



PLANNING

TO:	Council		
DATE:	March 22, 2022	DIVISION:	All
FILE:	N/A	APPLICATION:	N/A
SUBJECT:	Dissolution of the Municipal Planning Commission.		

EXECUTIVE SUMMARY:

On January 25, 2022, Council directed Administration to draft motions and bylaw amendments to facilitate the dissolution of the County's Municipal Planning Commission (MPC) and to appropriately reapportion Subdivision and Development Authority powers and responsibilities between Council and Administration.

Administration has determined that to achieve this, the following bylaws would require amendment or repeal:

- the Municipal Planning Commission Bylaw C-7967-2019;
- the Subdivision Authority Bylaw C-7546-2015;
- the Chief Administrative Officer (CAO) Bylaw C-7350-2014;
- the Boards and Committees Bylaw C-7840-2018; and
- Bylaw C-4549-95 (no title, but delegates Development Authority to designated officer).

In accordance with Sections 201(1), 623, and 641(1) of the *Municipal Government Act*, the proposed amendments would designate Administration as the Development Authority for all development permit applications, except where a direct control bylaw directs that Council is the determining authority.

With respect to subdivision applications, Administration is recommending the replacement of the existing Subdivision Authority Bylaw to establish new criteria for identifying Council or Administration as the determining authority and to simplify delegation of powers. The proposed new Subdivision Authority Bylaw is set out in Attachment 'B', while the existing Bylaw is contained in Attachment 'C' for comparison.

Referral of subdivision applications to Council would broadly be dependent on the level of concern received from an applicant, affected landowners, and other relevant stakeholders. Compliance with statutory and non-statutory plans, policies, and standards would be another criterion for requiring referral to Council, as would any previous Council motion passed at land use amendment stage.

The four proposed bylaws do not require a public hearing under the provisions of the *Municipal Government Act*; therefore, the County's Procedure Bylaw C-7907-2019 allows each bylaw to be considered for all three readings in a single Council meeting.

Administration did review the need for amendments to other relevant bylaws, including the Land Use Bylaw C-8000-2020 and regional off-site levy bylaws; it was found that potential for dissolution of MPC is anticipated by these bylaws or that any references to MPC in the bylaws are to such an extent that their retention would not affect the meaning or intent of the bylaws.

Administration Resources

Dominic Kazmierczak, Planning
Michelle Mitton, Legislative and Intergovernmental Services



If Council wishes to proceed with the dissolution of the Municipal Planning Commission and amendment to the above-noted bylaws, Administration recommends that this be implemented on May 26, 2022. This would allow sufficient time for Administration, Council, and other stakeholders to adapt to the new order of delegation and administrative processes. The effective date of the bylaws would immediately follow the last proposed Municipal Planning Commission meeting of May 25, 2022.

ADMINISTRATION RECOMMENDATION:

Administration recommends that Council approves the bylaw amendments to dissolve the Municipal Planning Commission, and to establish a new order of delegation for Subdivision and Development Authority powers, in accordance with Option #1.

DISCUSSION:

A summary of the proposed draft bylaws and their effect is set out in the ensuing sections.

Bylaw C-8274-2022 (Attachment 'A') to repeal Municipal Planning Commission Bylaw C-7967-2019

The current MPC Bylaw provides Subdivision and Development Authority powers and responsibilities to the Commission in accordance with established bylaws and referral of applications from Administration. Repeal of this Bylaw would be a principal mechanism to implement dissolution of MPC and refer Subdivision and Development Authority back to Council and Administration.

Bylaw C-8275-2022 (Attachment 'B') to replace the Subdivision Authority Bylaw C-7546-2015

The existing 2015 Subdivision Authority Bylaw was amended in 2019 to direct subdivision applications to MPC for determination. The Bylaw also sets out criteria for delegating subdivision applications to Administration; however, the current criteria does not ensure that Council has oversight on subdivision applications that have greater public and stakeholder interest. The proposed bylaw establishes subdivision authority between Council and Administration with much greater focus on applicant satisfaction, stakeholder concerns, and previous direction from Council. A summary of the existing and proposed criteria for referral of subdivision applications to Council is outlined below.

Existing Bylaw C-7546-2015	Proposed Bylaw C-8275-2022
<p>Applications are referred to Council when any of the following criteria are met:</p> <ul style="list-style-type: none"> • More than six lots. • Off-site levy required. • Infrastructure construction, expansion or upgrade required. • Municipal reserve or cash-in-lieu is required. • Dedication of land for roads or public utilities is required. • Does not meet applicable non-statutory plans or policies. • Does not meet statutory plans. 	<p>Applications are referred to Council when any of the following criteria are met:</p> <ul style="list-style-type: none"> • An applicant has requested determination by Council. • An objection has been received from: <ul style="list-style-type: none"> ○ a landowner within the application circulation area; ○ a provincial agency; ○ an adjacent municipality; or ○ a school board. • Does not meet applicable non-statutory plans or policies. • Does not meet statutory plans. • Previous motion has been passed by Council directing that it shall be the Subdivision Authority for a subdivision application.



Administration is recommending replacement rather than amendment of the 2015 Bylaw due to the number of revisions proposed and to simplify repeal of the 2019 amendments made to the Bylaw. The proposed Bylaw would have the effect of repealing both the 2015 Subdivision Authority Bylaw and the subsequent 2019 amendments.

Bylaw C-8279-2022 (Attachment 'D') to amend the CAO Bylaw C-7350-2014

The CAO Bylaw establishes the position of the Chief Administrative Officer and the powers, responsibilities and duties assigned to that position. The CAO Bylaw also provides the discretion for the CAO to delegate their assigned powers, responsibilities, and duties to designated officers through a Delegation Order. Although the County's Delegation Order states that Subdivision and Development Authority is delegated to designated officers, the CAO Bylaw has not assigned this Authority to the CAO to delegate. Instead, Subdivision Authority is delegated through the Subdivision Authority Bylaw and Development Authority through Bylaw C-4549-95 (see Attachment 'F').

The proposed amendments to the CAO Bylaw would insert two additional clauses to make explicit reference to the CAO, and therefore designated officers of the County, having Subdivision and Development Authority powers. This would allow for repeal of Bylaw C-4549-95, which is now significantly outdated with respect to legislative references and general bylaw practices. Consolidation of bylaws would also improve clarity in determining appropriate authority on subdivision and development permit applications.

Bylaw C-8278-2022 to amend the Boards and Committees Bylaw (Attachment 'G')

As part of passing the Municipal Planning Commission Bylaw in 2019, amendments were made to the County's Boards and Committees Bylaw to establish MPC within the list of Standing Boards and Committees. If Council is now minded to repeal the MPC Bylaw, Administration recommends that those previous amendments to the Boards and Committees Bylaw are reversed, and reference to MPC is removed.

BUDGET IMPLICATIONS:

Resource implications in dissolving MPC were highlighted in Administration's previous report to Council. Broadly, resources assigned to preparing for and holding MPC meetings could be diverted towards improving application timelines and enhancing customer service.

STRATEGIC OBJECTIVES:

Similarly, impacts of dissolving MPC on Council's strategic objectives around customer service were noted to Council previously. Council may wish to weigh potential improvements in application timelines against its reduced oversight in implementing growth and development within the County.

OPTIONS:

Option #1: Municipal Planning Commission Bylaw Repeal

- Motion #1 THAT Bylaw C-8274-2022 be given first reading.
- Motion #2 THAT Bylaw C-8274-2022 be given second reading.
- Motion #3 THAT Bylaw C-8274-2022 be considered for third and final reading.
- Motion #4 THAT Bylaw C-8274-2022 be given third and final reading.



Subdivision Authority Bylaw Replacement

- Motion #1 THAT Bylaw C-8275-2022 be given first reading.
Motion #2 THAT Bylaw C-8275-2022 be given second reading.
Motion #3 THAT Bylaw C-8275-2022 be considered for third and final reading.
Motion #4 THAT Bylaw C-8275-2022 be given third and final reading.

Chief Administrative Officer (CAO) Bylaw Amendments

- Motion #1 THAT Bylaw C-8279-2022 be given first reading.
Motion #2 THAT Bylaw C-8279-2022 be given second reading.
Motion #3 THAT Bylaw C-8279-2022 be considered for third and final reading.
Motion #4 THAT Bylaw C-8279-2022 be given third and final reading.

Boards and Committees Bylaw Amendments

- Motion #1 THAT Bylaw C-8278-2022 be given first reading.
Motion #2 THAT Bylaw C-8278-2022 be given second reading.
Motion #3 THAT Bylaw C-8278-2022 be considered for third and final reading.
Motion #4 THAT Bylaw C-8278-2022 be given third and final reading.

Option #2: THAT alternative direction be provided.

Respectfully submitted,

Concurrence,

“Brock Beach”

“Byron Riemann”

Acting Executive Director
Community Development Services

Acting Chief Administrative Officer

DK/

ATTACHMENTS:

ATTACHMENT ‘A’: Bylaw C-8274-2022 (Municipal Commission Bylaw repeal).
ATTACHMENT ‘B’: Bylaw C-8275-2022 (Subdivision Authority Bylaw replacement).
ATTACHMENT ‘C’: Existing Subdivision Authority Bylaw C-7546-2015.
ATTACHMENT ‘D’: Bylaw C-8279-2022 and Schedule ‘A’ (CAO Bylaw amendments).
ATTACHMENT ‘E’: Chief Administrative Officer (CAO) Bylaw C-7350-2014 (red-line version).
ATTACHMENT ‘F’: Bylaw C-4549-95 (Existing Development Authority Delegation Bylaw)
ATTACHMENT ‘G’: Bylaw C-8278-2022 (Boards and Committees Bylaw amendments).
ATTACHMENT ‘H’: Boards and Committees Bylaw C-7840-2018 (red-line version).