

Bill 8 Amendments – May 2017

On May 17, 2017 the Province passed Bill 8 – *An Act to Strengthen Municipal Government*. While the majority of changes related to proposals highlighted in the Continuing the Conversation, the Province also introduced a Provincial Transportation Levy which had not been discussed at any point over the past 5 years. In addition to this change, there were a number of other amendments introduced which could have varying impact on our industry.

Item	Policy Change	Notes / Impact on Industry
Provincial Transportation Levy	<p>1) Enable off-site levies, by bylaw, to be charged for provincial transportation projects that serve the new or expanded developments.</p> <p>2) Require approval of the Minister of Transportation before this type of levy can be collected.</p>	<p>This proposal is under ongoing discussions between the Province and key stakeholders. While this levy has been approved, the specifics on its implementation will be subject to a regulation which, if done properly, could provide additional transparency and fairness in the funding of this infrastructure.</p> <p>Financing and constructing highway interchanges has been an ongoing issue for our industry and our hope is that the Province will work with stakeholders and provide the necessary time to craft effective legislation that benefits all parties. Based on the timelines currently provided by the Province, this is not possible. Our association continues to push the Province to delay discussion on this item until all other matters associated with the MGA have been finalized.</p>
Changing Swamp to Wetland	<p>Change the reference from swamp to wetland under land features which can be considered Environmental Reserve - Section 664(1).</p>	<p>Amendment was removed, the existing definition of Environmental Reserve.</p> <p>CHBA – Alberta and UDI Alberta successfully argued that this change would drastically change the scope of Environmental Reserve, allowing municipalities to prevent development on anything they consider to be a wetland. This would have had considerable implications on our industry.</p>
Validating Existing Off-Site Levy Bylaws	<p>Specifically, state that any off-site levy fee or charge made by bylaw or agreement before November 1, 2016 is deemed to be valid.</p>	<p>This will legalize past levy changes that were not legal under past legislation. This is not something we supported but it is a clause that is commonly put in place whenever changes are made to levy legislation.</p>
Identification of Conservation Reserve	<p>1) Clarify that in addition to other types of reserve land that must be included in an MDP, a municipality may include policies addressing the proposed new conservation reserve designation, including types and locations of environmentally significant areas and the environmental purpose of conservation.</p>	<p>This will allow Conservation Reserve to be identified earlier in the planning process which is something our industry supports.</p> <p>A key component that remains missing from the proposed policies is that municipalities are not necessarily required to follow through with the purchase of any lands once they have been designated as CR in statutory plans. Instead the purchase only has to be approved and made at the time of subdivision. This could</p>

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	<p><i>2) Specifically state that municipalities may develop policies addressing reserve lands within their area structure plans. This would include identifying types and locations of environmentally significant areas and the environmental value of conservation.</i></p>	<p>result in developers having to redesign all or significant portions of the development.</p>
<p>Disposal of Conservation Reserve</p>	<p><i>Allow municipalities to dispose of land designated as the proposed new conservation reserve when a substantive change outside of municipal control occurs to the feature being conserved, while ensuring the public process used to dispose of municipal reserve and school reserves is followed with the disposal of conservation reserve lands. Specifically state that any proceeds from the disposal of conservation reserve would have to be used for conservation purposes.</i></p>	<p>Our association did not support this change. If land is taken to preserve some natural feature it should be retained. We expect that municipalities are required to make committed, evidence-based decisions that consider long term value and sustainability when applying public dollars towards conservation efforts.</p>
<p>Environment as a General Purpose</p>	<p><i>Include consideration of the stewardship of the environment as a municipal purpose.</i></p>	<p>This should not result in any substantial change in policy though our association is concerned that this change could confuse the environmental responsibilities of Province with those of municipalities.</p>
<p>Benefitting Area Contribution</p>	<p><i>Provide municipalities with increased flexibility to use a 'benefiting area contribution structure' that would support land dedication and development parameters with respect to assembly of parks and school sites.</i></p>	<p>Our understanding is that this policy would follow through with the municipal / industry consensus item related to municipal, school and special reserves. This capped the total amount of reserve lands at 10% but provided flexibility to municipalities in the following manner:</p> <ul style="list-style-type: none"> • 5% of lands or cash-in-lieu dedicated solely as municipal reserve (MR) within the subdivision; and • 5% of lands or cash-in-lieu to contribute to either a regional park, school reserve or additional municipal reserve within the subdivision. <p>We remain supportive of this approach so long as it ensures portions of the reserve lands be used for parks within the neighbourhoods who are contributing versus all of it going to regional parks.</p>

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Intermunicipal Off-Site Levies	<i>Enable municipalities to collaborate with one another on the sharing of intermunicipal off-site levies, including the expanded uses (libraries, police stations, fire halls, community recreation facilities).</i>	<p>We support the premise of intermunicipal off-site levies as it recognizes the shared responsibility of many pieces of infrastructure. As with any levy, the specifics related to implementation, calculations, appeals and transparency are rather complicated. Applying levies across municipal boundaries adds an additional layer of complexity which was not considered as part of the consultation on the levies regulation or the intermunicipal collaboration frameworks.</p> <p>It is critical that the province invests the time to consult with stakeholders on this issue to avoid any unintended consequences which could easily arise. The major risk we see is that without proper legislative guidelines, one municipality could control and dictate development within another municipality.</p>
Exemptions for School Boards	<i>Exempt school boards from paying off-site levies on non-reserve lands that are developed for school board purposes.</i>	<p>In most situations, Off Site Levies have been paid on lands that have been subdivided. If a School Board acquires land that has not paid levies, then it should expect to pay those levies and should factor that into the land acquisition price.</p> <p>It is very problematic if this does not occur as levies are calculated based on the non – MR land available. If some of that land (the denominator of the levy calculation) can be exempted (but we don't know how much if any) then the calculation will be incorrect by an unknown amount and cause yet more costs to be incurred by the neighbourhood residents. If the school board benefits from the services, they should be expected to contribute to that infrastructure, just as the residents have to.</p>