

Request for Decision

Title	Municipal Planning Commission and Authority Bylaws - Bylaw 1589/22 (2022 Subdivision Authority Bylaw), Bylaw 1590/22 (2022 Development Authority Bylaw), and Bylaw 1591/22 (2022 General Amendments to Land Use Bylaw 1385/17) – Second and Third Reading
Proposed Motion	<ol style="list-style-type: none"> 1. That Council give second reading of Bylaw 1589/22 as amended. 2. That Council give third reading of Bylaw 1589/22. 3. That Council give second reading of Bylaw 1590/22 as amended. 4. That Council give third reading of Bylaw 1590/22. 5. That Council give second reading of Bylaw 1591/22 as amended. 6. That Council give third reading of Bylaw 1591/22. 7. That Council direct Administration to provide a report in Q4 2023 regarding the practical outcomes of Municipal Planning Commission discontinuance, including processing time impacts, appeal volumes, client satisfaction, and other information as deemed appropriate.
Administrative Recommendation	Administration recommends that Council give second and third reading of Bylaws 1589/22, 1590/22, and 1591/22 to facilitate the dissolution of the Municipal Planning Commission.
Previous Council / Committee Direction	<p><u>May 3, 2022 Regular Council Meeting</u> Motion 184/22: That Council give first reading of Bylaw 1589/22.</p> <p>Motion 185/22: That Council give first reading of Bylaw 1590/22.</p> <p>Motion 186/22: That Council give first reading of Bylaw 1591/22.</p> <p><u>February 8, 2022 Regular Council Meeting</u> Motion 033/22: That Council direct Administration to prepare and bring forward amendments to the Land Use Bylaw, Subdivision Authority Bylaw, Development Authority Bylaw, and Municipal Planning Commission Bylaw that would facilitate the dissolution of the Municipal Planning Commission.</p>
Report	<p><u>Background Information</u></p> <ul style="list-style-type: none"> • The Municipal Planning Commission (MPC) is an optional 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 a municipality's jurisdiction as they relate to planning and development matters. • In Sturgeon County, the MPC is the subdivision authority for all subdivision applications within the County and is the development and variance authority for applications where the Development Officer does

not have the discretionary power to do so as outlined in the Land Use Bylaw.

- Municipalities are not required by the MGA to establish a MPC, which is only one way in which subdivision and development decision-making authority can be established.
- At the February 8, 2022 Council Meeting, Council directed Administration to prepare and bring forward amendments to the Land Use Bylaw, Subdivision Authority Bylaw, Development Authority Bylaw, and Municipal Planning Commission Bylaw that would facilitate the dissolution of the Municipal Planning Commission.
- To facilitate the dissolution of Sturgeon County's MPC, Bylaws 1589/22 and 1590/22 are required.
- Bylaw 1591/22 would amend the Land Use Bylaw to align with the proposed amendments to the Subdivision and Development Authority Bylaws.
- Deputy Mayor Comeau was absent from the June 14, 2022 Public Hearings; and therefore, in accordance with section 184(a) of the MGA, he must abstain from voting on subsequent readings of Bylaws 1589/22, 1590/22, and 1591/22.
- All three bylaws have been amended to remove the effective date, which had previously been July 6, 2022 (the day after the final scheduled MPC meeting before Council's summer break). The bylaws, if passed, will become effective the date they are signed.

Municipal Jurisdictional Comparison

- Many municipal jurisdictions do not utilize an MPC to the same extent as Sturgeon County. For example:
 - Of the 14 other 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 and Development Services).
 - The remaining four municipalities (the Towns of Redwater, Legal, Bon Accord, and Gibbons) contract out the responsibility to an intermunicipal planning services agency, Municipal Planning Services (MPS), as they do not have in-house planning staff.
 - For Development and Variance Authorities, only the Town of Redwater and Lamont County use an MPC instead of a Development Officer to make decisions.

Dissolution of the MPC

- On February 8, 2022, Council supported the development of the proposed bylaws to facilitate the dissolution of the MPC as a means to improve and streamline processes and reduce red tape. There were several factors discussed, including:

- Increased development permit timelines (235% longer with MPC), and subdivision processing timelines (19.9% longer with MPC) for applications heard by the MPC over time.
- The MPC supported Administration's development permit recommendation on 96.7% of variance files and 95.3% of subdivision files over the last five years. In one case, the MPC modified a permit approval recommendation but only by removing a proposed condition prior to approving the application. The MPC does not have more variance authority than Administration would if the MPC were dissolved.
- MPC meetings require significant staff resources to administer and support, with expectation for increased volumes over time as new development areas continue to be approved and to commence development.
- The County is committed to "Red Tape Reduction" efforts to improve efficiency.

Bylaws 1589/22 and 1590/22

- To facilitate the dissolution of the MPC, Bylaws 1589/22 and 1590/22 are required.
- Both bylaws would remove all references to the Municipal Planning Commission.
- It is proposed that the Authority for all subdivision and development applications be the Manager of Planning & Development Services, or their designate. This is consistent with the processes of most municipalities in the Edmonton Metropolitan Region.
- Decisions will continue to be made in accordance with all Council-approved bylaws and policies.
- Applicants' rights and opportunity to appeal do not change.

Bylaw 1591/22

- Bylaw 1591/22 proposes to align the Land Use Bylaw with proposed amendments to the Subdivision and Development Authority Bylaws through the following amendments:
 - References to the Municipal Planning Commission have either been replaced by the words "Development Authority" or removed in their entirety.
 - Variance powers previously ascribed to the Municipal Planning Commission have now been assigned to the Development Authority – proposed to be the Manager of Planning & Development Services or their designate.

External Communication

- The MPC dissolution process has been subject to several public Council briefings and Council meetings (including Council direction to prepare bylaw amendments).

- The MPC dissolution was advertised publicly, and the public was invited to share input through a non-statutory (optional) public hearing held on June 14, 2022.
- The public hearing was advertised in the *Morinville Free Press* and *Redwater Review* for two consecutive weeks (June 1 and June 8), in accordance with the advertising requirements of section 606 of the MGA.
 - One person provided a written submission. The comments relating to the Land Use Bylaw were directed towards the interpretation and implementation of subdivision policy. The public submission is outside of the scope of the amendments proposed by Bylaw 1591/22.
- A non-statutory (not required by legislation) public hearing was held for Bylaws 1589/22 and 1590/22 on June 14, 2022 having been advertised in the *Morinville Free Press* and *Redwater Review* for two consecutive weeks (June 1 and June 8, 2022). While a statutory public hearing was not a requirement for the respective bylaws, a public hearing was considered appropriate given that the proposed amendments would necessitate amendments to the Land Use Bylaw, which required a statutory public hearing.
 - One individual spoke at the public hearing, with the same person also providing a written submission. No other objections or comments were received.
 - An attempt to summarize the individual's opinions is provided below, with corresponding responses:
 - A. That the municipality failed to consult with residents on this proposed change to the MPC and the County's change of subdivision and development authorities.
 - This matter was discussed several times in open Council meetings, and Council also provided and advertised for a non-statutory (optional) public hearing to hear from any affected parties.
 - One person provided comment at the public hearing.
 - B. That as the majority of Council serves on the Municipal Planning Commission, the MPC has the ability to exert discretion on subdivision files.
 - This is inaccurate. The MPC has no discretion to deviate from statutory policy. The County **has received multiple and extensive legal opinions** that the MPC must not approve an application for subdivision unless the proposed subdivision conforms to the provisions of any statutory plan pursuant to section 654(1)(b) of the MGA, and that by doing so it would be acting outside of its jurisdiction.
 - Council creates policy and considers the effects of that policy on County residents at the time the policy is being adopted. The role of Administration or the MPC

(regardless of its composition) is to implement Council policy.

- The MPC (or Administration if MPC discontinued) has some limited discretion to deviate from the Land Use Bylaw pursuant to section 654(2) of the MGA.
- C. That if the MPC is dissolved, then no Sturgeon County resident is considering an application where the appeal board is the Land and Property Rights Tribunal (LPRT).
- Whether there is an MPC or not, the makeup of the appeal bodies has not changed. When the Municipal Government Board (MGB) was the appeal body, the makeup of that Board did not have County representation when considering applications. It should also be noted that Sturgeon County residents could apply to sit as a member of the LPRT.
- D. That the MPC could be used to decide on applications with 'exceptional' or 'unique' circumstances that are being recommended for refusal otherwise.
- As noted, the MPC must use the same criteria for evaluating subdivision applications as Administration. If Administration recommends refusal, it is not based on discretion but is because the application does not conform to the policies of a statutory plan. Applications inconsistent with a statutory plan cannot be otherwise considered and must be refused by the Subdivision Authority.
 - If an applicant wishes to appeal a decision, or a condition of a subdivision approval, they may file an appeal to the appropriate appeal board. Both appeal boards (Subdivision and Development Appeal Board (SDAB) and Land and Property Rights Tribunal (LPRT) are not bound by the policies of a statutory plan, but they must have regard to such. Effectively, this means that an appeal board can deviate from statutory plan policy within their decision. If an applicant would like to appeal a file with "applications with exceptional or unique circumstances", that ability is unchanged, and the relevant appeal board is the place to do so.
 - Additionally, maintaining the MPC to consider "applications with exceptional or unique circumstances" would be impractical to administer, and overall defeat the intent of this initiative to improve process efficiencies and improve review and decision timelines for applicants.
- E. That the municipality has postponed its intention to review the Municipal Development Plan (MDP) and to consider potential changes to subdivision policy (including the effect any potential

	<p>changes could have on other legislation, infrastructure requirements, municipal costs, and so forth).</p> <ul style="list-style-type: none"> ▪ At this time, no change in the MDP review schedule has occurred. Council approved an MDP review within the 2022 municipal budget, with an estimated start date of late 2022 following several other priority initiatives. Among other things, the review is to consider subdivision policy as per a supported Council motion and a Regional Agriculture Master Plan policy following provincial approval. ▪ Changes to subdivision policy are also not directly related to the discussion regarding removing the MPC from the subdivision approval process. <p><u>Relevant Policy/Legislation/Practices:</u></p> <p>Section 623 of the MGA directs that:</p> <p><i>A Council must, by bylaw, provide for</i></p> <ul style="list-style-type: none"> <i>(a) a subdivision authority to exercise subdivision powers and duties on behalf of the municipality, and</i> <i>(b) subject to section 641, a development authority to exercise development powers and perform duties on behalf of the municipality.</i> <p>Section 654(1)(b) of the MGA directs that:</p> <p><i>A subdivision authority must not approve an application for subdivision approval unless</i></p> <ul style="list-style-type: none"> <i>(b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided.</i> <p>Section 654(2) of the MGA directs that:</p> <p><i>A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,</i></p> <ul style="list-style-type: none"> <i>(a) the proposed subdivision would not</i> <ul style="list-style-type: none"> <i>i. Unduly interfere with the amenities of the neighbourhood,</i> <i>or</i> <i>ii. Materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,</i> <i>and</i> <i>(b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw.</i>
<p>Implication of Administrative Recommendation</p>	<p><u>Strategic Alignment:</u></p> <p>Planned Growth and Prosperity - The proposed changes to the Subdivision Authority and Development Authority Bylaws would support improved client service and investment certainty in the County by reducing processing times for both application types. The proposed changes to the Land Use</p>

	<p>Bylaw would support client service and investment certainty in the County by reducing processing times for both application types.</p> <p>Operational Excellence</p> <ul style="list-style-type: none"> Bylaw 1589/22: The proposed amendments would streamline operational processes by reducing subdivision and development processing times providing cost-effective service delivery, while maintaining quality of service. Bylaw 1591/22: The proposed amendments would align the Land Use Bylaw to the proposed Subdivision and Development Authorities, thereby streamlining operational processes by reducing subdivision and development processing times providing cost-effective service delivery, while maintaining quality of service. <p><u>Organizational:</u></p> <ul style="list-style-type: none"> The proposed amendments of Bylaws 1589/22 and 1590/22 would allow the personnel resources that are currently required for Municipal Planning Commission preparation and attendance at meetings to be reallocated to support rising volumes, allowing for greater organizational efficiencies and avoidance of resource increases in this regard. The proposed amendments of Bylaw 1591/22 would align the Land Use Bylaw to the proposed new Subdivision and Development Authorities and would also allow personnel resources to be reallocated more appropriately. <p><u>Financial:</u></p> <ul style="list-style-type: none"> Financial implications also relate to organizational resource implications / avoidance.
Alternatives Considered	<p>Council could defeat the motions, resulting in the status quo, in which case the Municipal Planning Commission would remain the subdivision authority and retain a role within the development permit decision-making process.</p>
Implications of Alternatives	<p><u>Strategic Alignment:</u></p> <ul style="list-style-type: none"> Client processing times and staff capacity would not be optimized. <p><u>Organizational:</u></p> <ul style="list-style-type: none"> Administration would continue to dedicate staff resources to support the Municipal Planning Commission. Additional staff resources may be required to meet rising volumes. <p><u>Financial:</u></p> <p>None.</p>
Follow up Action	<ol style="list-style-type: none"> Obtain Mayor and CAO signatures on the approved bylaws (Legislative Services, September 2022). Prepare review document on MPC discontinuance results (Planning and Development, Q4 2023).

Attachment(s)	<ol style="list-style-type: none"> 1. Attachment 1: Bylaw 1589/22 - Redlined 2. Attachment 2: Bylaw 1590/22 - Redlined 3. Attachment 3: Bylaw 1591/22 - Redlined
Report Reviewed by:	<p>Bonnie McInnis, Manager, Planning & Development Services</p> <p>Jesse Sopko, General Manager, Corporate Services</p> <p>Travis Peter, General Manager, Development & Strategic 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
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 leaders 	<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 	<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 type="checkbox"/>	<input checked="" 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"/>