

Municipal Government Act Review

What We Heard: A Summary of Consultation Input

Planning and Development Technical Session

Held in Edson on March 5, 2014

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Developed by KPMG for Alberta Municipal Affairs



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Introduction

Purpose

This document provides a summary of what was heard during a consultation session for the Municipal Government Act (MGA) review. The summary below includes the comments and opinions of the participants of the Planning and Development Technical Session held in Edson. These contributions have not been reviewed or edited for accuracy. Comments recorded here reflect the opinions of individuals offered in person and recorded by session facilitators; they do not represent the opinion of the Government of Alberta.

The input summarized below will be considered by Alberta Municipal Affairs as part of the review of the legislation. Municipal Affairs would like to thank the participants of this session, as well as all Albertans participating in the review of the MGA. Any inquiries related to this summary or to the consultation process should be directed by email to the MGA Review Team at mga.review@gov.ab.ca.

The Municipal Government Act Review

The MGA is designed to help build strong, prosperous and sustainable communities throughout Alberta. Alberta Municipal Affairs is reviewing and refreshing the MGA to address societal changes and evolving needs, and to ensure the MGA continues to meet its objective. A successful MGA review process will continue to position Alberta as the leading Canadian jurisdiction in terms of municipal legislation, having incorporated sound thinking, input and research into a clear Act that meets the needs of the Province and municipalities. In order to achieve this vision, an inclusive and comprehensive engagement process was developed to ensure stakeholders across the province have opportunities to provide input to the review.

As part of the MGA review, regional consultations were held in eleven locations around the province to give Albertans an opportunity to provide input face-to-face. In each location, different types of sessions were held, including Technical Sessions, a Business and Industry Session, a Municipal Administrators Session, an Elected Officials Session, and a Public Open House.

These engagements were conducted over a three-day period in each of:

- Brooks
- Calgary
- Edmonton
- Edson
- Fort McMurray
- Grande Prairie
- Lethbridge
- Medicine Hat
- Peace River
- Red Deer
- Vermilion

Sessions were promoted via news releases, direct email invitations, social media, and by the Minister of Municipal Affairs at stakeholder conventions. Information on regional session locations, dates and registration were on the MGA Review website.

Input to the MGA Review has also been provided through other channels, including the MGA Review website (mgareview.alberta.ca), the MGA Review Consultation Workbook, and official submissions.

Session Overview

Session	Planning and Development Technical Session
Location	Lion's Club Hall, Edson
Date	March 5 th , 2014
Number of Participants	5

- This session was open to anyone who wished to attend. Participants were asked to register in advance in order to receive background materials before the session.

Regional Consultation Methodology

How sessions were organized

Regional consultations were structured around one or more of the three themes of the MGA Review:

- Governance and Administration
- Assessment and Taxation
- Planning and Development

Participants were provided with agendas in advance, which identified a list of potential topics for discussion. These topics were drawn from the MGA Review Consultation Workbook. Several of the topics for discussion appear under more than one of the three themes of the review because they are relevant to more than one theme (e.g. public participation). The agenda is attached as Appendix A.

At this session, participants provided input through facilitated table discussions. The goal of the facilitated conversations was to give the opportunity to all participants to discuss the issues that mattered most to them. Given the large size and scope of the MGA, participants at each table were asked to focus their discussion on those topics that they felt were most important to provide input on, using the list provided in advance. In addition, this session included time for “open discussion” during which participants could provide any additional input that they felt was important to the review. Table facilitators and note takers included staff from Municipal Affairs, KPMG and ADR Education.

Capturing input and reporting

Input from session participants was captured on flipcharts by facilitators during the discussion. It was explained to participants that:

- Comments were being recorded on flipcharts so that they could be captured and considered by Municipal Affairs as part of the review of the MGA.
- Comments would not be attributed to individuals or organizations.
- Other avenues were also available to provide written input to the review.

The summary below documents the input heard from participants and recorded on flipcharts. These comments have been transcribed and organized according to the list of topics for discussion; they have not been screened for accuracy and do not reflect consensus of participants. As a result, comments and opinions listed may be contradictory. Comments that apply to issues outside of the scope of the review (e.g., suggested changes to other legislation) have been removed.

It is important to emphasize that this summary reflects the input heard from participants, and does not necessarily reflect the position of the Government of Alberta.

How the Summary of Responses is Organized

Input from session participants is organized according to the three themes for the review:

- *Governance and Administration*
- *Assessment and Taxation*
- *Planning and Development*

Within these themes, comments are organized according to the applicable topics for discussion, using the list provided to participants in advance. In some sessions, not all themes may have been discussed.

Summary of Input

General Comments about the MGA

The following input was received and documented related to the MGA in general.

Comments from participants included that:

- The overall format and functionality of the MGA need to be improved.
 - Division numbers should be referenced at the top of each page of the MGA, and there should be more indexing.
 - All words with definitions in the MGA should be italicized and all definitions should be in one place.
- The uses of the terms “shall not” and “may not” need to be clarified in the MGA.
- All sections of the MGA need to be updated to bring them in line with current case law.
- There needs to be clear lines drawn between the MGA and other Provincial legislation.
 - The *Condominium Property Act* and the MGA do not agree. It needs to be clear which act holds the final authority over the other.
 - Condominium fees shouldn't be dictated by the *Condominium Property Act*.

Assessment and Taxation

During the discussions surrounding planning and development some discussion occurred on assessment and taxation.mga.re The following input was received and documented related to assessment and taxation.

Taxation and Municipal Finances

Taxation

Comments from participants included that:

- Within the tax recovery provisions, the use of the term “right of way” in section 432 in the MGA (Right of Way) needs more clarity.

Planning and Development

The following input was received and documented related to planning and development.

Fees and Levies

Fees and levies

Comments from participants included that:

- The one-time collection limitation for offsite levies does not account for future development of the site. For this reason, municipalities need the ability to charge (separately in some cases) once each for water, sewer, storm sewer and road infrastructure.

Land Management and Planning Tools

Statutory plans and land use bylaws

Comments from participants included that:

- Municipal statutory plans should be reviewed on a regular basis.
- The MGA should specify the requirements for statutory plans. Plans should each have a template of what is required.
 - Specifications about what should be in each kind of plan should be incorporated into MGA regulations.
- The MGA should continue to provide for conditional zoning, as this provision prevents legal issues.
- The Province should require that every adjacent municipality in certain areas of the province create inter-municipal development plans.
- All municipalities should be required to have a corporate strategic plan.

Subdivision and Development Authorities and Processes

Planning authorities

Comments from participants included that:

- Quasi-judicial bodies should be required to make decisions that are consistent with the Subdivision Appeal Board and the Municipal Planning Commission.

Administrative decision-making processes

Comments from participants included that:

- The MGA should require subdivision and development applications to be complete prior to their being reviewed.

Land Dedication and Use of Reserves

Land dedication (reserves)

Comments from participants included that:

- The use of environmental reserves should link to responsibilities beyond the level of the individual municipality.
 - For example, when trails extend beyond municipal borders, it should be clear that the trail then becomes a shared responsibility.
- The boundaries of environmental reserve easements need to be defined in municipal plans to ensure that landowners are aware of them.

Regional Approaches

Managing growth and development

Comments from participants included that:

- The Province should provide legislative authority that allows municipalities to refuse urban expansion. Local municipalities understand the long-term objectives of their citizens better than anyone else.
- The MGA should include a broad statement indicating the Province's municipal planning expectations.
 - It is important that the MGA continues to allow for local flexibility while implementing province-wide planning expectations.
 - Standard planning expectations would help municipalities who do not have planners to develop appropriate plans.

Regional funding approaches

Comments from participants included that:

- Regional funding should not be forced and regional funding agreements should remain a voluntary effort by municipalities.

Public Participation and Planning Appeals

Planning and inter-municipal appeals

Comments from participants included that:

- The subdivision appeal process is currently too expensive.
- The MGA should define how someone can and should make a subdivision or development appeal in the MGA. This should include stating which types of appeals are considered frivolous.
- The MGA needs to define which matters should go to court, and which matters should be settled through other means.
- A minimum level of education and training should be required for members who sit on appeal boards like the Subdivision Development Appeal Board and the Municipal Planning Commission.
- The process outlined in section 684 in the MGA (Permit Deemed Refused) needs to be updated. The timeframe of 40 days for development permit appeals is no longer being enforced as legally binding.

Appendix A: Session Agenda

MGA Review: Planning and Development Technical Session

Agenda Item	Timing
1. Welcome and introductions	4:00-4:10
2. Potential topics for discussion: <u>Subject 1: Fees and Levies</u> <ul style="list-style-type: none"> Fees and levies <u>Subject 2: Land Management and Planning Tools</u> <ul style="list-style-type: none"> Statutory plans and land use bylaws <u>Subject 3: Subdivision and Development Authorities and Processes</u> <ul style="list-style-type: none"> Planning authorities Administrative decision-making processes <u>Subject 4: Land Dedication and Use of Reserves</u> <ul style="list-style-type: none"> Land dedication (reserves) <u>Subject 5: Regional Approaches</u> <ul style="list-style-type: none"> Municipal relationships and dispute resolution Managing growth and development Regional funding approaches <u>Subject 6: Public Participation and Planning Appeals</u> <ul style="list-style-type: none"> Municipal Government Board Public participation Planning and inter-municipal Appeals 	4:10-4:20
3. Change tables (if needed)	4:20-4:25
4. Table facilitation <ul style="list-style-type: none"> Up to three topics will be prioritized for discussion (~20 minutes each) Discussion will focus on what is working well, desired changes, and potential impacts of changes to the legislation 	4:25-5:35
5. Open discussion <ul style="list-style-type: none"> Are there any other relevant topics participants want to address? 	5:35-5:55
6. Wrap-up	5:55-6:00