



The Communicator

Featured in this issue:

Conference Updates | Development Showcase | Article: Red Tape Reduction
| Legal Corner | Resources | Member Connect



Paul Krauskopf Court in Morinville

This \$10.7-million net zero affordable housing project, known as Paul Krauskopf Court, includes 48 one-, two- and three-bedroom units to meet the needs of many different families. In addition to the province's contribution, the Town of Morinville donated the land and provided \$700,000 toward the project. majorprojects.alberta.ca

2021 Conference Red Deer County

Conference Update

22 & 23 September 2021

Stay tuned for more information as its made available!

- Virtual Conference!
 - Many exciting ideas are being created and you can join in from the comfort of your own home or office!
 - Conference Packages will be available (shortly)
-
-



Resources

Looking for some Professional Development?

There are tons of free and reasonably priced courses and education assets that would be service for Development Officers.

If you have any other examples please share!

- <https://courses.planetizen.com/courses>
- <https://www.strongtowns.org/>
- <https://wetlands-101.ducks.ca/>
- <https://www.cnu.org/what-we-do/education-trainings>
- <https://extendstore.ucl.ac.uk/catalog?pagename=urbanskillsportal>
- <https://nacto.org/>

Member Forum Connect

What is it?

The Member Forum is an online discussion place to ask questions, make comments and connect online with the ADOA Community throughout the year instead of just at the annual conference! <https://forum.adoa.net/>

In this section we will highlight some of the topics or threads that may be of interest for the greater ADOA Community in the hopes of getting more discussion and a larger knowledge-base on the forum.

Please contact Diane at admin@adoa.ca if you are having access issues.

Highlighted (New) Threads

- Development in Country Residential
- Notice of Decision
- Land Owner Approval Relaxation
- Municipal Government Procedural Rules change effective March 14, 2021 – SDAB
- Community Peace Officer
- Tax Incentives – Good, Bad, the Ugly
- Letters of Compliance
- Flooding/Illegal Drainage
- Cannabis micro-cultivation

Highlights from Board Meeting

March 18 & 19 2021

The ADOA Board met virtually on the evening of March 18th, 2021 to discuss budget items as the Treasurer was unable to attend the Friday March 19th meeting.

- We are very excited to announce that the 2021 ADOA Conference will be a virtual conference this year. The dates are set for September 22nd & 23rd, 2021. I will be posting more tidbits of info soon!
- Discussion was held regarding fees for 2021 Conference. More information will be coming regarding registration forms and the fees for the conference.
- There are seven positions open on the Executive Board this year. There are four (4) – 1 year term positions and three (3) – 2 year term positions that will need to be filled. Due to the fact that this is a virtual conference there cannot be nominations from the floor. Nomination forms will be sent out by email around the beginning of June. You will need to have your sponsors send an email of support along with your nomination form. If elected, you will be required to attend the organizational meeting on-line or in person on the Friday following the conference.
- There have been 7 new member applications to date this year. If you have someone new in your office, please let them know about ADOA. Memberships are down this year.
- The Executive Board passed a motion to increase the Education Subsidy from 15% to 20%. The amount of the Education Subsidy fund is determined by the amount of membership fees paid up to the end of April. (Just as a side note, if you have not paid your yearly fee, please make arrangements to make sure it is paid by the end of April. The more paid memberships we have, the more money we can give out for courses.)
- The Board discussed the fact that the Forum is being underutilized. This area was set up for you as members to ask questions and also answer questions for your colleagues. Please check in and use the Forum. If you can't remember your password, please contact me and I will reset everything for you.

Next Executive Meeting June 2021

If you have any inquiries or topics you would like for the Board to discuss/address, please email them to admin@adoa.net

Notice: Virtual AGM in September! Details will be out soon on how to get nominated or nominate others for a board position!

ADOA Member Spotlight



Hi, my name is Danielle Craib and I am the Permit and Licencing Officer for the Town of Morinville. I have been in my position for 7 years and worked for the municipality for over 10 years. Although I am newer to the development world, I have been around it for as long as I have been in my position which has adjusted from a Safety Codes Permit Issuer to Development Officer. I also oversee the business licencing for the municipality and am always excited to find the best way to get information to our customers. Over the course of the last year, I have also refocused my lenses to graphic design as well and enjoy learning this new skill. I have been helping Tyler McNab with the last 2 issues of the Communicator. I am very lucky to have a strong team to work with in my municipality and have been looking forward to more interactions through the ADOA.

In my spare time I love spending time with my family in Morinville, where I grew up.

I appreciate the time that you spend looking through the Communicator and engaging with the ADOA community to expand commerce of knowledge with each other.

Nominate a Development Officer for a position in the spotlight! Recognize a colleague that has done something cool, is retiring or is just a great Development Officer. Submissions can be made to admin@adoa.net.



An Overview of Bill 48: *Red Tape Reduction Implementation Act, 2020*



Jeneane Grundberg

By Jeneane Grundberg, Q.C.

Please note: This information is current as of February 1, 2021.

Bill 48: *Red Tape Reduction Implementation Act, 2020* (No.2) (“Bill 48”) received Royal Assent on December 9, 2020. The majority of the amendments impacting municipalities have taken effect as of December 9, 2020, with provisions respecting Off-site levies and growth plans and growth management boards taking effect June 1, 2021. The Bill makes several changes that will impact municipalities across the Province, including amendments to the *Municipal Government Act* (“MGA”) and the *Historical Resources Act* (“HRA”). Bill 48 also creates the *Land and Property Rights Tribunal Act* (“LPRTA”). The Land and Property Rights Tribunal (“LPRT”) is established as of June 2, 2021, and it will assume the Municipal Government Board’s (“MGB’s”) responsibilities; changes to the MGB’s jurisdiction were effective as of December 9, 2020. A brief overview of some of the most significant changes that may influence municipalities include the following:

Amendment	Likely Impact
Subdivision and Development	
<p>s.639.1 - If an <i>Alberta Land Stewardship Act</i> (“ALSA”) regional plan does not consider protections to agricultural operations or land, a municipality is no longer required to consider the protection of agricultural operations in the preparation of its land use bylaw (“LUB”).</p>	<p>This amendment will potentially reduce the requirements for LUBs within municipalities under the jurisdiction of certain ALSA regional plans.</p>
<p>s.640(1.1) - The list of discretionary matters in the <i>MGA</i> that a LUB may provide for has been replaced with fewer but broader references respecting the content of a LUB; namely, a LUB may prohibit or regulate and control the use and development of land and buildings in a municipality, including, without limitation, by:</p> <ul style="list-style-type: none"> • imposing design standards; • determining population density; • regulating the development of buildings; • providing for the protection of agricultural land; and • providing for any other matter council considers necessary to regulate land use within the municipality. 	<p>Designed to direct Courts to apply the “broad and purposive” approach for the scope of LUBs, by discouraging a “line by line” review of a shopping list (with potential gaps).</p>
<p>s.640(8) - The Minister may direct a municipality to amend its LUB if the LUB has the effect of distinguishing between senior citizens on the basis of whether they are related or unrelated to each</p>	<p>Designed to ensure a LUB allows senior citizens to reside together regardless of whether they are related or unrelated to each other has been restricted.</p>



Amendment	Likely Impact
other.	
s.640.1-640.2 - Cities, or any other municipality with a population of 15,000 or more, may no longer provide for an alternative period of time to deem a development or subdivision application complete or to make a decision on the application.	s. 640.1 which authorized these alternative time frames is repealed, but any municipalities that had these in place have until June 9, 2021 to address this change. A municipality may still enter into a written agreement to extend a timeline. Further, the Minister may now also make regulations providing for alternative time periods (s. 694).
s.657.6 - Council for a municipality may grant <u>one or more extensions</u> to the one year period for submitting a subdivision plan or other instrument to the subdivision authority or registering the same at Land Titles as part of the subdivision registration process.	The amendment merely clarifies that a council may grant more than one extension, as opposed to the previously ambiguous “may extend” language with respect to submitting a subdivision plan or other instrument to the subdivision authority or registering the same at Land Titles.
Subdivision and Development Appeals	
s.2 & 5, LPRTA - The Land Compensation Board, MGB, the New Homebuyers Protection Board and the Surface Rights Board have been amalgamated into the newly established LPRT.	Appeals that previously would be heard by the MGB will now be heard by the LPRT. The LPRT has an expanded role in subdivision and development appeals (see discussion below under ss. 678 and 685).
s.627.1 - A council that establishes or authorizes a Subdivision and Development Appeal Board (“SDAB”) or an intermunicipal SDAB must either appoint or authorize the appointment of one or more clerks.	Previously, the <i>MGA</i> outlined how a clerk was to be appointed. The new provision provides municipalities with slightly more autonomy (and clarification) with respect to appointing one or more SDAB clerks.
s.678(2) - The new wording of this section states that an “appeal [of a subdivision approval] may be commenced by filing a notice of appeal within 14 days after receipt of the written decision of the subdivision authority or deemed refusal by the subdivision authority in accordance with section 681: (a) with the Municipal Government Board (i) unless otherwise provided in the regulations under section 694(1)(h.2)(i) where the land that is the subject of the application (A) is within the Green Area as classified by the Minister responsible for the <i>Public Lands Act</i> ; (B) contains, is adjacent to or is within the prescribed distance of a highway, a body of	This amendment expands the circumstances in which a subdivision appeal can be filed to the LPRT. For subdivisions, matters within the scope of (A) and (B) were previously in the legislation. However, matters under (C) and (D) are expansions. Note that for subdivisions, the relevant provincial department maintains a “gatekeeper” function; if by default the appeal is to the LPRT, the provincial department can decide that there is no sufficient provincial interest, and the appeal should nevertheless be heard in the SDAB. See further discussion below about (C) and (D)



Amendment	Likely Impact
<p>water, a sewage treatment or waste management facility or a historical site;</p> <p>(C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board (“NRCB”), Energy Resources Conservation Board (“ERCB”), Alberta Energy Regulator (“AER”), Alberta Energy and Utilities Board (“AEUB”) or Alberta Utilities Commission (“AUC”); or</p> <p>(D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Parks.</p>	
<p>s.685(2.1) - Certain decisions of the development authority can now be appealed to the LPRT. Specifically, an appeal may be made to the LPRT unless otherwise provided in the regulations, where the land subject to the application:</p> <p>(A) is within the “Green Area” as classified by the Minister responsible for the <i>Public Lands Act</i>,</p> <p>(B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site;</p> <p>(C) is the subject of a licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC;</p> <p>(D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Parks; or</p> <p>(ii) in any other circumstances described in the regulations.</p>	<p>This is a significant change to the decision making regime for development in Alberta. Previously, no development appeals went to the MGB (now the LPRT). Municipalities must now consider the possibility that certain development appeals that have previously been made by the local SDAB will be made by the LPRT. Examples of such decisions include, but are not limited to:</p> <ul style="list-style-type: none"> • lakefront development, where the parcel of land is adjacent to the water; • aggregate extraction where the parcel of land is adjacent to, or contains a body of water; • Any development within the “green area” (see attachment); <p>Clarity respecting these amendments are necessary: the municipality’s subdivision or development decision must state whether the appeal lies to the LPRT or the local SDAB (<i>MGA</i> ss. 656(2) and 685(1.1)).</p> <p>Questions arising from ss. 678(2) and 685(2.1) include the following:</p> <ol style="list-style-type: none"> 1. Will there be a gatekeeper function for development appeals? As referenced above, for subdivision appeals, when the default is an appeal to LPRT, the relevant provincial department can decide that the appeal instead goes to the local SDAB. The amendments do not include a gatekeeper function for development appeals. Will the Minister’s regulations include one for development appeals? 2. Will the LPRT deal with stop order appeals? There are inconsistent references in the amendments and the existing provisions of the <i>MGA</i>. The amendments (s. 685(2.1)) suggest that all development appeals



Amendment	Likely Impact
	<p>(which would include stop order appeals on development or subdivision approvals) would go to the LPRT, when within the scope of the 4 areas specified in s. 685(2.1)(a)(A)-(D). However, there was no amendment to the earlier stop order references that expressly contemplate an appeal to the SDAB but not the LPRT (s. 645(3))</p> <p>3. Will the Minister’s Regulation address timing of provincial approval for a listed provincial board versus municipal approval? The intent under ss. 678(2)(c) and 685(2.1)(c) appears to be to ensure that where an approval has been issued by one of the listed provincial boards (NRCB, ERCB, AER, AEUB or AUC), any subdivision or development appeal will go to the LPRT, and not the local SDAB. These amendments dovetail with s. 691 of the MGA. The effect of the Bill 48 amendments on this issue is relatively narrow, as the appeal board is required to grant the subdivision or development application to the “extent if complies with the” approval by the listed provincial boards, and further, the “hearing may not address matters already decided” by the listed provincial board (see MGA ss. 619(2) and 619(4)). Therefore, if the listed provincial board has issued a fulsome decision, little if anything will be left to be decided by municipal development or subdivision approval (or at the appeal level). Therefore, as has always been the case, if a municipality is concerned about one of these projects, it is <u>critical</u> that the municipality participate in the process before the listed provincial board. However, what is new is that the subdivision and development appeals will go to the LPRT rather than the local SDAB. There is confusion, though, about what should go first – the municipal process or the provincial process. What will occur if the listed provincial board’s decision has not yet been issued? In the case of the NRCB for these types of approvals, the NRCB’s legislation allows the NRCB to dictate that the NRCB process goes first, and the municipal approvals follow later. But the legislation is silent on approvals by the ERCB, AER, AEUB or AUC. Will the Minister’s regulations address mandatory timing? If not, there could be a strange situation where, for projects that</p>



Amendment	Likely Impact
	<p>require ERCB, AER, AEUB or AUC approval: (a) subdivision/development appeals go to the LPRT if the listed provincial board's decision has been issued but (b) subdivision/development appeals go to the SDAB if the listed provincial board's decision has not been issued.</p> <p>4. What is the impact of historical approvals by the listed provincial boards (C) or the Minister of AEP (D)? Note that the references in (C) and (D) are to the <u>lands</u>, and not the <u>project</u>. Say for example, a solar panel project had been approved by the AUC on 100 acres of an unsubdivided 160 acre quarter. Later, the landowner wishes to apply for a development permit for a machinery quonset on the other 60 acres. The wording of s. 685(2) would require the development permit appeal to go to the LPRT, not the local SDAB. And there are very real issues about where the municipality will access all historical decisions respecting (C) and (D). They are not registered against title and there is no central repository for decisions by either the listed provincial boards or the Minister of AEP.</p> <p>5. What is meant by "a licence, permit, approval or other authorization granted by the Minister of Environment and Parks" (ss. 687(2)(a) and 685(2.1))? The references under (D) are not clear. Note that the reference is to the decision by the <u>Minister</u> of Environment and Parks, not the <u>department</u> itself. The Minister is not the front line on issuing licences, permits, approvals or authorizations under the <i>Water Act</i> or the <i>Environmental Protection and Enhancement Act ("EPEA")</i>. Designated persons like directors make most decisions. The Minister may be involved in issuing a "certificate of variance" allowing an activity to be conducted (for a limited time) in a manner contrary to a department issued approval or registration, or to vary a requirement of a regulation (<i>EPEA</i> s. 77-78). Further, the Minister may make an Order following the recommendation by the Alberta Environmental Appeals Board (on appeals filed with that board). But this raises some questions – if the Minister issues an order requiring a change to a lower level approval etc. is this caught by the appeal section? How will a municipality know whether the</p>



Amendment	Likely Impact
	<p>authorization etc. has been issued by the Minister or the lower level?</p> <p>6. Do development appeals under Direct Control Districts the 4 areas (A-D) go to the LPRT or local SDABs? If so, what is the scope of the LPRT's jurisdiction? There is no amendment to s. 685(4), which continues to refer only to SDABs (Bill 48 amends other sections to expand the reference to both tribunals, but here there is no amendment and the only reference is to the SDAB). So is it not clear whether (within the parameters of s. 685(1)(a)(A)-(D)), the appeal on a development application will go to the LPRT, with a similar narrow scope on its jurisdiction, or alternately the appeal will stay with the local SDAB.</p>
Reserves	
<p>s.668 - The authority to require additional reserve lands for subdivisions resulting in a density of 30 dwelling units or more per acre has been removed.</p>	<p>Previously, the subdivision authority had the discretion to require additional municipal reserve, school reserve or municipal and school reserve where density was at or above 30 dwelling units per hectare. This discretion is now gone, meaning municipalities no longer have the option to require an extra 5% of reserve lands in higher density areas.</p>
<p>s.674 - A public hearing and advertising must take place for the sale, lease or other disposal of municipal and school reserve <u>by council</u>, and by council and a school board.</p>	<p>The amendments introduce a more consistent approach to disposal of reserve lands. If council is disposing of municipal and school reserve, a public hearing is now (clearly) required.</p>
<p>s.674 - A public hearing is now required for the making of a bylaw requiring the school building footprint of a school reserve, municipal and school reserve or municipal reserve be designated as community services reserve.</p>	<p>This is a new public hearing requirement. No public hearing was previously required for converting the school building footprint of a school reserve, municipal and school reserve or municipal reserve to community services reserve.</p>
<p>s.674(3) - A municipality can now dispose of conservation reserve under section 674.1 without posting a notice on or near the conservation reserve.</p>	<p>A small reduction on the administrative requirements of municipalities.</p>
Growth Management Boards	
<p>s.708.02 - Lieutenant Governor in Council ("LGIC") may, <u>on its own initiative</u>, establish a growth management board ("GMB") and determine the membership of that board.</p>	<p>This amendment slightly expands the situations in which a GMB may be established. Previously, a GMB was established through a recommendation from the Minister, or a request from 2 or more municipalities. Further, the regulation was</p>



Amendment	Likely Impact
	<p>required to address various issues, including the objective, contents and timelines for completing a growth plan, while discretionary on other issues. Now there are no required content for the regulation creating a GMB, allowing for the possibility of more nuanced regulation drafting, depending on the circumstances at hand.</p> <p>Further, the requirement for a regulation to establish a GMB for both the Edmonton and Calgary region and to determine the membership of each of those boards has been removed.</p>
<p>s.708.041 - Section 197 (public presence at meetings) and section 199 (meetings through electronic communications) now apply to meetings of GMBs, as if GMBs and GMB committees were the council of a municipality or its council committees, respectively.</p>	<p>The amendment provides no changes to the provisions respecting the public presence at GMB meetings. However, the amendments now provide a GMB the ability to meet through electronic communications, which the <i>MGA</i> was previously silent on.</p>
<p>s.708.09 - A GMB is no longer required to submit annual reports summarizing activities during the financial year.</p>	<p>A reduction of the administrative requirements of GMBs.</p>
<p>ss.708.1, 708.11 - The Minister no longer approves a growth plan and a growth plan no longer takes effect on the date specified by the Minister.</p>	<p>More municipal/GMB autonomy with respect to approving growth plans.</p>
Off-site Levies	
<p>s.648.01(3) - The provision providing clarity that where 2 or more municipalities provide for an off-site levy to be imposed on an intermunicipal basis, the benefitting area of the levy may be comprised of any combination of land in the participating municipalities, has been removed from the <i>MGA</i>.</p>	<p>The removal of this provision does not prohibit the benefitting area of an intermunicipal off-site levy from including any combination of land in the participating municipalities.</p>
<p>s. 648.1(1) - An appeal of an off-site levy bylaw can now be made on expanded grounds.</p>	<p>The amendments now allow for off-site levy bylaws respecting facilities for the storage, transmission or treatment of water and sanitary sewage, storm sewers, roadways or other transportation infrastructure to be appealed to the LPRT. These amendments will provide the ability to challenge any off-site levy bylaw to the LPRT, in addition to challenges to a bylaw generally to the Court of Queen's Bench.</p>
<p>s.648.2-648.4 - Several requirements previously found in the Off-Site Levies Regulation are now</p>	<p>There are a few new requirements placed on municipalities, including:</p>

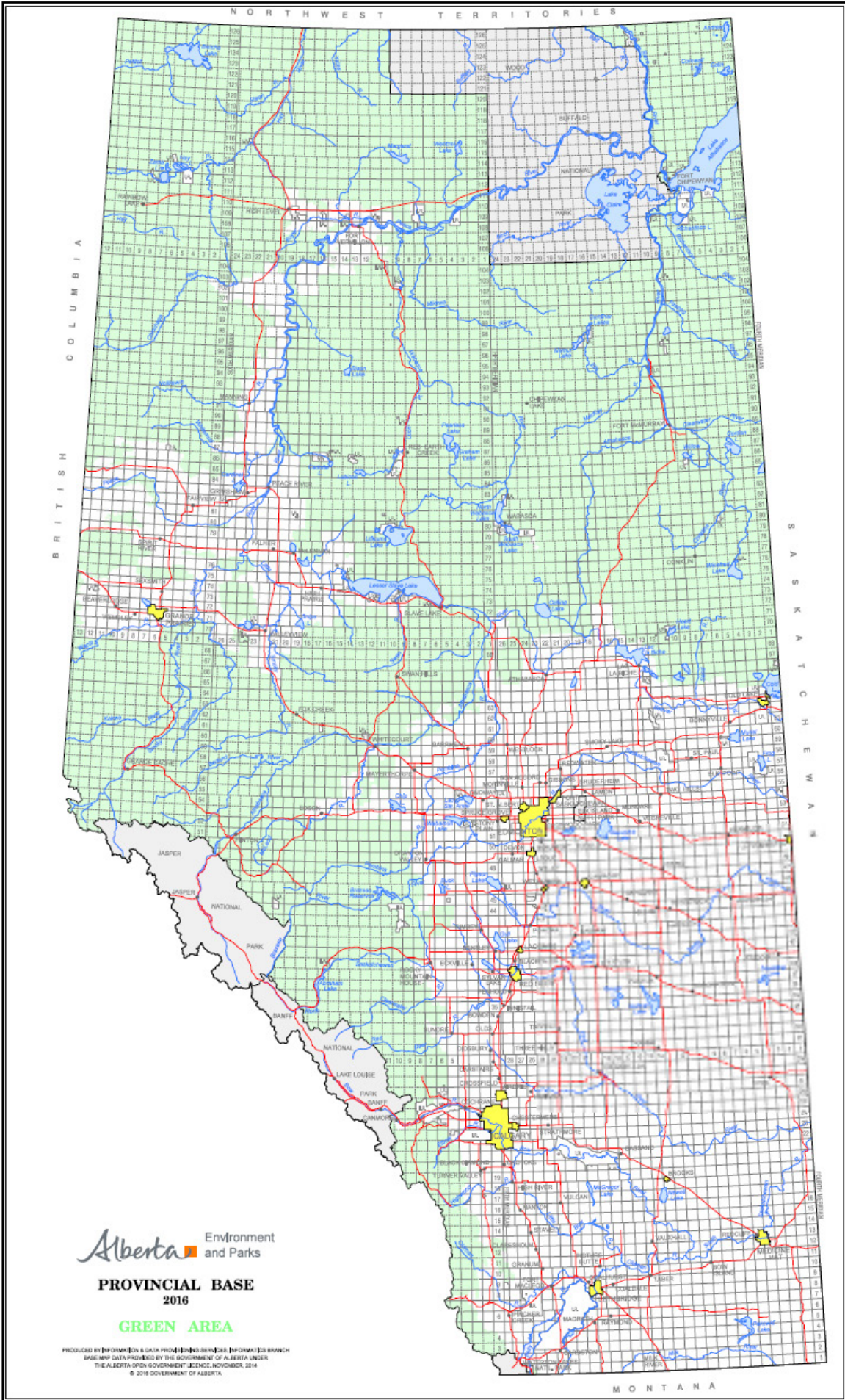


Amendment	Likely Impact
<p>provided for in the <i>MGA</i>, with some additional requirements. The requirements moved from the Regulation to the <i>MGA</i> include the methodology on which a municipality bases its calculation of an off-site levy (s. 648.2), information that must be made publically available (s. 648.2(6)), consultation requirements (s. 648.3) and annual reporting requirements (s. 648.4).</p>	<p><u>Consultation</u>: a consultation must now begin at the earliest opportunity and provide stakeholders the ability to provide input on an ongoing basis.</p> <p><u>Publicly available information</u>: any information required to replicate the determination of the bylaw is required to be available to the public, as opposed to the previous provisions that only required the disclosure of this information on request.</p> <p><u>Reporting</u>: annual reports must now include the contributor of each type of facility and infrastructure within each benefiting area; the uses for each type of facility and infrastructure within each benefiting area for each capital project; and the balances retained for each type of facility and infrastructure within each benefiting area.</p>
<p>s.694 - The LGIC now has regulation making powers to provide <u>additional requirements</u> respecting the calculations of an off-site levy bylaw and the maximum amount that a municipality may establish or impose and collect as a redevelopment levy or an off-site levy.</p>	<p>Certain calculation provisions currently found in the Off-Site Levies Regulation have not been transferred to the <i>MGA</i>, including the requirement to consider and include a reference to the following in an off-site levy bylaw:</p> <ul style="list-style-type: none"> • a description of the specific infrastructure, facilities and transportation infrastructure; • a description of each of the benefiting areas and how those areas were determined; • supporting studies, technical data and analysis; and • estimated costs and mechanisms to address variations in cost over time. <p>It is unclear if these will remain in the current regulation or if a new regulation with new additional requirements will follow the <i>MGA</i> amendments.</p>
<p>Lands Near Airports</p>	
<p>s.693 - The airport vicinity protection area regulation making powers have been amended to allow for protection areas surrounding all airports, not just the Calgary and Edmonton international airports and may apply generally or specifically in Alberta.</p>	<p>This amendment opens the possibility to provincial limits on development around any airport within Alberta. Further, the Minister now has these regulation making powers, as opposed to the LGIC. This means a regulation can be brought into force without the full approval of Cabinet.</p> <p>While the LGIC previously had regulation making powers with respect to general airport vicinity protection areas, these have now been repealed. Many airport protection areas were repealed in the late 1990s.</p>



BROWNLEE LLP
Barristers & Solicitors

Amendment	Likely Impact
<i>Historical Resources Act</i>	
s.19, HRA - Registered Historic Resources have now been removed from the <i>HRA</i> (s. 19, <i>HRA</i>)	<p>The Minister can no longer designate any historic resource (the preservation of which the Minister considers to be in the public interest), together with any land in or on which it is located and adjacent land that may be specified in the order, as a Registered Historic Resource. However, the Minister can still designate Provincial Historic Resources.</p> <p>Any Registered Historic Resource order in effect immediately before the coming into force of the amendments is rescinded.</p>
s.51(1), HRA - The Minister can no longer make regulations exempting Registered Historic Sites or Provincial Historic Sites from the application of any provisions in any building code that would otherwise be applicable when the enforcement of that provision would prevent or seriously hinder the preservation, restoration or use of all or any portion of the site or monument.	<p>If the Minister wants to exempt a historic resource from the application of any provisions in any building code, the historic resource must be designated as a Provincial Historic Resource.</p>





BROWNLEE LLP
Barristers & Solicitors

Questions?

Should you have any questions with respect to this bulletin, or if you would like more detailed information related to the *Municipal Government Act*, please contact:



Jeneane Grundberg

780-497-4812

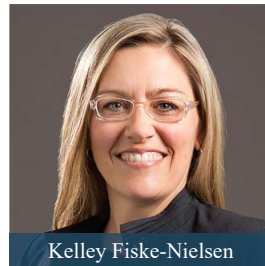
jgrundberg@brownleelaw.com



Derek King

403-260-1472

dking@brownleelaw.com



Kelley Fiske-Nielsen

403-260-1464

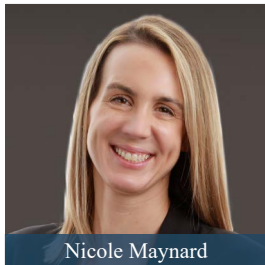
kfiskenielsen@brownleelaw.com



Lorne Randa

780-497-4893

lrand@brownleelaw.com



Nicole Maynard

403-260-5315

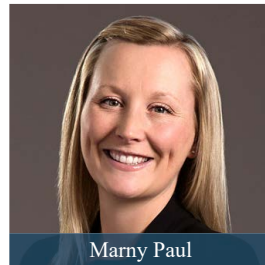
nmaynard@brownleelaw.com



Alifeyah Gulamhusein

780-497-4877

agulamhusein@brownleelaw.com



Marny Paul

403-260-5314

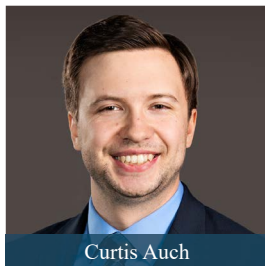
mpaul@brownleelaw.com



Keegan Rutherford

780-970-5734

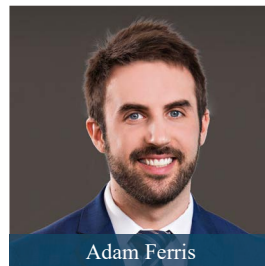
krutherford@brownleelaw.com



Curtis Auch

780-423-7516

cauch@brownleelaw.com



Adam Ferris

780-497-4826

aferris@brownleelaw.com

CALGARY

1500 Watermark Tower
530 - 8 Avenue S.W.
Calgary, AB T2P 3S8
T: (403) 232-8300
F: (403) 232-8408

Toll Free: 1-800-661-9069

EDMONTON

2200 Commerce Place
10155 - 102 Street
Edmonton, AB T5J 4G8
T: (780) 497-4800
F: (780) 424-3254

Article



Photo courtesy by Matthew Henry via Burst | Old and New Cityscape

Red Tape Reduction by Tyler McNab

In the Spirit of Red Tape Reduction, I'd like to share a few tools I have found and used to eliminate some of those useless regulations (that make it hard for us to do our jobs anyway).

Many of the solutions to eliminating red tape will land right on us, DO's, shoulders. Much of the planning profession has been pushing for reductions in regulations for years as part of "Market Urbanism" type of thinking. So it's about time to take a look at our Land Use Bylaws and our procedures to see if we can come up with some ways to "reduce red tape" that not only make it easier for businesses and development but can also make our lives easier with more meaningful regulation to process.

Municipal Stimulus Program

This program is a grant that gives money to municipalities that includes specific red tape reduction requirements has the following objectives:

- Make it easier to start up a new business in your community.
- Streamline processes and shorten timelines for development and subdivision permit approvals.
- Make your community a more attractive destination for new investment and/or tourism.

Information can be found here: <https://www.alberta.ca/municipal-stimulus-program.aspx>

Unfortunately, I don't know much about the grant itself but we can talk about the ways that the requirements affect us DOs. What this grant has is specific targets that will affect us and helps us outline from the front lines of our municipalities. *Note: I have only added the ones that directly affect DOs, within or close to our duties*

Make it easier to set up a business.

- Streamline Business Licences Processes
- Work with other municipalities to have a common license
- PAPERLESS with Electronic Payment (this will be a common theme)
- Communication with the community (Website)

Make it faster to process Development, Subdivision and Permit Applications

- Have internal targets faster than MGA requirements
- ONLINE application with Electronic Payments
- Make sure checklists are up to date and easy to use.

Attract Investment

- Incentivize investment and tourism (New tax powers by MGA)
- Asset Management and how those assets support economic activity.

With all our municipalities hurting for money I

Article

feel we will be asked how to hit some of the above targets for grant money. So its good to know where the province's targets are.

Resources

There are tons of resources, mostly online, that can help us create or modify our existing regulations to be better. No more copy and paste bylaw regulations; it's time to look outside the Alberta bubble.

Strong Towns

<https://www.strongtowns.org/>

My absolute favorite American organization.

Strong Towns supports thousands of people across the United States and Canada who are advocating for a radically new way of thinking about the way we build our world. They believe that in order to truly thrive, our cities and towns must:

- Stop valuing efficiency and start valuing resilience
- Stop betting our futures on huge, irreversible projects, and start taking small, incremental steps and iterating based on what we learn
- Stop fearing change and start embracing a process of continuous adaptation
- Stop building our world based on abstract theories, and start building it based on how our places actually work and what our neighbors actually need today
- Stop obsessing about future growth and start obsessing about our current finances

Basically the *Strong Town's* approach is to make a municipality financially resilient and prosperous community. They offer many free videos, articles, webinars and case studies on how to achieve this. While it's centered around the United States, the vast majority of these strategies work in Alberta as well. They also have a reasonably priced Strong Towns Academy which provides a step-by-step

process to develop a municipality by the platform of *Strong Town*. My favorite item that they discuss is the *Growth Ponzi Scheme*. The premise is the public investment in a municipality or in a specific area of a municipality, that must be supported by the properties and taxes that are dependent on that infrastructure or it becomes a long term drain on a municipality. For us urban munis, this can be seen in some of our older downtowns with aged buildings, that have a much higher tax per meters squared or tax per linear meter of frontage then some of the fancy new commercial developments. This is mostly due to higher FARs, less parking and less municipal services. And frankly in most of our Land Use Bylaws, rebuilding our downtowns as they are today would be illegal without massive variances. For rural DOs, a good example is how many kilometers of road does your muni build and maintain for farm rate taxes? I've seen in my previous municipalities that those taxes will never in a million years cover the cost of road maintenance, never mind capital construction and a rebuild every 30 or so years. Other ideas that *Strong Towns* advocates for is Incremental Development and Tactical Urbanism and how to avoid "Stroads".

Planetizen and Planetizen

<https://courses.planetizen.com/>

This is a online planning publication that has many useful articles and other items. They have over 200 ranging in topics from parking, land use, 3D modeling etc. I specifically like their FREE Electronic Message Sign course, especially since my bylaw's EMS section is wholly outdated.

Congress of New Urbanism

<https://www.cnu.org/> <https://www.cnu.org/publicsquare>

Charter, "*We stand for the restoration of existing urban centers and towns within coherent metropolitan regions, the reconfiguration of sprawling*

Article

suburbs into communities of real neighborhoods and diverse districts, the conservation of natural environments, and the preservation of our built legacy.”

The *Congress of New Urbanism* is mostly American (does have an Ontario Chapter, not in Alberta yet) and has a series of programs, conferences and resources that strives to create great walkable, urban places that strives to identify regulatory barriers and other hurdles to completing this. They advocate for more form based codes and the “Smart-Code” to better have our Land Use Regulations meet the needs of our communities.

Alberta Municipal Examples

Of course many of us in land use regulation are used to looking at our own province to see what types of regulation we should be looking at and what type of things may work for us. One objective that I discuss are the regulations implemented by large cities, like Edmonton or Calgary, and their impact to surrounding municipalities. Edmonton’s minimum parking regulations are a good example where the adjustment of these regulations impacts how closer municipalities to Edmonton can compete. For example, while my Town’s land prices are less than 30% of the big city, having to provide unnecessary parking seriously makes Edmonton competitive even with our lower cost markets. This was shown on any lower cost housing and commercial development where parking area mandated in minimums uses far more space than the actual units themselves. Another case I personally promote is Beaumont’s new *Land Use Bylaw: Our Zoning Blueprint*, which simplifies many of the regulations. While those of you at Beaumont can say whether your new bylaw is as good as it looks, it appears to make everything simple and easy to follow for everyone involved. Anyone looking at red tape reduction changes can check these out for some inspiration.

Personal Experience

Lastly I would like to highlight some of my own experiences with red tape reduction strategies in the few places I worked. Some of you may know that I myself used to be one of those evil developers that caused DO’s so many problems, however having both private sector and Development Officer experience has allowed me to put forward some changes at the various municipalities I worked at to eliminate some of our worst regulations while still ensuring the municipal goals are met.

Customer Focused Care

Yes I know, the repetitive corporate jargon, however as DO’s we are THE experts when it comes to our development regulations. Developers only look at their projects, Planners tend to be more in the air with what they are looking for, Councillors, at least to me, focus on negatives or on political considerations. However we as DO’s can be the guide to show developers, big and small, the way through our complex bylaws, policies and regulations. I look at it as *show the developer a way to get to Yes*. Understanding from a Developer’s position and mitigating their risk is a benefit for them but also for the municipality. Giving them options like if they have not bought land yet encouraging a DP permits as a condition of sale especially if it’s a discretionary use vs a permitted use.

Digitalisation

While a lot of our standard practice is electronic due to COVID, a large hiccup in the process for permit approvals and timelines is due to paper. Streamlining these process online can eliminate a lot of headaches for everyone. For example, before COVID, my municipality amended our Land Use Bylaw to permit electronic communication, meaning we can send official notices and notifications via email. This reduced processing timelines especially

Article

in the case of standard mail that has saved larger projects several weeks of waiting. Additionally, to speed up our own processes we can digitize all documents, ensure you can digitally sign permits, get your applications online with a form builder, and hooked up to a online payment processor. We started small with our processes in Morinville by implementing Business Licences and Water/Septic Tie In Permits. Starting with the resources that you currently have is a great place to start, like the standard Microsoft Office software. Being fully aware of your software is important to ensure success.

Council/ MPC and SDAB Processes

Timelines imposed by other Development Authority's can cause extra stress to approvals. One thing we did here was completely 100% eliminate the Municipal Planning Commission and our processing times for discretionary and variances dropped by close to 3 weeks per permit and granted that the DO has 100% variance power. This is especially important on some industrial and commercial projects which many of our Land Use Bylaws kind of forget about and where the developer or buyer needs an answer within a few days or a week not a 3 to 4 week MPC or appeal process. From a fiscal standpoint the cost of a SDAB member is the same as a MPC member, which is a duplication in cost.

We are also currently looking at ways to get rid of as many of our DC districts as well to speed up processes.

Zoning

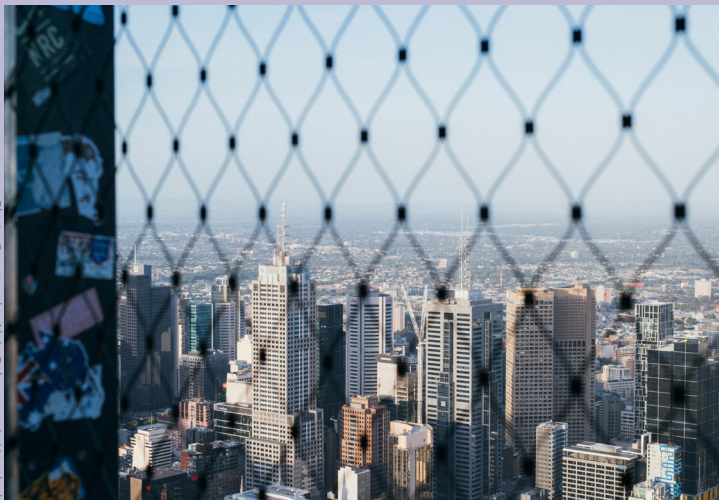
Probably the hardest item here to complete but can provide some of the best outcomes. A good example is the Residential Mixed Form (R-X) District we did in Morinville. This district allows Single Detached, Duplexes, Quadplexes, etc all within the same district without any *sub districts*. A lot of the ideas in this are from Market Based Urbanism approaches which are just starting to emerge in Alberta. The main concept with this is let the market decide. We ensured the district was low density in style, ensured adequate amenity space and parking, and then let the builders do what they want. While we are waiting for the first housing in this district to be built, we are also encouraging it to be incremental in nature, meaning this gives a homeowners the ability to develop duplex where their house was while meeting the regulations. Ok go ahead.

Building Code

Minimizing duplications among policies can save you a lot of time. By letting the Building Code dictate items its meant to allows the experts in this field to regulate the requirement, rather than two or more bodies of organizations. Unless the need for a condition (such as sun shade protection) there is no need to duplicate processes, like separation distances or setbacks etc. Most of our small municipalities there is no way we can regulate their items better then they can.

Test your Bylaw

Review your Municipal Development Plans and your Area Structure Plans and look at what type of development your plans overall want. Take 5 or 10 examples of those developments and actually try



Article

and build them within your policies and bylaws.

Take note of a few items:

- **Time**- How long would an inexperienced developer take to do this?
- **Cost**- Get a few estimates of the professional reports you may need, for buildings I personally use Altus's (<https://www.altusgroup.com/services/reports/2021-canadian-cost-guide/>).
- **Risk**- If you had the money budgeted, would your Council think it's a risk vs reward? When examining the risk, costs and time are included, is there any local developers who even have the ability to meet those targets? An example is a requirement in my Coeur de Morinville Area Structure Plan that outlines 4-storey commercial buildings facing the downtown with parking on the rear or underground. No matter how I do the math, it's impossible with the bylaws in place to have a competitive building that meets the Land Use Bylaw as its written. And if we can't do it on paper, it's very unlikely that a developer would complete a similar project. Another example for anyone with a downtown, just see if your existing buildings would be allowed to be rebuilt in the event of a catastrophe without a mass change or variance to your existing Land Use Bylaws?

Overall, these are only a few ways I have tried to reduce red tape. These reductions have been met pretty good success however there is a long way to go before we should all try and aim for the best red tape cutting in our own municipalities.

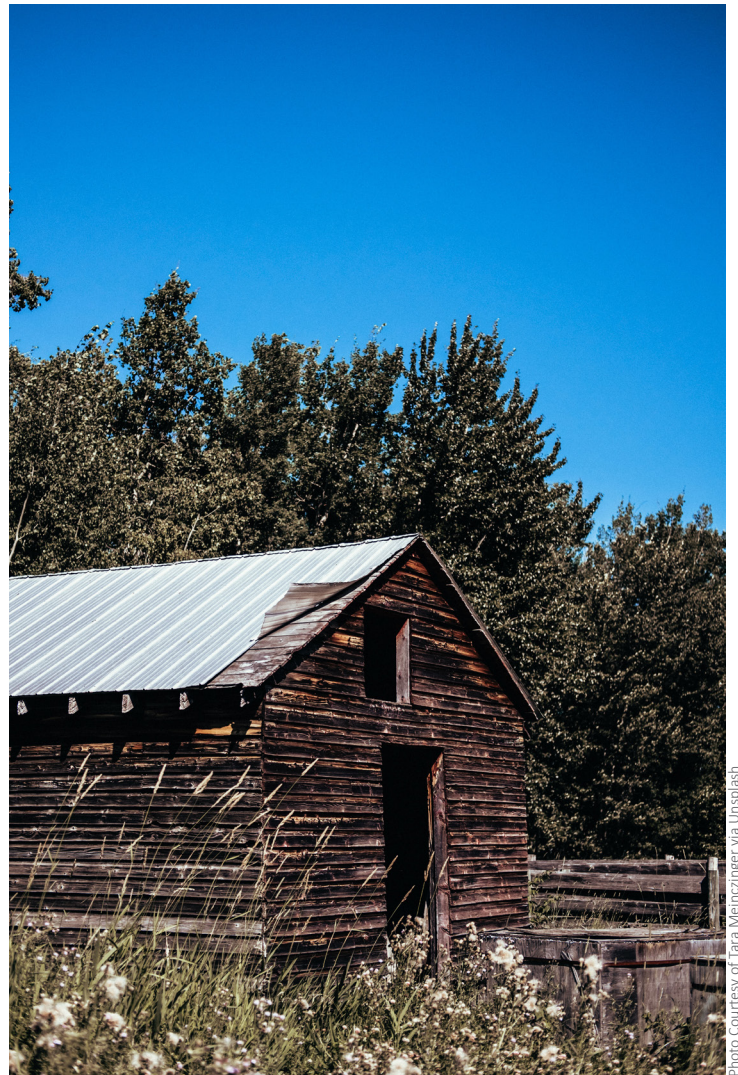


Photo Courtesy of Tara Meinzingger via Unsplash

Board of Directors

Board Member	Position	Municipality	Contact
Terry Topolnitsky	President Education Chair Bylaw and Policy (Co-Chair)	Town of Blackfalds	terry@blackfalds.com (403) 885-6237
Jordan Ruegg	Vice President Education (Co-Chair)	Smoky Lake County	jruegg@smokylakecounty.ab.ca (780) 656-3730
Cheryl Callihoo	Past President Bylaw and Policy Chair	Town of Barrhead	ccallihoo@barrhead.ca (780) 674-3301
Natacha Entz	Secretary	City of Brooks	nentz@brooks.ca (403) 794-2251
Diane Cloutier	Treasurer Chair Conference Committee Liaison	Lac La Biche County	diane.cloutier@lACLAbichecounty.com (780) 623-6732
Tyler McNab	Communication Chair	Town of Morinville	tyler.mcnab@morinville.ca (780) 777-7097
Roger Garnett	Membership Chair	County of Vermilion River	rgarnett@county24.com (780) 846-2244
Vacant			

Diane Burtnick	Executive Assistant	admin@adoa.ca (780) 913- 4214
----------------	---------------------	----------------------------------

Contact Us

Send us an e-mail or give us a call for more information about our membership and our non-profit group.
 Phone: (780) 913-4214
 E-mail: admin@adoa.net

ADOA Office

Diane Burtnick
 Box 164
 Sangudo, AB
 ToG 2A0



Alberta Development Officers Association

Visit us on the web at www.adoa.net