

## **RURAL MUNICIPALITY OF HEADINGLEY**

### **SUBMISSION TO COMMUNITY NETWORKING MEETING MAY 13, 2021**

#### **Bill 37 Focus 2050 backgrounder**

There are two different initiatives underway that could have far reaching effect on planning and development in the RM of Headingley and indeed the whole province.

#### **Bill 37**

Bill 37 is proposed Provincial Legislation that will amend the Planning Act. The Bill has been given second reading by the Province and the Committee Hearings have been held. Some small amendments were made but the key elements were not changed. Bill 37 will create a new Capital Planning Region (CPR) that will include the RM of Headingley. That region will take in 18 municipalities around and including the City of Winnipeg. The Board of the CPR will be appointed by the Minister with the only assurance being that it will include representation from each of the member municipalities. It could include non-elected appointees from the private sector as well, that detail has yet to be announced. There will be some sort of weighted voting mechanism that also has yet to be determined. The CPR will be required to prepare a Regional Plan (the Focus 20-50 Plan) similar to individual municipalities Development Plan's that will dictate how development takes place within the region.

Bill 37 also creates an appeal process for Developers who do not agree with a Municipal Council's decision on various planning applications, including subdivisions, zoning, development agreements. The same appeal process is not available to objectors to development proposals. Those appeals would be heard by The Municipal Board of Manitoba. The Municipal Board would have the power to overturn decisions of Municipal Councils, effectively taking away the autonomy of a local Council. The Municipal Board consists of a group of non-elected people appointed by the Province. Generally, there are usually three members selected to sit on a panel that considers the appeal applications and issues orders. The guiding principles will be whether an application complies with the Regional Plan, the local Development Plan, and the local zoning by-laws.

Bill 37 will require the member municipalities to amend Development Plans and Zoning By-Laws to align with the policies of the new Regional Plan (Focus 20-50).

Bill 37 will create an environment whereby small, local developers, will have difficulty subdividing their property.

#### **Focus 20-50**

Focus 20-50 is the regional plan being developed for the CPR by the Winnipeg Metropolitan Region (WMR). The final draft has been prepared and circulated. It is open to the public and municipalities to provide feedback and comment until June 1<sup>st</sup>, 2021. The comments and feedback will be compiled and the plan will be presented to the Minister of Municipal Relations together with the comments and feedback received. Bill 37 sets out that the process for the adoption of the Focus 20-50 plan will be the same as the process for adopting a local development plan, however the Minister can by regulation determine a different process. Once the Plan is approved and adopted, any development in the region must comply with the Plan.

Focus 20-50 creates three policy areas: the Metropolitan Core, the Inner Metropolitan Area and the Outer Metropolitan Area. Most of Headingley is within the Inner Metropolitan Area.

There are a number of key policies in the Focus 20-50 Plan that will affect Headingley in a detrimental way.

1. Density of Development: Focus 20-50 sets a minimum density of four units per acre and a target density of 9 units per acre. Our current policy for greenfield development is two lots per acre on the north side of the river and one lot per acre on the south side. In limited circumstances we are allowing up to 15 units per acre for multi-family development.
2. No additional lands to be designated for Commercial/Industrial Development: the background studies that were conducted to advise the Plan concluded that there was far more land in the Region designated for this type of development than was necessary. This type of development should be directed to these lands and except under exceptional circumstances, no additional lands in the region should be designated for commercial/industrial development.
3. Types of Housing; The Plan stipulates that municipalities shall provide a diversity of housing types, tenures, and price points. This will mean that the construction of all types of housing from trailer parks to townhouses, to apartment blocks, will be allowed in the municipality. Our minimum dwelling size of 1,100 sq feet will no longer apply.
4. Compact Form: The plan requires new developments to be planned in a “compact form”. Gone will be the vision supported by our residents for large lots, and 30 foot building separations. The Plan considers this to be inefficient use of land and infrastructure that does not encourage mass transit and contributes to increased greenhouse gas emissions.
5. Standard Permitting Framework: The Plan will lead to a region wide template and standards for building permit applications and require us to report regionally on service performance. Headingley delivers a high level of service in this area. These requirements will not improve our service and will lead to more red tape. We suspect it may also lead to permitting being administered on a regional basis rather than a local basis.
6. Increased Red Tape: A planning process that is already somewhat cumbersome will be even more-so. Projects that are non-conforming will now require another tier of approval in order to proceed. Property owners looking to subdivide will be required to provide a significant number of reports depending on the size of the subdivision.

## **Summary**

The RM of Headingley has vigorously opposed both Bill 37 and the Focus 20-50 Plan. It will take away local autonomy when it comes to local land use planning. Our local plans will have to conform to a regional plan that will have a very different vision from ours. Council decisions can be appealed to the Municipal Board by the Developers.

These two initiatives will impose a different vision for our community than what we have. It will create development that is much higher density, has far less green space, and a much broader range of types of housing.

The RM made a submission to the Committee Hearings on Bill 37 and is preparing a detailed review of the Focus 20-50 Plan with the assistance of our Planning Consultant for inclusion with the submission to Minister of Municipal Relations

**What you can do:**

**Bill 37:**

The timeline for the adoption of Bill 37 is unknown. It will be at the pleasure of the Provincial Government and could happen at any time. Once the Bill is passed, the Minister of Municipal Relations will be empowered to enact Regulations that will deal with matters such as appointment of the members of the Board of the Capital Planning Region, weighted voting of its members, adoption of plans, and others. If you disagree with bill 37, we urge you to contact your MLA and the Minister of Municipal Relations and express your concern. Their respective emails are:

Minister of Municipal Relations, Honourable Derek Johnson; [minmr@leg.gov.mb.ca](mailto:minmr@leg.gov.mb.ca)

MLA: Honourable Myrna Driedger; [myrna.driedger@leg.gov.mb.ca](mailto:myrna.driedger@leg.gov.mb.ca)

The RM's main concerns with Bill 37 are:

- Creation of another governing body for planning over and above our local council. The Bill provides for creation of the Capital Planning Region
- Creation of another tier in land use planning.
- Loss of local autonomy: by implementing a process for developers to appeal a local Council's decision to the Municipal Board local planning control is passed on to a non-elected Board, and that appeal provision is not available to objectors to development proposals.
- Increase in Red Tape.
  - o Any changes to a local land use plan will now also require a change to the Regional Plan.
  - o Due to performance requirements ie the requirement to meet certain timelines for applications, developers will now be required to submit much more detailed applications before a development proposal is even considered
- Increase in costs:
  - o The creation of the new Planning Region and its related administrative and planning structure, and support for the Board will be costly. Those costs will be passed on to the member municipalities
  - o The municipality will need to retain legal and planning consultants in order to defend its decisions on appeals of Council decisions to the Municipal Board

**Focus 20-50:**

The draft plan has been finalized and has been circulated and posted for public viewing and comments. All comments will be compiled by the Winnipeg Metropolitan Region and become part of the submission of the Focus 20-50 Plan to the Minister of Municipal Relations. The deadline for comments to be submitted is June 1, 2021.

You can find the Focus 20-50 Plan at this website: <https://20to50.ca/> The website contains links to submit your comments or you can email them to: [plan2050@wmregion.ca](mailto:plan2050@wmregion.ca)

The Municipalities main concerns regarding the Focus 20-50 Plan are as follows

- The Plan does not provide the RM with the flexibility to carry forward our vision for the development of our community
- The Plan is based on flawed population data and projections
- The Plan provides for much higher density for new development
- The Plan will significantly reduce the opportunity for small local developers to develop their lands due to a much higher sophistication for development applications, ie requirement for applications to include detailed engineer drawings, traffic studies, landscaping plans, utility studies,
- Except in certain circumstances, the Plan does not allow for designation of any additional lands for commercial/industrial development
- The Plan as drafted will require a significant number of additional studies, as many as 170, that will cost in the millions of dollars. Those costs will be borne by Manitoba taxpayers either through Provincial taxes or Municipal taxes or a combination of both.

Thank you for considering these two very important initiatives that will negatively impact our community. We urge you to join the municipality in opposing both of them. Please distribute this information to the members of your community organizations and ask that they get involved by making their voices heard and submitting into as outlined above. Please copy the RM with any submissions that you make as a community organization.