

FUTURE OF THE MUNICIPAL PLANNING COMMISSION

Council / Governance Issue

Due to the expanded authority of the Development and Subdivision Officer positions under Land Use Bylaw 17-21 and Subdivision Authority Bylaw 38-20, a significant reduction in the number of planning matters for consideration by the Municipal Planning Commission are coming forward and the value of maintaining the Commission is in question.

Recommendation

That Administration bring forward the necessary bylaw amendments and process changes to eliminate the Municipal Planning Commission as a committee and planning authority for the Town of Okotoks for consideration by Council no later than September 2023 including:

1. Amending Land Use Bylaw 17-21 to remove the Municipal Planning Commission as a planning authority of the Town of Okotoks and establish changes to the authority of Development and Subdivision Officers;
2. Amending Committees Bylaw 13-21 to remove the Municipal Planning Commission [Schedule 6] as a planning authority committee to Council;
3. Process updates be introduced to remove the requirement for Municipal Planning Commission referral of planning bylaws; and
4. Amending or rescinding any other bylaws that that may reference the Municipal Planning Commission as a planning authority.

Background and Considerations

The Okotoks Municipal Planning Commission (MPC) was first established on May 13, 1974 under the provisions of the 1970 *Planning Act*. Its role and makeup has changed over the course of time, including becoming the subdivision authority in 1995 with changes to planning legislation and abolishment of the Calgary Regional Planning Commission. Other changes limited the MPC role in approval of studio suites, development permits on direct control sites, and approval of small or conforming subdivisions. However, the MPC has been the development and subdivision authority for the Town of Okotoks since it was established.

Currently the MPC is responsible for the following matters:

- Consideration of subdivision applications that create more than ten new lots and do not conform to an approved area structure plan, outline plan, concept plan, or the Land Use Bylaw (LUB) for the subject site. This has significantly reduced the subdivision applications that are considered by the MPC although any subdivision item may be referred to the MPC for a decision at the discretion of the Subdivision Officer.
- Consideration of neighbourhood outline plans or amendments to outline plans. New outline plans are no longer used as the 2021 Municipal Development Plan requires Neighbourhood Area Structure Plans (NASP) be used instead, which as a statutory

plan are approved as a bylaw by Council. MPC's role with NASP's is as a referral now. Existing Outline Plans do remain in place and amendments to those plans are subject to MPC approval.

- Development Concept Plans, which are employed to provide a cohesive development concept for multiple land holdings or a logical development area, and amendments to them are considered by MPC. Historically, these plans have been used for large commercial retail areas but have also been used to guide subdivision and development of mixed-use areas, such as the D'Arcy Gateway Area.
- Development permits for discretionary uses on new development sites and other development permits that are not under the authority of the Development Officer to consider. The authority of the Development Officer has been greatly expanded under the 2021 LUB and amendments to the previous LUB in the years leading up to the new LUB. However, the Development Officer does have the ability to refer any development permit to MPC for a decision at their discretion.
- Referral of all planning policies and bylaws. The MPC reviews and provides comment on any amendments to the LUB, statutory plans, or any other planning bylaws or plans. The recommendation of the MPC is provided to Council for consideration of the policy or bylaw.

The table below indicates the annual planning items that have been considered by the MPC since 2016

	2016	2017	2018	2019	2020	2021	2022
Subdivisions	7	13	4	7	2	0	1
Development Permits	21	20	14	5	7	7	3
Plans and Bylaws	9	16	20	10	10	10	7
Total Items	37	49	38	22	19	17	11

As indicated above, the planning matters being brought before the MPC has been declining and are mostly considering plan and bylaw referrals rather than decisions on development and subdivision matters.

Unlike some larger municipalities, such as the City of Calgary, which requires some members to hold specific professional association memberships, there are no specific qualifications for citizen members of the MPC. Given the size of Okotoks and the limited number of interested persons that apply to serve on the MPC, requiring professional prequalification would likely eliminate the ability to fill the citizen roles. As such, there is a significant component of educating new members to the legislation, plans, policies, bylaws, and good planning principles that are to be considered in decisions. With less items now going to the MPC for decision or comment, there is also less opportunity for learning or staying current with planning considerations. This reduces the overall value the MPC can bring to planning decisions and the value of referring planning bylaws to the MPC, which adds some additional time to the overall approval timeframe.

If the MPC were to be dissolved, new changes to procedures and authority for approving items that are subject to MPC consideration would need to be established. For example, amendments to existing Outline Plans and Development Concept Plans

could be brought forward to Council in relation to any proposed land use amendments for approval.

Current Policy or Bylaw Analysis

Municipal Government Act (MGA)

Under section 623 of the *MGA*, a council must, by bylaw, provide for (a) a subdivision authority to exercise subdivision powers and duties on behalf of the municipality, and (b) subject to section 641, a development authority to exercise development powers and perform duties on behalf of the municipality. A municipality may provide for a municipal planning commission but is not required to have an MPC as a planning authority.

Committees Bylaw

Committees Bylaw 13-21 establishes the committees of Okotoks Council, including the MPC. Schedule 6 defines the purpose of the MPC to fulfill the requirements of the *MGA* and *Subdivision and Development Regulations* relating to the subdivision and development of land and advise Council on planning matters. The membership and meeting frequency of the MPC is also defined within the bylaw.

LUB

LUB 17-21 establishes the MPC as development authority for certain types of development permit applications, namely new discretionary developments, and certain subdivision applications. In both cases, any development or subdivision application may be referred to the MPC for decision at the discretion of the Development or Subdivision Officer.

Subdivision Authority Bylaw

Subdivision Authority Bylaw 38-20 has largely been replaced by LUB 17-21 with some additional direction for the MPC's role in subdivision matters. This bylaw can be rescinded if subdivision authority rested entirely with designated Subdivision Officers.

References to MPC in Other Bylaws

- The North Okotoks Area Structure Plan (Bylaw 24-16) and the Northwest Okotoks Area Structure Plan (Bylaw 49-98) contain reference to the MPC within the definitions of *Development Concept Plan* and *Outline Plan* as these plans require approval by MPC.
- The Northeast Okotoks Area Structure Plan (Bylaw 34-89), the East Okotoks Area Structure Plan (Bylaw 25-01), and the Southwest Okotoks Area Structure Plan (Bylaw 22-02) contain a similar reference in the definitions but also define the Subdivision Approving Authority as the MPC.
- Fees, Rates and Charges Bylaw 09-23 contains a fee for holding a special MPC meeting.

Municipal Comparisons

The City of Lethbridge eliminated its MPC on May 24, 2022 with the removal of all references to the MPC as an approval authority in various bylaws. Lethbridge Council had resolved to eliminate its MPC on September 7, 2021.

Other municipalities that dissolved their MPC's in 2022 include Rocky View County; Municipal District of Bonnyville; and Sturgeon County. Rocky View and Bonnyville reverted back to Council authority on most items but Sturgeon County increased the authority of designated staff with the intention of reducing red tape and allow for faster processing of development permit applications. Sturgeon County Council directed Administration to report to Council biannually regarding all development applications, including processing times, appeal volumes, client satisfaction, and other information to assess any adverse impact to the public.

In the capital region, MPC's are less common. The City of Edmonton has not had an MPC since 1995 when it was dissolved through the establishment of the Subdivision Authority under Bylaw 11135, which was repealed under Bylaw 16620 [City Administration Bylaw] in 2016. Edmonton's City Administration Bylaw (equivalent to the Okotoks Chief Administration Officer (CAO) Bylaw) specifies the City Manager as the sole subdivision and development authority, who can further delegate staff to subdivision and development authority roles. Similarly, at the City of St. Albert and the City of Spruce Grove, the subdivision authority and the development authority is the Director of Planning and Development and any other persons designated by the Director or the CAO, as the case may be.

In the Calgary Region, MPC's are more typically used as the subdivision and development authority. The City of Calgary Planning Commission's (CPC) authority is similar to Okotoks acting as the approving authority on some subdivision matters and as development authority on some development matters. The CPC also makes recommendations to Council on land use and planning items such as area structure plans, land use designations, and street and lane closures. Likewise, Airdrie, Cochrane, Chestermere, and Canmore have MPC's. Strathmore does not have an MPC; rather planning authority is split between Council and designated staff.

CAO Comments

This report highlights guidance from Council that arose from the committee review. The key pieces of feedback at that time were that committee members wanted to have meaningful work that influenced their community. The other component was Council's desire to ensure governance/regulatory committees had an appropriate role that was adding value to the governance processes. In considering a detailed review of the 11 items that were considered by the committee in 2022, seven (7) were bylaw referrals that Council ultimately dealt with. The other four (4) were decisions by MPC:

- an amendment to the Wedderburn Outline Plan as MPC remains the authority on outline plans;
- Development Permit (DP) 151-21 (Integrity Post Expansion) because Outdoor Storage is a discretionary use in the ALH District;
- DP 104-22 (Town Parking Lot at 12 South Railway St) because Parking Lot – Independent is a discretionary use in Downtown District; and
- DP 128-22 (Air Ranch Commercial Site) because it was a new development with a discretionary use (car wash).

Currently MPC decides when there is a discretionary use and no previously approved DP for a site. The Development Officer can decide on a discretionary use if it was within a previously approved site.

From a red tape perspective, the Town wants to ensure when a second layer approval is needed, why it is needed, and if the process is providing value for money. GPC is asked to consider this and provide guidance on moving forward.

If the Committee endorses this approach, Administration recommends that this item be added to the next MPC meeting agenda prior to it becoming public information.

Attachment(s)

n/a

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Confidential Report RELEASED