

**Topic: Repeal of Bylaw 34-2011 – Municipal Planning Commission and Bylaw 2013-25 – Municipal Planning Commission Bylaw Amendment****Introduction:**

The repeal of these bylaws will eliminate the Municipal Planning Commission (MPC).

**Facts (Background Information):**

The Municipal Government Act (MGA) allows a municipality to establish a Municipal Planning Commission to carry out duties related to subdivision and development approving authority. Prior to 2011, the County's subdivision and development authority was at the Administration level.

The MPC was established in 2011. Its purpose was to:

- Advise and assist the Council with regards to planning and development matters within the County
- Act as the Development Authority pursuant to the provisions of the Land Use Bylaw
- Act as the Subdivision Authority pursuant to the provisions of the Land Use Bylaw

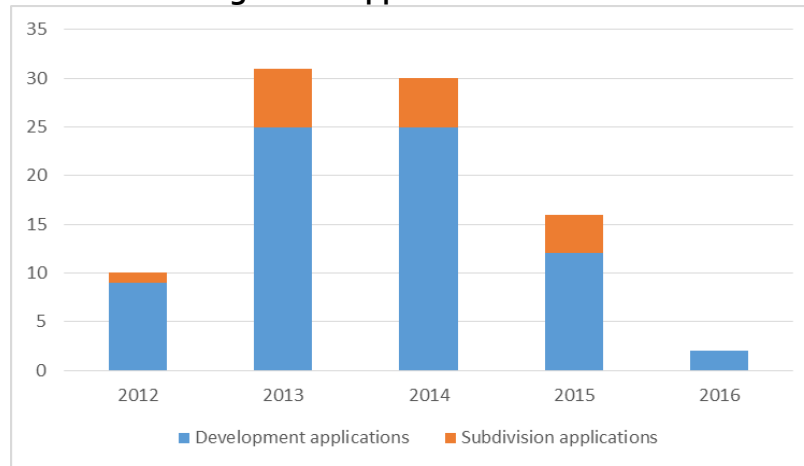
On October 25, 2016, Council approved a new Committee structure and appointed members to the new Committees on April 25, 2017. The Municipal Planning Commission is not part of that new Committee structure. The role of these new Committees includes providing advice to Council on planning and development matters.

Applications to the MPC have significantly declined in the last few years with only one meeting held in the last 18 months.

**Analysis:****Since the MPC was established*****Decreased applications going to MPC***

Meetings of the MPC were more frequent in 2013 and 2014 but have been steadily declining since then, as indicated in Figure 1, showing the number of annual decisions taken to MPC. The bulk of the decline was due to a Land Use Bylaw (LUB) amendment that gave Development Planners the authority to grant side yard variances; those made up over half of the applications before MPC in 2013 and 2014. In addition the Development Authority began to deal with a variety of applications directly, if they had that choice within the LUB.

**Figure 1 – Applications to MPC**



***Delayed decisions and potential increase in appeals to Subdivision and Development Appeal Board (SDAB) and Municipal Government Board (MGB)***

Both subdivision and development decisions must be made within a legislatively prescribed timeline, as outlined in Figure 2. If a decision is not made within the timeframe, also outlined in Figure 2, an applicant may choose to consider their application as being refused and immediately appeal that refusal to SDAB.

**Figure 2 - Legislative timelines**

Process	Timeline	Source
Subdivision	60 days	SDR Section 6
	Deemed refusal provision	MGA Section 651
Development permit	40 days	MGA Section 684
	Deemed refusal provision	MGA Section 686

Because of the additional time it takes to call a meeting of the MPC, prepare the agenda and hold the meeting, many subdivision and development decisions are delayed until after the decision deadline. It is becoming more challenging to get quorum of the MPC within the required timeframe. As a result, PDS is seeing applicants start to use the deemed refusal provision in the Act to move directly to SDAB to get a decision and bypass the MPC.

***Type of development permits going to MPC***

The bulk of the development permits going before MPC have been predominantly in two categories: natural resource extraction and variances, each accounting for about 40% of the MPC applications between 2012 and 2016. In 2015 and 2016, nearly every application before MPC was related to natural resource extraction.

While further changes to the Land Use Bylaw (LUB) planned for Phase 3 of the refresh will review and potentially update the regulations for natural resource extraction, a legal opinion on the Land Use Bylaw suggests the current wording of the Bylaw does not require any development decisions to go to MPC. Residents continue to have the opportunity to appeal decisions related to resource extraction. The intent seems to be to provide residents and stakeholders and opportunity to voice their concerns, but they do

continue to have the opportunity to appeal development permit decisions related to natural resource extraction and voice concerns to the SDAB.

### **Moving forward without MPC**

With the elimination of the MPC, the County will see:

#### ***Customer Service enhancements***

The timeframe for processing both development permits and subdivisions that previously went to MPC would be reduced by an average of two to three weeks. This means more timely decisions for applicants and ensures the County is better able to process the applications within the legislated timeframes, eliminating potential appeals.

In addition, SDAB appeals by applicants due to decisions not being made within the required timeframe, due to challenges getting quorum for MPC, will be eliminated.

The time previously used for setting up, preparing for and participating in MPC meetings provides additional capacity for processing applications.

#### ***Public engagement***

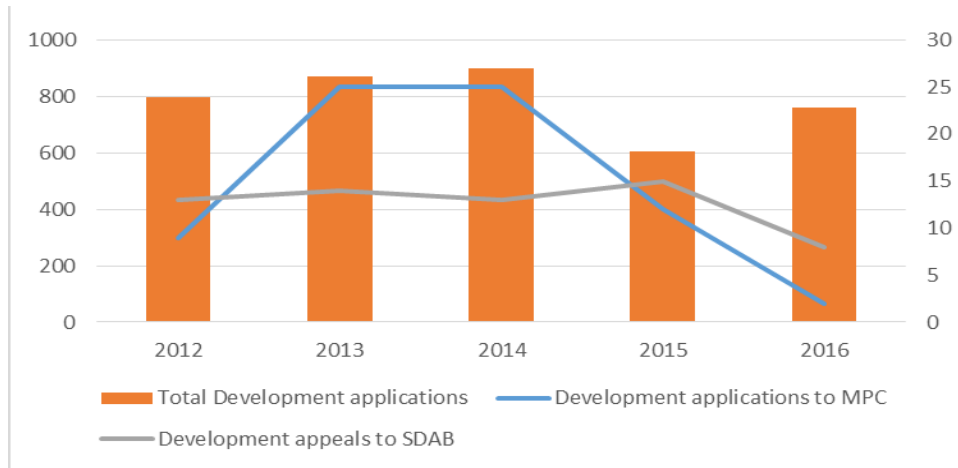
Adoption of the Public Engagement policy provides more opportunity for engagement prior to application submission so public input is facilitated earlier in the process. Public engagement under the MPC model was limited, and many times the public was not able to express their concerns at the meetings.

In addition, the workplans for the new Committee structure approved by Council on February 14, 2017 provides for advice to Council on planning and development matters from these committees.

#### ***Consistent, timely decisions***

There is greater capacity within the Planning and Development Services Department that has enabled Administration to address more complex subdivision and development matters in a timely manner. Since 2015, 14 out of over 1,500 development permit applications have gone to the MPC. Figure 3 compares the decrease in both MPC decisions and SDAB appeals with the increase in permits, suggesting effective decisions are being made as appeals are declining in comparison to applications.

**Figure 3 – Development applications**



Only 2 subdivision applications out of 172 were decided by MPC since 2015, with only one appeal to SDAB in the same timeframe.

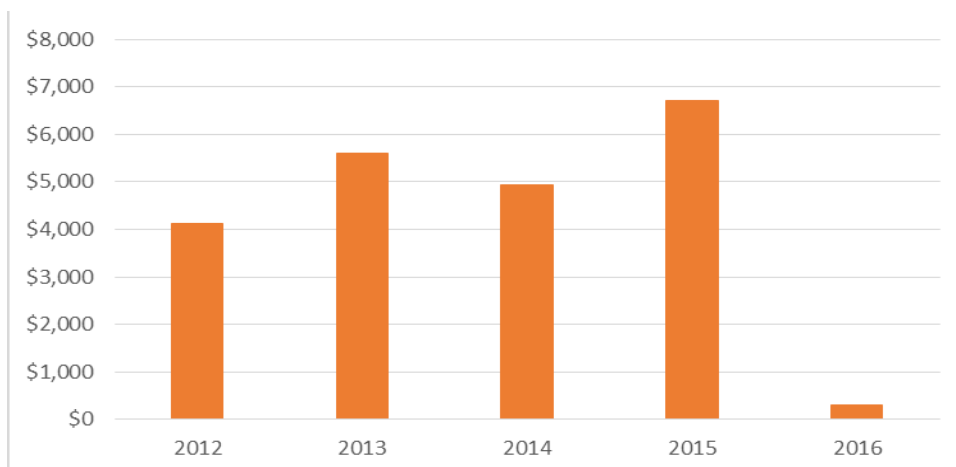
This is a result of:

- Additional planning staff and ongoing training to enhance capacity for subdivision processing and decision-making
- Ongoing training for development planning staff to ensure greater consistency in development permit decisions. The upcoming LUB refresh will enhance this capacity further
- Past and proposed LUB amendments to ensure greater clarity and consistency
- Process improvement project initiated is facilitating greater consistency and transparency in decision-making

### *Cost savings*

While the honorariums and costs related to the MPC are not significant, there will be savings realized by the repeal of the Committee. A budget of nearly \$8,000 is allocated annually and Figure 4 shows the actual costs of the MPC over the past five years.

**Figure 4 – MPC Costs**



## **Conclusion/Summary:**

***Administration supports the repeal of the Municipal Planning Commission Bylaws.***

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