Appendix B - Bill 37 changes to *The Planning Act*

	Description	Note
1	Creation of a Capital Planning Region (CPR)	No concerns
2	Capital Planning Region Regulation	Concerns
3	Funding of Capital Planning Region	Concerns
4	Regional Planning By-law	Concerns
5	CPR may administer and enforce local by-laws	No concerns
6	CPR may acquire property	No concerns

1 Creation of a Capital Planning Region

Establishes a Capital Planning Region for the Winnipeg Metropolitan Region consisting of:

- Cities of Winnipeg and Selkirk;
- Towns of Niverville and Stonewall;
- Village of Dunnottar;
- Rural Municipalities of Cartier, East St. Paul, Headingley, Macdonald, Ritchot, Rockwood, Rosser, Springfield, St. Andrews, St. Clements, St. Francois Xavier, Taché and West St. Paul.

New Section(s)

Capital Planning Region

8(1) The Capital Planning Region is hereby established.

Included municipalities and boundaries

8(2) The Capital Planning Region consists of the territory within the boundaries of the following municipalities:

(a) the City of Winnipeg and the City of Selkirk;
(b) the Town of Niverville and the Town of Stonewall;
(c) the Village of Dunnottar;
(d) the Rural Municipalities of Cartier, East St. Paul, Headingley, Macdonald, Ritchot, Rockwood, Rosser, Springfield, St. Andrews, St. Clements, St. Francois Xavier, Taché and West St. Paul

Considerations and consultations when forming planning region

9(2) In determining whether to establish a planning region, the minister must

(a) have regard for
  (i) the economic and social integration of the region, and
  (ii) the need to include at least one area that has sufficient population density, infrastructure and services to serve as the centre of the region; and
(b) consult with the council of each municipality proposed to be included in the planning region.

Implications for the City of Winnipeg

The City of Winnipeg recognizes that there is value in participating in regional planning.
The City of Winnipeg will be required to dedicate resources to participating on the Capital Region Board including:

- Councillor time
- Public Service resources in support of the City's role.

City of Winnipeg Position

The City of Winnipeg has no concerns with this Section.

2 Capital Planning Region Regulations

The details of the composition, voting structure, operation, and procedures of the Capital Planning Region will be established through regulation.

New Section(s)

Regulations

10.21(1) The minister may make regulations…(a)…. (r)

Regulation will establish/prescribe:

- The number of members on the Regional Planning Board [s10.21(1)(a)]
- Manner in which board members will be appointed, including eligibility and qualifications [s10.21(1)(a)]
- Term limits [s10.21(1)(c)]
- Who will serve as chair and vice-chair including the manner in which they may be determined [s10.21(1)(d)]
- A voting structure, and associated weighting of votes based on a criteria (ie. by population, land value, degree of development activities or any other factor considered relevant by the Minister) [s10.21(1)(e)]
- Process to be followed in considering applications and approving, refusing or rejecting applications. [s10.21(1)(j)]
- Process to be followed in adopting and amending the regional planning by-law [s10.21(1)(i)&(j)]
- Appeals of decisions on applications to amend the regional planning by-law [s10.21(1)(k)]
- Deadlines for appeals [s10.21(1)(l)]
- The portion of funding each member municipality will contribute towards the Planning Region [s10.21(1)(n)]
- Information that a planning region must back public [s10.21(1)(o)]
- The extent to with *The Corporations Act* applies to the planning region [s10.21(1)(p)]
- Any other matter the minister considers necessary or advisable for effective and efficient land use planning in a planning region [s10.21(1)(r)]

Composition of board

10.13(1) The composition of a regional planning board is to be determined by regulation and is to include at least one director from each of the regional member municipalities.

Implications for the City of Winnipeg

The regulation could have major implications for the City of Winnipeg depending on the composition of the CPR board, who will serve as chair and vice chair, voting structure, and funding obligations.

It is unclear if the Province will have representation on the CPR board, and what role that member may take (ie Chair).

The City of Winnipeg has yet to be consulted on the CPR Regulation.

City of Winnipeg Position

The City of Winnipeg recommends that the Province consult the City of Winnipeg so input can be provided on the CPR Regulations.

3 Funding the CPR

CPR member municipalities must agree on the funding that each member municipality is to contribute to the CPR.
If no agreement can be reached, the minister will prescribe the amount each member municipality must provide.

The CPR must prepare an annual budget with respect to its operations and submit a copy to each member municipality and the minister.

New Section(s)

Financial contributions
10.14(1) The regional member municipalities must agree on the amount or proportion of funding that each member municipality is to contribute to meet the expenses of the planning region.

If no agreement
10.14(2) The minister must prescribe the amount or proportion of funding that each member municipality must contribute to meet the expenses of the planning region if an agreement under subsection (1) is not reached within the time specified by the minister.

Annual budget for operations
10.15(1) A regional planning board must prepare an annual budget with respect to its operations and submit a copy of its budget to each regional member municipality and the minister.

Implications for the City of Winnipeg

The CPR will be at least partially funded by the City of Winnipeg and the City will be required to budget for this expense.

City of Winnipeg Position

The City of Winnipeg recommends that the Province provide funding to the Capital Planning Region.

4 Regional Planning By-law

The Capital Planning Region must adopt a Regional Planning By-law within two years of the CPR being established.
The City of Winnipeg will have three years to ensure all by-laws conform with the regional planning by-law.

New Section(s)

Regional planning by-law
10.3(1) A regional planning board must prepare and adopt a regional plan within two years after the date the planning region is established.

10.9(1) Limitation on regional member municipalities
The council of a regional member municipality must not
(a) give third reading to a development plan by-law, secondary plan by-law or zoning by-law that is inconsistent with a regional planning by-law; or
(b) approve or give conditional approval to a subdivision or other development that is inconsistent with a regional plan

10.8(1) Effect of regional plan
A regional member municipality must ensure that the following are not inconsistent with the regional planning by-law for its region:
(a) its development plan by-law;
(b) any secondary plan by-law it has adopted;
(c) its zoning by-law;
(d) in the case of a regional member municipality of the Capital Planning Region, its drinking water and wastewater management plan prepared under section 62.2.

10.8(2) Three-year transition for by-laws
Within three years after its planning region has adopted a regional planning by-law, each regional member municipality must review its by-laws to ensure that they are not inconsistent with the applicable regional planning by-law

Implications for the City of Winnipeg

The City of Winnipeg must not give third reading to OurWinnipeg, a secondary plan by-law or zoning by-law or give conditional approval to a subdivision or other development that does not conform with the regional planning by-law.

Ensuring City of Winnipeg by-laws conform with the regional planning by-law will require staff resources.

The Winnipeg Metropolitan Region (WMR) has been working with consultants on drafting a regional plan for the CPR. A draft version of the regional plan has yet to be shared with the Council of the City of Winnipeg.

City of Winnipeg Position

The City of Winnipeg recommends that the WMR Draft Plan 20-50 be publicly released to allow all WMR members an opportunity to review and formally approve the Draft Plan before it is sent to the Province of Manitoba for its consideration.

5 CPR may administer and enforce local by-laws

Administration and enforcement of local municipal by-laws may become the responsibility of the CPR.

New Section(s)

10.1(2) Related activities

In carrying out its mandate, a planning region may, with the agreement of a regional member municipality, do the following:

(a) administer and enforce the development plan by-law of the municipality;

(b) administer and enforce

- (i) any secondary plan by-law of the municipality,
- (ii) the zoning by-law of the municipality,
- (iii) the building by-laws of the municipality, or
- (iv) the by-laws of the municipality dealing with minimum standards of maintenance and occupancy of buildings.

Implications for the City of Winnipeg

The financial burden of administering and enforcing the municipal by-laws of another municipal partner would be shared among CPR member municipalities, including the City of Winnipeg. It is unlikely that the CPR or a member municipality would agree to have the CPR take on this role.

If the CPR took on the role of administering City of Winnipeg by-laws, the City would lose control of development within its boundaries. However, the City of Winnipeg would have to agree to have the CPR administer and enforce City of Winnipeg by-laws.

City of Winnipeg Position

The City of Winnipeg has no concerns with this change provided that, should a member municipality request the Capital Region assume responsibility for the administration and enforcement of local municipal by-laws, the City of Winnipeg would not be required to contribute funding to support this activity as outlined in Section 10.15(2).

6 CPR may acquire property

The CPR may expropriate or otherwise acquire property, including City of Winnipeg property.

New Section(s)

General powers

10.2(2) Subject to any restrictions specified in the regulations, a planning region may
(a) for the purpose of implementing its regional plan, acquire and hold any interest in real property;
(b) acquire and hold personal property;
(c) sell, mortgage, lease or otherwise deal with or dispose of any interest in real or personal property;
(d) receive, expend, loan and invest money;
(e) borrow money and give security for the repayment of money borrowed; and
(f) exercise any other powers that are necessary to carry out its mandate.

Real property may be acquired by expropriation

10.2(3) The acquisition of real property under clause (2)(a) may be by expropriation.

Implications for the City of Winnipeg

It is clear from the proposed Legislation that the CPR may only acquire property when required for implementing the regional planning by-law. It is unlikely that the CPR would expropriate land owned by the City of Winnipeg.

City of Winnipeg Position

The City of Winnipeg has no concerns with this Section.