

AUMA Submission on Red Tape Reduction proposals related to Part 17 of the Municipal Government Act

General Feedback

- AUMA appreciates that process and timelines for the red tape reduction initiative have been challenging due to COVID-19. Therefore, there has been limited opportunity to engage Alberta's diverse municipalities in exploring opportunities enhance planning and development processes in regulation and practice.
 - For example, both BILD Alberta and municipalities have called for reversing changes made by the previous government to the Subdivision and Development Regulation which increased requirements for municipalities other than cities to refer subdivision applications to Alberta Transportation for review. This referral adds unnecessary delays especially to small scale developments that do not impact highway access.
- In addition, municipalities of all sizes have joined the development industry in identifying the need for overall improvement to processes involving referrals related to the *Water Act* and *Public Lands Act* and in the development of school sites.
- Municipalities are keenly aware of the challenges facing businesses throughout Alberta, including developers, and are focused on fostering economic recovery and resiliency.
- There are opportunities for the province, municipalities, and the development community to share best practices and examples of where municipalities and developers have collaborated to improve local planning and development process.
- We believe these efforts are more likely to result in tangible reductions in timelines and cost of development for both municipalities and developers to the benefit of Albertans.

Legislative Streamlining

- Many of the proposals are administrative in nature and will help to tighten up the legislation.
- Some of the proposed changes, such as removing "may" provisions, would lead to a greater degree of uncertainty for both the development industry and municipalities and could contribute towards delays.
- To help avoid potential unintended consequences, it would be beneficial to release a red lined version of proposed changes for feedback by municipal and private sector planning and development practitioners.

Timelines for Development

- While on the surface proposals to reduce development timelines may seem like red tape reduction, the proposals reduce municipal autonomy, and increase restrictions on municipalities without meaningfully addressing the cause of development delays.

- These include complexity of development, referrals to the province, incomplete applications, and lack of collaboration between a few municipalities and developers.
- In the vast majority of cases municipalities review applications well within MGA timelines or work proactively and collaboratively with developers to agree on extensions that are mutually beneficial.
- The proposed changes could increase red tape by increasing the administrative burden on municipalities, resulting in the rejection of proposals, and a greater number of appeals.
- Instead of removing the ability for large municipalities to set alternative timelines, a minor amendment could be made to require municipalities to collaborate with the development community in determining those timelines. This would be an efficient extension to the existing practice of municipalities working collaboratively with developers to extend timelines for large complex developments on a case by case basis.

Municipal Government Board

- The need for and benefit of expanding the role of the MGB to hear provincial regulator relate development permit appeals is not clearly articulated.
- The MGB has longer timeframes than Subdivision and Development Appeal Boards (SDABs), and there is a risk that these timelines could stretch further if demands on the MGB are increased as has happened in the past in Alberta and other jurisdictions like Ontario.
- There are already adequate avenues of appeals where a proponent believes their application has not had a fair hearing.
- The subdivision and appeal process is well respected in Alberta's largest municipalities. Smaller municipalities are increasingly establishing regional SDABs to facilitate education of board members and reduce situations where board members need to recuse themselves due to a conflict of interest.
- Instead, of expanding the scope of the MGB, it would be more effective for provincial approval bodies to take into account local land use issues and infrastructure needs in their decision making processes and for improved coordination between provincial approval bodies, municipalities, and project proponents early in the approval process.

Municipal Reserves

- Regarding the proposal to repeal provisions for an additional 5% of land that may be dedicated to reserve if thresholds are met:
 - To ensure effective and efficient use of land, residential densities are increasing.
 - Quality of life will rely on available open space and school sites in proximity to the dense populations.
 - Some municipalities have identified opportunities to improve this provision and it is important to provide tools such as these to enable municipalities to build complete communities
 - Improved coordination between Alberta Infrastructure, school boards, municipalities and developers are essential to better planning for both schools and open spaces.
- Regarding the proposal to restrict the scope of allowable uses for Municipal Reserve, School Reserve, Community Services Reserve, and the proposal to increase transparency:

- Existing provisions should be maintained as municipalities already determine the use or disposal of reserve lands through public hearings and publicly adopted bylaws, which enables the input of citizens and the development community on land use and community amenities.

Offsite Levies

- The Municipal Government Act recently updated to include more stringent consultation and reporting requirements.
- These requirements are clearly outlined in [Off-Site Levies: A Municipality's Manual for Capital Cost Recovery Due to New Development](#), which AUMA and RMA commissioned with the support of Municipal Affairs and input of BILD Alberta.
- Some of the historic challenges faced by developers were addressed by the updates to the legislation.
- No evidence has been provided to support the need for further legislative changes.
- Given the complexity of offsite levies the, there is likely benefit to sharing best practices on their implementation.
- The proposal to expand the role of the MGB to hear appeals of OSL matters for roads, water/stormwater/wastewater systems and roads will not reduce red tape but extend timelines and cost of appeals. The proposal is based on an assertion that SDABs are biased towards the municipality, which is not supported by evidence.

Guiding principles – What should red tape reduction achieve

AUMA believes that the provincial red tape reduction initiative should consistently adhere to these principles:

- *Clarity of Purpose/outcomes* – The proposed change should have a clear purpose and/or outcomes in terms of improving a governance process, providing value for money and/or improving the quality of life for Albertans.
- *Empowers municipalities* – Municipalities' autonomy or authority to fulfill their purposes will be maintained or increased by the initiative, without adding costs.
- *Cost and administration reduction* – The initiative will reduce administrative effort and/or costs for the province, municipalities and/or the private sector.
- *Simplification and streamlining* – Without sacrificing effectiveness, requirements and/or processes will be simplified as a result of the initiative.
- *Relevance to municipalities* – The initiative is already supported by the majority of municipalities (e.g. AUMA resolutions), and it is a high priority for municipalities (e.g. AUMA Prioritization Policy and/or Strategic Initiatives in Business Plan).
- *Communications and transparency* – The provincial government has shared clear and valuable information about the initiative. Municipalities have been engaged in developing the initiative and have meaningful opportunities to give input.

- *Downloading is avoided* – The initiative will not result in the transfer of financial (and/or administrative) responsibilities from the provincial government to municipalities when the provincial government has previously committed to covering the costs or is required under existing legislation or policy to cover the costs. In other words, the change will not result in an unfunded mandate, where municipalities are expected to deliver a service, but are not provided with the resources to cover the costs.