

Request for Decision

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| Title | Municipal Planning Commission and Authority Bylaws – Competitiveness Review and Recommendations |
| Proposed Motion | That Council direct Administration to prepare and bring forward amendments to the Land Use Bylaw, Subdivision Authority Bylaw, Development Authority Bylaw, Municipal Planning Commission Bylaw, and Subdivision and Development Appeal Board Bylaw that would facilitate the dissolution of the Municipal Planning Commission and propose revisions to the composition of the Subdivision and Development Appeal Board. |
| Administrative Recommendation | Administration recommends Council support the motion for Administration to prepare and bring forward amendments to the bylaws identified above. |
| Previous Council / Committee Direction | None. |
| Report | <p><u>Background Information</u></p> <ul style="list-style-type: none"> Sturgeon County is a municipality committed to development competitiveness (cost, time, customer service, and so forth). In recent years, as Sturgeon County has grown, Administration has worked closely with Council to review and update several land use planning documents, ensuring that Council's future vision for the community and overarching framework for land use matters is clearly articulated. The most effective way that Council can influence land use planning, while ensuring direct engagement with the community, is through the continuous review and updating of documents such as the Municipal Development Plan, Area Structure Plans, and the Land Use Bylaw. In 2021, as part of a larger suite of reviews, Administration launched an assessment of the Municipal Planning Commission (MPC) and other Authorities. The Municipal Planning Commission (MPC) is a Committee of Council formed under the authority of section 625(1) of the <i>Municipal Government Act</i> (MGA) to make decisions that fall within its jurisdiction as it relates to planning and development matters. In the Sturgeon County context, the MPC is the subdivision authority for all subdivision applications within the County and is the development |

and variance authority for applications where Administration does not have the discretionary power to approve a development permit application.

- The formation of an MPC is not a requirement of the MGA and is only one way in which subdivision and development decision-making authority can be established. Most other municipal jurisdictions do not utilize an MPC to the extent that Sturgeon County does. Administration has reviewed the practices of other municipalities within the region, as shown in the following table:

| Municipality | Decision Making Authority (Excluding Direct Control Districts) | | |
|----------------------|--|------------------------|------------------------|
| | Subdivision | Development | Variance |
| Sturgeon County | MPC | Administration and MPC | Administration and MPC |
| Leduc County | MPC | Administration | Administration |
| Parkland County | Administration | Administration | Administration |
| Strathcona County | Administration | Administration | Administration |
| Lamont County | Administration | Administration and MPC | Administration and MPC |
| Town of Morinville | Administration | Administration | Administration |
| City of St. Albert | Administration | Administration | Administration |
| City of Spruce Grove | Administration | Administration | Administration |
| City of Edmonton | Administration | Administration | Administration |
| City of Leduc | Administration | Administration | Administration |
| City of Beaumont | Administration | Administration | Administration |
| Town of Redwater | An Inter-municipal Planning Services Agency | Administration and MPC | Administration and MPC |
| Town of Legal | An Intermunicipal Planning Services Agency | Administration | Administration |
| Town of Bon Accord | An Intermunicipal Planning Services Agency | Administration | Administration |
| Town of Gibbons | An Intermunicipal Planning Services Agency | Administration | Administration |

- Of the other 14 municipalities within the Edmonton Metropolitan Region, only Leduc County uses an MPC as the subdivision authority. Comparatively, a majority (nine) delegate the responsibility to Administration (typically the Manager/Director of Planning). The

remaining four municipalities (the Towns of Redwater, Legal, Bon Accord, and Gibbons) contract out the responsibility to an inter-municipal planning services agency: Municipal Planning Services (MPS).

- For Development and Variance Authorities, only the Town of Redwater and Lamont County use an MPC instead of a Development Officer.

MPC - Development Permit Applications

- For Discretionary Use and Variance development applications, the MPC could be perceived to allow for additional oversight into potentially contentious development or variance applications. However, this process creates some drawbacks.
- Increased timelines have been noted with applications that are heard by the MPC. Administration has reviewed the last six years (2016 – 2021) of development applications to determine where process improvements are possible for decision-making timelines. These five years featured decisions from both the MPC and Administration.
- On average, from application date, Administration's decisions took 9.95 days, while the MPC took 33.5 days – a difference of 235%.
- Additionally, the MPC has supported Administration's recommendation on 96.7% of variance files over the last five years with only one case of the MPC modifying the approval recommendation of Administration by removing a proposed condition prior to approving the application.

MPC - Subdivision Applications

- Administration has reviewed the last five years (2017 – 2021) of subdivision applications, including decisions from both the MPC and Administration. MPC became the sole subdivision approval authority in mid-2020. Before this, Administration held decision making authority on some subdivision applications (e.g., if the application did not conform to the policies of a statutory plan and where the application was not supported by Alberta Transportation (AT)).
- On average, Administration took 52.3 days to reach a decision, while the MPC took 62.7 days, a difference of 19.9%. Notably, Administration was able to issue a decision within the legislated 60-day subdivision processing timeline noted within the *Subdivision and Development Regulation*. Decisions that exceed this processing time are subject to extensions agreed to by both the applicant and the County.
- The *Subdivision and Development Regulation* requires many (but not all) subdivision applications within 1.6 kilometres of a highway to be circulated to AT for referral. Within this proximity of a provincial highway, AT has the greater jurisdiction, and the County cannot approve an application without their prior approval, with some minor exceptions. It should be noted that the County is experiencing delays related to responses from referred applications. In 2017, the average response time from AT was 25.3 days. In 2021, the average time had increased to 67.0 days - an increase of 164.8%.
- As the County is not responsible for AT's processing timelines, Administration has instead looked at the difference between when a

response has been received from AT to when a decision has been issued. The time to reach a decision following an Alberta Transportation response took Administration 26.4 days, while the MPC took 45.8 days, an increase of 73.5%.

- The disparity in decision timelines between Administration and the MPC is likely the result of several factors. This includes the standard two to three weeks' break between each MPC hearing, the approximate six-week summer Council break, the MPC deferring decisions to future dates, and to a lesser extent, election breaks.
- Additionally, the MPC has supported Administration's recommendation on 95.3% of subdivision files over the last five years.

MPC Review Conclusion

- The work of the MPC is not of a policy-making nature; the MPC's role is to implement the land use policies set out by Council. The dual role of Councillors and MPC Commissioners can blur the lines of policy making and implementation.
- From an applicant's perspective, the use of an MPC increases risk regarding decisions or timelines and affects the County's competitiveness versus other jurisdictions that do not have an MPC.
- MPC meetings require significant organizational resources, including considerable time preparing reports and presentations, and logistics. This is in addition to the time the meeting requires for both Commissioners and Administration. Furthermore, with the approval of new development areas in the County, it is anticipated that subdivision and development permit volumes will increase into the future. This will further exacerbate these requirements.
- Given the statistics regarding timelines and the high rate at which the MPC follows Administration's recommendation (95% of subdivisions and 96% of variances on development permits), it would be reasonable to conclude that the dissolution of the MPC would result in quicker processing times without compromising level of service. This is consistent with the County's Red Tape Reduction Initiative.
- Implementation will require amendments to the Land Use Bylaw (LUB), the Subdivision Authority Bylaw, Development Authority Bylaw, Subdivision and Development Appeal Board Bylaw, and repeal of the Municipal Planning Commission Bylaw. Within the LUB, all references to the MPC will need to be removed, and those powers currently exerted by the MPC will need to be reassigned.
- The dissolution of the MPC would not impact an applicant's ability to appeal a decision.
- If Council supports the motion to dissolve the MPC, Administration proposes to bring forward the necessary amendments within Q2 (2022) and recommend that the amendments become effective following the final MPC meeting prior to Council's summer break (July 5, 2022).

Subdivision and Development Appeal Board Composition Review

- The Subdivision and Development Appeal Board (SDAB) is a quasi-judicial tribunal established under the authority of the MGA to hear appeals on subdivision, development, and stop order appeals within its jurisdiction. All municipalities in Alberta are required to establish an SDAB.
- Sturgeon County's Subdivision SDAB is established by Bylaw 1410/18. Section 4 of the Bylaw states that the Board shall be comprised of 8 members – 2 members of Council and 6 public members, with not more than 5 members sitting on a single hearing panel.
- Section 627(3) of the MGA states that, unless authorized by the Minister of Municipal Affairs, an SDAB panel must not have more than one councillor as a member. In this way, the MGA reduces the influence of members of Council on the Board, with public members always comprising the majority of members.
- A number of comparable municipalities have recently revised the composition of their SDABs, removing members of Council. This has been done to more clearly distinguish the role of a councillor (a policy-making role) from that of a Board member (a quasi-judicial decision-maker) and to remove any perception of bias.
- For comparison purposes, Sturgeon County's other quasi-judicial tribunal, the Assessment Review Board, does not include any Council members.
- Revising the composition of the SDAB to include only public members would allow members of Council to more closely engage with constituents on complex and sensitive planning and development matters. Currently, where there is potential for a matter to be appealed to SDAB, members of Council serving on the SDAB must not correspond with constituents out of an abundance of caution so that they are not prejudiced if the matter comes before the SDAB.
- It is recommended that, in parallel with the MPC review, that Council also direct Administration to propose amendments to the SDAB Bylaw to revise the composition of the Board to include public members only. Administration would bring forward the necessary amendments within Q2 (2022) and recommend that the amendments become effective following the final SDAB hearing prior to Council's summer break (July 5, 2022).

External Communication

- No formal external communication is required, but applicants will be advised of any proposed changes in advance of any changes taking effect.

Relevant Policy/Legislation/Practices:

- Section 623 of the *Municipal Government Act*, RSA 2000 c M-26 (MGA) directs that Council must, by bylaw, provide for a subdivision authority to exercise subdivision powers and duties on behalf of the municipality.

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| | <ul style="list-style-type: none"> • Section 624 of the MGA directs that Council must, by bylaw, provide for a development authority to exercise development powers and perform duties on behalf of the municipality. • Section 625 of the MGA allows a council of a municipality to establish a Municipal Planning Commission. • Section 627 of the MGA directs that a council of a municipality must establish by bylaw, a subdivision and development appeal board, or enter into an agreement with one or more municipalities to establish an intermunicipal subdivision and development appeal board, or both. • Bylaw 1338/14 – Establishment of a Development Authority Bylaw • Bylaw 1339/14 – Establishment of a Subdivision Authority Bylaw • Bylaw 1410/18 – Establishment of a Subdivision and Development Appeal Board Bylaw • Bylaw 1524/20 – Municipal Planning Commission Bylaw |
| Implication of Administrative Recommendation | <p><u>Strategic Alignment:</u></p> <p>Planned Growth – The proposed amendments would streamline subdivision and development processing timelines.</p> <p>Collaborative Government – The proposed amendments would ensure greater consistency between policy and decisions and allow for clear separation between Council, responsible for policy creation, and Administration, responsible for policy implementation.</p> <p>Operational Excellence – The proposed amendments would streamline operational processes by reducing subdivision and development processing times providing cost-effective service delivery, while maintaining quality of service.</p> <p><u>Organizational:</u></p> <p>The proposed amendments would allow staff resources that are currently required for Municipal Planning Commission preparation and attendance at meetings to be reallocated, allowing for greater organizational efficiencies and attention to other priorities for already stretched capacity. This time savings applies to Commission members as well.</p> <p><u>Financial:</u></p> <p>Marginal cost savings for meeting supplies could be realized.</p> |
| Alternatives Considered | <ol style="list-style-type: none"> 1. Council could defeat the motion, resulting in the status quo, and the MPC would remain the subdivision authority and retain a role within the development permit decision-making process; or 2. Council could defeat the motion and direct Administration to seek an alternative approach that differs from the status quo and the proposed motion. |
| Implications of Alternatives | <p><u>Strategic Alignment:</u></p> <ol style="list-style-type: none"> 1. Processing times would not be optimized, and clients may see increased processing time in certain circumstances. |

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| | <p>2. Strategic alignment implications would depend on the direction provided by Council.</p> <p><u>Organizational:</u></p> <p>1. Administration would continue to dedicate staff resources to support the Municipal Planning Commission. Time from Commission members would still be required.</p> <p>2. Organizational implications would depend on direction provided by Council.</p> <p><u>Financial:</u></p> <p>1. None.</p> <p>2. The financial implication would depend on the direction provided by Council.</p> |
| Follow up Action | Prepare and bring forward bylaws to repeal the Municipal Planning Commission Bylaw and amend the Land Use Bylaw (LUB), Subdivision and Development Authority Bylaws, and Subdivision and Development Appeal Board Bylaw (Planning and Development Services, Legislative Services, Q2 2022). |
| Attachment(s) | None. |
| Report Reviewed by: | <p>Bonnie McInnis, Manager, Planning and Development Services</p> <p>Travis Peter, Director, Development and Strategic Services</p> <p>Jesse Sopko, Director, Corporate Services</p> <p>Reegan McCullough, County Commissioner – CAO</p> |

Strategic Alignment Checklist

Vision: *Offering a rich tapestry of historical, cultural, and natural experiences, Sturgeon County is a municipality that honours its rural roots and cultivates desirable communities. Uniquely situated to provide world-class agricultural, energy, and business investment opportunities, the County prioritizes responsible stewardship and dreaming big.*

Guiding Principles: Collaboration | Accountability | Flexibility | Excellence | Safety | Future Readiness | Affordability | Innovation

| Community Outcome | Not consistent | Consistent | N/A |
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| Planned Growth | | | |
| <ul style="list-style-type: none"> Internationally competitive to attract, grow and sustain diverse businesses; tenacious focus on new growth and innovation | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> Modern broadband and digital capabilities | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> Low cost, minimal red-tape regulations | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> Reliable and effective infrastructure planning; comprehensive land use and infrastructure planning | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Thriving Communities | | | |
| <ul style="list-style-type: none"> Beautiful, surprising places with high standards; integrated natural spaces & trail systems; healthy and resilient | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> Engaging cultural, historical, and civic amenities; strong community identity and pride | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> Safe, welcoming, and diverse communities; small community feel and personal connection; commitment to high quality of life | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Environmental Stewardship | | | |
| <ul style="list-style-type: none"> Clean air, land, and water; Carbon neutral municipal practices; circular economy opportunities | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> Conservation of natural areas and agricultural lands; enhanced greening and biodiversity; safekeeping ecosystems | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> Sustainable development; partnerships with industry and others to drive emission reductions | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Collaborative Governance | | | |
| <ul style="list-style-type: none"> Predictable and stable external relationships; volunteer partnerships | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> Meaningful connections with Indigenous communities | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> Ongoing community consultation and engagement; transparent and action-oriented decision making based on sound rationale | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <ul style="list-style-type: none"> Respectful and informed debate; clear and supportive governance processes | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Operational Excellence | | | |
| <ul style="list-style-type: none"> Engaged and effective people – Council, Admin and Volunteers; continuous learning and improvement mindset; nimble and bold, with strong leadership | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> Quality cost-effective service delivery; robust procurement and operational practices and policies; asset management and performance measurement; careful debt and reserve stewardship; long-term financial planning and sustainability | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> Future focused thinking to proactively respond to emerging opportunities and challenges | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> Alternative revenue generation and service delivery models integrated strategic and business planning | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |