

December 3, 2020

Bill 48 Introduces Changes to Municipal Planning and Development

The changes in Bill 48 impact municipal authorities related to development approval timelines, development appeals, municipal land reserves, and off-site levies

On November 16, 2020, [Bill 48: Red Tape Reduction Implementation Act, 2020 \(No. 2\)](#) was tabled in the legislature and has currently passed second reading. Bill 48 makes changes to a wide range of legislation, but most significant for RMA members are changes made to the planning and development sections of the *Municipal Government Act*.

More specifically, Bill 48 changes the following:

Off-site levies

- ◆ Expands off-site levy appeal scope to include all types of infrastructure (revises MGA s. 648.1(1)).
- ◆ Moves a variety of requirements related to transparency and consultation requirements when developing, calculating, and applying off-site levies from the Offsite Levy Regulation into the MGA.
- ◆ No changes are made to the scope of infrastructure and facilities for which off-site levies can be applied.

Municipal land reserves

- ◆ Eliminates ability of municipalities to require an extra 5% of reserve lands for high density developments (repeals MGA s. 668).
- ◆ Establishes more detailed consultation requirements related to the disposal or sale of reserve lands, or the designation of lands as a community service reserve (revises MGA s. 674).
- ◆ Removes the requirement for a municipality to hold a public hearing prior to disposing of a conservation reserve that was damaged by a flood, fire, or other event to the point that it no longer has any conservation value (repeals MGA s. 674.1(3)).

Development timelines

- ◆ Removes the ability of municipalities with a population above 15,000 to extend development and subdivision approval timelines through their land use bylaw (repeals MGA s. 640.1)
- ◆ Does not alter any existing legislated development and subdivision approval timelines in the MGA.
- ◆ In the future, municipalities will be required to report on their development and subdivision approval timelines through the statistical information return process (non-legislative change).

SDAB and MGB scope

- ◆ Expands the cases in which local development decisions may be appealed to the Municipal Government Board (MGB) instead of the Subdivision and Development Appeal Board (SDAB) if the property:

- is the subject of a licence, permit, approval, or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board, or Alberta Utilities Commission, or
- is the subject of a licence, permit, approval, or other authorization granted by the Minister of Environment and Parks (amends MGA ss. 488(1), 678(2)(a), and 685).

RMA analysis

RMA participated in consultations in these areas earlier in 2020, along with other municipal and development industry representatives.

Although the changes found in Bill 48 will impact municipal autonomy and administrative processes, they are unlikely to have significant impact in most municipalities. However, RMA is concerned that Bill 48 proposes reductions in municipal autonomy based on limited evidence from the development industry that the changes will have a meaningful impact in reducing red tape or supporting economic growth and job creation. In general, RMA supports thoughtful and measured red tape reduction initiatives if they are based on evidence-supported concerns with current legislation and processes. However, the concept of “red tape reduction” cannot be used as a catch-all to justify reducing municipal authority over land use planning and other areas without understanding the potential benefits and consequences of such a reduction.

RMA is particularly concerned with changes to the scope of SDABs and the MGB in hearing appeals of development decisions on provincially-regulated properties, including those authorized by the Minister of Environment and Parks (this would include *Water Act* approvals). During the consultation on this issue, RMA argued that not only do provincially-regulated properties have local development impacts, but some components of provincially-regulated properties may not be considered parts of the property for the purpose of provincial approval, therefore regulation of these components should continue to be the responsibility of the municipality.

Further MGA changes

The Government of Alberta plans to conduct further MGA red tape reduction changes in the coming months in the areas of governance and assessment and taxation. RMA will continue to advocate for all changes to be evidence-based and linked to economic growth and job creation.

Wyatt Skovron

Senior Policy Advisor

wyatt@RMAAlberta.com

Tasha Blumenthal

Director of External Relations & Advocacy

tasha@RMAAlberta.com