

LEGISLATIVE CHANGES: PLANNING & DEVELOPMENT

A PRESENTATION TO
THORHILD COUNTY COUNCIL
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RECENT CHANGES

Bill 20

Municipal Government Amendment Act, 2015

- Royal Assent: March 30, 2015

Bill 21

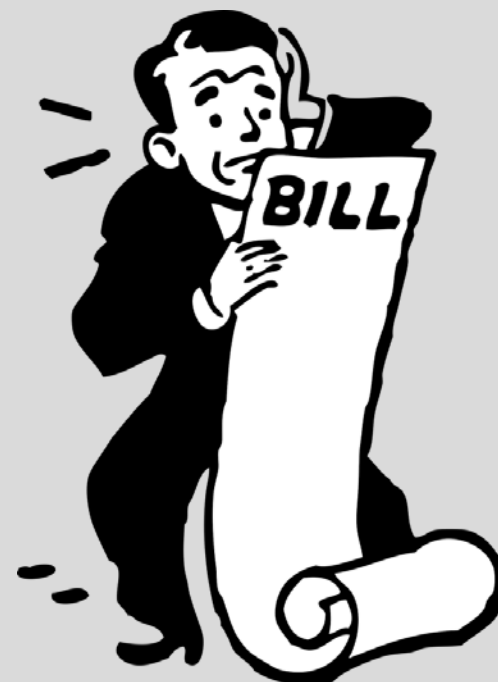
Modernized Municipal Government Act

- Royal Assent: December 9, 2016

Bill 8

An Act to Strengthen Municipal Government

- Royal Assent: June 7, 2017



a. EXPANSION OF 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.

a. EXPANSION OF OSL'S, CONTINUED

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

b. LAND USE BYLAW AMENDMENTS

What is Changing

1. New Steps 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



b. LAND USE BYLAW AMENDMENTS, CONTINUED

What is Changing, continued

1. New Steps 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.

c. PLANNING & DEVELOPMENT POLICIES

What the MGA Says Now



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

c. P&D POLICIES, CONTINUED

What is Changing



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

c. P&D POLICIES, CONTINUED

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

WWW

c. P&D POLICIES, CONTINUED

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.



d. INTERMUNICIPAL COLLABORATION FRAMEWORKS (ICF'S)

New MGA 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

Part 17.2 – Intermunicipal Collaboration

- **Mandatory** - Required within 2 years of proclamation
- Required with **each shared boundary neighbour** (subject to a few exceptions, like growth management boards)

d. ICF'S, CONTINUED

- 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
- Must either include an Intermunicipal Development Plan (IDP) as appendix or IDP must be independently adopted
- Must have a plan for implementation

d. ICF'S, CONTINUED

***Must
Address***



d. ICF'S, CONTINUED

How important is an 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

e. INTERMUNICIPAL DEVELOPMENT PLANS (IDP'S)

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's can apply to more than two neighbours, if all pass the same bylaw

e. IDP'S, CONTINUED

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)

f. ENVIRONMENTAL & 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)



f. ER & CR, CONTINUED

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)

f. ER & CR, CONTINUED

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)

f. ER & CR, CONTINUED

What is Changing, continued

2. Conservation Reserve (“CR”):

The SA 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.



f. ER & CR, CONTINUED

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

g. 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

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

g. INCLUSIONARY HOUSING, CONTINUED

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?

h. BROWNFIELD INCENTIVES

- Municipalities often struggle with how to deal with the abandoned gas station site...
- How can you encourage redevelopment?



h. BROWNFIELD INCENTIVES, CONTINUED

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)

h. BROWNFIELD INCENTIVES, CONTINUED

What is Changing

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.



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QUESTIONS?

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