



## **PLANNING**

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|-----------------|--|---------------------|-----|
| <b>TO:</b>      | Council  |                     |     |
| <b>DATE:</b>    | January 25, 2022   | <b>DIVISION:</b>    | All |
| <b>FILE:</b>    | N/A  | <b>APPLICATION:</b> | N/A |
| <b>SUBJECT:</b> | Request for direction on the continuation of Municipal Planning Commission |                     |     |

### **POLICY DIRECTION:**

The Municipal Planning Commission (MPC) was enacted through Bylaw C-7967-2019 (Municipal Planning Commission Bylaw), adopted by Council on November 26, 2019, and came into effect on February 1, 2020. A copy of the Bylaw is set out in Attachment 'A' for Council's reference.

### **EXECUTIVE SUMMARY:**

The purpose of this report is to request Council's direction on whether it wishes to continue with MPC being the principal Subdivision and Development Authority for the County. MPC was created by the previous Council, and so it may now be appropriate for the current Council to review the contributions of the Commission and Administration towards achieving efficient and high-quality decisions.

Council may prefer to dissolve the Commission and establish a new delegation order for the determination of subdivision and development permit applications. This report summarizes the merits of MPC and the several actions that would need to be taken to achieve its dissolution. Administration has identified March 22, 2022, as the earliest date that Council could dissolve MPC, due to the number of bylaw and policy amendments required to facilitate this.

### **ADMINISTRATION RECOMMENDATION:**

Administration recommends that Council commence the process to dissolve the MPC and that it establish a new subdivision and development authority delegation order in accordance with Option #1.

### **BACKGROUND:**

MPC was created to provide Councillors with the opportunity to have greater involvement in managing growth and development within the County by determining subdivision and development permit applications. The Commission is currently composed of six Councillors (Commission Members), and meetings are held bi-weekly on Wednesdays.

Prior to the creation of the MPC, development permit application decisions were delegated by Council to Administration, with very few exceptions, such as where a direct control district specifies Council as the Development Authority. Currently, Administration is directed to refer the following development permit applications to the Commission:

- applications recommended for refusal by Administration;
- applications for discretionary uses, except where specific provisions have been made for an Administrative decision; and
- any other application that Administration considers would benefit from MPC oversight.

Subdivision applications were previously largely determined by Council, with some delegation to Administration under the Subdivision Authority Bylaw (C-7546-2015) for minor subdivision applications that were six lots or less, did not require the applicant to provide infrastructure or levy payments, or which were in accordance with statutory plans. The MPC Bylaw shifted Council's role as principal

### **Administration Resources**

Dominic Kazmierczak, Planning



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subdivision authority to MPC and maintained the delegation order for more minor applications to be determined by Administration.

In 2020, MPC determined 49 of the overall 71 subdivision applications received by the County and 184 of the 455 development permit applications received; these figures increased in 2021, with 59 (of 87) subdivision applications and 194 (of 438) development permit applications being presented to the Commission.

### **DISCUSSION:**

MPC provides Council with the opportunity to have greater oversight in the subdivision and development permit process. This can be particularly helpful in cases where Council considers that there is a need to resolve concerns from applicants, residents, and other stakeholders when considering Administration's recommendations.

The Commission may also provide value in considering any deficiencies in outdated statutory plans and other County policies or standards when determining a subdivision or development permit application. Administration provides recommendations based on its review of all existing statutory and non-statutory documents, but it is acknowledged that these documents may not always reflect the direction of Council; there may also be significant flexibility in the interpretation of a specific policy potentially resulting in Administration not aligning with Council's position.

If Council wishes to dissolve MPC, it is important to ensure that Council oversight is not lost, and therefore the criteria for delegation of approval authority on subdivision and development applications to Administration is a crucial consideration. Administration's proposal for such delegation criteria is discussed below.

Administration notes that efficiencies would be made by incorporating MPC applications into existing Council and Administration processes. The removal of bi-weekly MPC meetings would significantly lessen the burden on Administration in preparing competing agendas and attending MPC meetings, while also ensuring the best use of Councillors' and even Applicants' time in attending just Council meetings for all relevant applications. It would also increase transparency and clarity in the Planning process for all stakeholders by removing a layer of bureaucracy and having a simpler decision-making framework divided between Council and Administration.

Scheduling subdivision and development permit applications for MPC does also, in many instances, increase timelines over decisions made by Administration due to additional review and lead-in times, together with the inflexibility of MPC agendas. This goes against Council's customer service objective of improving application processing times.

With respect to MPC providing decisions that better reflect the applicant and other stakeholder interests, it is unclear whether this results in fewer appeals to the Subdivision and Development Appeal Board (SDAB). Although 15 of the 23 appeals heard by SDAB in 2021 (14 of 22 in 2020) were resulting from MPC decisions, this is potentially due to the Commission determining more discretionary and significant applications than Administration, which are more likely to attract appeals. Overall appeals have declined since the inception of the Commission, as 60 appeals were heard by the SDAB in 2019.

### Implementation

If Council decides to commence the process of dissolving MPC, Administration notes that several County bylaws, orders, and policies would need to be rescinded or amended:

- Municipal Planning Commission Bylaw (C-7967-2019) – as this bylaw provides authority to MPC to act as the principal subdivision and development authority, Administration recommends that this bylaw would need to be rescinded.



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- Subdivision Authority Bylaw (C-7546-2015) (see Attachment 'B') – this bylaw sets out the delegation of authority from Council to MPC and Administration in accordance with criteria. Administration recommends that this bylaw be amended to reflect the delegation criteria set out in Option #1 of this report.
- Chief Administrative Officer Delegation Order – arising from the CAO Bylaw (C-7350-2014) provisions are set out within the order for delegation of authority to Administration for MPC.
- Procedure Bylaw (C-7907-2019) – in the absence of the Municipal Planning Commission Bylaw (C-7967-2019), the Procedure Bylaw may require an amendment to incorporate procedures for subdivision applications that would be processed in a Council forum.
- Bylaws and policies including the Land Use Bylaw (C-8000-2020), Council Policy C-327 (Circulation and Notification Standards), the Regional Off-Site Levy Bylaws, C-406 Infrastructure Cost Recovery, and C-221 Board and Committee Member Compensation and Reimbursement and refer to MPC within certain clauses. Amendments would potentially need to be undertaken to these documents to align with any new delegation order.

If Council directs the drafting of appropriate bylaws to facilitate removal of MPC, Administration would undertake a fulsome review of all affected bylaws and propose that it could present this to Council for consideration on or before the March 22, 2022, Council meeting. Until the required bylaw amendments are undertaken, MPC cannot be dissolved.

### Delegation of Authority

Part 4 of the Subdivision Authority Bylaw (C-7546-2015) sets the criteria for when a subdivision can be determined by Administration, rather than MPC. The criteria are based on the number of lots proposed (six or less), the requirement for County infrastructure, the provision of off-site levies and municipal reserve, and compliance with statutory and non-statutory plans and policies. Currently, the level of opposition or concern from an applicant is not a criterion for referring a subdivision application to MPC. However, Administration often refers subdivision applications with opposition letters to MPC to ensure transparency and fairness in the decision-making process.

Administration recommends that stakeholder disagreement should be the principal measure for whether a subdivision application can be determined by Administration. Referring an application due to its scale may not be the best measure if all stakeholders are satisfied with the proposal and no objections have been raised. Similarly, referral of a subdivision application to Council due to the County proposing the imposition of levies, reserves, or infrastructure requirements may not be productive if the Applicant and other stakeholders agree with the requirements.

Option #1 of this report would direct Administration to draft an order of delegation for subdivision applications based firstly on whether the applicant or Administration are requesting the matter be dealt with by Council. This would allow the Applicant to request Council determination if they disagree with a condition of approval or the recommendation of Administration. It would also allow Administration to refer applications that are not in compliance with statutory or non-statutory plans and policies, or where there is a range of options in determining an application.

The second measure would be whether any key stakeholders, namely adjacent landowners, provincial agencies, adjacent municipalities, or school boards have objected to an application. This would afford Council the opportunity to weigh applications that are in accordance with policy against stakeholder opposition.

With respect to development permit applications, Administration has previously been the development authority for all applications, with a few exceptions, for example in some areas guided by direct control bylaws, where Council is the development authority. Administration recommends a return to an Administrative based system for development permit decision-making.



### BUDGET IMPLICATIONS:

It would be challenging to provide a detailed assessment of the cost of MPC to the County, as agenda preparation and meeting attendance are incorporated within regular staff operations budgets. However, Administration suggests that significant resources could be saved by dissolving MPC and integrating decision-making with existing Council and Administration processes. These resources could be diverted towards improving application timelines and enhancing customer service.

### STRATEGIC OBJECTIVES:

Council may wish to consider the impact of dissolving MPC on achieving its strategic objective of creating a culture of customer service. In delegating a greater amount of subdivision and development permit applications to Administration for determination, this would also lessen Council's oversight in guiding and implementing growth and development in the County, leaving Administration to determine applications in accordance with Council plans and policies.

### OPTIONS:

- Option #1: THAT Administration be directed to draft proposed motions and bylaw amendments to facilitate the dissolution of the County's Municipal Planning Commission and the appropriate delegation of authority for subdivision and development applications in accordance with:
- a) Directing that Administration shall be the Subdivision Authority for determining all Subdivision applications, except where:
    - i. the Applicant or Administration have requested that the application be determined by Council; or
    - ii. an adjacent landowner within the circulation area determined by Council Policy C-327, a provincial agency, an adjacent municipality, or a school board has objected to the application.
  - b) Directing that Administration shall be the Development Authority for determining all Development Permit applications, except Development Permit appeals, and except where a regulation or provision within a direct control bylaw has determined Council as the determining authority.
- AND THAT Administration be directed to present the proposed motions and bylaw amendments within a report to be received by Council no later than March 22, 2022.

- Option #2: THAT alternative direction be provided.

Respectfully submitted,

Concurrence,

"Brock Beach"

"Byron Riemann"

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Acting Executive Director  
Community Development Services

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Acting Chief Administrative Officer

DK/ltt



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**ATTACHMENTS:**

ATTACHMENT 'A': Municipal Planning Commission Bylaw C-7967-2019

ATTACHMENT 'B': Subdivision Authority Bylaw C-7546-2015