Bill 48 – *The Planning Amendment & City of Winnipeg Charter Amendment Act*
Informational Summary – April 8, 2020

General Overview:

- This summary focuses on the proposed legislative amendments to *The Planning Act.*
- The recommendations and amendments addressed in Bill 48 is the Provinces response to the Treasury Board Secretariat (TBS) 2019 Planning, Zoning and Permitting in Manitoba – Findings/Recommendations Report.
- Bill 48 is one of a series of bills introduced into the Manitoba Legislature immediately following the tabling of Budget 2020.
- Bill 48 introduces substantial changes to the Planning Act which governs land-use planning processes in the province.
- Link to Bill: http://web2.gov.mb.ca/bills/42-2/pdf/b048.pdf

- AMM supports the Province of Manitoba Economic Growth Action Plan to foster economic development in Manitoba and the intent to attract, expand and retain businesses in Manitoba.
- AMM welcomes actions that will establish a province-wide framework to ensure regulatory processes operate in an efficient, transparent and consistent manner.
- AMM sees value in legislation that reduces unnecessary development delays, duplication and red tape as we understand that private sector development plays a significant role in job creation and building sustainable local communities.
- However, as these amendments are currently proposed, the AMM foresees several potential implications to municipalities in terms of increased financial administrative costs and loss of local autonomy.

Changes in Legislation – Divided into 3 groups: (Several Key Observations)

- **Planning Regions**
- **Planning Appeals**
- **Service Standards/Timelines**

Planning Regions:

- In Section 8(1), the act outlines the establishment of the Capital Planning Region (comprised of the WMR) the other Planning regions can be established by regulation.
- According to Section 10.2(1) the act outlines the mandate and planning region general powers. Under Bill 48, this section states that the Capital Planning Region organization has the power to borrow money, expropriate lands, purchase land and establish services.
- Under Section 10.13(1) the composition of the Regional Planning Board will be made by regulation and will include at least one director from each municipality. However, as currently stated the composition remains unclear.
- According to Section 149.1(1) planning districts and municipalities may require a development agreement for certain development permits.
- Under Section 10.3(1) the requirements for a regional plan states that a region must adopt a regional plan within 2 years of formation and requires Ministerial approval. Any development plan (zoning by-law, subdivision) must be consistent with the regional plan.
- Section 10.8(2) indicates that municipalities will have a 3-year transition for by-laws to ensure they comply with regional plan.

Overall AMM Impression:

- AMM strongly believes that the authorities of the planning boards should be clearly defined. The AMM would like the Province to further explain both section 10.12 and 10.13(1), under Bill 48 as it remains unclear how the Board of Directors will be compromised and the level of autonomy the Regional Planning Board will hold. (i.e – what qualifications are required to be on the Board?)

Planning Appeals:

- Under Section 82.1(3), the province has introduced a new appeal process that allows applicants to appeal all key municipal decisions to the Municipal Board.
- Section 82.1(10) outlines that the appeal process allows all planning decisions (conditional use, variations, re-zoning, subdivisions and the conditions within a development agreement) to be finalized by the Municipal Board and is not subject to further appeal.
- In Section, 82.1(1) and 118.2(1), applicants (landowners, developers, planning consultants, etc) will be able to appeal Council's decision to the Municipal Board.
- In Section 82.2(1) the act states that if the Municipal Board determines that there has been an unreasonable delay by a municipality in processing a rezoning it can require the municipality to pay for some or all of the costs incurred by the Municipal Board to have the hearing and/or the applicant's reasonable costs related to the appeal.

Overall AMM Impression:

- As currently presented in the Act it is clear to our members that the appeals process is one-sided and puts increased power within the Municipal Board rather than Council.

- In the past the Municipal Board has not been properly resourced, creating many delays. The AMM would like to seek clarity from the Province on the process that ensures the Municipal Board will be able to handle the influx of appeals in a timely manner.

- While the AMM supports a depoliticized environment to hearing appeals, it is essential that Councils maintain authority over local development decisions while coordinating growth plans for the regions to ensure that investments don't leave the Province of Manitoba.

Service Standards/Timelines:

- Section 282.1(11) introduces new timelines for planning processes in the City of Winnipeg and all other municipalities and planning districts.
  - 20 days (acceptance of completed development permit)
  - 60 days (minor subdivision, Municipal Board report/decision)
  - 90 days (conditional use, development agreement)
  - 120 days (Municipal Board to schedule hearing)
  - 150 days (secondary plan, zoning, subdivisions)
- According to Section 180.1, a major change to the Planning Act is that approving authorities such as municipalities now must provide written reasons why a development plan amendment, secondary plan amendment, rezoning, conditional use, or subdivision has been denied.

Overall AMM impression:

- Both financial and human resource costs of the new processes will require significant amounts of administrative time and legal costs to address each appeal as well as the preparation of written "decision" explanations for each land-use decision made by council.

- The AMM would like clarity on the ramifications if the Municipal Board is unable to adequately meet timelines. Will the Municipal Board also be subject to strict timelines and consistent with expectations of municipalities?