

# Municipal Government Act Review

## What We Heard: A Summary of Consultation Input

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Planning and Development Technical Session

Held in Medicine Hat on April 14, 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 Medicine Hat.

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](mailto: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](http://mgareview.alberta.ca)), the MGA Review Consultation Workbook, and official submissions.

## Session Overview

<b>Session</b>	Planning and Development Technical Session
<b>Location</b>	Southside Events Centre, Medicine Hat
<b>Date</b>	April 14, 2014
<b>Number of Participants</b>	14

- 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:

- When the new MGA is released it should include an interpretation guideline, bulletin or tools to clarify the intent of the new MGA.

## **Governance and Administration**

During 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 Finances**

#### ***Financial Administration***

Comments from participants included that:

- It should be mandated that municipalities submit accounting records for annual audits, when financial statements are sent to the Province.

## 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:

- Off-site levies need be clearly defined in the MGA so levies can be applied consistently across the province.
- Transparency and openness within off-site levy calculation process is needed.
  - The MGA should provide municipalities with a mechanism to account for off-site levies that have been collected. This will help to ensure these revenues are used for the correct purpose.
    - Off-site levy revenues should not fall under general revenues. Mandatory accounting provisions are needed to ensure this.
  - There should be more accountability to ensure off-site levies aren't unnecessarily high, and that the funds are used properly for development. There is a need to ensure that developers being charged levies are charged based on the benefits to the area.
  - Off-site levies should have defined project purposes and timelines.
- The Province should provide municipalities with a template for levy use.
- There should be more provincial oversight of municipal off-site levies.
  - An independent inspector, Municipal Government Board, Municipal Affairs or a third party ombudsman could perform this function.
  - Off-site levy bylaws should be inspected to increase consistency across the province.
  - The MGA should outline enforcement mechanisms for when municipalities use off-site levies improperly.
- Off-site levies should be saved in trust funds.
- Municipalities should be able to collect and recover levies from the original developer. There should be more resources and mechanisms for later developers to collect from the original developer.
  - An improved collection process is needed for original levies. An improved "endeavor to assist" provision would lessen the need for new levies.
- In order to maintain flexibility, the decision to create a levy should be the responsibility of municipalities.
  - Municipalities should be empowered to waive levies to encourage development, such as brownfield redevelopment.
- "Sunset clauses" should be eliminated, and municipalities should have the ability to adjust levies based on changing circumstances.

- Recreation centres and fire halls should be included in off-site levies. These facilities should not be classified as voluntary contributions.
- The Province should explore bonds as an alternative funding approach to levies.
- There should be a cap on the amount that fees can increase during a particular time period.

## Land Management and Planning Tools

### ***Statutory plans and land use bylaws***

Comments from participants included that:

- Currently, different planning documents conflict. The municipal development plan should take precedence over other plans, and non-statutory plans should tie into it.
  - A provision in the MGA is needed for when a conflict between the municipal development plan and a bylaw occurs that allows the municipal development plan to prevail.
- It should be mandated that the municipal development plan be reviewed regularly.
  - Metrics are needed to ensure municipal compliance to statutory plans.
  - Audits should require that these plans align and are followed.
- Area structure plans should only be adopted by resolution.
- Internally within municipalities, area structure plan reviews should be mandatory every 10 years.
- Currently, councils often ignore area structure plans, and this problematic.
- Area structure plans currently require too much detail. They should instead provide guideposts so they're not too difficult to update.
- Intermunicipal development plans should only have a mandatory review period of every five years from the date of bylaw adoption to avoid freezing land for development.
- The Province should review intermunicipal development plans, which should then be approved by Ministerial Order.
- There should be more clarity on the level of detail required for different types of plans.
- Sanitation, water, roads and transit are best planned on a regional basis, rather than at the municipal level.
- Planning for school sites should be included in municipal plans.

## Subdivision and Development Authorities and Processes

### ***Administrative decision-making processes***

Comments from participants included that:

- An alternative process for development agreements is needed. In the MGA, different options should be available. The intent of when a development agreement should be used must be clarified.
- More clarity is needed on the number of time extensions that can be asked for and given during subdivisions.

## Land Dedication and Use of Reserves

### ***Land dedication (reserves)***

Comments from participants included that:

- The frequency with which school boards don't use the municipal reserve land set aside for schools is a challenge for municipalities and developers.
  - Schools boards should be required to provide justification for the reserve sites they request.
  - The MGA should set a time limit after which a municipality can repurpose unused school lands.
  - The purchase of reserves for schools should be the responsibility of the school boards.
- The MGA should allow financial incentives to be awarded for schools that are built on reserve sites.
- The MGA should govern the amount of land that can be obtained for reserves and how it can be developed.
- There should be better density considerations for reserve requirements.
- The 10 per cent reserve requirement for industrial development should be decreased.
- Receiving cash-in-lieu of reserve land is working well when the cost of development is higher than the value of land.
- The process for receiving cash-in-lieu of reserve land needs to clarify options for use of the funds and establish appropriate accountability.
  - Cash received in lieu of reserve land should go towards community parks and facilities, and not into general revenue.
- Provisions for environmental reserves need more clarity in the new MGA.
  - More clarity is required regarding the definition and purpose of environmental reserves, as well as flooding designations, including rules, site assessment processes and guidance for use by municipalities.
  - Developers receive too many options when developing on environmental reserves.

- Provisions for environmental reserves need to be updated and simplified in the MGA.
- Environmental reserves should be defined differently for urban and rural municipalities.
- The MGA should outline a credit system for environmental reserves.

## Regional Approaches

### ***Managing growth and development***

Comments from participants included that:

- There are too many levels of planning. It is onerous and difficult to engage the public in the process.
- There should be clarification of the roles of different levels of government, especially regarding sustainable development.
- The MGA is not the place to address density intensification or smart growth.
- The MGA should provide a template to define what should be included in a growth management strategy. These strategies should fit with municipal plans.
- The MGA should provide a mechanism for managing massive amounts of data for planning at the municipal level, which would increase consistency for managing growth and development.
- Regional governance should be voluntary until enforcement is required to ensure the greater good.
- The *Planning Act* model of regional planning from 1977 needs to be reconsidered for today's environment.
- When a council has democratically decided on a plan, it should move forward without intervention from the Province.
- The Province should have a voice or be involved in the cross-jurisdictional planning across municipal boundaries.
- Adjacent municipalities should not have the ability to void or veto decisions in another municipality, like in the Capital Region Board.
- Land owned by the municipality should not be used as a land bank for developers.

### ***Regional funding approaches***

Comments from participants included that:

- The decision to work regionally should be based on cost-benefit analysis. Municipalities should be able to proceed alone if it is more cost-effective to do so.
- Provincial grants should be geared towards achieving a regional plan.
  - Grant incentives from the Province should encourage collaboration to provide regional services.

## Public Participation and Planning Appeals

### ***Public participation***

Comments from participants included that:

- The MGA needs to be more accessible and user-friendly. This will encourage public participation and engagement.
- There is a need to encourage more public awareness of the contents of the MGA.
- Special interest groups dominate hearings. Municipalities should use surveys to attract others to participate, as is done in Nova Scotia.
- The notification process in the MGA needs to be updated to account for modern communication methods.
- More targeted communication methods for those affected by land development are needed. Only adjacent landowners should be notified, not the entire municipality.

### ***Planning and inter-municipal appeals***

Comments from participants included that:

- There should be more tools and flexibility available to address planning appeals.
  - A municipal ombudsman is needed to review matters and to help interpret the MGA.
  - The MGA should state that alternative dispute resolution is a required step before the appeal process can take place.
  - There is a need for more discussion, less adversity and a less litigious approach to appeals.
  - A more simplified appeal process is needed.
- Subdivision and development appeal boards lack the expertise to deal with complex appeals.
  - There needs to be a regional appeal board as a step before the Municipal Government Board to deal with complex appeals.
- Subdivision and development appeal board members need to be impartial and unbiased.
  - Councillors should not sit on subdivision and development appeal boards.
  - The board should include members from a different community who have a professional, non-political interest in the issue.
  - Practicality is an important consideration for membership on appeal boards.
- The MGA should clearly establish when an application for appeal has been submitted and clearly determine timelines. Both parties involved should be notified.

## Appendix A: Session Agenda

### *MGA Review: Planning and Development Technical Session*

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