



CITY COUNCIL AGENDA REPORT

**Subject: COUNCIL MOTION –MUNICIPAL PLANNING
COMMISSION**

On July 6, 2015 Councillor Russell provided notice in accordance with Section 23 of Procedure Bylaw 35/2009 that he intended to bring forward the following motion:

“That Council reinstate the Municipal Planning Commission.”

On July 18, 2015, Councillor Russell provided notice that he intended to bring forward a revised motion as follows:

In order for Council to debate the motion, the motion must be formally moved.

(Councillor Russell)

“That Administration bring forward a bylaw to reinstate the Municipal Planning Commission.”

Attachments:

1. Administrative Backgrounder

Originating Department(s):	Legislative Services
Author(s):	H. Fredeen, Legislative Officer
City Manager Signature:	Date:

Administrative Backgrounder Municipal Planning Commission

On July 6, 2015 Councillor Russell provided notice in accordance with Section 23 of Procedure Bylaw 35/2009 that he intended to bring forward the following motion:

“That Council reinstate the Municipal Planning Commission.”

On July 18, 2015, Councillor Russell provided notice that he intended to bring forward a revised motion as follows:

In order for Council to debate the motion, the motion must be formally moved.

(Councillor Russell)

“That Administration bring forward a bylaw to reinstate the Municipal Planning Commission.”

BACKGROUND:

The Municipal Government Act does allow a municipality to establish a Municipal Planning Commission to carry out duties related to subdivision and development approving authority, and any other matters designated by the Council.

St. Albert had a Municipal Planning Commission (MPC) that acted as the Subdivision and Development Approving authorities and an advisory body up to 2005. It was retained until 2008 as an advisory body on the Municipal Development Plan, although it did not meet after 2005. This report assumes a reinstated MPC would have the same responsibilities as the pre-2005 MPC.

The result of the elimination of the Municipal Planning Commission has been to streamline land use planning processes, which was fully supported by the development community. By placing implementation with the Planning and Development Department, it resulted in the following reductions in the processing times of each application:

- LUB amendments/redistrictings: 6-7 weeks less
- Subdivisions/Development permits: 2-3 weeks less
- Statutory plans: 6-12 weeks less

Further measures were taken subsequent to the MPC’s elimination to address additional concerns:

- Developed a public engagement policy to ensure a greater voice for residents in planning and development processes

- With all planning applications, provide a GANTT chart outlining the anticipated processing time with the initial letter acknowledging application completeness.
- Additional staff positions established for long-range planning and housing matters to dedicate resources for current planning application processing.

There are currently six professional planners employed by the City, plus two candidate members working towards full certification through the Professional Standards Board. In all their work, including recommendations and decisions, RPPs are expected to adhere to the Code of Professional Practice outlined by the Canadian Institute of Planners and, in Alberta, to the Code of Professional Conduct outlined in the provincial Professional Planner Regulation. This regulation also establishes a Discipline Committee with whom complaints may be filed.

An IR from 2010 outlining the history of St. Albert's MPC along with an updated report (2015) comparing the role of MPCs in other communities is provided in Attachments 1-A and 1-B.

RE-ESTABLISHING A MUNICIPAL PLANNING COMMISSION:

Membership

Membership of the MPC would include, in accordance with the pre-2005 MPC:

- Mayor
- Two Councillors (annual term, limited to one term)
- One resident (annual term, limited to one term)
- City Manager
- City Engineer
- Director of Planning and Development

Scope of responsibility for the MPC

To advise Council

Providing advice to Council with respect to:

- The orderly, economical and beneficial development, use of land and patterns of human settlement in the City; and
- The maintenance and improvement of the quality of the physical environment within which patterns of settlement are situated in the City.

This responsibility would include providing recommendations to Council on Statutory plans and Land Use Bylaw text amendments, redistrictings, and road closures. MPC would be acting in an advisory capacity in these matters as the Municipal Government Act (MGA) requires Council to make decisions on all statutory plans and that anyone may make a presentation to Council if they are affected by this, so these applications could not be delegated to MPC for decision-making.

In the past 18 months, 9 statutory plans and amendments, 12 LUB amendments and redistrictings, and four road closures have been before Council for decision. If these had gone to a MPC, an additional 150-240 weeks of processing and staff time would have been required by Planning & Development. All these applications met the requirements for public engagement in accordance with City policy, and were subject to a public hearing.

To serve as the Development Authority pursuant to Part 17 of the MGA in respect of those powers and duties assigned to it under the Land Use Bylaw

The pre-2005 MPC was responsible for development permit decisions on:

- Home occupations (R1 District, uses garage or more than 2 customers in a 7 day period)
- Day care facilities in R3 district
- Doctor's office in neighbourhood commercial (C1)
- Bingo halls, churches, day care and day homes, warehouse stores in CC district
- Community hall, hotel, shopping centre, day care facility in MC district
- Casinos, bingo halls, drinking establishment, pool hall, chemical processing, light industrial land uses in IB1 and IB2 districts [now CIS]

In the past 18 months, assuming the same requirements as pre-2005, 34 development permits (all home occupations) would have gone to MPC for decision. Of these development permits, there have been no issues or complaints associated with any of them. With MPC acting as the Development Authority, this would have required an additional 68 weeks of processing and staff time by Planning & Development.

It is important to note that all Development permits must be issued within 40 days. Currently, development permits are generally approved within 12-14 days. If the Development Officer does not render a decision within 40 days, the applicant may assume a refusal and appeal the decision to the Subdivision and Development Appeal Board. However, the larger-scale, more complex development permits often may take closer to the 40 days to render a decision.

To serve as the Subdivision Authority pursuant to Part 17 of the MGA in respect of those matters assigned to it as set out in the Subdivision Authority Bylaw.

The MPC was responsible for conditional subdivision approvals for any subdivisions of 10 lots or more.

In the past 18 months, 8 subdivisions would have gone to MPC for decision. There have been no issues or complaints associated with any of these subdivisions. This would have resulted in an additional 16-24 weeks of processing and staff time by Planning and Development.

It is important to note that all conditional subdivision approvals must be issued within 60 days. Currently, subdivisions are generally approved within 55-60

days. If the Subdivision Approving Authority does not make that decision within 60 days, the applicant may assume a refusal and appeal the decision to the Subdivision and Development Appeal Board. The addition of an MPC approval, with its associated administrative requirements, is likely to put most subdivision decisions beyond the 60 day requirement.

ADDITIONAL ACTIONS REQUIRED:

To support an MPC, additional steps would include:

- Amend Subdivision and Development Authority Bylaws
- Significant amendment of Land Use Bylaw regarding development authority
- Update Council procedure bylaws
- Review of Public Engagement policy for Planning and Development
- Define new processes and update Planning procedures, POSSE workflow system and Granicus
- Based on the past 18 months, an additional 3-4 staff would be required in Planning and Development, plus additional staff resources in Legislative Services to support applications going to MPC

Attachments

- 1-A IR from 2010, previously circulated
- 1-B Municipal Planning Commission report 2015 update

Report Date	August 17, 2015
Committee/Department	Planning & Engineering
General Manager Review	Gilles Prefontaine

CITY COUNCIL INFORMATION REQUEST

Information Request Number:	1.2010
Council Meeting Date:	November 8, 2010
Author:	C. Bergum
Department:	Planning & Development
Date of Response:	December 21, 2010
General Manager:	Neil Jamieson

Question:

Administration was asked to report on the year/process for the cessation of Municipal Planning Commission (MPC) activities in St. Albert; how prevalent the current structure (ie. No MPC) is in Alberta; what the processes are in other similarly sized cities; and, what other cities have municipal planning boards, either commissions or advisory boards.

Response:History of MPC in St. Albert

Prior to 2005	<p><u>MPC original responsibilities:</u></p> <ul style="list-style-type: none"> • <i>Subdivision Authority</i> for subdivisions resulting in 10 or more lots • <i>Development Authority</i> for development permits as referenced in the LUB, including: <ul style="list-style-type: none"> ◦ Home occupations (R1 District, uses garage or more than 2 customers in a 7 day period) ◦ Day care facilities in R3 district ◦ Doctor's office in neighbourhood commercial (C1) ◦ Bingo halls, churches, day care and day homes, warehouse stores in CC district ◦ Community hall, hotel, shopping centre, day care facility in MC district ◦ Casinos, bingo halls, drinking establishment, pool hall, chemical processing, light industrial land uses in IB1 and IB2 districts • <i>Planning advisory group</i> on items referred to them by Council, including statutory plans.
September 20, 2005	<p><u>Reduction of MPC responsibilities</u></p> <p>As part of the LUB review in 2005, Council passed a bylaw to place the implementation responsibility for statutory plan review, subdivisions and development permits with the Planning and Development Department.</p> <p>This was done as a result of a request from SAEDAC, and supported by UDI, to improve the efficiency of planning and development processes. While comments addressing the actual bylaw were not received by the Chamber of Commerce, earlier comments during the LUB review from the Chamber indicated they did feel the development processes needed to be reviewed for greater efficiency.</p> <p>Some Councillors felt many details that had been given to MPC about various issues and applications were not being passed on to Council when the Council rep on MPC provided the overview to Council, leaving Council unable to make fully informed decisions.</p>

	<p><u>New MPC responsibilities</u> MPC was retained with the intent that it could be used as a Steering Committee for major statutory plan reviews (such as the Municipal Development Plan).</p> <p>MPC did not hold a single meeting after September 20, 2005.</p>
July 7, 2008	<p><u>Dissolution of MPC</u> In response to a Council request for feedback from SAEDAC and the Chamber of Commerce regarding the role of the Municipal Planning Commission, Administration contacted the two groups.</p> <p>The Chamber provided suggestions for improving the process.</p> <p>SAEDAC indicated it was now in favour of retaining the Municipal Planning Commission, implying it had worked effectively in the past, and suggested its purpose was related to public consultation and acting as an advisory group to Council (<i>Note: public consultation was never a role of the MPC and the advisory role was limited</i>).</p> <p><u>No other groups</u> (eg. UDI) were asked to provide comments on these changes.</p> <p>Due to the inactivity of the MPC, and the improved efficiencies due to the implementation resting with the Planning and Development Department, Council repealed the Municipal Planning Commission Bylaw.</p> <p><u>Resulting Time and Process Efficiencies</u> Since the decision of September 2005, the Planning and Development Department had undertaken a number of steps to improve the efficiency of the planning and development process, addressing the Chamber's concerns:</p> <ul style="list-style-type: none"> • Developing a Public Consultation Policy • Providing GANTT charts to applicants, upon an application being deemed complete, outlining the expected timeline for processing • Establishing Long-range planning and Affordable housing liaison positions to allow current planning staff to focus on processing applications <p>By placing implementation with the Planning and Development Department, it resulted in the following reductions in the processing time:</p> <ul style="list-style-type: none"> • Redistrictings – 6-7 weeks less • Subdivision – 2-3 weeks less • Statutory plans – 6-12 weeks less

MPC in other jurisdictions

Attached is a report providing a comparison of the use of the Municipal Planning Commission and the Subdivision and Development Authority of some Alberta municipalities.

Alternative to MPC

Council could establish a Planning Advisory Committee to provide recommendations on Planning and Development issues as requested by Council.

MUNICIPAL PLANNING COMMISSION SUBDIVISION & DEVELOPMENT AUTHORITY

Comparison of Municipalities

(October 2004, updated in 2008 and 2010)
Updated August 2015



Summary

The Municipal Government Act requires that each municipality has a subdivision authority and a development authority, as well as a subdivision and development appeal board. While the Act is clear on the composition and structure of the appeal board, there are a variety of options for the provision of the subdivision and development authority. To inform a review of the current responsibilities of the Municipal Planning Commission in St. Albert, the structure used in nine other municipalities for subdivision and development authority was examined.

Municipal Planning Commissions

Five of the eleven municipalities have a Municipal Planning Commission. One has a Subdivision Authority Committee and a Community Growth Committee that acts in a similar fashion. None of the eleven municipalities has a Municipal Planning Commission that acts as both the sole subdivision and development authority for the city.

Since 2004, there has been a noticeable trend to reduce reliance on a Municipal Planning Commission and to delegate decision making to Administration. Reasons for this have been to increase efficiency and reduce redundancies in the review process.

Delegated subdivision authority

In 2004 five municipalities had some degree of subdivision approval delegated to Administration. Now in all of the municipalities, staff is appointed as the Subdivision Authority in whole or in part. Of the five communities with MPCs, the MPC sometimes acts as the subdivision authority. These communities also give the administrative Subdivision Authority the ability to refer matters to the Municipal Planning Commission, although in all communities this happens rarely. In two communities (Airdrie and Medicine Hat) the MPC makes decisions for subdivisions involving 11 or more lots (up from 6 lots or more in 2004).

Generally, the Director or Manager of Planning is appointed the Subdivision Approving Authority. In Grand Prairie, occasional subdivisions may be referred to the Subdivision Approving Authority, similar in make-up to a Municipal Planning Commission.

In Edmonton, a three-member committee of planning staff acts as the Subdivision Authority. In three other municipalities (Airdrie, Grande Prairie, and Lethbridge), there is a Subdivision Officer that acts as the Subdivision Authority. Again, in all cases, an applicant has the ability to file an appeal if they are not happy with the decision.

Delegated development authority

In 2004 only five municipalities had development authority delegated to staff. Now, for the most part, development authority has been delegated to staff in all municipalities. In five of the municipalities (Airdrie, Calgary, Lethbridge, Medicine Hat, and Red Deer), certain development applications are referred to the Municipal Planning Commission.

In Grande Prairie some development applications may be referred to the Community Growth Committee, similar to a Municipal Planning Commission in make-up, which is more concerned with public development.

Subdivision and development authority structures

Airdrie

Municipal Planning Commission

MPC's role is to:

- advise Council in achieving orderly, economical and beneficial development of land
- maintain and improve the quality of the physical environment
- make recommendations on the re-designation of land, land use bylaw amendments and the Municipal Development Plan (MDP) (All bylaws go to MPC before going to Council).
- act as the subdivision and development approval authority
- provide input into special planning studies, development matters, transportation and engineering studies

Membership includes:

- Two members of Council
- Seven Citizen members

Subdivision Authority

The Municipal Planning Commission (MPC) approves all subdivisions not within an approved Neighbourhood Structure Plan (NSP). Administration approves all subdivisions within an approved NSP or a subdivision with 10 lots or less. In Airdrie, most subdivisions are approved administratively.

Development Authority

MPC authority on all new unique, highly visible, or larger scale development permits. Administration acts as the development authority on smaller, more redundant applications that would be repetitive for the MPC to review.

Calgary

Calgary Planning Commission

Committee appointed annually by City Council to make recommendations to City Council on land use planning matters, to act as the approving authority on some subdivision matters, and to act as Development authority on some development matters. (Have been unable to verify yet)

Membership includes:

- Mayor (may not be member of SDAB)
- Two members of Council (may not be member of SDAB)
- Six Citizen members
- Two general managers

Subdivision Authority

Planning Commission and Administration

Development Authority

Planning Commission and Administration

Edmonton

No Municipal Planning Commission

Subdivision Authority

The Subdivision Authority is a non-political body comprised of three staff members from Sustainable Development. It reviews technical matters involved in subdivision proposals, including conformity with statutory and non-statutory plans and any implementation requirements the administration needs to include in associated servicing agreements. This meeting is not open to the public.

Development Authority

Development Officers

Fort Saskatchewan

No Municipal Planning Commission. Subdivision Authority Committee disbanded in November 2012 to streamline processes and increase efficiencies.

Subdivision Approving Authority

Director of Planning

Development Authority

Development Officers

Grande Prairie (City)

No Municipal Planning Commission

Subdivision Authority

Subdivision Authority Officer or Subdivision Authority Committee consisting of Mayor and 3 Councillors.

Development Authority

Development Officers, although a Community Growth Committee is the approving authority for any application for a discretionary use, certain variances, or any application referred to them by a Development Officer. The committee also deals with policy matters and programs about the property and physical assets of the City.

Leduc

No Municipal Planning Commission

Subdivision Authority

Director of Planning

Development Authority

Development Officers

Lethbridge

Municipal Planning Commission

To advise and decide on land use, planning, development and subdivision issues. Approve NSPs, check on ASPs as developed, meet every 2 weeks as needed.

Membership includes:

- Four councilors
- Five citizens-at-large

Subdivision Authority

Subdivision Officer authority on over 95% of applications. Unusual applications or applications that elicit community concern go to MPC.

Development Authority

Development Officers, entertainment establishments must go to MPC, discretionary uses that cause community concern also go to MPC.

Medicine Hat

Municipal Planning Commission

All planning items that go before Council also go before MPC. Meet twice a month if have items.

Membership includes:

- Two City Council Representatives, who act as Chair/Vice-Chair
- Five public members
- General Manager, Planning, Building and Development Services acts as the City Advisor

Subdivision Authority

General Manager of Planning for subdivisions of ten lots or less, the Municipal Planning Commission for subdivisions of eleven lots or more.

Development Authority

Development Officer or Municipal Planning Commission. Applications in Direct Control district would go to MPC, or political/controversial DP applications that general manager wants to refer.

Red Deer

Municipal Planning Commission

- Act in an advisory role to Council on policy issues;
- Act in an advisory role to Administration on issues that may impact the implementation or administration of policy;
- Exercise all the powers and perform all the duties prescribed for it in the Municipal Government Act and City bylaws;
- Decide on all matters referred to it by the Development Officer and the Subdivision Officer; and
- Act for the City by providing a position in respect of proposed wells, pipelines, oil and gas facilities within the Intermunicipal Development Plan boundary, as well as Utilities which are referred to MPC by administration.
- Meet every Wednesday as required.

Membership includes:

- Mayor, Chair
- Two members of Council

- Four citizens-at-large

Subdivision Authority

- The Subdivision Officer, who is the Director of Planning Services or designate, for all subdivision applications, except as provided for below;
- The Municipal Planning Commission for any subdivision application that:
 - Involves a relaxation of the Land Use Bylaw standards;
 - May not meet the criteria of Section 654(1) of the MGA;
 - Elicits written planning concerns from those persons and local authorities to whom the application was required to be circulated; and
 - Any other subdivision application that the Subdivision Officer refers to the MPC.

Development Authority

- Development Officer, or
- Municipal Planning Commission or any matter assigned to it under the Land Use Bylaw, by Council, or referred to it by the Development Officer.

Spruce Grove

No Municipal Planning Commission. It was eliminated due to the fact that the Commission was asking questions and making decisions outside the scope of the Commission and hindering the process.

Subdivision Authority

General Manager of Planning and Infrastructure

Development Authority

Development Officers

Strathcona County

No Municipal Planning Commission

Subdivision Authority

Director of Planning and Development Services

Development Authority

Director of Planning delegates to Development Officers

Summary of Municipal Planning Commissions and their responsibilities

Municipality	MPC	Subdivision Authority	Development Authority	Advisory role to Council*
Airdrie	Yes	Subdivision Officer. MPC for subdivisions with 11 or more lots, or subdivision not within an approved Neighbourhood Structure Plan.	Development Officer or MPC	Yes
Calgary	Yes	Administration and MPC (to be confirmed)	Administration and MPC (to be confirmed)	Yes
Edmonton	No	Subdivision Authority (staff committee)	Development Officers	n/a
Fort Saskatchewan	No	Director of Planning	Development Officers	n/a
Grande Prairie	No	Subdivision Officer or Subdivision Authority Committee (Mayor and Three Councilors)	Development Officers or Community Growth Committee	n/a
Leduc	No	Director of Planning	Development Officers	n/a
Lethbridge	Yes	Subdivision Officer and occasionally MPC	Development Officer or MPC	Yes
Medicine Hat	Yes	General Manager of Planning for up to 10 lots, MPC for any 11 lots or more.	Development Officer or MPC	Yes
Red Deer	Yes	Director of Planning Services or MPC	Development Officer or MPC	Yes
Spruce Grove	No	General Manager of Planning and Infrastructure	Development Officers	n/a
Strathcona County	No	Director of Planning & Development Services	Development Officers	n/a

*Advisory role on general planning issues