

Municipal Government Act Review

What We Heard: A Summary of Consultation Input

Planning and Development Technical Session

Held in Grande Prairie on April 2, 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 Grande Prairie.

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 necessarily 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 evolving circumstances and priorities in Alberta's many communities, 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 in February 2014 to April 2014 in 11 locations throughout the province. Each location was held over 3 days in the following locations:

- 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	Muskoseepi Park, Grande Prairie
Date	April 2, 2014
Number of Participants	26

- 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 taken directly 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 Province needs to keep municipalities informed of any changes made to the MGA.

Governance and Administration

During the discussions surrounding planning and development, some discussion occurred on governance and administration. The following input was received and documented related to governance and administration.

Municipal Powers, Structures, Annexations and Other Changes

Fundamental changes and municipal restructuring

Comments from participants included that:

- If a municipality incorporates into another municipality, funding needs to be provided to cover the debts of the municipality being absorbed.
- Municipalities need help defining collaboration rules. One tool that would be beneficial is the ability to establish a region without changing the status of municipalities, such as a specialized municipality or through dissolution.

Municipal Finances

Financial administration

Comments from participants included that:

- Municipalities are currently struggling with operating costs, but capital costs are more manageable.

Municipal revenue sources

Comments from participants included that:

- The MGA should provide municipalities with more funding options to ensure municipal sustainability.

Municipal Accountability, Liability, and Risk Management

Compliance and accountability

Comments from participants included that:

- There needs to be more independent auditing of municipalities to ensure good governance and realize efficiencies.

Assessment and Taxation

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

Market Value, Equalized and Supplementary Assessment

Equalized assessment

Comments from participants included that:

- Municipalities should continue to collect education property tax. It would be way more expensive and complex for the Province to collect education property taxes.

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 scope of offsite levies in the current MGA is too narrow for municipalities to compensate for the costs of growth. The MGA should provide more options for offsite levies and empower municipalities to decide which ones to use within their communities.
 - Offsite levies should be expanded to encompass more uses that may include recreation and fire service facilities.
- The definitions of offsite levies and what they can be claimed for need to be clarified in the MGA.
- Offsite levies should be a method for municipalities to tax shadow populations and provide needed services, such as Royal Canadian Mounted Police service.
- Offsite levies are good when used for work camps, but are too expensive to be applied to residential development. It is important that offsite levies don't discourage development.
- Fees should be specified and included in the new MGA.

Land Management and Planning Tools

Statutory plans and land use bylaws

Comments from participants included that:

- The MGA could set minimum standards for land-use bylaws.
 - The MGA should contain more specific requirements about what should be included within land-use bylaws.
 - There should be limitations on how often a municipality can amend land-use bylaws, such as once a year. However, this could restrict new development from moving forward.
 - Bylaw review should be a more formal process. A public event would give all those who wish to amend the land-use bylaw an opportunity to participate in the review.
- There should be more requirements for municipalities to develop certain plans, like area structure plans. Requirements for these plans need to be made very clear to municipalities.

- Municipal development plans should be required for municipalities of all sizes. The MGA could set out a few things that are required in municipal development plans to accommodate smaller municipalities.
- Municipal development plans are not always essential for small municipalities, but could be used as a strategic plan.
- Mandatory intermunicipal development plans could be implemented to encourage collaboration.
- Intermunicipal development plans are not suitable in all municipalities, depending on the number of rural versus urban municipalities in the area.
- Mandatory intermunicipal development plans should only be required between urban and rural municipalities where there are development pressures.

Subdivision and Development Authorities and Processes

Planning authorities

Comments from participants included that:

- The MGA needs to clarify what subdivision and development appeal boards are responsible for. For example, the MGA should clarify the level of authority held by these boards and the boundaries or limitations of board decisions.
- Subdivision and development appeal board decisions may require another level of appeal. This could be addressed by bringing the appealed decisions back to council or to an additional appeal authority.

Administrative decision-making processes

Comments from participants included that:

- The current MGA is too open to interpretation on how it should be applied.
- The MGA needs more clarity and enforcement regarding subdivision and development application and processing deadlines.
 - There should be more standardized processes and timelines across municipalities. Consistent processes would simplify things for developers.
 - Standardizing processes would be challenging for municipalities with different considerations (e.g. meeting dates). Consistency is important, but so is retaining some flexibility.
- It is frustrating when some municipalities “start the clock” at a later date than when applicants make their submission. The MGA needs to clarify when timeline milestones occur, and to define what a “complete” development application is.
- The timelines for development applications currently outlined in the MGA are appropriate.
- Development permit decision timelines need to be extended from the current 40 days to 60 days. This provides adequate time for cases where Alberta Transportation needs to review an application.
- The MGA should require traffic studies at a certain size of development.

- The existing MGA provides enough flexibility for municipalities to decide when traffic impact assessments are required.
- The MGA and municipalities should have more influence and voice over decisions issued by the Natural Resources Conservation Board regarding confined feeding operations and their impacts on landowners in the municipality.
 - Municipalities do not currently have a voice. Decisions of the Natural Resources Conservation Board currently supersede the MGA, and this hierarchy should be reversed.
- In Section 619 (NRCB, ERCB, AEUB or AUC authorizations) of the MGA, the wording “incidental to operation of pipeline” needs to be removed. Within this section, “incidental” needs to be better defined
- Pipelines should be required to be registered on land titles.
- Easement setbacks should be required to be registered on land titles, and the setback requirements should be the same in urban and rural jurisdictions.

Land Dedication and Use of Reserves

Land dedication (reserves)

Comments from participants included that:

- The land dedication process in the MGA is reasonably clear.
- Clarifications are needed to make all reserve calculations more transparent.
 - A calculation is needed to define how density requirements affect municipal reserves.
 - The MGA should clarify what land is measured in density calculations.
- Reserve land should be usable land that has a clear purpose. At times, unwanted land that is not usable is dedicated for reserves.
- The MGA should leave the option to provide reserve land with the landowner.
- The MGA needs to provide more clarity and direction on what municipal reserve can be used for. Specifically, more clarification is needed to address:
 - instances where municipal reserve use can be expanded;
 - circumstances where the municipal reserve should be claimed all at once; and
 - the use of municipal reserves for municipal purposes only, and not for schools.
- The definitions of reserves and cash-in-lieu of reserves in the current MGA are too vague.
 - The MGA should consider and clarify how cash-in-lieu is paid, how much is required, when it should be paid, and when deferral is allowed.
- More clarity is needed on whether deferred cash-in-lieu of reserve land is based on land value or dollar value. Under the new MGA, cash-in-lieu should be an agreed upon dollar value.
 - Developers need to be able to anticipate when and how much cash-in-lieu will cost them.
- The use of cash-in-lieu revenue needs to be expanded and clarified.

- Cash-in-lieu should not be limited to recreation. It should be used for the benefit of the entire municipality.
- The Province needs to more clearly define environmental reserve and their environmental policies so the environmental reserve designation is clearer to municipalities.
 - Definitions surrounding environmentally sensitive lands, such as flood plains, need to be set at the provincial level.
 - Provincial definitions need to be specific and clear in their intent to minimize the diverse interpretations that are currently happening.
 - The Province needs to do a more comprehensive mapping of flood plains.
 - The purpose of environmental reserve needs to be clarified in Section 671 (Use of reserve land, money) of the MGA.
 - There should be no access to environmental reserve lands, which should be left in a natural state.
- There should be more options for selling or redeveloping surplus school reserve sites. There needs to be a better way to dispose of the school reserve so the land still has value.
 - School reserve land should be returned to municipalities if not used, and the municipality should have flexibility in what it is able to do with the land.
- The current limitations on the percentage of land that can be claimed for municipal reserve can be very limiting for municipalities, especially if most of the land is claimed as school reserve sites and then not developed.
 - The MGA should broaden the amount of municipal reserve claimed or place time limitations on when the school board must develop a school or get rid of the land.
 - The MGA should require an interim use for school reserve lands, but have clear guidelines and timelines established around the school board's intent to develop.
- Service demands from rural municipalities are being subsidized by urban municipalities. An urban municipality should not be required to provide school reserve for the rural school system. This diminishes parkland for urban municipalities.

Regional Approaches

Municipal relationships and dispute resolution

Comments from participants included that:

- The current planning environment and planning decisions are too competitive, pitting municipalities against each other. Municipalities are often making planning decisions to compete with their neighbours. Planning decisions across boundaries need to be made on an even playing field.
- The current MGA has encouraged competition between municipalities. Regional collaboration should be encouraged more, as collaboration can be more effective and efficient for the Province as a whole.

- Regional collaboration needs to consider non-adjacent municipalities.
- Regional cooperation should not be forced. There should be more use of the word “should” than “shall” in the MGA when it comes to collaboration regionally.
- Municipal relationships and dispute resolution processes in the current MGA are working well.
- The current intermunicipal development plan approach to regional planning is not working.
 - Currently, intermunicipal development plans don’t provide a dispute resolution mechanism. This is not helpful when one municipality doesn’t want to cooperate.
 - The MGA needs to include clear guidelines on conflict resolution that can be applied to intermunicipal planning.
- Municipal relationships and dispute resolution processes should be given more support from the Province.
 - More provincial resources should be available to municipalities in some cases, such as when contract support and mediation are needed.
 - The MGA should include more guidelines and resources on how municipalities can work together and come up with solutions.
- There are adequate tools in place for certain dispute resolution circumstances, but there is not always a clear threshold for triggering the dispute resolution process if the municipalities who are involved have different planning approaches.
- There should be an avenue for urban municipalities to appeal nearby rural development.

Managing growth and development

Comments from participants included that:

- Regional planning rollout needs more education and consultation, especially when the *Alberta Land Stewardship Act* hasn’t been defined.
 - The MGA should require more education and collaboration between municipalities and the Province.
- The MGA needs to more strongly encourage regional cooperation, especially in planning decisions.
- Regional planning authorities like the Capital Region Board could be another option for certain areas to encourage collaboration.
 - There needs to be a level playing field among municipalities if regional planning authorities are in place. One municipality should not have more say over other municipalities, such as in the current Capital Region Board voting requirements.
- The MGA should have a referral distance that requires regional consultation or collaboration on nearby development.
- A distance-based referral requirement could help address service demands of new developments on adjacent municipalities.

- Municipalities need to have more input and involvement in the planning process when Crown land is sold by the Province and now being used as farmland. Landowners no longer have recreational access to that land.
 - The Province should have to go through rezoning processes and communicate with local municipalities prior to making a decision.
- More guidelines and timelines are needed to mandate the brownfield site remediation.
 - A provincial remediation program is needed for contaminated sites.
 - The current process for dealing with brownfields results in land sitting unused for years, since the remediation process is very expensive for municipalities.
 - There should be a forced remediation process if a brownfield site is not cleaned up within a certain timeframe.
 - The cost of remediation should be the responsibility of the owner of that property, not the municipality.

Regional funding approaches

Comments from participants included that:

- The MGA should establish a revenue sharing tool for municipalities.
- Linear property tax revenue creates huge inequalities among municipalities.
 - Pooling linear property tax revenue works well for some municipalities, but it doesn't work well for others.
 - Pooling linear property tax revenue should not be managed provincially.
 - The equalized education property tax system is good, and a similar approach should be considered for pooling linear property tax revenue.
 - The Province should use caution when considering equalized linear assessment because there aren't equal needs or demands across municipalities.
- The whole regional funding system is broken. Current funding approaches do not work for all municipalities.
- There are hard feelings between the "have" and "have not" municipalities. Inequality is creating a hierarchy of rich municipalities over poor counties. This gives too much power to wealthy municipalities.
 - The MGA should clearly state that municipalities should work together to address revenue issues to best serve all residents.
- Voluntary cost-sharing is causing unnecessary conflicts between municipalities.
 - In some areas, cost sharing is working at a voluntary level but in others it is not.
 - The Province may need to play bigger role in situations where cost sharing is not working.
- Municipalities are trying to work together to address service delivery problems like doctor shortages, which are in part caused by the Province.
 - Doctor shortages are a significant issue faced by municipalities. Provincial solutions are needed.
- Regional collaboration should be based on unique regional needs. The Province should keep the MGA flexible with respect to collaboration.

- The Province should provide more incentives for collaboration, such as grants.
 - Cooperation based upon grant incentives still favors the municipalities who already have money and don't necessarily need to collaborate. Money should not be the only incentive.
 - Grant formulas should take into consideration who needs the funding. If it isn't needed, municipalities should not have access to the grant.

Public Participation and Planning Appeals

Municipal Government Board

Comments from participants included that:

- All appeals should go to the Municipal Government Board first, and then be sent back to the municipality if appropriate. This will ensure that the right authority is hearing the appeal and thwart conflict of interest or corruption.
- The Municipal Government Board should determine the jurisdiction for appeals.
- The Municipal Government Board dispute resolution and decision-making process is very lengthy. Shortening this process could potentially make it less painful and may encourage more voluntary cooperation from municipalities.
 - The MGA needs to specify shorter timelines for Municipal Government Board decisions.

Public participation

Comments from participants included that:

- Notification requirements should be modernized. The MGA should include more options than mail or local newspapers.
 - Notification requirements need to be updated to give municipalities the flexibility to use different notification methods. For example, the MGA should make it possible to use websites and social media.
 - The notification requirements need to be flexible enough to anticipate new technology.
- Notification requirements need to address ways to notify a larger population, not just adjacent landowners.
- It is difficult to attract citizens to public hearings because advertisements with a map and legal description do not mean anything to the public.

Planning and inter-municipal appeals

Comments from participants included that:

- It is important that individuals can access support to participate in the appeal process.
 - There should be more support for public appellants in the appeals process, as a way to balance out the well-resourced teams from industry, municipalities and developers.

- The current MGA allows legalization of the appeal process, meaning a focus on lawyers and courts, even if that is not the original intent.
 - The appeal process shouldn't require lawyers.
 - The appeal process should be more user-friendly, and shouldn't default to a litigation-heavy approach.
 - The Ontario model, with a legal approach to all appeals, should be avoided.
- Informal dialogue or mediation should be made available as options to reduce the conflict around appeals. The MGA should not promote contentious appeals.
- The timeline to hear appeals should be extended from 30 days to 60 days.

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