

AS YOUR  
COMMUNITY  
EVOLVES, SO DOES  
OUR SUPPORT.

The Amended, Modernized  
and About to be  
Strengthened, Municipal  
Government Act

**A Presentation to CPAA Conference May 2017**



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MUNICIPAL



# Where are we now?

# AMENDMENTS

- **Municipal Government Amendment Act, 2015**  
Royal Assent March 30, 2015
- **Modernized Municipal Government Act**  
Royal Assent December 9, 2016

# PROPOSED AMENDMENTS

- Bill 8, An Act to Strengthen Municipal Government

First Reading - April 10, 2017

Second Reading - April 19, 2017

# DRAFT SUPPORTING REGULATIONS – Batch 1

- Crown Land Area Designation Regulation \*
- Municipal Corporate Planning Regulation (New)
- Municipal Gas Systems Core Market Regulation \*
- MuniSERP (Supplemental Executive Retirement Program) Investment Regulation\*
- Public Participation Policy Regulation (New)

\* Deletion of expiry date

# DRAFT SUPPORTING REGULATIONS – Batch 1

- Calgary Airport Vicinity Protection Area Regulation ^
- Edmonton International Airport Vicinity Protection Area Regulation ^
- Planning Exemption Regulation ^
- Qualifications of Assessor Regulation^

^Minor changes, deletion of expiry date

# ANTICIPATED SUPPORTING REGULATIONS – Planning and Development

- Development Permit Provisions
- Inclusionary Housing
- Intermunicipal Collaboration Frameworks
- Off Site Levies
- Stop Order Provisions
- Subdivision and Development Appeal Board Training Requirements



# TOPICS – MGA AMENDMENTS

1. Intermunicipal Collaboration Frameworks (“ICFs”)
2. Intermunicipal Development Plans (“IDPs” or “IDP”)
3. Municipal Development Plans (“MDPs” or “MDP”)
4. Land Use Bylaws
  - a. Inclusionary Housing
  - b. Processing of Development Permits and Subdivision Applications

# TOPICS – MGA AMENDMENTS

5. Publishing Policies
6. Off-site Levies
7. Brownfield Incentives
8. Environmental and Conservation Reserves
9. Requirements for Advertising
10. Subdivision and Development Appeal Boards (“SDAB”)

# TOPICS – Bill 8

1. Purpose
2. Obligations to Consult
3. Development Permits & Stop Orders
4. Offsite Levies
5. Joint use and planning agreements

# TOPICS – Bill 8

6. Development Permit and Stop Order Appeals to the SDAB
7. Reserve Land Assembly
8. Disposal of Conservation Reserve

# PASSED LEGISLATION

## Municipal Government Amendment Act, 2015 and Modernized Municipal Government Act

# 1. Intermunicipal Collaboration Frameworks

## New Municipal Purpose Section 3(d)

3. The purposes of a municipality are  
(d) to work collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services

# 1. Intermunicipal Collaboration Frameworks

Part 17.2 – Intermunicipal Collaboration

Mandatory - Required within 2 years of proclamation

Required with each of your shared boundary neighbours (subject to a few exceptions, like growth management boards)

# 1. Intermunicipal Collaboration Frameworks

Purpose - to provide for:

- Integrated and strategic planning and service delivery for intermunicipal services
- Efficiencies in providing local services
- Balancing benefits and burdens – contribute for services that benefit residents



# 1. Intermunicipal Collaboration Frameworks

Must either include an Intermunicipal Development Plan (IDP) as appendix or IDP must be independently adopted

Must have a plan for implementation

# 1. Intermunicipal Collaboration Frameworks

***Must  
Address***



# 1. Intermunicipal Collaboration Frameworks

How important is ICF?

- Can be imposed through arbitration
- Arbitrator chosen by municipalities unless they cannot agree
- Arbitrator to consider services & infrastructure, sharing of costs, environmental concerns, the public interest
- Must amend bylaws to be consistent with framework

# 1. Intermunicipal Collaboration Frameworks

If Minister considers municipality has not complied with framework Minister can:

- Suspend bylaw making power
- Withhold money
- Repeal, amend and make policies
- Suspend development and subdivision authority .

(s 708.43)

# 2. Intermunicipal Development Plans ("IDPs")

What the MGA Says Now

## MGA Section 631

- IDPs optional



# 2. Intermunicipal Development Plans

## What the MGA Says Now, Continued

### IDP Content

- **Currently, IDPs may provide for (optional):**
- future land use;
- proposals for future development; and
- other matters related to the physical, social or economic development of the IDP area;
  
- **and must include (mandatory):**
- a procedure for resolving conflict;
- a procedure to amend or repeal the IDP; and
- provisions relating to the administration of the plan.



# 2. Intermunicipal Development Plans

## What is Changing

### New Section 631

IDPs become mandatory

IDPs must be in place 2 years from proclamation

Must have an IDP with each neighbour  
IDP can apply to more than two neighbours,  
if all pass the same bylaw

# 2. Intermunicipal Development Plans

## What is Changing, continued

New mandatory requirements:

- Future land use;
- Proposals for future development;
- Provisions for transportation systems;
- Coordination of intermunicipal programs; and
- Environmental matters.

Each IDP must still also contain: A conflict resolution procedure; a procedure to amend or repeal the IDP; and provisions relating to the administration of the plan (Unchanged)



# 3. Municipal Development Plans ("MDPs")

## What the MGA Says Now

### MGA Section 632

- Mandatory if population exceeds 3500



# 3. Municipal Development Plans

What is Changing

## New Section 632

MDPs mandatory for all municipalities

MDPs must be in place 2 years from proclamation

# 3. Municipal Development Plans

## Content Requirements Unchanged

MDPs must still address:

Future land use;

Proposals for future development;

Co-ordination of land use, growth patterns and infrastructure with adjacent municipalities;

Required transportation systems;

Provision for municipal services and facilities;

Municipal, school or municipal and school reserves; and

Protection of agricultural operations

# 3. Municipal Development Plans

## Content Requirements Unchanged

MDPs may address matters including:

Proposals for financing;

Co-ordination of programs relating to the physical, social and economic development of the municipality;

Environmental matters;

Financial resources; and

Development constraints

# 3. Municipal Development Plans

## What is Changing

New Section  
638

IDP

MDP

ASP

## 4. Land Use Bylaws (“LUB”)



LUB Amendments  
will be required

# 4a. LUB: Inclusionary Housing

## What is Changing

LUB will be able to specify standards and requirements for “inclusionary housing” (new s.640(4)(s)).

### Definition of “Inclusionary Housing”

the provision of dwelling units or land or money in place of dwelling units or land, for the purpose of affordable housing as a condition of subdivision approval or of being issued a development permit

# 4a. LUB: Inclusionary Housing

## What is Changing

Once the LUB is amended to deal with inclusionary housing then conditions can be included in approvals and development agreements requiring provision of inclusionary housing



# 4a. LUB: Inclusionary Housing

## Questions to be Answered

The new regulation will be critical to understanding the “inclusionary housing” process

- Affordability?
- To whom will land be given if a developer is obliged to give land?
- How will the amount of land or money to be given be determined?
- Will the land have to be held indefinitely by the municipality or some form of housing authority?

# 4b. LUB: Processing of Development Permits and Subdivision Applications

## What is Changing

### 1. New Step in Process → Completeness of Applications

#### New requirements (new s.653.1 & 683.1)

- Development and subdivision authorities will have to indicate to an applicant whether application is complete or incomplete
- Application must be reviewed for completeness within 20 days of being filed



# LUB: Processing of Development Permits and Subdivision Applications

## What is Changing

### 1. New Step in Process → Completeness of Applications

#### The LUB must be amended to:

- Establish the form and manner for issuing an acknowledgment or notice that the application is:
  - Complete or incomplete, or
  - Deemed refused for failing to provide necessary additional information; and
- Specify what an applicant must submit for an application to be considered complete.



# 4b. LUB: Processing of Development Permits and Subdivision Applications

## What is Changing

### 2. Alternative Time Periods for Applications (New s.640.1)



Municipalities with a population of 15,000 or more will be able to amend their LUB to provide for alternate periods of time for reviewing and making decisions on development and subdivision applications

# 5. Publishing Policies

## What the MGA Says Now



Currently, the MGA does not require municipalities to list or publish their policies

# 5. Publishing Policies

## What is Changing




The 2016 Amendments impose new obligations to list and publish policies addressing matters dealt with in Part 17 of the MGA (s 638.1)

# 5. Publishing Policies

## What is Changing, continued

Municipalities will be required to do the following:



**1. List:** Compile a list of policies that may be considered in making decisions under Part 17

But what will be considered a policy under Part 17?



**2. Publish:** Publish the following on its website:

- The list of policies;
- The policies themselves;
- A summary of the policies (and how they relate to each other, and plans and bylaws under Part 17); and
- Documents incorporated by reference in any bylaw under Part 17

# 5. Publishing Policies

## 5. What is Changing, continued

Municipalities will have until January 1, 2019 to meet these new requirements

If, after January 1, 2019, a policy is not listed and published, then the development authority, subdivision authority, SDAB, MGB or Court shall not have regard to that policy.

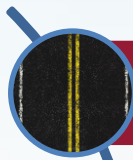




# 6. Off-site Levies

## What the MGA Says Now

Currently, off-site levies can only be collected for:



Roads



Water Service



Storm Sewers



Sanitary Sewers

and land associated with this infrastructure.

# 6. Off-site Levies

## What is Changing

Municipalities will be able to pass an off-site levy bylaw for these additional infrastructure types (“Public Facilities”):



Community Recreation Facilities



Libraries



Fire Halls



Police Stations

# 6. Off-site Levies

## What is Changing, continued

### Details:

- Levies collected for Public Facilities can only be spent on land and capital costs for the Public Facilities
- Municipalities can impose levies for Public Facilities even if a road, water, sewer or transportation levy was previously imposed on the same land
- If certain land contributed to the cost of a Public Facility before the amendment, the municipality will not be able to collect a second time for the same purpose after the amendments take effect

# 6. Off-site Levies

## Ways to Challenge Off-site Levies

All Off-site Levies		“Public Facilities” <u>Only</u>
To SDAB (on limited grounds)	To the courts on validity of bylaw	<u>To MGB (*on specific grounds)</u>

### \*Grounds for appeal to MGB (“Public Facilities”)

- benefit from the Public Facility does not meet level prescribed by the regulation;
- failure to comply with principles & criteria in regulations when passing the bylaw;
- the off-site levy is not for the payment of capital costs for a Public Facility;
- the calculation of the levy is incorrect; and
- an off-site levy for the same purpose was already imposed/collected from the land.

**A municipality could have to defend an off-site levy bylaw in two different arenas**

# 6. Off-site Levies

## Questions to be Answered



More details on off-site levies for “Public Facilities” and the appeal process to the MGB are expected to be included in new regulations.

# 7. Brownfield Incentives

## What the MGA Says Now



Currently, a municipality can grant a property tax exemption or deferral of current taxes or tax arrears (but not future taxes), on a case by case basis (MGA s. 347)

# 7. Brownfield Incentives

## What is Changing

Municipalities often struggle with how to deal with the abandoned gas station site...



How can you encourage redevelopment?

# 7. Brownfield Incentives

## What is Changing, continued

### New MGA s.364.1:

- New process allowing municipalities to encourage redevelopment of these sites by granting tax exemptions or deferrals
- “Brownfield bylaw”: Can be proactive and pass a bylaw setting the parameters for granting an exemption or deferral



**Note: Whether or not a “brownfield bylaw” is passed, an exemption or deferral of current taxes or arrears (but not future taxes) can still be granted under s.347.**



# 8. Environmental Reserves and Conservation Reserves

## What the MGA Says Now



Currently a subdivision authority may require an owner to dedicate certain types of land as environmental reserve (including swamps, gullies, ravines and land that is subject to flooding)

# 8. Environmental Reserves and Conservation Reserves

## What is Changing

### 1. Environmental Reserve (“ER”):

#### a. Purpose for Taking ER

The type of land that can be taken as ER is not changing...

**...but municipalities will only be able to take ER for the following purposes:**

- **To preserve natural features of the land** (where, in the opinion of the subdivision authority, those features should be preserved);
- **To prevent pollution of the land or bed and shore of an adjacent water body;**
- **To ensure public access; or**
- **To prevent development of the land** (where in the opinion of the subdivision authority the natural features of the land would present a significant risk of personal injury or property damage)

# 8. Environmental Reserves and Conservation Reserves

## What is Changing, continued

### 1. Environmental Reserve (“ER”):

**b. Environmental Reserve Agreements:** municipalities and landowners will be able to enter into “environmental reserve agreements”

#### Details:

The agreement can:

1. Provide that ER is not required, or
2. Define what portion of land will be provided as ER.

Once an Environmental Reserve Agreement is in place, the subdivision authority is bound by it (unless a material change affecting the lands can be demonstrated)



# 8. Environmental Reserves and Conservation Reserves

## What is Changing, continued

### 2. Conservation Reserve (“CR”):

The subdivision authority will also have the ability to require “conservation reserve”

#### Conservation reserve can be required if:

- the land has environmentally significant features (in the opinion of the subdivision authority);
- the land is not land that could be required to be provided as environmental reserve;
- the taking is to enable the municipality to protect and conserve the land; and
- the taking is consistent with the municipality’s MDP.



# 8. Environmental Reserves and Conservation Reserves

## What is Changing, continued

### 2. Conservation Reserve (“CR”):



**Compensation**: The municipality must compensate the owner for taking CR (market value)



**Cannot Sell**: Once a CR is created, the land must remain in its natural state and cannot be sold or leased by the municipality



**Affects calculation of MR**: calculation of MR will be based on the size of the parcel less ER and CR

# 9. Requirements for Advertising

## What the MGA Says Now



We ❤️  
Advertising

### Current advertising requirement:

- published in a newspaper once a week for two consecutive weeks, or
- mailed or delivered to every residence in the area to which the proposed bylaw resolution or thing relates, or in which the meeting or hearing is to be held

# 9. Requirements for Advertising

## What is Changing

### Expanded options for advertising

The ways in which a municipality may advertise will be expanded to include:

1. Publishing the notice on the municipality's website; and
2. A method provided in an Advertising Bylaw\*.



**\*Advertising Bylaw: Council will be able to pass a bylaw to providing for methods for advertising, which may include electronic means (i.e. an “Advertising Bylaw”)**

# 9. Requirements for Advertising

## What is Changing, continued

### Limitations on new advertising rules:

**Redistricting Notice**: Even if the municipality adopts an “Advertising Bylaw”, specific written notice will still have to be given to:

1. The assessed owner of land that is being redistricted; and
2. The owners of land that is adjacent to the land being redistricted.

**Consent to Send Notices Electronically**: Notice can only be given to landowners electronically if the landowner has consented to receive documents from the municipality electronically, and has provided an electronic address for that purpose (e.g. email, website).



# 10 Subdivision and Development Appeal Boards (“SDAB”)

## What the MGA Says Now

### Current rules:

- Councillors may not form a majority of the SDAB that is hearing an appeal;
- There are currently no obligations regarding the appointment of a SDAB clerk, or the qualification of SDAB members.

# 10. SDAB

## What is Changing



Only one councillor can be a member of the SDAB panel that hears an appeal



Council must now appoint the clerk of the SDAB and the person appointed must be a designated officer



Not eligible for appointment as clerk unless he/she has completed the required training program

# 10. SDAB

## What is Changing



Before participating in a SDAB hearing, SDAB members must be qualified to do so in accordance with the regulations



SDAB members are being granted protection from liability.

# PROPOSED LEGISLATION

## BILL 8

# 1. New Municipal Purpose

Section 3(a.1)

3. The purposes of a municipality are  
(a.1) to foster the well-being of the  
environment,

# 2. Obligations to Consult

## What is Changing

### Amended s 636(1)

The ways in which a municipality must consult during statutory plan preparation will be expanded to include:

1. For Area Structure Plans: the Minister for Public Highways Development if plan is within 1.6 km of a provincial highway
2. For MDPs the Indian band of any adjacent Indian reserve or any adjacent Metis settlement

# 2. Obligations to Consult

What is Changing

New Section 708.321

Municipalities that are parties to an ICF may invite an Indian band or Metis settlement to participate in the delivery and funding of services to be provided under the ICF

## 2. Obligations to Consult

- Indian band defined as a band within the meaning of the *Indian Act* (Canada)
- Indian reserve means a reserve within the meaning of the Indian Act (Canada)



# 3. Development Permits & Stop Orders

## What is Changing – Development Permits - s. 642(3)



(3) A decision of a development authority on an application for a development permit must be in writing, and *a copy of the decision together with a written notice specifying the date on which the decision was made and containing any other information required by the regulations must be given or sent to the applicant on the same day the decision is made.*

# 3. Development Permits & Stop Orders

## What is Changing – Stop Orders



(2.1) A notice referred to in subsection (2) must specify the date on which the order was made, must contain any other information required by the regulations and must be given or sent to the person or persons referred to in subsection (2) on the same day the decision is made.

# 4. Off-site Levies (“OSL”)

## What is Changing – New s 648 (1.1)

Cannot impose OSL on land owned by school board that is intended to be developed for a school building project within the meaning of the School Act.

# 4. Off-site Levies (“OSL”)

What is Changing – New s 648(2)(c.1)

Subject to the regulations OSL can include transportation infrastructure required to connect or improve the connection of, municipal roads to provincial highways resulting from a subdivision or development

# 4. Off-site Levies (“OSL”)

## What is Changing – New s 648.01

Intermunicipal OSL expressly allowed.  
Benefitting area is to be determined in accordance with the regulations but may comprise any combination of land in the participating municipalities

# 4. Off-site Levies (“OSL”)

## What is Changing – New s 648(9)

Bylaws that imposed a fee or charge for a purpose described in subsection (2) or (2.1) deemed to be valid and enforceable and fee or charge deemed to be validly imposed and collected

# 5. Joint Use and Planning Agreements

## New Section 670.1

Agreement between municipality and school boards operating within boundaries

Must be in place within 3 years of proclamation

# 5. Joint Use and Planning Agreements

## To Include

Include:

Process for discussing

Planning & development of school sites

Transfers of reserves

Disposal of school sites

Servicing of school sites

Use of school facilities, municipal facilities and playing fields including maintenance, payment of fees, liabilities



# 5. Joint Use and Planning Agreements

## To Include:

How entities will work collaboratively

Dispute resolution process

Time frame for review

# 6. Development Permits & Stop Order Appeals

## What is Changing - Appeal Deadlines New s. 686(1)

### Development Permits/Stop Orders

- 21 Days from date of decision/order
- 21 days after the 40 day period or within any extension of the period
- 21 days from date on which notice given under LUB

### Subdivisions

- No Change

# 7. Reserve Land Assembly

## New Section 670.2

Pass bylaw to identify and delineate boundaries of area in which

- expect to need MR, SR or MSR
- Will require money to fund future purchases of land to increase the reserve land within the area and to service the land

# 7. Reserve Land Assembly

## New Section 670.2

Bylaw must include estimate of costs to purchase the additional land and service the land within the reserve land assembly area

# 7. Reserve Land Assembly

## New Section 670.2

On subdivision,

- if land within reserve land assembly area; and
  - if subdivision authority requires a combination of money and land or just money-in-lieu
- the municipality may retain money in a fund

# 7. Reserve Land Assembly

## New Section 670.2

### Money in fund

- Can only be used to purchase land to increase the size of MR/SR/MSR within land assembly area and to service the land
- Must be accounted for separately
- Accrues interest to benefit of fund

# 7. Reserve Land Assembly

## New Section 670.2

If land within reserve land assembly area is subdivided

- Subdivision authority can require land owner to provide more than 10% of land as reserve land

# 7. Reserve Land Assembly

## New Section 670.2

If land within reserve land assembly area is subdivided

- Municipality must compensate owner in an amount equal to the value of land taken in excess of the 10%
- land value to be determined in accordance with regulations



# 8. Removal of CR Designation

## New Section 674.2

Process like that for removing MR designation

- Must hold public hearing
- Once CR removed municipality may sell, lease or otherwise dispose of land but proceeds can only be used for purpose of protecting and conserving land that has environmentally significant features or for a matter connected to that purpose



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**QUESTIONS?**

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