



Why Public Participation Matters In the Planning & Development of Municipal Lands

An Interactive Forum

Presenters:

Carmen Roman, President

Mindy Pawluk, CNP Citizen and Taxpayer

February 27, 2025





**CROWSNEST PASS
TAXPAYERS' ASSOCIATION**

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Membership Meeting
Thursday, February 27
7:00 PM - Coleman Legion

WHY DOES PUBLIC PARTICIPATION MATTER IN THE PLANNING AND DEVELOPMENT OF MUNICIPAL LANDS?



An interactive
forum about the
importance of
YOUR VOICE



YOUR VOICE MATTERS.
PUBLIC PARTICIPATION
MATTERS.

Presented By
Carmen Roman - CNP Taxpayers' Association President
Mindy Pawluk - Taxpayer and CNP Resident

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**YOUR VOICE MATTERS!
PUBLIC PARTICIPATION MATTERS!
LET'S TALK!**

Presentation Overview

- Why public participation matters in the planning and development of municipal lands – the people's lands?
- What ought public participation look like?
- Unfair and unjust public participation processes practiced within the mcnp governance model
- Who is responsible for implementing the public participation process?
- Area Structure Plan
- Historic Resources Act



cnptaxpayers@gmail.com



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Public Participation

Public Participation is also known as COMMUNITY ENGAGEMENT OR PUBLIC ENGAGEMENT

All Municipalities in the province of Alberta must adhere to and create a Public Participation Policy as legislated by the Alberta Municipal Government Act (MGA) Section 216.1

The Public Participation Policy for the Municipality of Crowsnest Pass is Policy No: 1302-01 – approved June 19, 2018



***Council must review this policy
at least once every 4 years.***

Why Public Participation Matters

IN THE DEVELOPMENT AND PLANNING OF MUNICIPAL LANDS –THE PEOPLES' LANDS

International Association for Public Participation (IAP2):

- Provides decades of research and practice in the field of public participation
- Guides organizations towards the reasons and purposes for this practice
- The IAP2 shares that there are 5 levels of public participation
- The “informing” level is the lowest level of public participation

“The informing process can become problematic when leaders are not fully transparent and withhold important or essential information, or when they provide biased information for the purposes of misrepresenting an issue and manipulating public perception. In its most potentially harmful manifestation, an informing process can be used as a manipulative tactic for mollifying legitimate public concerns or deceiving the public into supporting a decision or policy that is not in their interest.”



Public Participation Practices of the MCNP

- MCNP Municipal Government and its administration practice the lowest level of public participation called the “informing” level.
- this is intentional since planning and development of Municipal Lands in the CNP always favors the developer and not the community or the resident.
- since proposals for large developments impact a community and its residences, an effective public participation process is required (MGA).
- MCNP rezoning hearings should not be considered as a tool for effective public participation.
- “informing level” was the experience of communities and residents regarding Dairy Road Park, Southmore, Sartoris Road and now the MDM.
- MCNP does not abide with public participation policy 1302- 01 ‘a public’s contribution will influence a decision by seeking out and facilitating the involvement of those potentially affected by or interested in a decision.’



YOUR VOICE MATTERS!
PUBLIC PARTICIPATION MATTERS!



What Public Participation Ought to Look Like



- an effective public participation process empowers its citizens and is inclusive of all stakeholders' voices.
- provides participants and stakeholders with the information they need to participate in a meaningful way in a civic-engagement process.
- assists a community defining and determining the public's role in a democratic decision-making process.
- stakeholders' voice, with vested interest in the community, brings innovative and cost-effective ideas to the table.
- diverse stakeholders' perspectives can uncover solutions that municipal leaders or consultants may not have considered.
- governance model acknowledges the importance of a shared relationship between its citizens and its government valuing the voice of the people.
- process values trust, transparency, honesty, accountability and respectful communication that is open to receptive dialogue.
- objective information is provided to assist participants in understanding the problem, alternatives, opportunities, and/or solutions.
- an effective tool that considers early and on-going opportunities for sustainable decision-making.



MCNP Unjust & Unfair Public Participation Practices

- judicial review to take place September, 2025, regards unfair and unjust procedural processes used in Southmore rezoning, sale of land and proposal for development;
- public participation process is non-existent and ineffective.
- public hearings do not establish mutual benefits but, instead, the goal is to generate self-interest or a political agenda.
- the promise that those who are affected by a decision have a right to be involved in the decision-making process is misleading.
- democratic principles are evasive, retributive and do not demonstrate a willingness to encourage “to” and “fro” perspective, opinion and dialogue reflective of multiple stakeholders.
- no obligation to share information that affects and impacts the lives of its citizens and community (ie Dairy Road Park, Southmore, Sartoris and now MDM).
- Council, Mayor, CAO and administration withholds important or essential information in rezoning municipal lands.
- information is biased for the purposes of misrepresenting public perception.
- rezoning hearings are manipulative and mollify legitimate public concerns, deceiving the public into supporting a decision or policy that is not in their interest.



Who is responsible for implementing the public participation process?

Chief Administrative Officer (CAO)



When should public participation be in effect?

- Strategic Planning
- Input on Operational Budget and Capital Plans
- Directed by Council





Area Structure Plans

Ideal Process to Sell Public Lands Utilizing Public Engagement

Ideally, the Municipality would utilize this process to proactively identify areas for growth and to plan for their future development. This process helps to optimize the value and potential of specific sites to collaborate with the overall vision of the community and to assist in long term planning.

Area Structure Plan: provides direction for long-term use and infrastructure planning of a defined area within a Municipality.

AREA STRUCTURE PLANS are
important in **PLANNING FOR
GROWTH AND DEVELOPMENT!**



Ideal Process

Area Structure Plan

Process completed through many stages of public engagement:

- Identify Potential uses
- Provide public input
- Identify issues of concern
- Get technical studies completed

Rezone the Land

Re-Zone the land (prior to sale) to a land use zone that supports the Area Structure Plan.

Sell the Land

Identify the parameters of the sale based on the land use zoning and Area Structure Plan, get appropriate appraisals to establish market value also taking into account its potential future use. Land goes out for bid Sold to a developer or individual who fits the criteria of the identified use (may not be sold to the highest bidder)

Development Application & Plan

A plan on how the area will be developed like location of buildings, type of buildings, water / sewer locations, power, etc.

DECISIONS ABOUT TAXES:
your money - it MATTERS!

Development Application & Plan Comparison:

Ideal Process:



Process that has been used by Municipality:



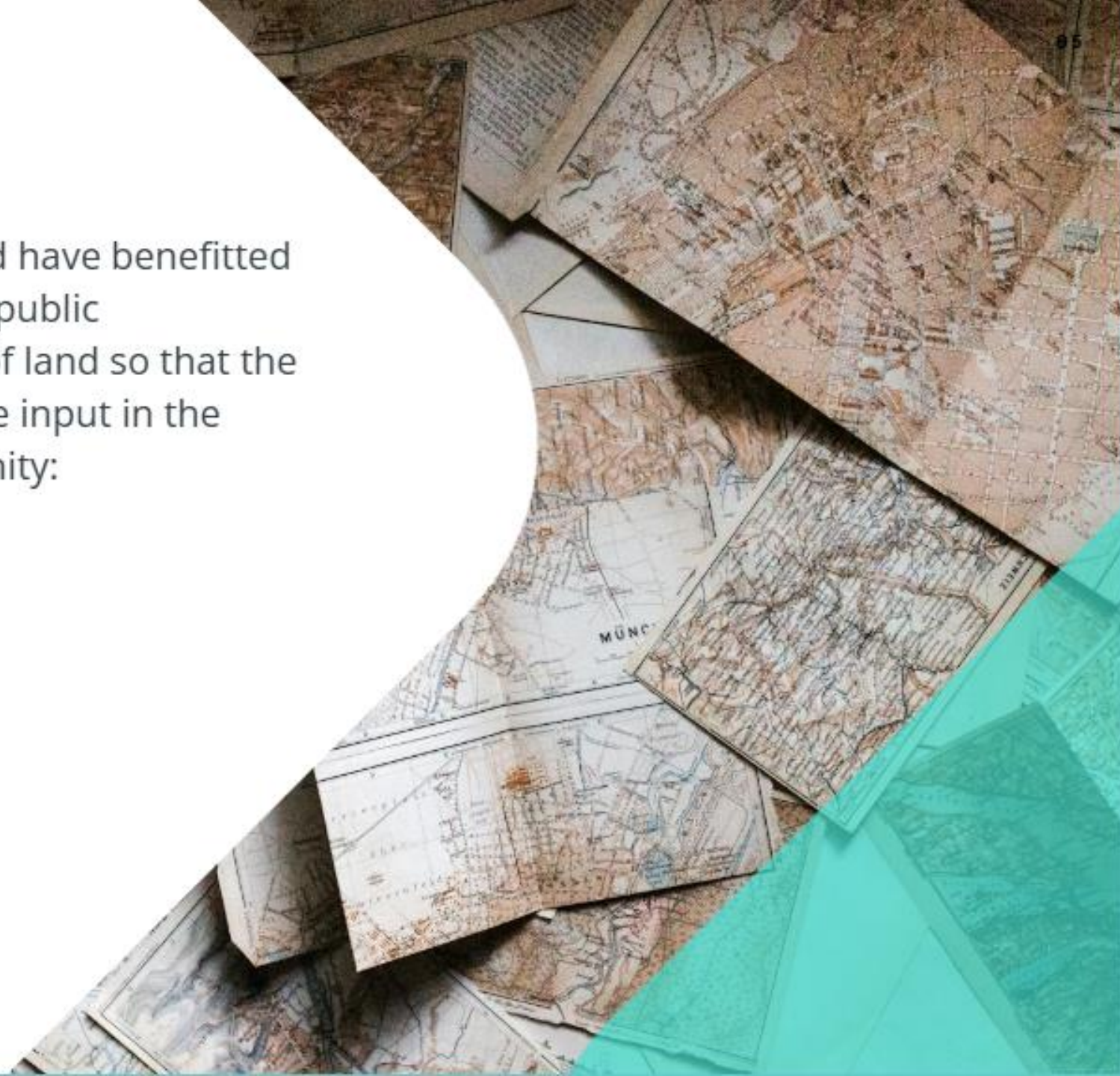
Examples

EXAMPLES of Municipal Lands that would have benefitted from an Area Structure Plan to allow for public participation prior to rezoning and sale of land so that the public would have opportunity to provide input in the growth and development of the community:

- Dairy Road Park
- Southmore
- Sartoris Road
- MDM



AREA STRUCTURE PLANS are important in **PLANNING FOR GROWTH AND DEVELOPMENT!**



List of Technical Studies

Information taken from page 77 of the Municipal Development Plan

The following is a non-exhaustive list of potential technical studies that may be required:

1. Biophysical Assessment
2. Environmental Impact Assessment
3. Wildlife Impact Assessment
4. Wildfire Risk Assessment
5. Flood Risk Assessment
6. Groundwater Supply Evaluation
7. Geotechnical Study
8. Soils Evaluation
9. Septic Suitability Analysis
10. Storm Water Management Plan
11. Servicing Study
12. Traffic Impact Assessment
13. Environmental Management Plan
14. Reclamation Plan

The land may also be subject to Historic Resources Act Approval.



Why the HISTORIC RESOURCES ACT Matters in the PLANNING and DEVELOPMENT of Municipal Lands

The ACT says:

- All development in the province of Alberta must be in accordance with the **Alberta Historic Resources Act, Section 37 (2)**, implemented in **1980**, under the Alberta Municipal Government Act.
- Historic Resources Act (HRA) takes precedence over the Municipal Government Act (MGA).
- It is governed by the Minister of the Ministry of Culture, Arts and Status of Women.
- May require that any proposal for development, likely to threaten the integrity of a historic resource, must implement the condition of Historic Resource Act approval.



DECISIONS ABOUT
MUNICIPAL LANDS – YOUR LANDS
MATTER!



Province of Alberta Listings of Historic Resources

- Listing of Historic Resources key tool to determine if HR a concern or if implementation of Historic Resources Act is required (450,000 listings in Province of Alberta).
- Listings based on archaeological, palaeontological, and Indigenous traditional use sites (burials, ceremonial sites, etc.), and/or historic structures (450,000 listings).
- CNP is known for the richest plethora of archeological, paleontological, and Pre-historic Indigenous HR of any Canadian Mountain Pass (eg. DjPo-81; DjPo-25; DjPo-65).
- Province of Alberta, Ministry of Culture, Arts and Status of Women data base identifies Crowsnest Pass as **“high interest”** and **“high potential.”**
- Founded on **1970’s research**, by archeologists Reeves and Driver, Pre-historic Indigenous artefacts findings radio-carboned 12,000 – 15,000 years; ago.
- Identifies lands assigned an Historic Resource Value (HRV) of a known historic resource (eg. Bellevue Dairy Road Park HRV4a, MDM HRV4a and HRV5a) or the potential to contain one (eg. Sartoris Road HRV5a and HRV4p).

Historic Resource Value (HRV) and Historic Resource Category

- Each land parcel in the **Historic Resources Listing** is assigned a **Historic Resource Value (HRV)** of 1, 3, 4 and/or 5.
- The highest level of protection (HRV 1) is designated to lands identified as World Heritage Sites and lands owned by the Ministry¹ for historic resource protection and promotion purposes
- HRVs are defined as follows:
 - HRV 1: contains a World Heritage site or a site designated under the HRA as a Provincial Historic Resource
 - HRV 2: deactivated (formerly used to designate a Registered Historic Resource²)
 - HRV 3: contains a significant historic resource that will likely require avoidance
 - HRV 4: contains a historic resource that may require avoidance or assessment
 - HRV 5: high potential to contain a historic resource
- Road allowances have the same HRV as lands immediately adjacent (to the south for east-west roads and to the west for north-south roads)
- Each entry in the HR Listing includes a letter that describes the primary historic resource category of concern. These are:
 - a archaeological - c cultural - gl geological - h historic period - n natural - p palaeontological
- Crowsnest Pass designations include Dairy Road Park (HRV4a); MDM (HRV4a and HRV5a); Sartoris Road (HRV5a and HRV4p); Crowsnest Lake
- Projects that intersect with Indigenous traditional use sites may require approval from First Nations and the Ministry prior to proceeding (DJPO-25, DJPO-81).

HISTORIC RESOURCES ACT
impacts **DEVELOPMENT**
decisions!

Historic Resources Act Approval (HRA)

- Development proposals for review and approval with high level impact must be submitted to the Minister/Ministry of Culture, Arts and Status or Women under HRA Section 37(2)
- Ministry/Minister determines if development can proceed immediately or if Historic Resources Impact Assessment (HRIA) is required
- Municipalities and/or developers must submit HR applications for approval of large-scale projects and long-term planning documents (ie. Area Structure Plans and Area Redevelopment Plans) for review
- HRA approvals and approvals with conditions are project specific
- Outcome of HRIA review determines if further HR mitigation studies are required
- When submission of a Historic Resources (HR) Application is triggered by the Listing, and only a portion of a proposed development area lies within lands contained in the Listing, the entire project area is subject to review and must be included in the application.

What is a Historic Resources Impact Assessment (HRIA)

- Implemented when a proposed development threatens the integrity of a historic resource found in the HR listings or potential for HRV
- Mandated by *Historical Resources Act*, Section 37(2)
- Historic Resource Impact Assessment (HRIA) authorized by the Minister/Ministry of Culture, Arts and Status of Women
- Applies to developments located on freehold, Municipal lands and provincial crown lands, regardless of where they are situated in the province
- Acknowledgement of HR susceptible to the effects of time and can be damaged by various development activities aimed at accommodating growing populations and modernizing society
- HRIA or studies are not transferrable to different projects or activities in the same lands or to different landowners or developer
- Promotes HR in the Province of Alberta as a valuable and non-renewable resource

HISTORIC RESOURCES ACT
impacts DEVELOPMENT
decisions!





Historic Resource Impact Assessment **PROCESS**

When development results in the alteration of, damage to or destruction of a historic resource, the developer undertaking the development may be required by the Province to:

- conduct a Historic Resources Impact Assessment (HRIA) by an accredited archeologist and/or paleontologist
- submit a report of the HRIA results to the Ministry of Culture, Arts and Status of Women
- avoid any historic resources endangered by the activity
- mitigate further potential impacts by undertaking comprehensive studies (eg. hand trowel)
- consult with First Nations

Historic Resources Act Process for Development Summarized

- Development application requires condition of HR approval from Ministry of Culture, Arts and Status of Women.
- Approval determined by historical resources (HR) listings.
- Ministry determines if approval granted based on HR listings or determines whether or not development proceeds or whether only a portion of land can be developed.
- HR listings may identify HRV by a known resource or potential of a resource.
- If so, then Ministry requests a historical resources impact assessment (HRIA) at the cost of the developer.
- HRIA conducted by credited archeologist or paleontologist.
- Results may mitigate further conditions for studies to be conducted by the developer prior to development proceeding.
- CNP richest archeological and paleontological site of any mountain pass (identified sites include DJPO-25; DJPO-65; DJPO-81; to be identified – Satoris Road; Crowsnest Lake).



Interactive Forum

WHY DOES PUBLIC PARTICIPATION MATTER in the PLANNING AND DEVELOPMENT of MUNICIPAL LANDS

We encourage our Members' participation! Please discuss the following questions with your group.



Questions



It is inevitable that the town of Crowsnest Pass will experience future growth and plans for development. Should the Municipality (Council and Administration) conduct more effective public participation processes regarding Municipal land sales and land use decisions? WHY? WHY NOT?



What tools should the Municipality use to encourage public participation?



Do you feel Council and Administration are representing your vision for the future of Crowsnest Pass regarding sale of Municipal lands, rezoning lands and proposals for development decisions? Why? Why not?



Is there anything else that you feel is important and worth discussing?

Conclusion

Effective public participation is vital for ensuring equitable and sustainable development. A robust process empowers communities to influence decisions that impact their lives.

By understanding the importance of public engagement, Area Structure Plan, and the Historic Resources Act, communities can contribute to shaping a better future for themselves.

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