Legislative Changes (Bill 20 and Bill 21) Responding to APPI Recommended Changes to the MGA

In June, 2014 APPI responded to a provincial call for input into how the MGA should be changed to make it a more responsive piece of legislation. APPI submitted a paper entitled "APPI MGA Review Recommendations for Proposed Amendments to the MGA", which identifies substantive issues that the APPI MGA Task Force identified as a result of assimilating and condensing feedback received from APPI members. The paper primarily addresses Part 17 of the Act – Planning and Development.

In response to all public input received, the Province adopted Bill 20 (*Municipal Government Amendment Act, 2015*) and tabled Bill 21 (*Modernized Municipal Government Act)*, both of which serve to amend the MGA to "make it a more responsive piece of legislation that gives municipalities and businesses the tools they need to build strong communities and a more resilient and diversified future for Alberta families". (Alberta Hansard, November 22, 2016).

Below are the substantive issues that APPI raised. The responses found in Bill 20 and/or Bill 21 to each issue is summarized, following the rational advanced for the recommendation. Additional amendments to Bill 21 were introduced on November 22, 2016 and those amendments have been considered when compiling the responses.

Overall Intent & Purpose of Part 17

Issue: Enabling Legislation for Greater Municipal Flexibility
More than ever, municipal sustainability requires flexibility so that interconnected agencies can operate effectively in a symbiotic relationship. The current MGA and other legislation limit the flexibility of school boards, municipalities and the private sector to act together without limitation. Providing enabling legislation allows the parties involved to use innovative tools and pool resources.

The Act needs to be updated to include contemporary land use and development tools. For example, it is questionable whether inclusionary zoning (the ability to require affordable housing to be provided as a consequential cost of growth) is permissible in the MGA. The application of form-based codes and performance zoning as potential tools run into limitations with the requirement to define permitted and discretionary uses in a land-use bylaw unless the municipality applies a direct control district (s.640(2)b).

Although the MGA provides "natural person" powers to municipalities, MGA legislation limits the capacity for municipalities to enter into agreements with other agencies and jurisdictions e.g. limitations are imposed on the capacity of municipalities to share municipal services such as recreation centers and libraries with school authorities. Natural person powers under the MGA exist except where the Act specifies limitations.

Recommendation: The Province should amend the MGA to enable greater flexibility, while ensuring accountability, for municipalities to creatively solve municipally identified issues and to work collaboratively with other agencies and school boards.

Rationale: Municipalities have become increasingly more complex entities since the original Planning Act of 1977. New strategies are required to address increasing growth related pressures for services without increases in municipal and/or school taxes. The Province incorporated natural person powers into the MGA in 1994 except to the extent that they are limited by this or any other enactment (MGA s6). The limitations in the MGA should be reviewed to further empower municipalities to utilize new collaborative tools and relationships.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20		Not addressed	
21	2	A preamble is added to the Act to set a tone within which the provisions of the Act should be interpreted and implemented. The preamble reflects a provincial recognition of the role that municipalities play in creating and sustaining safe and viable communities, as well as determining Alberta's economic, environmental and social prosperity. Additionally, the preamble recognizes "*the importance of working together with Alberta's municipalities in a spirit of partnership to co-operatively and collaboratively advance the interests of Albertans generally"* and that *"Alberta's municipalities have varying interests and capacity levels that require flexible approaches to support local, intermunicipal and regional needs".*	Preamble

Issue: Enabling Affordable Housing
The MGA does not include any planning tools that encourage or mandate the provision of affordable housing as a component of development.

Recommendation: Amend the MGA to address the provision of affordable housing as a result of development.

Rationale: To address the increasing need for affordable housing as a result of population growth, municipalities need the ability to reasonably require future development (both residential and non-residential) to contribute to the development of affordable housing units.

The availability of housing that is affordable to all Albertans is an important component of safe, diverse and viable communities. A range of housing is also necessary and desirable for economic and social reasons, such as attracting a workforce and enhancing the safety, health and welfare of residents. A stable and secure housing market contributes to creating jobs, attracting new workers, meeting the needs of seniors and families, and keeping the most vulnerable citizens off the street. Evidence shows that accommodating this housing, in turn, reduces the impact on the health care system, the justice system, social services and other municipal and provincial services.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20		Not addressed	
21	88	Defines inclusionary housing as meaning "*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*".	616(h.1)
	97	Allows a land use bylaw to provide for "*standards and requirements for inclusionary housing in accordance with an inclusionary housing regulation*".	640(4)(s)
	103	Adds the provision of *"inclusionary housing, in accordance with the land use bylaw and the inclusionary housing regulation"* to the conditions attached to an approved development permit.	650(1)(g)
	107	Adds the provision of *"inclusionary housing, in accordance with the land use bylaw and the inclusionary housing regulation"* to the conditions that a subdivision authority may attach to approval of a subdivision application.	655(1)(b)(vii)
	120 & 126	Requires that a Subdivision and Development Appeal Board, in determining an appeal for subdivision approval or for a development permit, must "*comply with the inclusionary housing provisions of the land use bylaw and the inclusionary housing regulation."*	680(2)(a.2) & 687(3)(a)(a.01)

Bill	Section	Response	MGA Section
21	128	Allows the Lieutenant Governor in Council to make regulations *(j)* "*respecting the provision of inclusionary housing, including, without limitation, regulations respecting* *(i) standards for inclusionary housing;* *(ii) the requirements and conditions under which a land use bylaw may require inclusionary housing as a condition of the applicant's being issued a development permit or as a condition of the applicant's receiving a subdivision approval;* *(iii) the conditions when money in place of inclusionary housing is permitted and the purposes for which the money can be used;* *(iv) the conditions or restrictions on the use of land provided for inclusionary housing;* *(v) the responsibility for ongoing operations of the management of dwelling units provided for inclusionary housing;* *(vi) the conditions for the sale or disposal of dwelling units or land provided for inclusionary housing;* *(vii) respecting the ownership of dwelling units or land provided for inclusionary housing;* *(viii) measures and any requirements to offset in whole or in part a requirement to provide inclusionary housing."*	694(1)(j)

Fees & Levies

Issue: Capital Recreational/Soft Service Infrastructure Cost Funding
Municipal ability to fund capital costs of recreational and soft services infrastructure is a concern. Capital costs of recreational and soft services infrastructure in new development areas should be considered a cost of development.

Recommendation: The MGA should include a mechanism that allows municipalities to fund capital costs associated with recreational and soft services as a cost of growth.

Rationale: Adequate and timely delivery of recreational and soft services infrastructure have a significant influence on quality of life in new communities. Given current municipal revenue sources, it is considered an unreasonable burden for the existing tax base to support the capital cost of these infrastructure improvements, particularly in new development areas without a sizeable population. It is more reasonable to require municipalities to support the ongoing operational costs of this infrastructure because the property tax contributions of build-out populations can adequately contribute to these facilities.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20		Not addressed	
21	88	Defines community recreation facilities as *"indoor facilities used primarily by members of the public to participate in recreational activities conducted at the facilities"*.	616(a.11) as amended by Amendment A1 R, agreed to Nov. 30, 2016

Bill	Section	Response	MGA Section
	101	Provides for an off-site levy to be *"used to pay for all or part of the capital cost for any of the following purposes, including the cost of any related appurtenances and any land required for or in connection with the purpose:* *(a) new or expanded community recreation facilities;* *(b) new or expanded fire hall facilities;* *(c) new or expanded police station facilities;* *(d) new or expanded libraries".* This provision is retroactively applied to fees or other charges imposed on a developer or through a development agreement entered into prior to this provision coming into effect.	648(2.1) 648(8)
21	102	Provides for the right for any person *"subject to and in accordance with the regulations,* to appeal the imposition of a levy for any of the uses identified in Section 648(2.1) to the MGB "*on any of the following grounds:* *(a) that the purpose for which the off-site levy was imposed is unlikely to benefit future occupants of the land who may be subject to the off-site levy to the extent required by the regulations;* *(b) that the principles and criteria referred to in regulations made under section 694(4)(b) that must be applied by a municipality when passing the off-site levy bylaw have not been complied with;* *(c) that the determination of the benefitting area was not determined in accordance with regulations made under section 694(4)(c);* *(d) that the levy or any portion of it is not for the payment of the capital costs of the purposes, as set out in section 648(2.1);* *(e) that the calculation of the levy is inconsistent with regulations made under section 694(4) or is incorrect;* *(f) that an off-site levy for the same purpose has already been imposed and collected with respect to the proposed development or subdivision.* *(g)* *"Where an off-site levy bylaw amends the amount of an off-site levy, an appeal under this section may only be brought with respect to that amendment."*	648.1(1) as amended by amendment A1 Y on November 30, 2016 648.1(3) as amended by amendment A1 Y on November 30, 2016
	128	Provides for the Lieutenant Governor to "*make regulations* *(a) respecting the calculation of an off-site levy in a bylaw for a purpose referred to in section 648(2.1) and the maximum amount that a municipality may establish or impose and collect as a redevelopment levy or an off-site levy, either generally or specifically;* *(b) the principles and criteria that must be applied by a municipality when passing an off-site levy bylaw;* *(c) respecting the determination of the benefitting area for a purpose under section 648(2) or 648(2.1) and the extent of the anticipated benefit to the future occupants of the land on which the off-site levy is being imposed;* *(d) respecting appeals to the Municipal Government Board under section 648.1, including, without limitation,* *(i) the filing of a notice of an appeal,* *(ii) the time within which an appeal may be brought, and* *(iii) the process and procedures of an appeal."*	694(4) as amended by amendment A1 DD on November 30, 2016

Issue: Community Services Reserve (CSR) as a Requirement of s.661

Currently, CSR is only available as a result of school sites being declared surplus. Community service uses allowed on CSR are often already provided in developed areas where school sites exist. Municipalities require these uses to be provided in greenfield areas but have no mechanism to acquire land for them.

Recommendation: Enable CSR to be taken as an eligible part of the 10% reserve dedication at the subdivision stage as either land or cash in lieu of land. Cash in lieu can only be used to purchase land for CSR purposes.

Rationale: To ensure that land is available to accommodate development of community uses listed in s.671(2.1), municipalities require the ability to take CSR at the time of subdivision, thereby incorporating CSR in greenfield areas as well as developed areas.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20		Not addressed	
21		Not addressed	

Issue: Community Services Reserve (CSR) Uses Included in Redevelopment Levy

The need for CSR uses can arise as a result of redevelopment, yet municipalities have no mechanism to acquire land for these uses.

Recommendation: Include land for CSR uses as part of the listed purposes in a redevelopment levy s. 647(2)(a).

Rationale: When redevelopment results in increased densification, a need can arise for provision of community service uses to adequately service the increased population. At present, municipalities have no mechanism to acquire land for these uses. Adding the uses identified in s.671(2.1) to s.647 (2) would provide the ability to use redevelopment levy funds to acquire land for these uses.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20		Not addressed	
21		Not addressed	

Issue: Terms and Conditions of Repayment of Oversized Improvement Costs

There is a lack of clarity about when and if costs incurred to oversize utility capacities are reimbursed.

Recommendation: The MGA should specify the duration and reasonable interest rate provisions for oversizing agreements.

Rationale: s.651(1) provisions for oversizing agreements are silent on how long an adjacent landowner may be required to contribute to past oversizing. Nor do they specify what would be a reasonable interest rate and how compounding interest could adversely affect a future developer.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20		Not addressed	
21		Not addressed	

Land Management & Planning Tools

Issue: Statutory Plan Hierarchy
The plan hierarchy is assumed to be well understood, yet municipalities and the courts have interpreted that hierarchy in different and sometimes contradictory ways. Some consider the Municipal Development Plan to be the highest order plan, yet Land Use Bylaw decisions often trump the expressed desire of a community as contemplated through policy.

Recommendation: A standardized plan hierarchy should be developed in a manner that correlates with the size and complexity of the municipality and the level of planning that should take place. Also, the requirements (and name) of intermediate plans (for example, conceptual schemes, outline plans, concept plans) that are sometimes adopted between the ASP and Land Use should be outlined.

Rationale: Municipalities differ in size, population and land considerations but in each it is unclear when a statutory plan should be undertaken and to what level. Population levels or geographies attributed should be used to determine the appropriate level of planning that is required.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20		Addresses the issue of identifying a standardized hierarchy of statutory plans, as follows:	
	62	Requires that *"municipal development plan must be consistent with any intermunicipal development plan in respect of land that is identified in both the municipal development plan and the intermunicipal development plan".*	632(4)
	63	Requires that "*an area structure plan must be consistent with* *(a) any intermunicipal development plan in respect of land that is identified in both the area structure plan and the intermunicipal development plan, and* *(b) any municipal development plan".*	633(3)
	64	Requires that *"an area redevelopment plan must be consistent with* *(a) any intermunicipal development plan in respect of land that is identified in both the area redevelopment plan and the intermunicipal development plan, and* *(b) any municipal development plan".*	634(2)
		The issue of where the Land Use Bylaw stands within this hierarchy of plans has not been addressed.	
		The issue of correlating a plan hierarchy with the size and complexity of the municipality has not been addressed.	
21	96	Addresses any other policies that may be considered in making decisions under Part 17 of the MGA. *Every municipality must compile and keep updated a list of any policies that may be considered in making decisions under this Part* *(a) that have been approved by council by resolution or bylaw, or* *(b) that have been made by a body or person to whom powers, duties or functions are delegated under section 203 or 209, and that do not form part of a bylaw made under this Part.*	638.2(1)

Bill	Section	Response	MGA Section
21	96	*The municipality must publish the following on the municipality's website:* *(a) the list of the policies referred to in subsection (1);* *(b) the policies described in subsection (1);* *(c) a summary of the policies described in subsection (1) and of how they relate to each other and how they relate to any statutory plans and bylaws passed in accordance with this Part;* *(d) any documents incorporated by reference in any bylaws passed in accordance with this Part.*	638.2(2)
		A development authority, subdivision authority, subdivision and development appeal board, the Municipal Government Board or a court shall not have regard to any policy approved by a council or by a person or body referred to in subsection (1)(b) unless the policy is set out in the list prepared and maintained under subsection (1) and published in accordance with subsection (2). These provisions become effective January 1, 2019.	638.2(3) 638.2(4)
		The issue of where the Land Use Bylaw stands within this hierarchy of plans has not been addressed.	
21	95	The issue of correlating a plan hierarchy with the size and complexity of the municipality was not addressed. However, provision has been made that all municipalities must, by bylaw, adopt a Municipal Development Plan by December 6, 2018	632(2.1) as amended by Bill 21 being given Royal Ascent on December 6, 2016
	94	Additionally, all municipalities are required to engage in some form of intermunicipal planning with their neighbouring municipalities. By December 6, 2018, all municipalities are required, through negotiations conducted in good faith, to adopt an intermunicipal development plan with neighbouring municipalities with which they share common boundaries, unless the municipalities are members of a growth region, where they would be party to a growth plan developed by the growth management board. The Minister may, by order, exempt municipalities from the requirement to adopt an intermunicipal development plan.	631(1),(3) & (5) as amended by Amendment 1A T agreed to Nov 30, 2016 and by Bill 21 21 being given Royal Ascent on December 6, 2016 631(1.1)

Issue: Statutory Plan Consistency

MGA s.638 requires that all plans be consistent with one another, yet in reality, this is the exception and not the rule. Municipalities update Land Use Bylaws regularly but statutory plans tend to be updated at irregular intervals. When a higher order plan is reviewed, it does not follow that related plans are updated either.

Recommendation: A section similar to s.638 should be added to each Statutory Plan to ensure compliance is achieved in the production of subsequent plans and that a realistic timeline or trigger be added to ensure plan consistency is attained.

Rationale: It is important to note that in order for plans to be implemented effectively, they must connect to contemporary rules and regulations in an integrated fashion.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20	65	Contains provisions to address conflict or inconsistency amongst statutory plans. IDP prevails over the MDP for areas covered by the IDP MDP prevails over an ASP or an ARP	 638(1) 638(2)
	74	Provides that a subdivision and development appeal board must recognize the consistency of plan when complying with any applicable statutory plans in making its decision.	687(3)(a.1)
21		Not addressed	

Issue: Statutory Plan Consultation Requirements

It is unclear who should be consulted when statutory plan amendments are contemplated. MGA provisions need clarification regarding the nature and type of consultations that should occur in the amendment of these plans.

Recommendation: Additional details regarding adequate consultation should be introduced in the MGA to ensure appropriate amendment of statutory documents. The exception clause for amendments to Statutory Plans (s.636 (2)) should be removed, as this is contrary to the need for transparency and openness in making decisions regarding the public interest.

Rationale: Statutory plans govern the development and redevelopment of specific areas within a municipality. Decisions rendered as a result of amendments to these plans affect not only area residents but businesses and prospective developers. The social, economic and environmental realities under which these plans operate changes over time. There is a need to review the relevancy of these plans in a timely manner and for openness and transparency within which any changes to these plans are made.

Bill	**Section**	**Response**	**MGA Section**
20		Not addressed	
21		Not addressed	

Issue: Floodplain Management should be a Mandatory Consideration in Planning and Development Issues

Section 693.1 addresses the minister's capacity to control development of land in floodways and appears to be a reactionary measure. However, it is incumbent upon municipalities as the local approving authority to be the first line of defense against the development of inappropriate uses in flood prone areas.

Recommendation: Notwithstanding Section 693.1, amend sections 631 to 636 in the MGA to require municipalities to address flood plain management in planning and development decisions by adding to these sections that statutory plans must consider "any potential for the flooding, subsidence or erosion of the land".

Rationale: With the situation in southern Alberta during the floods of 2013, flood plain management is long overdue and a proactive approach to development in flood prone areas will substantively mitigate the potential for future property damage.

Bill	**Section**	**Response**	**MGA Section**
20		Not addressed	
21		Not addressed	

Issue: Requirement to Adopt an Intermunicipal Development Plan (IDP)
Intermunicipal Development Plans are a beneficial tool, but they require a greater degree of certainty as to when a municipality must actually develop an IDP. s.631 should be expanded to define required elements to be considered in an IDP and where the IDP fits in the hierarchy.

Recommendation: It is recommended that the MGA be amended to:

- clearly identify the IDP as superseding other Statutory Plans and require that all urban municipalities with a population of 3500 or more adopt Intermunicipal Development Plans that are developed collaboratively with relevant neighbouring municipalities
- delete s. 631.1
- change provisions as areas that an IDP "may address" in s.631(2)(a) to areas that an IDP "must address" in s.631(2)(b)
- expand s.631(2)(b) to address environmental, social and economic matters that need to be addressed between the participating municipalities and to include the manner and form within which annexation proposals will be addressed.

Rationale: In order that IDP s become effective tools the matters considered by municipalities at the MDP and ASP stage should also be considered between adjacent municipalities so that the built and physical environments are able to connect regardless of political boundaries.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20		Not addressed	
21	65	Contains provisions to address conflict or inconsistency amongst statutory plans, making the IDP the dominant plan in the hierarchy of statutory plans	638(1) & (2)
	94	Requires all municipalities to engage in some form of intermunicipal planning with their neighbouring municipalities by December 6, 2018.	631(1) & (3) as amended by Bill 21 being given Royal Ascent on December 6, 2016
		Future land use within the plan area and the manner of and proposals for future development in the plan area have been added to the matters that an IDP must address. In addition, other matters that an IDP must address include: *"(iii) the provision of transportation systems for the area, either generally or specifically,* *(iv) the co-ordination of intermunicipal programs relating to the physical, social and economic development of the area,* *(v) environmental matters within the area, either generally or specifically,* *(vi) any other matter related to the physical, social or economic development of the area that the councils consider necessary,*	631(2)(a)
		Matters originally identified as mandatory components of an IDP and contained in s6312(b) remain unchanged in Bill 21.	631(2)(b)
		The manner and form within which annexation proposals will be addressed has not been included in the matters that an IDP should or may address.	

Issue: Requirement for Intermunicipal Issues to be Addressed in a Municipal Development Plan (MDP)

At present there is a requirement that, in the absence of an Intermunicipal Development Plan, a municipality should address jurisdictional issues when developing its Municipal Development Plan. But the MGA does not specify that consultations with a neighbor must occur.

Recommendation: In the absence of a requirement that all urban municipalities with a population of 3500 or more must prepare an Intermunicipal Development Plan, there should be, at a minimum, a requirement added to s.632(3)(a)(iii) that an MDP must provide for a means of consulting with an adjacent municipality on land use and development applications adjacent to the affected municipality.

Rationale: Without an express requirement that municipalities either develop an Intermunicipal Development Plan or that an MDP addresses the requirement for intermunicipal consultations, conflicts may result as a result of municipal land use and development decisions.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20		Not addressed	
21	94	Requires all municipalities to engage, in some form of intermunicipal planning with their neighbouring municipalities within two years of Bill 21 coming into effect.	631(1) & (3)

Issue: Matters that Must Be Addressed in Municipal Development Plans

s.632(3) identifies certain matters that are mandated to be addressed within a MDP (3a) but leaves other matters as discretionary (3b). Today a triple-bottom-line approach to planning communities should balance economic, social and environmental matters in planning documents.

Recommendation: s.632(3)(a) should be changed by making it mandatory to consider all issues now listed under s.632(3)(b). Additionally, it should be mandatory to address water conservation and energy efficiency measures in a MDP.

Rationale: Recognizing the triple-bottom-line premise of planning approaches in the 21st century, environmental considerations must be afforded greater attention.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20		Not addressed	
21		Not addressed	

Issue: Required Content of Area Structure Plans (ASP)

An Area Structure Plan is intended to provide more detailed municipal development direction on an area specific basis to ensure consistency with a MDP. Currently, the MGA does not facilitate this “carry-over” of direction. Ideally, ASPs should ensure all relevant provisions contained within a MDP are addressed within an ASP so that the triple bottom line principles (namely economic, environmental, and social considerations) addressed by the MDP are also addressed on an area specific level. Additionally an Area Structure Plan should take account of adjacent areas and address the impact the plan may have on subsequent development/redevelopment on these areas .

Recommendation: The matters addressed in s.632(3) should also be considered in s.633(2) so that the triple-bottom-line principles addressed at the MDP level are connected at the ASP level.

Rationale: s.633(2) is somewhat weakly defined. It needs to provide enough direction so that municipalities are able to ensure MDP triple bottom line objectives are aligned and are achievable throughout the hierarchy of statutory planning documents.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20		Not addressed	
21		Not addressed	

Issue: Is there a More Appropriate Name for Area Redevelopment Plans (ARP)?
The use of the term "Area Redevelopment Plan" is dated and implies that an area is in need of repair, which may not always be the case.

Recommendation: The current name for Area Redevelopment Plans should be changed to something more positive such as "Area Enrichment Plan" or "Area Enhancement Plan."

Rationale: Redevelopment implies a desire to change the nature of a community. In many cases, the plan area is in need of maintenance, modernization or enhancement, but it does not need to be "redeveloped". The language should be consistent between the intent of the Plan and the need of the plan area.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20		Not addressed	
21		Not addressed	

Issue: Clarification of Council Endorsement of Proposed Bylaw Amendments relative to Required Public Hearings
Currently, s.692 requires that a public hearing be held prior to second reading of a bylaw to amend most statutory plans. If a bylaw does not pass First Reading, there is no obligation for Council to further consider the proposed amendment. The applicant proposing the amendment may be denied due process afforded by conducting a public hearing. Additionally, the public does not have the ability to provide input on the possible merits/impacts of the proposed amendment. Some municipalities choose to use first reading as a "test" to determine whether to even proceed to a hearing.

Recommendation: The Act should be amended so that it is clear that a public hearing must be held before a matter can be dismissed.

Rationale: Once a matter has been reviewed in terms of the technical merits and municipal priorities, the applicant and the public should be afforded the right to be heard publicly regarding the matter despite the perceived merits of the application.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20		Not addressed	
21		Not addressed	

Subdivision & Development Authorities

Issue: Coordination and Cooperation between Municipalities and Exempted Agencies
The MGA does not encourage cooperation and coordination between municipalities and any agencies/bodies identified in exception clauses in s.618-620.

Recommendation: Amend the MGA and other legislation to allow more robust municipal input into decisions made by agencies currently identified under sections 618-620.

Rationale: Decisions made based on MGA s.618-620 have major implications on the affected municipality. While it is understood that decisions can be made by approving authorities other than municipal approving authorities, cooperation and coordination among the approving authority, municipality, and industry should be a component of the decisions. Omitting one of these parties from the overall process creates problems.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20		Not addressed	
21		Not addressed	

Issue: Appeals Filed Under s.690 of the Act
The process outlined in s.690 does not impede frivolous appeals between municipalities, nor does it allow an affected land owner(s) the possibility to provide input in intermunicipal disputes. Discussions are allowed only between the two municipalities.

Recommendation: Incorporate the same intent of mediation that is espoused in s.112.1 into s.690 to reduce the ability of municipalities to walk away from discussions/negotiations and to allow an affected land owner to provide input in the dispute, if all parties agree.

Rationale: A number of appeals under s.690 have been raised simply for the sake of submitting the appeal rather than on the actual situation at hand, creating additional costs. Including an acknowledgement that municipalities are expected "to reach their own mutually acceptable settlement of the matter by structuring negotiations, facilitating communication and identifying the issues and interests of the participants prior to filing an appeal" into s.690(3) should reduce the number of frivolous appeals. When a decision is reached by the municipal authorities that significantly alters the potential use of land, it seems reasonable that the municipal authorities consider the land owner's point of view in reaching their decision.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20		The introduction of a similar definition of mediation as is found in provisions dealing with annexation, namely that the affected municipalities, and any other person brought in with the agreement of the municipalities are expected "to reach their own mutually acceptable settlement of the matter by structuring negotiations, facilitating communication and identifying the issues and interests of the participants" prior to filing an appeal has not been addressed.	
20	75	In addition to existing requirements for mediation between the affected municipalities, the municipality initiating the appeal is required, within 30 days of filing the appeal, to indicate, through a statutory declaration, "*that mediation is ongoing and that if the mediation is not successful a further response will be provided within 30 days of its completion."* In determining if the provision or amendment to the statutory plan or land use bylaw is detrimental, the MGB must disregard the requirement that statutory plans be consistent with each other within the identified hierarchy of plans.	690(3)(c) 690(5.1)

Bill	Section	Response	MGA Section
20		The issue of allowing an affected land owner to provide input into the dispute, if all parties agree, is not addressed.	
21		Not addressed	

Issue: Clarity on What Constitutes a Complete Development Permit or Subdivision Application
The trigger mechanism as to when a development permit or subdivision application is deemed complete is unclear. As a result, appeals are filed when an approving authority did not have adequate information to assess the application.

Recommendation: Amend s.684 of the MGA and s.6(b) of the Subdivision and Development Regulation to indicate that the 40 days or 60 days, respectively, begins after receipt of a complete application, as deemed complete by the municipality. Additionally, this section should be amended to require a municipality to itemize what supporting documentation is required before an application can be deemed "complete."

Rationale: There is confusion on when appeals should or should not be initiated, especially if there was no extension or decision. This lack of communication can be frustrating for an applicant as it can delay a decision being issued for the development permit or subdivision plan. Clarifying the completion process for these applications will ensure applicants understand the required documentation.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20		Not addressed	
21	121	Repeals the heading for Section 683, replacing it with "Development Permits", effectively distinguishing development permits from development appeals in the Act.	Preceding 683
	105 (subdivision) & 122 (development)	Replaces the current provisions for subdivision and development permit applications with more exhaustive provisions that detail circumstances under which applications can be determined to be complete, including providing process around how a municipality must deal with both complete and incomplete applications. Within 20 days of receipt of an application, unless an extended time period is agreed to, the municipality must issue to the applicant, an acknowledgement that the application is either complete or incomplete by determining if it contains all documents and information required to be considered a complete application. If incomplete, the acknowledgement must identify what additional information must be submitted before an identified date. Failure to submit all additional required information by the identified date will result in the application being deemed to be refused. If the application is deemed to be refused, the municipality must provide the applicant with a notice, in the form and manner provided for in the land use bylaw, that the application has been refused and the reason for the refusal.	653.1(1) - (9) & 683.1(1) - (9)
	98	Notwithstanding the above, provision is made for cities and other municipalities with a population of 15,000 or more to prescribe alternative time periods in a land use bylaw for determining the completeness of, and for making decisions regarding, development permit and subdivision applications.	640.1as amended by Amendment 1A W, agreed to November 30, 2016

Issue: Maximum Limits for Endorsement of Subdivisions
Clarification of time extensions is needed for subdivisions. The MGA does not note how many extensions can be granted or the overall period of time within which a subdivision approval is valid, if extension(s) have occurred.

Recommendation: Amend the MGA to provide clarity on the number of times and the maximum duration through which a subdivision endorsement can be extended.

Rationale: It does not seem reasonable that, once granted, a subdivision approval has the potential to remain valid, through Council approved extensions, for an indefinite period of time, especially if the one-year, originally defined period of approval has already expired.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20		Not addressed	
21		Not addressed	

Land Dedication & Use of Reserves

Issue: Introduce Environmental Protection into the Definition of Environmental Reserve (ER)
ER currently addresses the developability of land, rather than recognizing its ecological function.

Recommendation: Redefine ER in s.663 to recognize environmentally significant areas based on scientific assessment of the area's significance and the potential to mitigate impacts resulting from incompatible development.

Rationale: In keeping with the need for municipalities to make decisions within a triple-bottom-line context, (namely social, economic and environmental consideration) identification and protection of environmentally significant areas must become a prime consideration when a municipality makes development decisions.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20		Not addressed	
21	113	The concept of environmentally significant areas is addressed through the introduction of conservation reserve, which can be provided as a condition of subdivision if: (a) *"in the opinion of the subdivision authority, the land has environmentally significant features,* (b) *the land is not land that could be required to be provided as environmental reserve,* (c) *the purpose of taking the conservation reserve is to enable the municipality to protect and conserve the land, and* (d) *the taking of the land as conservation reserve is consistent with the municipality's municipal development plan",* and if the municipality compensates the land owner for the land taken as conservation reserve within 30 days of when a title for a conservation reserve parcel is issued, at an amount equal to the market value of the land at the time the subdivision application was received. Disagreement on market value must be settled by the Land Compensation Board.	664.2(1) 664.2(2) 664.2(3)
	100	The requirement for the municipality to acquire, start proceedings to acquire, or redesignate land to another use does not apply to land designated as conservation reserve.	644 (3)

Issue: Protection Required for Environmentally Significant Areas
Environmental assessments are required to define how best to protect environmentally significant areas

Recommendation: In s.633(2), require that an Area Structure Plan must identify environmentally significant areas within the plan area and must describe the impacts of intended development on them.

Rationale: An Area Structure Plan is the appropriate level of planning for identification of environmentally significant area and measures that must be taken to protect them, given the type of development that the ASP contemplates adjacent to these areas.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20		Not addressed	
21		Not addressed	

Issue: Change of Reserve Designation from Municipal Reserve (MR) to Municipal and School Reserve (MSR)
Currently, a municipality can change a reserve dedication of land from MR to SR without adhering to the procedures in s.674. However, if a municipality wishes to change the reserve dedication from MR to MSR and provide for joint interest/ownership by both the municipality and the school authority, the municipality must formally dispose of the MR designation before entering into an agreement between the municipality and the school authority to use the land for a purpose intended in s.671(2). The resulting agreement will be outside of the auspices of a reserve designation.

Recommendation: Amend s.673(1) to allow a change of reserve designation from MR to MSR, just as a municipality can change the designation from MR to SR without requiring a public hearing.

Rationale: The lack of ability to easily change the reserve designation of land from MR to MSR appears to be an oversight within the MGA. The ability to do so, without the need to formally dispose of the MR designation, would simplify the process to bring the land into joint ownership between the municipality and a school authority and, at the same time, continue to encumber the land with a reserve designation.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20		Not addressed	
21		Not addressed	

Regional Approaches

Issue: Enabling/Encouraging Regional and Intermunicipal Planning and Cooperation
The MGA should include opportunities that enable and encourage regional and intermunicipal planning and cooperation/governance.

Recommendation: Recognition of the need to establish regional land use bodies as voluntary associations/commissions should be given consideration in the Act. However, in the case of the Calgary and Edmonton regional areas where several municipalities may be struggling to reach collaborative solutions voluntarily, the Province should step in and mandate a process that defines and resolves substantive issues affecting the region. Substantive issues need be addressed using a triple-bottom-line approach that articulates the economic, environmental and social issues and benefits that the region would face as a result of these potential solutions. The MGA should enable other areas with significant diverse issues to be similarly mandated.

Rationale: A significant number of issues related to growth and development require several affected municipalities to come together to find equitable solutions to regional issues. These impacts are often considered beyond the scope of an Intermunicipal Development Plan as they may pertain to several municipalities that are not “related” by adjacent boundaries with each other. The ideal would be providing the opportunity to address these issues in a voluntarily and collaborative fashion. However, in cases where differences of opinion amongst affected municipalities are so diverse that identified solutions are unproductive, the Province needs to be able to mandate a regionally defined solution and to require regionally defined adherence to these solutions.

Legislative Changes (Bill 20 and Bill 21) Responding to APPI Recommended Changes to the MGA

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20		Not addressed	
21	6	Adds working "*collaboratively with neighbouring municipalities to plan, deliver and fund municipal services"* to the purposes of a municipality	3(d)
21	15	Adds a new duty to the list of duties of councillors to "*promote an integrated and strategic approach to intermunicipal land use planning and service delivery with neighbouring municipalities".*	153(a.1)
	129	Augments the purpose of Part 17.1 – Growth Management Boards – to not only *"enable 2 or more municipalities to initiate, on a voluntary basis, the establishment off a growth management board to provide for integrated and strategic planning for future growth in those municipalities"*, but to *"establish growth management boards for the Edmonton and Calgary regions"*.	708.011
	130	Requires that the Lieutenant Governor establish, by regulation, "*a growth management board for both the Edmonton region and the Calgary region and determine the membership of each of those boards. The Capital Region Board Regulation (AR38/2012) is deemed to be a growth management board for the Edmonton region"*. Additionally, it becomes mandatory, rather than discretionary, for a growth management board to: *(d) prepare a growth plan for the growth region* *(e) specify the objectives of the growth plan,* *(f) specify the contents of the growth plan,* *(g) specify the timelines for completing the growth plan,* *(h) specify the form of the growth plan,* *(i) specify the desired effect of the growth plan,* *(j) specify regional services and the funding of thoseservices, and* (k) *specify the process for establishing or amending the growth plan."*	708.02(1.1) & (1.2) 708.02(d) through (k)
	131	Part 17.2 "Intermunicipal Collaboration" is added with the purpose of requiring "*municipalities to develop an intermunicipal collaboration framework among 2 or more municipalities* *(a) to provide for the integrated and strategic planning, delivery and funding of intermunicipal services,* *(b) to steward scarce resources efficiently in providing local services, and* *(c) to ensure municipalities contribute funding to services that benefit their residents".* Creation of an intermunicipal collaboration framework (ICF) becomes mandatory between municipalities that have common boundaries by December 6, 2018. However, municipalities that do not have common boundaries may be party to a framework. Municipalities that are members of a growth management board must, within 2 years of the date on which the growth management board is established, create an ICF with other municipalities in the same growth management board, but only in respect of those matters that are not addressed in the growth management plan. Calgary and Edmonton region growth management boards must create such an ICF by December 6, 2018. In all cases, municipalities that are members of a growth management board must create an ICF with municipalities with which they have common boundaries that are not members of that growth management board. The list of items that are mandatory or discretionary within a framework is extensive and is provided in proposed s708.29(1) & (2). A framework is not considered complete unless the participating municipalities have also adopted an IDP or unless an IDP is included as an appendix to the framework.	708.27 708.28(1) as amended by Bill 21 being given Royal Ascent on December 6, 2016 708.28(4), (4.1), (4.2) & (6) as amended by Amendment A1 EE, agreed to November 30, 2016 and by Bill 21 being given Royal Ascent on December 6, 2016 708.29(1) & (2) 708.30(1)

Issue: Provision for Big City Charters
Not all municipalities have the same issues. The MGA, however, regards all municipalities as equals in all respects.

Recommendation: Amend the MGA to enable city charters for Calgary and Edmonton.

Rationale: Large cities usually have more complex and larger-scaled issues that require special jurisdictional considerations than other smaller cities in Alberta (e.g., affordable housing, infrastructure renewal, rapid transit, etc.). As such, they should be allowed to have enhanced jurisdiction on these matters as well as have the ability to raise revenues in different ways to provide these services. These charters could be an opportunity to pilot innovative provisions before introducing them into the MGA.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20	14	Enables the Lieutenant Governor to, by regulation, establish a charter for any city in the province, in response to a request by that city, with a purpose of addressing *"the evolving needs, responsibilities and capabilities in a manner that best meets the needs of their communities".* With the exception of provisions within the Act related to regional services commissions and growth management boards, once established, a charter "*governs all matters related to the administration and governance of the charter city, including, without limitation, the powers, duties and functions of the charter city and any other matter that the Lieutenant Governor in Council considers desirable".* The charter prevails over the MGA or any other enactment in the case of conflict or inconsistency. A charter may also: *"(a) provide that a provision of this Act or any other enactment does not apply to the charter city or applies to the charter city with the modifications set out in the charter;* *(b) specify or set out provisions that apply in respect of the charter city in addition to, or instead of, a provision of this Act or any other enactment;* *(c) authorize the charter city to modify or replace a provision of this Act, or any other enactment, by bylaw".*	141.2& 141.3 141.4(1) 141.5 141.4(3)
21		Not addressed	

Issue: Annexation Principles
The Municipal Government Board (MGB) has implicitly followed and implemented a set of principles when dealing with annexations but the Minister has never embodied these in the MGA to make them readily accessible.

Recommendation: Amend Part 4, Division 6 and create a new 112.1 to explicitly note the principles of annexation that the MGB uses when making decisions on annexations.

Rationale: Through Section 76 of the MGA "The Minister may publish principles, standards and criteria that are to be taken into account in considering the formation, change of status or dissolution of municipalities and the amalgamation of or annexation of land from municipal authorities." Having these principles outlined specifically as a provision in the MGA provides additional transparency in the process.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20	13	Provides for the Minister to make regulations respecting procedures to be followed regarding annexation of land to a municipality.	128.1
21		Not addressed	

Public Participation & Planning Appeals

Issue: Communication Methods for Public Input and Public Notification
The MGA has not incorporated newer technology for communication purposes, such as information dissemination, input and referrals. Public input and public notification are limited to newspaper, notices, attendance at public meetings and letters. Due to advances and changing trends in communications technology, not all affected individuals may be adequately notified by communication methods currently ensconced in the Act.

Recommendation: The MGA should be amended to incorporate newer technologies and avenues for public input and notification, including various means of information dissemination. Municipalities should be required to pass a public engagement bylaw that will outline what constitutes valid communication avenues within the planning process.

Rationale: Municipalites may be able to notify and capture input from more people on planning and development matters by using modern communication methods, including social media. The current list of mechanisms for providing notification in the MGA is antiquated.

Provincial Response in Bill 20 and Bill 21			
Bill	**Section**	**Response**	**MGA Section**
20	24	A new Section is added to Part 7 (Public Participation) requiring all municipalities to establish a public participation policy. The Minister is enabled to "*make regulations regarding public participation policies* *(a) respecting the contents of public participation policies;* *(b) respecting the considerations to be taken into account by a council in establishing its public participation policy;* *(c) setting a date by which every municipality must have its first public participation policy in place;* *(d) respecting requirements for a council to review its public participation policy periodically and consider whether any amendments should be made;* *(e) respecting requirements to make publicly available a public participation policy and any amendments made to it."* However, nothing in such a public participation policy affects any right or obligation that a municipal authority or any person has under any other provision of the Act; nor can any resolution or bylaw of a council be challenged for noncompliance with the policy, if the policy is made by council resolution.	216.1(1) 216.1(3) 216.1(4) & (5)
	56	Enhances a municipality's options for advertising by adding the ability to publish notice of a bylaw, resolution, meeting, public hearing or other thing on the municipality's website, or by giving notice by a method, including electronic means, provided for in an advertisement bylaw prepared pursuant to new provisions contained in s606.1 and requiring that the notice contain "*a copy of the proposed bylaw, resolution or other thing and any document relating to it or to the meeting or public hearing, if the notice is being advertised on a municipality's website".*	606(2)(c) 606(6)(e)
	57	Provisions for the advertisement bylaw must satisfy council that the methods included in the bylaw would bring items advertised by the methods contained in the bylaw *"to the attention of substantially all residents in the area to which the bylaw, resolution or other thing relates or in which the meeting or hearing is to be held".*	606.1(2)
	58	Documents to be served on a municipality can be received via electronic means.	607(c)
21	87	Documents can be sent by a municipality to a person via electronic means if the recipient has consented to receive electronic documents, provided an electronic address for that purpose, and if it is possible to make a copy of the document from the electronic transmission.	608(1)

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