

### Highlights of Bill 37 –

#### **The Planning Amendment Act and The City of Winnipeg Charter Amendment Act**

- Bill 37 implements key planning recommendations from the June 2019 Treasury Board Secretariat Report, *Planning, Zoning and Permitting in Manitoba*.
- These changes adopt best practices and ensure greater transparency, consistency and accountability across the province.
- The overall goal is to establish a province-wide framework to support a co-ordinated approach to planning and development, reduce planning delays and enhance planning appeals.
- It addresses gaps in Manitoba’s regulatory framework by mandating regional approaches to planning, introducing service standards for planning, and expanding appeals to the Municipal Board.

#### ***Planning Regions***

Key changes between Bill 48 and Bill 37:

- Minister must consult with each municipal council when determining whether to establish a new planning region.
- A planning region may only acquire land for implementing its regional plan.
- Member municipalities must agree on their funding contributions to the planning region.
- Regional board must submit a copy of its budget to all member municipalities and the minister.
- The Capital Planning Region plan by-law will take effect immediately upon adoption.

- Bill 37 provides a mechanism for regional approaches to land use, infrastructure planning, shared servicing and economic development.
- It establishes a Capital Planning Region (legislated membership: 18 municipalities, including City of Winnipeg).
- The Capital Planning Region will be required to adopt a regional plan within 2 years and approved by the Minister.
- Once adopted, member municipalities will have 3 years to ensure local development plans are consistent with the regional plan.
- A new regulation will determine the structure, governance, operations and decision-making processes for the Capital Planning Region board.
- Bill 37 would also give the Minister authority, by Regulation, to establish other planning regions in Manitoba.

#### ***Planning Appeals***

Key changes between Bill 48 and Bill 37:

- Citizen appeals to the Manitoba Municipal Board on re-zonings and secondary plans extended to City of Winnipeg.
- A number of commencement periods for appeals have been shortened to 30 days.

- Bill 37 enables applicants to appeal council decisions on secondary plans, zoning, conditional uses, subdivisions and development agreements, as well as missed timelines to the Municipal Board.
- Bill 37 also clarifies that the Municipal Board can assign costs incurred by the board as well as assign costs in the case of unreasonable delays in dealing with planning applications.

**Service Standards (Timelines)**

- Bill 37 introduces new timelines for planning processes in the City of Winnipeg and all other municipalities and planning districts. Failure to meet timelines can be appealed to Municipal Board. The following are key timelines established under Bill 37:

- Secondary Plan amendment**
  - Zoning amendment**
  - Subdivision (standard)**} **150 days**
  
- Conditional Use (standard)**
  - Conditional Use (livestock) after TRC report**
  - Completion of **development agreement**} **90 days**
  
- Subdivision (minor) decision – 60 days**
  
- Acceptance of **development permit** application – **20 days**
  
- After receipt of appeal, **Municipal Board hearing** within – **120 days**
- After hearing, **Municipal Board report** within – **60 days**

*Notes: All timelines (unless otherwise stated), are measured from the date a completed application is received to date of planning authority decision.*

*Timelines are in calendar days, not business days.*

*These are **total** times only (i.e., Bill 37 requires council to hold a conditional use hearing within 60 days and then make a decision within 30 days after the hearing – for a **total** of 90 days)*

**Additional Measures to Simplify/Expedite Processes**

Key changes between Bill 48 and Bill 37:

- Decisions on planning applications cannot be delayed on the basis that the preparation or amendment to a secondary plan is pending under The City of Winnipeg Charter.
- Within 3 years after the coming into force, the minister must undertake a comprehensive review of the amendments in the Act that includes public representation.

- Bill 37 includes a number of provisions intended to streamline and reduce the administrative burden of planning, including:
  - Expediting development application processes by enabling municipalities to attach development agreements at development permit stage.
  - Enabling the City of Winnipeg to attach development agreements to conditional uses and variances.
  - Giving municipalities and planning districts authority to hold public hearings on zoning and secondary plan by-laws prior to 1st reading.
  - Extending approval deadlines of variances and conditional uses by an additional 12 months to coincide with the deadlines of subdivision conditional approvals.