

## **MUNICIPAL PLANNING COMMISSION ELIMINATION**

### **Issue**

Governance and Priority Committee directed Administration to bring forward the necessary bylaw amendments and process changes to eliminate Municipal Planning Commission for consideration by Council no later than September 2023.

### **Motion Arising From Closed Session**

That Administration be directed to bring forward amending bylaws to remove the Municipal Planning Commission as a development and subdivision authority as well as planning advisory committee to Council for consideration by Council no later than September 25, 2023.

### **Report**

The Municipal Planning Commission (MPC) is both an advisory committee to Council and a planning approval authority of the Town of Okotoks. However, in both these roles it is not a statutory requirement of the *Municipal Government Act*, to have an MPC.

Currently, the MPC is responsible for decisions on the following planning applications:

- Subdivision applications, if
  - the application creates more than ten new lots and does not conform to an approved area structure plan, outline plan, concept plan; or
  - the application does not conform to the provisions of the Land Use Bylaw (LUB);
- Outline plans and amendments to outline plans;
- Development concept plans and amendments to development concept plans; and
- Development permit applications for discretionary uses on new development sites and other development permits that are not expressly provided for under the authority of the Development Officer.

The MPC is also responsible for providing recommendations to Council on all planning bylaws, including statutory plans and LUB amendments. Additionally, other plans and policies of the Town related to planning may be referred to the MPC in their capacity as an advisory committee.

Administration brought forward consideration of removing the MPC to the Governance and Priorities Committee (GPC) in January as a means to streamline decision processes on planning matters given that fewer items need to be decided on by the MPC under the changes brought forward through the LUB Rewrite. The removal of the MPC as a Development Authority, Subdivision Authority, and advisory committee to Council would require amendment to the following bylaws:

- Bylaw 17-21 – Land Use Bylaw

- Bylaw 38-20 – Subdivision Authority Bylaw
- Bylaw 13-21 – Committees Bylaw

The following bylaws also reference the MPC but would be updated as part of a larger review for consistency with the 2021 Municipal Development Plan:

- Bylaw 24-16 – North Okotoks Area Structure Plan
- Bylaw 49-98 – Northwest Okotoks Area Structure Plan
- Bylaw 34-89 – Northeast Okotoks Area Structure Plan
- Bylaw 25-01 – East Okotoks Area Structure Plan
- Bylaw 22-02 – Southwest Okotoks Area Structure Plan

If directed, Administration would bring forward a proposed bylaw to amend the necessary inter-related bylaws in order to remove the MPC as a Development and Subdivision Authority as well as planning advisory committee for the Town of Okotoks. These amendments would also include other adjustments to ensure consistency in terminology between the inter-related bylaws and to describe the updated decision making process for planning applications that currently involve MPC.

#### *New Process Considerations*

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. Administration suggests that planning manners that currently need to be considered by MPC could be replaced generally as follows:

#### Outline Plans

New outline plans have been replaced under the 2021 Municipal Development Plan with Neighbourhood Area Structure Plans (NASP), which are a statutory plan approved as a bylaw by Council. Existing Outline Plans remain in place and amendments to those plans are subject to MPC approval.

| Current  | Proposed  |
|--|---|
| MPC must decide on amendments to existing outline plans in place for an area | <p>Most subdivision applications with minor deviations from existing Outline Plans can be considered by the Subdivision Officer without the need to amend the Outline Plan in place.</p> <p>For more significant changes, such as municipal reserve areas being reconfigured, major differences to land uses, or major adjustments to the road network, there are a few options that could be considered:</p> <ul style="list-style-type: none"> <li>• Council could be the approving authority for an amendment to an</li> </ul> |

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|--|---|
|  | <p>existing outline plan – this would be best for newer outline plans,</p> <ul style="list-style-type: none"> <li>• The affected areas of the outline plan could be replaced by more detailed direction within the ASP for the area through an ASP amendment; or</li> <li>• A new NASP may be required to replace the existing outline plan.</li> </ul> |
|--|---|

Of the outline plans currently in effect, the only plans that contain a significant enough amount of land remaining to be built-out, where a future amendment might be required, are:

- The D’Arcy Outline Plan, which was adopted in 2017 and has not been amended to date;
- The Wedderburn Outline Plan, which was adopted in 2017 and last amended in 2022 but a large portion of the future lands are expected to be rolled into the future NASP for east Wedderburn;
- The Tristar Southbank Business Park Outline Plan, which was adopted in 2008 and last amended in 2009; and
- The Burnswest Southbank Business Park Outline Plan, which was adopted in 2008 and has not been amended to date.

### Development Concept Plans

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; these plans are not currently considered by Council. 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. The need for a development concept plan is triggered either by policy direction in an ASP or as part of a land use district. The more detailed direction in NASPs has replaced the ASP policy driven development concept plans and the LUB Rewrite removed the requirement for development concept plans that was required in some districts.

| Current  | Proposed  |
|--|---|
| MPC must decide on Development Concept Plans or amendments to existing Development Concept Plans | <p>Amend the LUB to allow the Development Officer to decide on amendments to Development Concept Plans.</p> <p>Phase out new Development Concept Plans through amendments to existing ASPs and new more detailed NASPs.</p> |

The Development Concept Plans currently in effect are:

- D'Arcy Gateway Village Development Concept Plan;
- Wedderburn Gateway Development Concept Plan;
- Southbank Commercial Development Concept Plan; and
- Westmount Centre Development Concept Plan.

### Subdivision Applications

The 2020 Subdivision Authority Bylaw and subsequent LUB Rewrite 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.

| Current   | Proposed   |
|---|--|
| MPC must decide on an application that creates more than ten new lots and does not conform to an approved area structure plan, outline plan, or concept plan. | Amend the LUB to prohibit the subdivision of more than 10 lots, where it does not conform to an approved area structure plan and neighbourhood area structure plan or outline plan. Subdivisions larger than 10 lots that do not conform to area plans would trigger amendments to those plans, if the applicant wanted to proceed and the changes were supported. |
| MPC must decide on an application that does not conform to the provisions of the LUB  | Amend the LUB to allow the Subdivision Officer some variance powers to measurable provisions (e.g. minimum lot depth and width). This would be similar to the existing powers of the Development Officer to vary from the LUB.   |
| MPC must decide on an application referred to it by the Subdivision Officer   | Establish Administrative Guidelines that require Director/Manager level review of applications that would previously been referred to MPC.   |

All subdivision decisions would be decided on by the Subdivision Officer and any decision would remain appealable by the applicant, school authority with respect to reserve, or a government agency required to be circulated to in accordance with the *Municipal Government Act*.

An appeal would rest with either the Subdivision and Development Appeal Board or the Land and Property Rights Tribunal in accordance with section 678(2) of the *Municipal Government Act*.

## Development Permit Applications

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.

| Current   | Proposed   |
|---|--|
| MPC must decide on development permit applications for discretionary uses on new development sites and other development permits that are not under the authority of the Development Officer to consider. | Amend the LUB to allow the Development Officer authority over all development permit applications.<br><br>Introduce additional guidance provisions to the LUB for clearer considerations for discretionary uses or potentially additional notification requirements for adjacent landowners. |
| MPC must decide on an application referred to it by the Development Officer   | Establish Administrative Guidelines that require Director/Manager level review of applications that would previously been referred to MPC  |

Development permit decisions would remain appealable to the Subdivision and Development Appeal Board in accordance with the *Municipal Government Act*.

## Planning Bylaws

All planning bylaws and generally all planning policies that are subject to Council approval are referred to the MPC for comment and recommendation prior to consideration by Council. The MPC reviews and provides a recommendation on the matter that is shared with Council through Administration's report on the item. Generally this consists of a recommendation of support although MPC can provide a more detailed recommendation to Council or suggest changes as part of the motion.

| Current   | Proposed   |
|---|--|
| Planning bylaws are referred to MPC for comment and recommendation. The recommendation from MPC is provided to Council. | Planning bylaws would proceed with the normal Council adoption process of first reading and public hearing at a subsequent meeting. There would be no separate committee referral. |

## *Alternative Options for Council Consideration*

1. Maintain the Status Quo – the mandate and role of the MPC does not change
2. Direct the revising of MPC's role and mandate to change how and what matters are brought before them

**Proposed Open Session Timeline (3 months and onwards)**

To be released after the dissolution of the MPC is complete and members notified.

**Attachment(s)**

n/a

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Confidential Report RELEASED