

AS YOUR
COMMUNITY
EVOLVES, SO DOES
OUR SUPPORT.

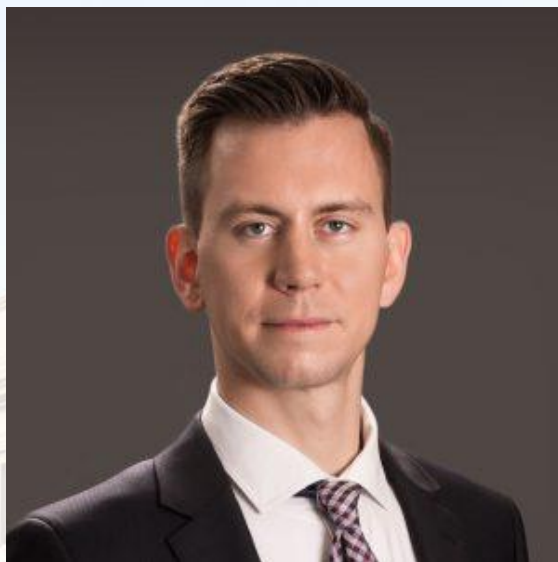
Planning Policies

Alberta Development Officers Association
2018 Conference



BROWNLEE LLP
Barristers & Solicitors

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1. Recent changes to the *MGA*
2. What is a Policy?
3. Obligations of the Municipality
4. Impacts
5. Practical Considerations
6. Questions and Wind Up



Recent Changes to the *Municipal Government Act*



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Listing and Publishing of Policies

As of January 1, 2019, every municipality must compile and keep an updated list of any policies that may be considered in making decisions under Part 17 (Planning and Development) of the *MGA*.

MGA s. 638.2



Recall – Purpose of Part 17

orderly,
economic,
and
beneficial
development

quality of the
physical
environment

Without
infringing on
rights

MGA s. 617

Intent of Changes



**MUNICIPAL DECISIONS BY
COUNCIL/ADMINISTRATION**

**INDIVIDUAL RIGHTS OF
LANDOWNERS/DEVELOPERS**



PUBLIC INTERESTS

P&D CONTROL

AUTONOMY

CERTAINTY

FAIRNESS

ECONOMIC GROWTH



What is a “Policy”?



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A “Policy” is...

Anything that may be considered in making decisions under Part 17 that:

- *has been approved by council by resolution or bylaw; or*
- *has been made by a body or person whose powers, duties or functions are delegated under sections 203 or 209 of the MGA*
- **and** *do not form part of a bylaw made under Part 17.*

Delegation of Powers, Duties or Functions



COUNCIL

s. 203

- MAY, by bylaw, delegate powers, duties or functions to council committee, CAO or designated officer (unless otherwise provided)
- **Select items cannot be delegated**



CAO

s. 209

- MAY delegate any of the CAO's powers, duties or functions (under MGA, another enactment or bylaw) to a designated officer or municipal employee.

GROUP DISCUSSION

? What do you use, refer to or rely on when making planning and development decisions?

A Policy is anything that may be considered in making decisions under Part 17 that:

- *has been approved by council by resolution or bylaw; or*
- *has been made by a body or person whose powers, duties or functions are delegated under s. 203 or 209 of the MGA*
- *and does not form part of a bylaw made under Part 17.*

Examples:



Off-Site Levy Policies (i.e. Exemptions, Timing)



Municipal Reserve Policies



Construction Standards (i.e. Landscaping, Drainage, Internal Roads)



Subdivision and Development Checklists



Servicing Policies



Obligations of the Municipality



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Must publish on municipal website:



A list of the “Policies”;



Each of the “Policies”;



A Summary of the “Policies” and how they relate to:

- each other; and
- any statutory plans and bylaws passed under Part 17; and



Any documents incorporated by reference in any bylaws passed under Part 17.



Impact of a Failure to Publish



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As of January 1, 2019...

A development authority, subdivision authority, SDAB, the MGB or a court **shall not have regard to any “Policy”** (as discussed) unless:

- the “Policy” is set out in the list prepared & maintained; and
- the “Policy” is published as required.

s. 638.2(3) of the MGA



Practical Considerations



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Practical Considerations:

**WHAT “POLICIES”
DO YOU HAVE IN
PLACE RIGHT NOW
AND WHO HAS
PARTIES WITH
DELEGATED
AUTHORITY UNDER
S. 203 AND 209?**

**CAN YOU
CURRENTLY MEET
THE OBLIGATIONS
AND HOW WILL
YOU SPECIFICALLY
MEET THE
OBLIGATIONS?**

**WHO WILL BE
RESPONSIBLE FOR
ENSURING YOU
MEET THE
OBLIGATIONS PRIOR
TO JANUARY 1ST,
2019 AND ON AN
ONGOING BASIS ?**

PRIOR TO:

PUBLICATION DEADLINE of **JANUARY 1, 2019**



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QUESTIONS?



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