



UDI ALBERTA  
One Vision; One Voice



## INTERMUNICIPAL COLLABORATION FRAMEWORKS *UDI ALBERTA & CHBA – ALBERTA RECOMMENDATIONS*

---

### 1. INTRODUCTION

We are fully supportive of increased collaboration amongst municipalities on all matters. Similar to our comments throughout the MGA consultation process, we have only a few high level recommendations which are designed to ensure Intermunicipal Collaboration Frameworks (ICFs) and Intermunicipal Development Plans (IDPs) are functional for all parties:

1. Establish a fair, balanced and transparent process that includes engagement with industry and the public in preparing planning documents.
2. Ensure one municipality does not hold a majority vote or effective veto allowing it to dictate what can occur in other municipalities.
3. Avoid any unnecessary delays in reviewing and making decisions on projects.

The consultation process touched on a variety of complex areas that ICFs will need to address and we are appreciative that the province has recognized and considered the above points. The following submission reiterates the above while providing recommendations for specific elements of ICFs and IDPs that will be addressed in the regulation.

### 2. KEY CONSIDERATIONS

We understand the complex nature of ICFs and their need to address a variety of issues related to intermunicipal collaboration, not just the development of new communities. We are supportive of many of the suggestions provided by stakeholders throughout the consultation sessions. While this will present challenges for municipalities in the short-term, the longer-term benefits of enhanced collaboration amongst municipalities will be substantial not only for municipalities but industry and residents in general.

In preparing the regulation, there are a few specific recommendations we would like the province to consider. The purpose of the below recommendations are to ensure that transparency, fairness and the overall functionality of intermunicipal agreements remains in place.

#### I. Transparency

Changes proposed under the Modernized Municipal Government Act represent tremendous strides in enhanced transparency for municipalities. We encourage this to continue to be included as part of ICFs and any dispute resolution process associated with them. While we understand that certain aspects of ICF negotiations, mediation / arbitration and dispute resolution need to remain confidential, the public and



**UDI ALBERTA**  
One Vision; One Voice

Canadian  
Home Builders'  
Association



specifically any affected parties need to be informed. Our recommendations would be as follows:

- a) Municipalities provide an overview / summary document outlining items being negotiated as part of any ICF.
- b) Prior to adopting an ICF, municipalities must hold at least one public open house to explain the contents of the ICF. Any open house could be held jointly amongst the various parties of the ICF.
- c) Municipalities must publish, on their website, a document outlining the background and outcome of any dispute resolution process. The mediator or arbitrator can decide if particular information needs to be excluded due to confidentiality.

## **II. Relationship Between ICFs and IDPs**

As currently written, a municipality will not have to undertake any broad consultation to approve ICF Bylaws. The understanding is that consultation would occur as part of developing IDPs. However, municipalities could theoretically include their IDP as part of their overall ICF Bylaw which would eliminate the need for any consultation on this document. This issue was raised at the last meeting and will result in an additional meeting in an attempt to identify a solution.

While we look forward to contributing in this meeting, we wanted to reinforce the importance of consultation associated with any process or document that will have a direct impact on the development of land (such as an IDP). Not only does this provide important knowledge needed to determine investments within a community, but municipal decision makers need to understand the implications and potential unintended consequences associated with adjusting the rules surrounding development in a particular area. If changes are being contemplated that would impact the value of someone's land, they have a fundamental right to be consulted on it.

If IDPs are adopted as part of ICFs, it would also limit any appeal mechanism available to developers, builders or the general public. Any modification to existing appeal rights would be extremely problematic and the current practice of applicants being able to appeal IDP matters to the MGB needs to be maintained in order to ensure a fair and transparent process.

## **III. Timing to Ensure Bylaw Consistency with ICFs**

Some stakeholders requested up to 3 years to amend any subordinate bylaws to make them compliant with their ICF. A timeframe of this length would be extremely problematic given ICF's need to be reviewed every 5 years. This would lead to almost indefinite inconsistencies between policy documents which would create substantial confusion for anyone looking to



**UDI ALBERTA**  
One Vision; One Voice



develop within a community. While ICFs and IDPs are the governing documents, the specific details needed to contemplate and design a development come through the Municipal Development Plan, Area Structure Plan and Zoning Bylaw. If there are inconsistencies in these documents it will cause substantial issues for council, municipal staff and the private sector.

Understanding the resourcing challenges municipalities will face initially, we would recommend a period of 1 year to ensure bylaw consistency for the initial ICF / IDP and 6 months for each review following.

#### **IV. Timing for Dispute Resolution Processes**

With well-structured ICFs, the need to utilize the dispute resolution should be limited. However, it is possible these could occur with respect to development applications and matters related to infrastructure. Our understanding is that the dispute resolution process will be established through individual ICFs with policy guidance coming from the regulation. Understanding that this mechanism could be used to make determinations on development applications, it is important that the regulation provide guidance in terms of timeframes related to the process, otherwise it could go on for an indeterminate amount of time. We would recommend that any dispute resolution process be limited to a maximum of 3 months negotiation and 6 months arbitration / mediation.

#### **V. Representation for Affected Parties**

As part of ICFs, IDPs and any subsequent dispute resolution process there will likely be landowners directly impacted by the outcome. While we understand that participation in any arbitrated / mediated process be limited to keep the process timely, landowners who will be directly impacted by the decision deserve to have an ability to make representation. We would recommend that affected parties be able to request inclusion in the process through written submission to the mediator / arbitrator. The determination of whether a specific stakeholder's involvement is warranted would be at the discretion of the arbitrator.

### **3. SUMMARY**

We appreciate involvement in the discussions surrounding intermunicipal collaboration and are encouraged by this government's policies encouraging a more efficient and transparent form of municipal governance. The above recommendations are aimed at furthering these objectives while providing a process that will not negatively impact investments in communities of all sizes. We look forward to the final consultation session on ICFs and would be happy to provide any additional information related to the above at your request.