responsiveness rise while accountability and legitimation dropped. The re-writing of the Act in 1963 resulted in one change, with accountability rising again. The introduction of members-at-large in 1969 resulted in a considerable drop in the levels of accountability and peaceful change as well as a rise in responsibility. The authorization of delegation of powers to committees in 1970, and additional opportunities for participation by non-represented municipalities in 1971, resulted in increases in relief of pressure and consent, respectively.

In 1977, the new Act resulted in the largest overall increase in representation. Gains are noted in responsiveness, peaceful change, relief of pressure, legitimation, and most noticeably, in accountability. The only criterion to show a drop in representation is responsibility. It is to be noted in summary that representation has risen since the early days of regional planning in Alberta.

The result of this analysis suggests that two changes in the system would effect an increase in representation in the regional planning commission system in Alberta. The first is the establishment of formal political parties at the local government level. This would enable long-term policy formulation that tends to be avoided under the current local

government system (leadership and responsibility). Realistically,however, the advent of stable political parties would be entirely contrary to local government traditions in Alberta, and thus would be very unlikely. The second is the establishment of direct election of commission members, thus making them independent of municipal councils. This change could improve the level of legitimation and make regional planning commission members more directly accountable and responsive. However, given the fears of another level of government, one cannot expect change in this area without the stimulus of impending disaster.

4.5 Conclusion of Chapter Four

In this chapter, the regional planning commission system in Alberta was analyzed from several theoretical perspectives, including Regionalism, Regional Planning and Representation. These three major theoretical areas have proven useful in explaining many aspects of the evolution of regional planning in Alberta.

Regionalism provides two theoretical perspectives, the first of which considers regionalism as a process. From this perspective, the analysis suggests that Alberta's regional planning commissions have evolved into institutions sensitive to regional processes and that they possess the powers and authority necessary to achieve their legislative mandate and to ensure that their plans are carried out. In terms of the concept of regionalism as a philosophy or a strategy, the

regional planning commission is a structure created by the Province; it has certain provincially-delegated responsibilities (decentralized authority) and certain responsibilities which it has assumed from local government (centralized authority). Since the regional planning commission is composed of elected (though indirectly) municipal councillors and is organized territorially, the form of decentralized power is 'devolution'.

The theory of regional planning applied to the regional planning commission system in Alberta results in the conclusion that it is well designed in most respects. This is particularly the case in terms of the legislative basis for regional planning, and the design of a hierarchy of planning mechanisms from the provincial level on down. Boundary definition is an area where trade-offs have been made as regions are defined in terms of a group of municipalities. In two other areas, interim plans and regional-provincial coordination, Alberta's regional planning system appears to have matured to the point where these criteria are no longer relevant.

Representation theory applied to the regional planning system indicates that the representative character of regional planning commissions has increased since they were established in 1950. Areas were identified where changes in the system in the future might increase the level of representation. These were the establishments of party politics at the local government leval and the direct election of commission members - neither of which is likely in the foreseeable future.

5 Conclusion: Chapter Five

5.1 Introduction

This chapter is intended to provide a brief evaluation of the theoretical concepts used in this thesis and to provide some overall conclusions about the evolution of regional planning in Alberta.

5.2 Evaluation of Theoretical Material

The merit of each of the three theoretical areas will be assessed in this section. The theories, which were presented in Chapter 2 and used in Chapter 4 as the basis of Alberta's regional planning system, will then be considered relative to one another.

5.2.1 Regionalism

In Chapter 2, two perspectives dealing with regionalism were presented. One considered regionalism as a natural process while the other considered regionalism as a philosophy or strategy.

5.2.1.1 Regionalism: the Process

The model of Regionalism, based upon the concept of regionalism as an interactive process, can be used as a tool to aid in interpreting events in the process of regional evolution. The model also establishes the pivotal importance of an institution's design, where the purpose of the institution is

the management and manipulation of its environment as is the case with Alberta's regional planning commissions.

The value of the model lies primarily in its usefulness in establishing the global relationships between regional processes, events, and institutions. In this respect, the model of Regionalism should be helpful in directing attention to appropriate areas of research.

5.2.1.2 Regionalism: the Philosophy and the Strategy

Sharpe's identification of 'two regionalisms' - one from 'above' and one from 'below' lead to the discussion of decentralizing regionalism and centralizing regionalism, respectively. Analysis of Alberta's regional planning system in Chapter 4 from these two points of view has enabled limited conclusions to be drawn concerning areas where some refinement is in order. Cornford's criteria for decentralization of authority may also be used independently to identify areas where the intent of decentralization (managerial or participatory) is not clearly established, as was the case with regional planning commissions prior to 1978.

The philosophy of centralizing regionalism is itself particularly suited to the framing of arguments for more rational, effective, and efficient levels of local authority. Implicit in this particular philosophy is the realization that different functions of local government require a different scale of operation. Concern here is with establishing which functions belong at which level of administration.

5.2.2 Regional Planning

The second theoretical area considered in Chapter 2 was Regional Planning. Gertler and Lord's criteria for regional planning provide an inventory of requisites for a successful regional planning system. Although the criteria are particularly suited to the Canadian context, they are somewhat less applicable in the case of a regional planning system which is established and maturing. For example, a requirement for interim plans is not appropriate any longer in Alberta as they have lead to procrastination in the development of formal regional plans. In most other respects the criteria appear quite useful in establishing the basic features of a regional planning system.

5.2.3 Representation

In Chapter 2, Birch's theory of the functions of political representation was presented as a framework for assessment of the representative characteristics of Alberta's regional planning commissions. Since the functions of representation established by Birch were not useable in the form presented, operational criteria were proposed consistent with Birch's functional areas.

These criteria were used in Chapter 4 to assess the evolution of the representational characteristics of regional planning commissions. The application of these criteria pose problems in that it is not clear that the criteria accurately reflect Birch's functional areas. Additionally, the criteria -

at this stage of refinement - seem to disaggregate the concept of representation too finely such that the overall picture becomes confused. Despite these reservations, it is encouraging to note that the intuitive conclusions of observers of the regional planning system in Alberta have been borne out by the aggregate results of the analysis. The value of this theoretical framework will benefit greatly from refinement and, above all, an effort to operationalize the criteria.

5.2.4 The Theories Related

The theories of Regionalism, Regional Planning and Representation provide a sequence of perspectives on regional institutions. The theory of Regionalism as a process provides a systems view identifying areas of interaction between regional systems and regional institutions. The theories of Regionalism as a philosophy contribute a strategic view identifying decentralization or centralization as alternative means of rationalizing institutional organization. The theory of Regional Planning provides a pragmatic view for the design of regional planning institutions. Finally, the theory of Representation facilitates a political view of regional institutions, thus enabling a prognosis of the political acceptability of the institution and its actions. Together these theories make possible an extensive and comprehensive review of institutions such as Alberta's regional planning commissions.

5.3 Overall Conclusions About Alberta's Regional Planning System

There are two related major features of Alberta's regional planning system that are worthy of note. One is largely the result of the other, the first being the slow evolution of the system, the second being a lack of outstanding achievements on the part of regional planning commissions.

Quite clearly, regional planning commissions began as co-operative and voluntary authorities, lacking in substantial powers. Over the past thirty years, they have gradually been given more authority and power, the Province establishing legislation and modifying it as needs were demonstrated, all-the-while refraining from heavy-handed interference in the evolving system. This has resulted in considerable experimentation with form and authority such that with the latest statute, the Province has achieved a remarkably well-designed, and in this writer's opinion, very successful system for regional planning.

The provincial government's relaxed approach to regional planning stems from the philosophy that the responsibility for this activity lies at the local level. Thus, it has enacted enabling legislation and allowed local initiative to employ the mechanisms established. As a result, the regional planning commission has become integrated into the planning system and recognized by municipal government as a valuable institution. In constrast to the situation in British Columbia, there have been no demands or proposals to dismantle the regional planning commission system in Alberta.

Despite the fact that regional planning commissions have not enacted formal regional plans, they have achieved a considerable degree of control on the spread of urban development throughout the province. This has been achieved by interim plans and development policies, the exercise of their subdivision approval authority, and by the provision of professional planning advice to member municipalities.

It is in these areas that the Province has been working behind the scenes over the years to develop a working regional planning system. Both the civil servants who participate in commission activities and the Alberta Planning Board have influenced the development of the system. The civil servants have worked for province-wide consistency in matters relating to their departmental interest while the Board has encouraged consistency in policy areas among commissions.

While regional planning commissions have failed to enact regional plans, they have been successful in becoming an established regional institution, recognized by both municipal and provincial governments as a workable and useful institution at the regional level. The new Planning Act, with its modifications and strengthening of the planning system, should provide for an even more successful future for regional planning in Alberta.

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Appendix 1

Interviews

Name of Interviewee	Date of Interview	Position Held by Interviewee
Clark, K.B.	February 27, 1978	Planning Manager, ERPC (formerly Manager of the ERPC Growth Studies)
Dant, N.	March 1, 1978	Special Advisor to the Minister, Alberta Municipal Affairs
Gerrard, M.	March 2, 1978	Alternate Committee Member, ERPC; Alberta Transportation
Giffen, R.N.	September 19, 1978	Executive Director, ERPC
Hewes, B.	March 1, 1978	Member, ERPC, (City of Edmonton Councillor)
Kuchinski, D.D.	March 3, 1978	Director, Traffic Safety Branch, Alberta Transportation (Former Member, ERPC)
La Branch, N.B.	March 1, 1978	Member, ERPC (Town of Drayton Valley Councillor)
Laux, F.	March 3, 1978	Professor of Law, University of Alberta
Marlyn, F.	March 1, 1978	Director, Urban Advisory Group and Special Projects Branch; Alberta Municipal Affairs (Former Director of ERPC)
Merrick, P.J.	February 28, 1978	Assistant to the Secretary, Alberta Planning Board

Name of Interviewee	Date of Interview	Position Held by Interviewee
Roche, P.	March 2, 1978	Alternate Committee Member, ERPC; Director, Roadside Development Branch, Alberta Transportation
Suelzle, A.J.	February 28, 1978	Director of Administration and Secretary-Member of the Alberta Planning Board
Tubb, S.H.	February 27, 1978	Planner, ERPC
Wiesman, B.	January 12, 1979	Director, School of Community and Regional Planning, UBC (Former Alternate Member, ERPC; City of Edmonton)

Appendix 2

List of Important Statutes for Regional Planning

An Act Relating to Town Planning	S.A. 1913, c. 18
The Town Planning Act, 1929	S.A. 1929, c. 49
An Act to Amend the Town Planning Act	S.A. 1950, c. 71
The Town and Rural Planning Act, 1953	S.A. 1953, c. 113
An Act To Amend the Town and Rural Planning Act	S.A. 1957, c. 98
The Planning Act	S.A. 1963, c. 43
An Act to Amend the Planning Act	S.A. 1969, c. 86
An Act to Amend the Planning Act	S.A. 1971, c. 84
The Planning Act, 1977	S.A. 1977, c. 89

Appendix 3

Excerpts of "A Report on the City of Edmonton..." by John Bland and Harold Spence-Sales, 1949

DISTRICT PLANNING CONTROL

If the present rate of development continues for the next few years, the urban pattern will begin to assume metropolitan characteristics. The central urban core of Edmonton itself will consolidate, and satellite agglomorations will come into being in the surrounding countryside. The municipal structure may then well alter from the present simple pattern of a City surrounded by municipal districts, to a complex of inter dependent cities and towns. The evolution of parts of the surrounding country from rural municipal control to the fully incorporated towns or cities may be more beneficial than the continuous expansion of the area of jurisdiction of the City of Edmonton. Until the transition begins to take place a rigorous control should be exerted over development within a broad area of countryside surrounding the City of Edmonton.

Each of the Municipal Districts surrounding Edmonton and the towns of Beverly and St. Albert are at present exercising rural zoning and building bylaw controls under the authority and subject to the provisions of The Town Planning Act. Their planning controls have not been devised to deal with the expansion of urban development into municipal districts surrounding The City of Edmonton.

Evidence of the difficulties that might confront The City of Edmonton and

ther municipalities jointly, is to be seen at present in the Municipal District of Stony Plain. The Municipality has requested The City of Edmonton to extend its zoning control over West Jasper Place. Such an extension of administrative control, though sorely needed, is unjustifiable on the grounds of potential encroachments upon local autonomy; the imposition of a standard of control that cannot be economically and socially sustained by the residents of West Jasper Place; and the function imposed upon The City of Edmonton in the extension of its administrative services.

Under Section 11 of The Town Planning Act, two or more municipalities may jointly appoint a Regional Planning Commission to which may be delegated such powers as the municipalities see fit for the purpose of carrying into effect a Town Planning Scheme. The powers and duties of such a Commission are not prescribed except they may not raise money or expropriate land. In effect, a Regional Planning Commission would be an advisory body to which could not be surrendered the rights and responsibilities of implementation within the area of jurisdiction of any one of the constituent municipalities. In practice, a Regional Planning Commission is brought into being by the voluntary association of municipalities of a somewhat similar governmental order, having common problems that require concerted action for their solution. The difficulties that beset the functioning of the Regional Planning Commission are similar to those of a Town Planning Commission, with the additional problem of the delegation of authority to one or other of the municipalities to carry the burden of the administrative and technical machinery, the suspicion with which the central or most powerful municipal unit is regarded; the problem of ensuring that each municipality maintains an inviolable attitude regarding the implementation of a joint plan; and lastly, the apportionment of financial contributions as between the constituent members of the Regional Planning Commission.

The particular conditions which hold at the present time in the vicinity of The City of Edmonton, suggest a departure from the procedure prescribed under Section 11 of the Act.

The City of Edmonton is a single dominating municipal unit in a rural area. It is inclined to consider that urban expansion should be contained within its own City limits. The surrounding municipal districts with the sole exception of Stony Plain, regard any encroachments by The City of Edmonton, as potential threats to their autonomy. The area surrounding The City of Edmonton is, in very many respects, shepherded by Provincial Government with respect to municipal affairs, planning control and industrial development, pending the development of incorporation of more superior units of local government. In addition, The City of Edmonton as the Capital City of the Province of Alberta, should impose upon government certain responsibilities with respect to the City itself and its surroundings.

Under such conditions, it would seem advisable for any form of sub-regional or district planning control to be exercised as an extension of the responsibilities already resting with The Town and Rural Planning Advisory Board rather than bringing into being a planning commission based on the voluntary association of two or more municipalities around Edmonton, provided of course that the municipalities are also able to exert appropriate influences and take part in the planning control of their particular areas of jurisdiction.

Recommendation:-

It is recommended that a District Planning Board be established as follows:

Title:- The Edmonton District Planning Board.

Constituent Members of the Board:- The City of Edmonton, The Towns of St. Albert, Beverly, Devon, Fort Saskatchewan and Leduc. The Municipal Districts of

Stony Plain, Sturgeon, Strathcona, Morinville and Leduc.

Members of the Board:- One member nominated by The Minister of Public Works and one from each of the constituent members.

Duties and Responsibilities:- To exercise planning control on behalf of constituent members, if so desired, over a defined area, containing a number of townships within the Municipal Districts, the City of Edmonton, and the towns of Beverly, St. Albert, Devon, Fort Saskatchewan and Leduc; in particular to safeguard the growth of settlement so as to ensure a balanced and well ordered development of urbanization in the area, respecting health, education, highways etc. etc.

Duties and Responsibilities: (continued)

Technical Staff:- The technical staff of the Provincial Town Planning Branch under the direction of The Director of Town Planning, to be expanded so as to undertake appropriate technical and other investigations, and the routine administration under the Act.

Financial Contribution:- The Government of Alberta to be responsible for the major portion of the monies required to establish and maintain the technical services necessary, the constituent members contributing the remainder on an agreed basis.

It is suggested that this recommendation be transmitted to The Minister of Municipal Affairs, The Minister of Public Works and the Municipalities referred to above, with the request that the Minister of Municipal Affairs and to The Minister of Public Works, initiate the formation of The Edmonton District Planning Commission.

Appendix 4

Membership Criteria for Regional Planning: Excerpts of Statutes, Regulations and Orders

The 1953 Act

S6. (1) The council, by resolution, may apply to the Lieutenant Governor in Council for the establishment of or for representation on a district planning commission that has been or may be established under the provisions of Part I.

(2) The council of a municipality represented on a district planning commission

(*a*) may pay the proportion of the funds required of it to meet the expenses of the district planning commission in accordance with the regulations prescribed in the order establishing the district planning commission, and

(*b*) may appoint by resolution the members of the council required by the regulations governing the district planning commission to be appointed by the council to represent the municipality on the district planning commission.

The 1957 Amendment

"12. (1) The order establishing a commission shall specify

"(a) the municipalities that are to be represented on the commission and the name of the commission,

"(b) the area, to be known as the district planning area, with respect to which the commission shall exercise its powers,

"(c) the number of members to be appointed to the commission by each represented municipality, and

"(d) the number of members to be appointed to the commission by the Board to represent the Province.

"(2) The order may provide that two or more municipalities shall be represented on the commission by the same member who shall be appointed by the councils of those municipalities, jointly or in rotation as the order may prescribe.

The 1963 Act

9. The Board, on its own motion, or upon receiving an application of a regional planning commission or of a council made by resolution and after making such inquiries and holding such hearings as it considers sufficient, may advise, and the Lieutenant Governor in Council may order

(*a*) the establishment of a regional planning commission,

(*b*) the representation of a municipality on a commission,

10. (1) An order establishing a regional planning commission shall specify

(*a*) the municipalities that are to be represented on the commission and the name of the commission,

(*b*) the area, to be known as the regional planning area, within which the commission may exercise its powers,

(*c*) the number of members to be appointed to the commission by each represented municipality, and

(*d*) the members to be appointed to the commission by the Board to represent the Province.

(2) The order may provide that two or more municipalities shall be represented on the commission by the same member who shall be appointed by the councils of those municipalities, jointly or in rotation as the order may prescribe.

11. (1) The council of a municipality represented on a regional planning commission shall

(*a*) pay to the commission the funds required of it to meet the expenses of the commission, as determined under the regulations governing the commission, and

(*b*) appoint annually, by resolution, the members required by the regulations governing the commission to be appointed to represent the municipality on the commission.

(2) Where a municipality is represented by one member, that member shall be a member of the municipal council.

(3) Where a municipality is represented by more than one member, one member shall be a member of the municipal council and any other member may be

(*a*) a member of the council, or

(*b*) a resident of the municipality who is not a municipal official.

The 1971 Amendment

9. (1) A regional planning commission may be composed of such number of members to be appointed in such manner as may be determined by order of the Minister.

(2) Each municipality situated in a regional planning area may be represented by one member of the municipal council to be appointed by the council who may attend the organizational meeting and the annual general meeting of the regional planning commission.

(3) Notwithstanding subsection (1), the representative appointed by the municipal council pursuant to subsection (2) and not appointed to the commission may attend any meeting of the commission at which an item of business of a planning nature affecting his municipality is to be dealt with by the commission and the representative may speak to and vote on the matter before the commission as if he were a member.

M. O. 148/71

IN THE MATTER OF
THE PLANNING ACT, Chapter 276, R.S.A. 1970
as amended, AND IN THE MATTER OF THE
COMPOSITION OF MEMBERS OF A
REGIONAL PLANNING COMMISSION

WHEREAS pursuant to Section 9 of The Planning Act, Chapter 276, R.S.A. 1970, as amended, a regional planning commission may be composed of such number of members to be appointed in such manner as may be determined by order of the Minister.

NOW THEREFORE I, F. C. Colborne, Minister of Municipal Affairs, DO HEREBY ORDER that:

1. A regional planning commission may be composed of

(a) not more than two members to represent the public to be appointed by The Provincial Planning Board upon the recommendation of the Commission;

(b) not more than three members to represent a city to be appointed by the city council;

(c) not more than one member to represent each improvement district to be appointed by the Minister;

(d) one member and one alternate member to represent any other municipality to be appointed by the municipal council; and

(e) not more than five members to represent the Government to be appointed by The Provincial Planning Board.

Appendix 5

The Alberta Planning Fund

An Act to Amend the Planning Act, 1971

Alberta Planning Fund

11. (1) The Minister shall establish a fund to be known as the Alberta Planning Fund.

(2) The Lieutenant Governor in Council shall, by May 15, 1971 and by February 28 in each year thereafter, or as soon thereafter as possible,

(a) establish rates expressed in mills, not exceeding in any case the rate of one mill, and

(b) prescribe different classes of municipalities to which the different rates are applicable.

(3) Each municipality shall pay into the Fund annually a sum equal to the amount which results from applying the applicable mill rate established pursuant to subsection (2) to the equalized assessment of the municipality as established for the year under The Municipalities Assessment and Equalization Act.

(4) The Minister shall advise each municipality by May 30, 1971 and by March 31 in each year thereafter, or as soon as possible thereafter, of the amount it is required to pay into the Fund.

(5) Each municipality shall pay the amount required of it on or before the first day of June of each year.

(6) In default by any municipality of the payment of the amount required of it, the Minister may require the Provincial Treasurer to withhold any moneys payable by the Province until the amount owing by the municipality is paid.

(7) There shall be paid from the Fund to each regional planning commission such sums as may be authorized by order of the Board together with grants as authorized by the Legislature sufficient to meet the operating costs of the regional planning commission.

(8) Any surplus accruing to the Fund at the end of the fiscal year shall remain in the Fund and be available for use in the following year.

Appendix 6

Excerpts of the Planning Act, 1977

2 The purpose of this Act and the regulations is to provide means whereby plans and related measures may be prepared and adopted to

(a) achieve the orderly, economical and beneficial development and use of land and patterns of human settlement, and

(b) maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,

without infringing on the rights of individuals except to the extent that is necessary for the greater public interest.

3 This Act and the regulations do not apply when a development or a subdivision is effected solely for the purpose of

(a) a highway or public roadway, or

(b) a well or battery within the meaning of *The Oil and Gas Conservation Act,* or

(c) a pipeline or an installation or structure incidental to the operation of a pipeline, or

(d) any other thing specified by the Lieutenant Governor in Council by regulation.

4 Except as provided in this Act, nothing in this Act or the regulations or in any regional plan, statutory plan, replotting scheme or land use by-law gives a person a right to compensation.

Alberta Planning Fund

10(1) There is hereby established a fund called the "Alberta Planning Fund" which shall be held and administered by the Minister and in respect of which a separate accounting record shall be kept.

(2) The Minister may, by regulation,

(a) establish one or more rates expressed in mills, and

(b) specify the municipality or class or type of municipality to which each rate is applicable,

and in each case may specify the one or more years in respect of which the rate or rates are to apply.

(3) Each council shall pay into the Alberta Planning Fund annually a sum of money equal to the amount which results from applying the applicable mill rate established pursuant to subsection (2) to the equalized assessment of the municipality as established for the year under *The Municipalities Assessment and Equalization Act.*

11(1) The Board shall notify each council by May 1 of each year, or as soon thereafter as possible, of the amount the council is required to pay into the Alberta Planning Fund.

(2) Each council shall pay the amount required of it on or before June 1 of each year or within 30 days of the Board's notification under subsection (1), whichever last occurs.

12(1) At the request of the Minister, there shall be transferred into the Alberta Planning Fund such moneys as are appropriated for that purpose by the Legislature.

(2) There shall be paid from the Alberta Planning Fund such sums as may be authorized by the Board and to such persons as may be specified by it for any or all of the following purposes:

(a) the operation and administration of a regional planning commission;

(b) enabling any plan referred to in this Act to be prepared;

(c) enabling any special planning studies to be carried out.

(3) Any money in the Alberta Planning Fund at the end of the fiscal year remains in the Fund for use in any fiscal year thereafter.

Regional Planning Commissions

21(1) The Lieutenant Governor in Council may by regulation establish one or more regional planning commissions.

(2) The Lieutenant Governor in Council may make regulations

(a) specifying the name by which each regional planning commission is to be known;

(b) describing the area within which each regional planning commission is to exercise its jurisdiction;

(c) after the establishment of a planning region, changing the area of the planning region.

(3) A regional planning commission established by regulation is a corporation.

(4) The fiscal year of each regional planning commission is the 12-month period commencing April 1 each year or such other period as the Lieutenant Governor in Council may specify.

22(1) Upon the establishment of a regional planning commission, the Minister shall

(a) designate the councils that are to appoint the members of the commission pursuant to clause (b) and subsection (2), and

(b) specify the number of members of each council designated under clause (a) that are to be appointed by the council as members of the commission.

(2) If a council is designated under subsection (1), it shall forthwith appoint from the members of its council, the number of members of council required to be appointed by it and may specify the term of office of each person so appointed.

(3) For each person appointed by it under subsection (2) the council may appoint one or more members of its council to act as alternate members of the regional planning commission and if two or more alternate members are appointed, the council shall rank them in the order in which they are permitted to act as alternate members.

(4) An alternate member of a regional planning commission is entitled to act in place of the member in respect of which he is named as alternate when the original member is absent or unable to attend a meeting of the commission or any committee of it.

(5) When an alternate member of the regional planning commission acts in place of a member of the commission the alternate member is a member of the commission for all purposes.

23 A regional planning commission shall

(a) upon its establishment hold an organizational meeting after giving notice of its intention to do so to the council of each municipality within its planning region, at which meeting the members of the commission shall elect a chairman and one or more vice-chairmen, and

(b) each year, hold an annual general meeting upon giving notice of its intention to do so to the council of each municipality within its planning region.

24(1) The council of each municipality situated in a planning region that is not designated by the Minister to appoint a member of a regional planning commission may appoint a member of its council to attend

(a) the organizational meeting of the commission, and

(b) each annual general meeting of the commission.

(2) If a regional planning commission deals with an item of business affecting a council that is not designated by the Minister to appoint a member of the commission, a member of that council may speak to and vote on the matter as if he were a member of the commission.

25(1) A regional planning commission may

(a) appoint such committees as it considers necessary consisting of its members or a combination of its members and such other persons as it considers necessary;

(b) delegate to any committee such of its powers and duties as it considers necessary except the power to adopt a regional plan or any amendment thereto.

(2) If one or more members of a regional planning commission cease to be members of the commission the remaining persons appointed as members of the commission, if at least a majority remains in office, have and may exercise and perform the powers and duties of the commission.

26(1) A regional planning commission may

(a) make its orders, decisions and approvals and issue notices with or without conditions, and

(b) make such rules of procedure for the conduct of its business, the calling of meetings and the quorum thereat, the holding of hearings and the procedure at the hearing and for any other matter it considers necessary.

(2) A regional planning commission may

(a) employ a person as director of the commission and may delegate to him or to a person acting in the capacity of director, the power to act as a subdivision approving authority with or without conditions;

(b) employ or engage the services of such other persons as it considers necessary and prescribe such rules of conduct for persons employed or engaged by it as it considers necessary;

(c) fix the remuneration, travelling and living expenses of members of the commission and of persons employed or engaged by it;

(d) except for fees related to applications for subdivision approval, prescribe fees for any other thing or service provided to a local authority, member of the public or other person.

(3) A regional planning commission shall

(a) prepare a regional plan for its planning region,

(b) upon the request of a council of a municipality situated in its planning region, prepare or assist in the preparation of

(i) a statutory plan, or

(ii) a land use by-law,

or both of them;

(c) provide such advice and assistance to a council or a municipal planning commission as is agreed upon by the regional planning commission and the council or the municipal planning commission, as the case may be;

(d) encourage, by whatever means it considers appropriate, participation by the general public in planning matters.

(4) A regional planning commission may, or at the request of the Minister, a council or the Local Authorities Board shall,

(a) submit suggestions with respect to any proposed annexation, or

(b) attend a hearing of the Local Authorities Board and speak to any matter before it,

or both.

27(1) On or before July 1 each year each regional planning commission shall send to the Board and each council of every municipality in its planning region, in such form and detail as the Board may prescribe,

(a) a report of its activities in the preceding fiscal year, and

(b) an audited financial statement relating to the preceding fiscal year.

(2) On or before a date fixed each year by the Board, each regional planning commission shall send to the Board

(a) a report of the activities it proposes to undertake in the forthcoming fiscal year, and

(b) an estimate of its anticipated revenues and expenditures required as a result of its proposed activities.

PART 3

REGIONAL PLANS AND STATUTORY PLANS

44 Any plan referred to in this Part may include

(a) maps, diagrams and other graphic aids, and

(b) such written statements, policies, proposals and forecasts as are considered necessary and appropriate for the plan in which they appear.

Division 1

Regional Plans

45(1) Each regional planning commission shall, on or before December 31, 1982, adopt a plan for the planning region under its jurisdiction in accordance with this Act which shall be known as the "(name of region) Regional Plan".

(2) Pending completion of a regional plan a regional planning commission may prepare a plan for any one or more parts of the planning region.

(3) Any reference in this Act or the regulations to a regional plan includes a plan prepared for part of a planning region.

(4) The Minister may prepare a regional plan for any area of Alberta not included in a planning region.

46 A regional plan

(a) shall provide for the present and future land use and development of the planning region, and

(b) may regulate and control the use and development of land in the planning region.

47(1) A regional planning commission shall, during the preparation of a regional plan, provide an opportunity to the Board and the councils of those municipalities situated in the planning region and those local authorities and persons affected by it of making suggestions and representations with respect to the plan.

(2) The opportunity for making suggestions and representations referred to in subsection (1) shall include the publication of one or more notices in a newspaper circulating in the planning region of a statement to the following effect:

(a) that a regional plan is proposed and its effect on the planning region;
(b) where a draft has been prepared, an invitation to inspect the proposed plan and supporting material at the times and places specified in the notice;

(c) an invitation to make suggestions and representations within such time as is specified in the notice.

(3) A copy of a proposed regional plan shall be sent to

(a) the Minister,

(b) the council of each municipality in the planning region,

(c) any other local authority whose powers extend to the planning region, and

(d) such other persons or organizations as the regional planning commission considers necessary,

inviting comments within such period of time as is specified by the commission.

48(1) Before a regional planning commission adopts a regional plan or an amendment to the plan it shall hold one or more public hearings and give notice thereof in accordance with this section.

(2) The regional planning commission shall publish in one or more notices in a newspaper circulating in the planning region a statement

(a) of the intention of the regional planning commission to hold a public hearing on the proposed regional plan or the proposed amendment to it, as the case may be;

(b) of the date, place and time of the hearing;

(c) that the public is invited to make suggestions and representations with respect to the plan or the amendment, as the case may be;

(d) in general terms, the procedure to be followed by anyone wishing to be heard at the hearing;

(e) in general terms, the manner in which the hearing will be conducted.

(3) At the public hearing referred to in the notice, the regional planning commission shall hear

(a) any person or group of persons, or person acting on his or their behalf, wishing to be heard and who has complied with the procedure specified by the commission, and

(b) any other person who wishes to make representations and whom the commission agrees to hear.

49(1) After the public hearing referred to in section 48, the regional planning commission shall consider the representations made to it and may make such changes to the proposed regional plan or the proposed amendment to a regional plan, as the case may be, as it considers necessary.

(2) The regional planning commission shall give at least 30 days' notice in writing to every local authority in the planning region of its intention

(a) to consider the adoption of the proposed regional plan as the regional plan, or

(b) to consider the adoption of an amendment to the regional plan,

as the case may be.

50 A regional planning commission, at any meeting of which notice has been given pursuant to section 49, subsection (2), may adopt the proposed regional plan as the regional plan for the planning region upon the affirmative vote of at least two-thirds of those persons entitled to vote and who are present and vote.

51(1) Where a proposed regional plan is adopted by a regional planning commission, the commission shall send the plan to the Board.

(2) Upon receipt of a proposed regional plan adopted by a regional planning commission, the Board shall review it and may

(a) return it to the regional planning commission with suggestions for changes, or

(b) approve it and send the plan to the Minister with or without recommendations.

(3) Upon receipt of a regional plan pursuant to subsection (2), the Minister may

(a) return the plan to the Board directing that it be referred back to the regional planning commission with suggestions for changes, or

(b) ratify the plan.

(4) A regional plan comes into effect

(a) on the date specified by the Minister on the plan, or

(b) if no date is specified by the Minister, on the date the Minister ratifies the plan.

52(1) If a proposed regional plan is referred back to a regional planning commission, the commission shall reconsider it at a meeting called in the same manner as required under section 49, subsection (2).

(2) If the regional planning commission votes in favour of the suggested changes or any other changes in the same manner as is required under section 50, the commission must then return the plan to the Board and upon doing so section 51 applies.

53(1) Where a regional plan has been ratified by the Minister, no local authority shall enact any by-law, take any action or authorize or undertake any development that is inconsistent with the regional plan.

(2) Every statutory plan, replotting scheme and land use by-law, every action taken or thing done by a local authority, regional planning commission or a council and every decision of a municipal planning commission, development appeal board or development officer shall conform with the regional plan.

(3) The regional planning commission shall send the regional plan ratified by the Minister to every local authority affected by it.

Amendments to a Regional Plan and Appeals

54(1) A local authority affected by a regional plan may apply to the regional planning commission to amend the plan and upon receipt of the application the commission shall treat the application as if it were a motion made by a member of the commission under subsection (2).

(2) A member of a regional planning commission may make a motion to amend a regional plan.

(3) No amendment to a regional plan shall be adopted by a regional planning commission unless

(a) a public hearing has been held pursuant to section 48, subsection (1),

(b) notice of the proposed amendment is given in accordance with section 49, subsection (2), and

(c) at the meeting of which notice was given in accordance with section 49, subsection (2), at least two-thirds of those persons entitled to vote and who were present and voted, voted in favour of the amendment.

(4) Upon the adoption of an amendment to a regional plan the regional planning commission shall send it to the Board for approval.

55(1) If a regional planning commission refuses to adopt an amendment to a regional plan the applicant or any other local authority in the planning region affected by the amendment may appeal to the Board.

(2) An appeal under this section shall be in writing stating the reasons for the appeal and a copy thereof shall be served on every local authority affected by the appeal.

(3) An appeal shall be made within 60 days of the date of the decision appealed.

56(1) The Board shall hold a public hearing on the appeal after giving at least 10 days' notice to

(a) the appellant,

(b) the council of each municipality in the planning region,

(c) every other local authority whose powers extend to the planning region, and

(d) such other persons or organizations as the Board considers necessary.

(2) After hearing the parties and any other local authority or person it wishes to hear, the Board may approve the amendment and if it does so, shall submit it to the Minister for ratification with or without recommendations.

(3) Notwithstanding an order under subsection (2), the Minister may refuse to ratify the amendment to the regional plan.

57(1) Where the Board approves an amendment to a regional plan but does not certify the amendment to be of a minor nature, the Board shall refer it to the Minister for ratification.

(2) An amendment to a regional plan takes effect

(a) where the Board certifies the amendment to be of a minor nature, upon the certification being made, or

(b) in any other case, upon ratification by the Minister.

Repeal of Regional Plan

58(1) Upon the recommendation of a regional planning commission, the Minister may repeal a regional plan.

(2) A regional planning commission shall not make a recommendation to repeal a regional plan unless

(a) notice of the vote proposed was given in accordance with section 49, subsection (2), and

(b) at the meeting of which notice was given in accordance with section 49, subsection (2), at least two-thirds of those persons entitled to vote and who were present and voted, voted in favour of the repeal.

Edmonton Regional Planning Commission Regulation

1 The Edmonton Regional Planning Commission is established and is to be known by the name:

"Edmonton Regional Planning Commission".

2 The Edmonton Regional Planning Commission may exercise its jurisdiction under The Planning Act, 1977 and regulations thereunder in the following municipalities, as their boundaries are constituted from time to time:

(a) the Cities of Edmonton and St. Albert;

(b) the Counties of Lac Ste Anne No. 28, Leduc No. 25, Parkland No. 31 and Strathcona No. 20;

(c) the Municipal District of Sturgeon No. 90;

(d) the Towns of Calmar, Devon, Drayton Valley, Fort Saskatchewan, Leduc, Mayerthorpe, Morinville, Redwater, Spruce Grove and Stony Plain;

(e) the Villages of Beaumont, Bon Accord, Breton, Entwistle, Gibbons, Legal, New Sarepta, Onoway, Sangudo, Thorsby and Warburg;

(f) the Summer Villages of Alberta Beach, Betula Beach, Castle Island, Edmonton Beach, Golden Days, Itaska Beach, Kapasiwin, Lakeview, Nakamum Park, Point Allison, Ross Haven, Sandy Beach, Seba Beach, Silver Sands, Southview, Sundance Beach, Sunset Point, Val Quentin, West Cove and Yellowstone.

Alberta

M.O. 718/78

MUNICIPAL AFFAIRS

Office of
the Minister

MINISTERIAL ORDER

THE PLANNING ACT, 1977

Edmonton Regional
Planning Commission Membership Designation Order

I, DICK JOHNSTON, Minister of Municipal Affairs, pursuant to section 22 of The Planning Act, 1977

(a) in column A of the Appendix attached, designate the councils that are to appoint the members of the Edmonton Regional Planning Commission, and

(b) in column B of the Appendix attached, specify the number of members of each council designated in column A that are to be appointed by the council as members of the Edmonton Regional Planning Commission.

DATED [illegible] 31, 1978

[illegible]

Minister of Municipal Affairs

A P P E N D I X

THE PLANNING ACT, 1977

Edmonton Regional
Planning Commission Membership Designation Order

Column A	Column B
City of Edmonton	3
City of St. Albert	1
County of Lac Ste Anne No. 28	1
County of Leduc No. 25	1
County of Parkland No. 31	1
County of Strathcona No. 20	1
Municipal District of Sturgeon No. 90	1
Town of Calmar	1
Town of Devon	1
Town of Drayton Valley	1
Town of Fort Saskatchewan	1
Town of Gibbons	1
Town of Leduc	1
Town of Mayerthorpe	1
Town of Morinville	1
Town of Redwater	1
Town of Spruce Grove	1
Town of Stony Plain	1

Appendix 8

Excerpts of the Minutes of the ERPC

EDMONTON REGIONAL PLANNING COMMISSION

Minutes of

ORGANIZATIONAL MEETING

Wednesday, April 12, 1978 at 9:30 A.M.
Held in Jarvis Building - 9th Floor
9925 - 107th Street, Edmonton, Alberta

L. Kluthe (Chairman)	M. D. of Sturgeon
B. Hewes	City of Edmonton
E. Kennedy	City of Edmonton
R. H. Harvey	City of St. Albert
L. Percy	County of Lac Ste. Anne
R. Burch	County of Leduc
M. McCullagh	County of Parkland
R. D. Byers	County of Strathcona
J. Kraus	Town of Devon
N. LaBranche	Town of Drayton Valley
H. D. Powell	Town of Fort Saskatchewan
W. Bell	Town of Leduc
A. Stapleton	Town of Morinville
D. Park	Town of Spruce Grove
D. Cowan	Town of Stony Plain
P. Hrynchuk	Town of Redwater
B. Lehman	Summer Village of Alberta Beach
J. Novak	Summer Village of Sandy Beach

Also:

A. Barr	County of Lac Ste. Anne
Mrs. Balsillie	Town of Morinville
J. Bunting	Alberta Business Development and Tourism

Item V Formation and/or Reconstitution of Committees

Mr. Giffen outlined the proposed committee structure as follows:

"Section 25 (1) Planning Act (1977)

A regional planning commission may

(a) appoint such committees as it considers necessary consisting of its members or a combination of its members and such other persons as it considers necessary:
(b) delegate to any committee such of its powers and duties as it considers necessary except the power to adopt a regional plan or any amendment thereto

(2) If one or more members of a regional planning commission cease to be members of the commission the remaining persons appointed as members of the commission, if at least a majority remains in office, have and may exercise and perform the powers and duties of the commission.

The Commission proposes to appoint the following standing Committees for the year 1978/79:

Executive
Subdivision
Metropolitan
Transportation and Utilities
Natural Resources
Parks and Recreation
Regional Plan Review

The duties of these committees will be:

(1) EXECUTIVE

This Committee is responsible for considering all those matters which relate to the operation of the Commission - including the preparation of the budget, work programs and priorities and matters concerning policy and regulations governing Commission employees.

(2) SUBDIVISION COMMITTEE

This Committee has been delegated the authority from the Commission to consider and decide upon all subdivision applications received by the Commission. This delegation includes the right to request a waiver of the Subdivision Regulations where such a waiver request is in accord with Commission policy. The Committee has the right to make decisions on all applications based upon officially ratified Commission policy and precedent. This Committee will also

review routine subdivision matters and area structure plans submitted as part of the subdivision application. In all instances where committee decision differs from the municipality, the application will be referred to the Commission as a recommendation from the Subdivision Committee.

(3) METROPOLITAN COMMITTEE
This Committee is responsible for dealing with "Metropolitan" concerns, such as major area structure plans, annexations, urban policy and regional plan matters relating to urbanization. In addition, the Committee will review and recommend on major industrial development proposals and amendments to the Regional Plan. The Committee is delegated the responsibility of holding public hearings to the amendments of the Regional Plan.

(4) TRANSPORTATION AND UTILITIES COMMITTEE
This Committee is charged with the responsibility of recommending to the Commission on matters of regional significance pertaining to highways as defined in the Planning Act (1977), airports and related land use and development, pipeline and powerline rights-of-way and public utility services such as sewer, water and storm drainage.

(5) NATURAL RESOURCES COMMITTEE
This Committee will be involved in recommending to the Commission on policy respecting the use of the natural resources of the Region, such as: the agricultural land, coal, oil and gas, sand and gravel resources, fish and wildlife habitat and related land use matters.

(6) PARKS AND RECREATION COMMITTEE
This Committee will be involved in formulating recommendations and policy regarding parks and recreational land of regional significance and the conservation of unique physical features of the Region. This Committee will also consider and recommend upon lake management plans and related matters.

(7) REGIONAL PLAN REVIEW COMMITTEE
This Committee has the responsibility to provide clear and constructive direction and overall guidance to Commission staff during the synthesis of policies for the draft regional plan. This Committee will also assist in informing the Commission and the member municipalities on the progress being made on the plan.

PROPOSED COMPOSITION OF COMMITTEES:

EXECUTIVE: Chairman, Vice-Chairman, two urban and one rural

SUBDIVISION: five rural, five urban, Alberta Environment, Alberta Transportation and one member at large.

METROPOLITAN: three from cities, three rural, five smaller urban, Alberta Transportation, Alberta Environment, Alberta Education, Alberta Business Development and Tourism.

TRANSPORTATION AND UTILITIES: two cities, three rural, five smaller urban, Alberta Transportation, Alberta Energy and Natural Resources.

NATURAL RESOURCES: One City of Edmonton, four rural, four smaller urban, Alberta Agriculture, Alberta Environment, Alberta Energy and Natural Resources, Alberta Recreation, Parks and Wildlife.

PARKS AND RECREATION: one City of Edmonton, three rural, four smaller urban, one summer village, one member at large, Alberta Agriculture, Alberta Environment, Alberta Recreation, Parks and Wildlife.

REGIONAL PLAN REVIEW COMMITTEE: Commission Chairman, Chairman and one member of each of the standing committees excepting the Executive Committee, plus Alberta Transportation, Alberta Environment and Alberta Business Development and Tourism.

The Committee discussed the position of the technical representatives on the Commission.

It was agreed upon that the non elected members of the Committees have a vote and be able to participate fully on their respective committees.