

Municipal Government Act Review

What We Heard: A Summary of Consultation Input

Planning and Development Technical Session
Held in Lethbridge on February 26, 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 Lethbridge.

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	Lethbridge Lodge, Lethbridge
Date	February 26, 2014
Number of Participants	23

- 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 language in the MGA is too broad, which allows clauses to contradict each other.
- There has been 20 years of case law that should be considered in the revised MGA.
- Reviews of the MGA need to happen more regularly.
- There should be a policy manual for the MGA, and it should be published annually.

Governance and Administration

The following input was received and documented related to governance and administration.

Municipal Governance and Administration

Municipal Administration

Comments from participants included that:

- Chief administrative officers need protection in the MGA.
- The roles and responsibilities of councillors and administrators need to be clearly defined in the MGA.

Municipal Powers, Structures, Annexation and Other Changes

Municipal Powers

Comments from participants included that:

- Larger municipalities want more autonomy, but smaller municipalities want more direction and resources.
- Alberta leads the country in having the Province “out of the municipalities’ hair,” or at arms-length from the municipality.
 - Municipalities don’t want unnecessary provincial involvement.
 - Municipalities should be finding ways to do things themselves.
- The MGA should allow municipalities to close roads for a specified time and for specified reasons.

Municipal Finances

Municipal Revenue Sources

Comments from participants included that:

- The MGA should allow for flexibility beyond fees and levies to raise funds. Things like municipal bonds, community finance districts, metro districts, social impact bonds and municipal utility districts should be considered.
- The MGA review should look to other jurisdictions to see what's working for fund development beyond fees and levies.

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:

- There should be greater transparency and accountability from municipalities on how revenue from fees and levies are used.
- Increased use of fees and levies may result in less affordability for developers, which could limit growth.
- A user-pay model should be an option in the MGA. This could include tools like toll fees, toll roads and other user fees.
- The current system of collecting fees and levies is permissive, allowing municipalities to maintain their autonomy.
 - However, the interpretation of offsite levies varies greatly, which can result in costly disputes in court.
- Offsite levies are going to continue to increase because most current infrastructure is not affordable.
- Levies should be increased so municipalities can hire more people and dedicate more resources to processing development applications more promptly.
- Redevelopment levies should be applied to infrastructure.
- The MGA should create inspectors who act as neutral arbitrators to ensure compliance, rather than relying on the courts.
- Housing affordability is jeopardized by high levies. These costs need to be shared by the general public because larger communities benefit from growth.

Land Management and Planning Tools

Statutory plans and land use bylaws

Comments from participants included that:

- Section 633 (Area Structure Plan) of the MGA needs more clarity on the method of adopting area structure plans and conceptual schemes. The terminology used in this section needs to be consistent.
- Municipalities require more clarity on how to use direct controls in municipal development plans.

- The language the MGA uses for statutory plans is too soft, with words like “should” or “may.” There should be “must” or “shall” language to drive long-term planning and consistency, which would mitigate the risk of politics and self-interest in the planning process.
- The MGA needs to enable municipalities to determine the specific development standards that are unique to their community, but the basic standards based on size and capacity of municipality need to be mandated by the Province through the MGA.
- Intermunicipal development plans should remain voluntary, and should benefit all municipalities involved.
 - Mandatory intermunicipal development plans would require too many resources from municipalities who don’t have enough staff.
 - The high-level goals of intermunicipal development plans are noble, but are too difficult and demanding to fully realize.
 - Intermunicipal development plans should be mandated for municipalities of a certain size, similar to municipal development plans.

Subdivision and Development Authorities and Processes

Planning authorities

Comments from participants included that:

- There should be minimum training standards for subdivision and development appeal board members in small municipalities.
- There needs to be a separation between council and members of subdivisions and development appeal boards and development authorities.
- The MGA should specify who may be a member of a municipal planning commission.
- Decision-making authorities and appeal bodies need to remain at the local level.
 - Once an application has been submitted, it should have to stay in its municipality to be resolved.

Administrative decision-making processes

Comments from participants included that:

- Municipalities need to notify applicants sooner when an element of an application is missing or incomplete.
 - The 14-day period to appeal subdivision applications is too short if notification is done by mail.
- There should be a 14 day deadline for municipalities to advise applicants of insufficient application components, and a 60 day deadline for the municipality to review and approve the application.
 - The MGA should set these deadlines for municipalities, and applications fees should be reimbursed if municipalities do not meet the deadlines.

- The notification period in the planning sections of the MGA should be defined and mandated.
- Municipalities need incentives to process development applications more efficiently.
- The process for reapplication in the case of a lapsed subdivision needs to be defined. Additionally, there should be a set number of times a lapsed subdivision can be extended.
- The MGA should expand what may be included in development agreements.
- The administrative process for bylaw enforcement and dangerous properties is very effective.
- The MGA should outline a process to ensure municipalities are not stuck with abandoned developments.
- Intermunicipal agreements shouldn't be entered into after an application has been submitted.
- The process for a stop-work order has become too cumbersome and is not efficient.

Land Dedication and Use of Reserves

Land dedication (reserves)

Comments from participants included that:

- Municipalities need to have the ability to do more with municipal reserves.
- The definition of a municipal reserve needs to be clearer in the MGA.
- The definition of a park is outdated, and should incorporate mixed use.
- Municipalities should be able to “caveat” roads for future road widening, similar to how Alberta Transportation is able to do so.
- The 30 per cent allocation of reserve to road development should be eliminated.
- If municipalities take cash-in-lieu of reserve, the funds should be used in the subdivision they were collected in.
- Municipalities should be able to use cash-in-lieu of reserves to fund amenities anywhere in the municipality.
 - For example, rural municipalities don't have parks in every area, so cash-in-lieu of reserves helps fund amenities where people use them most.
- The definition of environmental reserves needs to be clearer.
- The MGA should encourage the use of environmental reserves, but somehow offset the risk for the municipality.
 - It is important to protect water supplies using environmental reserves.
 - The current requirement of six metres is inadequate protection of water bodies.
 - The MGA needs to establish criteria for how environmental reserves should be set. The environmental reserve process should not be influenced by politics.
- There should be more consistency for classification and implementation of reserves, and the requirements should be based on science and functionality.

- Alberta needs a better model to coordinate planning with school boards on school reserves and school site allocations.
 - School reserves are currently not aligned with the goals of school boards and the amount claimed should be reduced to five per cent.
 - School reserves should not be planned in isolation. School reserves should be coordinated with surrounding planning to benefit neighbourhood, community and the region as a whole.
- The high cost of vacant land doesn't benefit communities when reserves are not developed in a timely fashion.
 - If land is not used after a certain time period, industry should have the ability to buy back the reserve land for development.

Regional Approaches

Municipal relationships and dispute resolution

Comments from participants included that:

- More effort is needed to get urban and rural municipalities to work together.
- Regional collaboration shouldn't be mandated. There needs to be more methods and incentives in the MGA to encourage municipalities to collaborate.
 - The MGA should better define the scope of collaboration before the process begins.
- The MGA should encourage planning between municipalities and First Nations. The MGA should define what consultations should take place and who should be involved.
- The court system is effective, but often too costly for the public and municipalities.

Managing growth and development

Comments from participants included that:

- Municipal autonomy needs to be balanced with provincial oversight on regional issues over water.
- Ground water should be an important consideration in planning.
 - The flood plain and fringe classification should consider groundwater implications.
- The MGA needs to promote a more sustainable, long-term growth model when charging for development.
- There should be a mechanism in the MGA for the Province to coordinate resource planning with municipalities.
- Public engagement for a regional plan under the *Alberta Land Stewardship Act* should be the Province's responsibility.
 - The Province shouldn't be involved with local public engagement, as this becomes too parental.

Regional funding approaches

Comments from participants included that:

- The benefits of regionalization seem clear, but the governance structure needs to include more details and guidance.
- It is important for the regional governance bodies to maintain rural representation.
 - The MGA should mandate discussions about options for regional planning or servicing.
- There should be a grant available that provides an incentive for the process of collaboration and regionalization.

Public Participation and Planning Appeals

Municipal Government Board

Comments from participants included that:

- The Municipal Government Board should review instances where municipalities refuse to accept an application.
- Clear and reasonable timelines are needed to put the onus on municipalities to respond to developers.
- More clarification is needed regarding what goes to the Municipal Government Board for items considered a “provincial interest” and when an agency is able to waive their provincial interest to the local appeal board.
- More clarification is required on the appeals process of the Municipal Government Board.

Public participation

Comments from participants included that:

- There needs to be an opportunity for increased public participation in the regional planning process.
- Government accountability (municipal and provincial) to the public needs to be clearly defined, or there will be stagnation.
- The current 24-hour notification period for council meeting changes is too short and needs to be changed to 48 hours. Three days would be an even more appropriate timeline.
- Guidance is required in the MGA for using new communication methods like social media and websites.
 - The MGA should outline all the tools available, and how to use and access them.
 - The MGA needs more modern options for public notification, like email and municipal websites.
 - Local newspapers are changing, and they shouldn't be the only option for notification.
- The process of public hearings should be clarified.

- The MGA needs to establish guidance for social media use by councillors during public hearings.
- Before a land-use bylaw goes to a public hearing, a certain amount of the population needs to be aware of it.
- The process for the public to get involved in the land-use planning process is confusing.
- Petitions should have a clear list of electors, and there should still be the option to sign a petition even if you're not from that area.
- Better communication is needed about why and how the public is affected. The public doesn't understand the need to engage until it is too late to influence the outcome.
- Council, planning and public meetings should be recorded and publicly available. Section 197 (Public Presence at Meetings) should clarify who can be at meetings.
 - There should be a time limit for when minutes of meetings must to be published.
- Municipalities should publish the agenda when having meetings *in camera*.
- Certain changes to approvals should not require a public hearing.

Planning and inter-municipal appeals

Comments from participants included that:

- Municipalities who represent themselves and subdivisions at subdivision and development appeal board hearings should be able reject applications, thus leaving no recourse for developers.
- The planning appeals process should be open to more than just applicants, owners or municipalities.
 - The subdivision and development appeal model should offer a discretionary application process for appeals.
- The time to hold an appeal needs to be expanded from 30 days, and the written decision timeline should be expanded to 15 working days.
- Clearer standards are needed for what a subdivision and development appeal board looks like.
 - Subdivision and development appeal board members need more training which to increase quality and consistency.
- The planning appeals process is expensive for smaller municipalities.
- The public's ability to appeal needs to be maintained.
- For development agreements, there needs to be another mechanism to appeal that doesn't involve the courts.

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: <ul style="list-style-type: none"> <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