

The Role of Municipal Planning Commissions

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Hello!

- Alisha Mody, Registered Professional Planner
- Municipal Planner, Mackenzie Municipal Services Agency
- MMSA
 - 12 member municipalities
 - Urban & Rural
 - Northern Alberta
- **NOT** a lawyer

This session will focus on understanding the role of Municipal Planning Commissions, and the value they offer to municipalities. We will explore the legislative framework under which they operate, the challenges of establishing an MPC, the ways in which administrative staff can work with MPCs, and the information and planning awareness that will assist MCP members in successfully fulfilling their role and making decisions for the municipality.

Presentation Objectives

- Ensure that MPCs are appropriately enabled, acting within their jurisdiction and informed
- MPC members understand their role
- Explore the value of MPCs

What is a MPC?

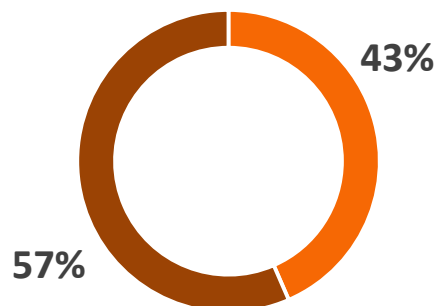
- A planning authority
 - Subdivision
 - Development
 - Variances
- An advisory group
 - Statutory plans
 - Amendments
 - Policies

626(1) A council may by bylaw establish a municipal planning commission and may by bylaw authorize the municipality to enter into an agreement with one or more municipalities to establish an intermunicipal planning commission.

In Alberta

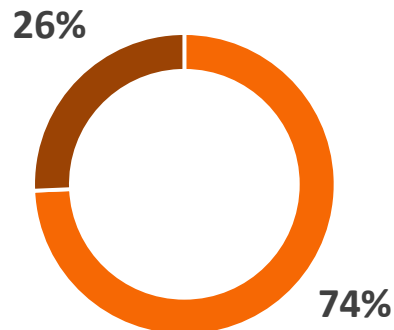
- Enabled by Planning Act, 1977
 - Development Authority possible
 - Subdivision in a select few municipalities
- 1995 MGA
 - Subdivision Authority possible for all municipalities

Cities & Specialized Municipalities



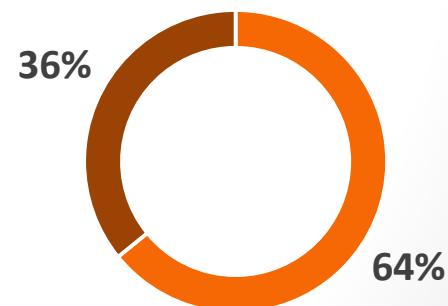
■ Yes ■ No

MDs & Counties



■ Yes ■ No

Towns



■ Yes ■ No

MUNICIPALITIES WITH MPCs

Establishing the MPC

- By bylaw — *have you read yours?*
- MGA requires the bylaw to address:
 - Procedure and conduct
 - Functions and duties
 - Dissolution (IMPC)
- LUB further assigns responsibilities — *have you read yours?*
- Membership
 - No of members
 - Who is eligible for membership — non-residents?, staff?, Council?
 - Appointment — when and for how long?
- Chair & Vice-Chair
- Secretary
- Attendance requirements
- Quorum
 - Can Council form the majority?
- Authority/Duties
 - What decisions are you making?
- Decisions
- Meetings
- Conflict of interest

MPC Membership

- Council
- Staff
- Public

- MPC≠SDAB

623(2) A subdivision authority may include one or more of the following:

- (a) any or all members of council;*
- (b) a designated officer;*
- (c) a municipal planning commission;*
- (d) any other person or organization.*

624(2) A development authority may include one or more of the following:

- (a) a designated officer;*
- (b) a municipal planning commission;*
- (c) any other person or organization.*

MPC in the Development Process

- The players
 - Developer/Landowner
 - Consultants
 - Municipal Administration
 - Planning Authorities
 - Public
- 1. Pre-application/proposal meeting
- 2. Application submitted
- 3. Initial Review
 - a. Determine if more information is needed
 - b. Identify issues the applicant needs to address
 - c. Negotiate changes with the applicant
- 4. Application Complete
- 5. Internal circulation & notifications (if required)
- 6. MPC report
- 7. Decision
- 8. Appeal Period
 - a. 14 days

MPC Value

- Make the 'right' decision for your specific community
- Public decision making & opportunity for ongoing public engagement
- Spreads responsibility for decision making
- Able to adapt decision-making to emerging trends
- Faster processing
- Local knowledge
- May create an informed "public"
- Work load off of Council



Challenges

- Getting members
- Training
 - Technical considerations
 - Setting conditions within authority
- Timelines
- Potential redundancies in review process
- Administrative inputs
 - Reports, agendas, minutes, meetings



What do MPC members need to know?

- An understanding of:
 - The planning framework in Alberta
 - The municipal planning framework
 - The MDP, ASPs, LUB
 - “Good Planning”
 - Their role

Provincial Jurisdiction



- Land Use Policies/ALSA Regional Plan
- Part 17 of MGA governs municipal planning
- Legislation or authorizations that take precedence over the MGA:
 - AOPA, NRCB, AER, AUC
 - Authorizations granted by Lieutenant Governor in Council, a Minister, Provincial Agency
- Municipal bylaws do not apply on
 - Designated crown lands, or
 - Métis settlementsOr when development or subdivision is for:
 - A highway or roads
 - Wells or batteries, pipelines
- Interpretation Act

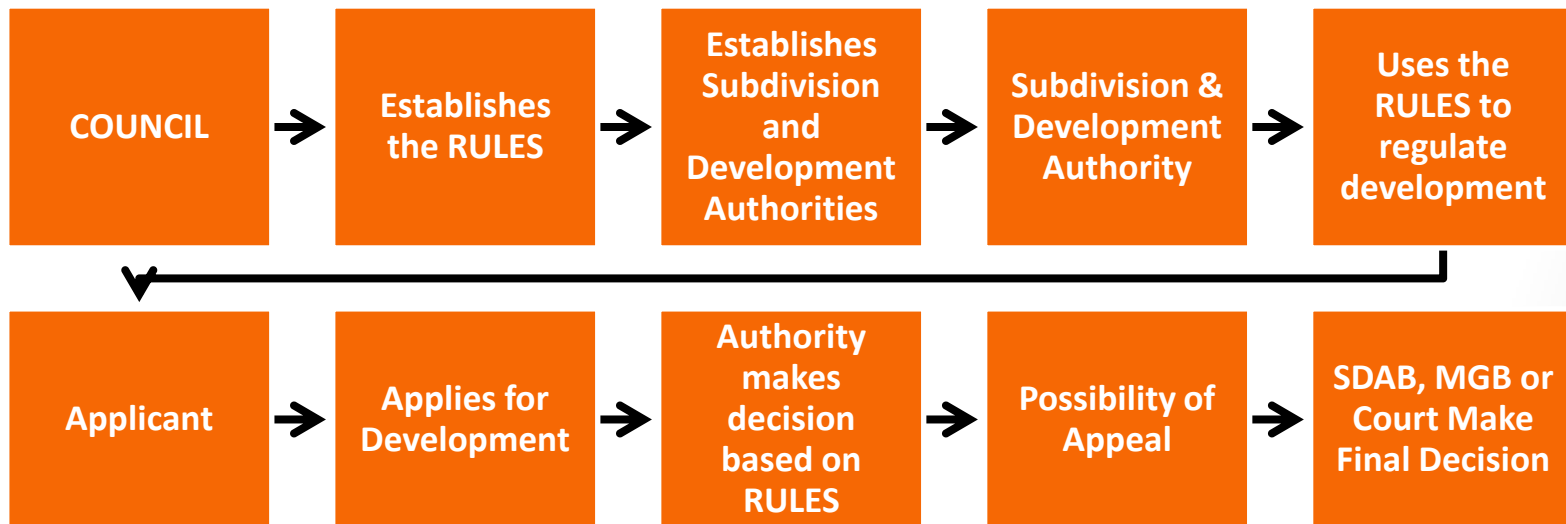
Subdivision & Development Regs



- Subdivision
 - Application standards
 - Processing requirements
 - Decision time limits
 - Relevant considerations
- Key Setbacks
 - 100 metres from gas and oil wells;
 - 1.5 kilometres from sour gas wells and facilities (depending on the level of the sour gas facility and the intensity of the proposed use);
 - 300 metres from wastewater treatment plants; and
 - 450 metres from the working area or 300 metres from the disposal area of a landfill.

Municipal Jurisdiction

- Adopt and amend bylaws
- MUST have a Land Use Bylaw
- May have other plans and policies, adopted by bylaw or approved by Council



“Good Planning”

- What is planning?
 - “the scientific, aesthetic, and orderly disposition of land, resources, facilities and services with a view to securing the physical, economic and social efficiency, health and well-being of urban and rural communities”
- Part 17 of MGA (sections 616 to 708)
 - regulate land use
 - development of lands
 - appeal processes
- Municipal Planning Purpose
 - S. 617 (a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and*
 - (b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,*

Municipal Plans

- Municipal Development Plan
 - Primary Planning Document
 - Sets Community Vision, Goals and Policies
 - Future Land Use
 - Transportation and Infrastructure Systems
- Area Structure Plans / Area Redevelopment Plans
- Intermunicipal Development Plan

Land Use Bylaw

- Regulates the use and development of all land within a municipality
- LUB should be consistent with the Municipality's MPD
- Key Components
 - Application requirements
 - Uses
 - Permitted
 - Discretionary
 - Land Use Districts & Overlays
 - Regulations
 - General
 - Specific
 - District
 - Conditions

Making Decisions

- Can you approve the application?
 - Enabled by land use bylaw
 - Meets requirements (General, Specific and District)
- Should you approve the application?
 - Future goals – does it conform to the MDP?
 - Neighbouring land uses – will it have impacts? Can they be mitigated?
 - Future users
 - Site characteristics
 - Aesthetic impacts
 - Environmental impacts
- Precedence of decision making

Exercising Discretion

- DAs exercise their DISCRETION to make decisions on discretionary uses, variances and to impose conditions
- In exercising their discretion they *should have a rationale related to the development*
- Discretion *does not* give you the authority to enable a *use* that is not contemplated in the LUB
 - If this situation arises a Land Use Bylaw *amendment* would be required to enable the use

Impact of Decisions

- Liability
 - Personal
 - Municipal
- Operational decision vs. policy decision
- Duty of Care
 - to the applicant
 - To the public interest

Reports

- Development Authority should ensure they have the necessary information to make an informed decision
- Types of Reports
 - Traffic Impact Assessment
 - Geotechnical Investigation
 - Environmental Site Assessment
 - Biophysical Assessment
 - Wetland Impact Assessment
 - Storm Water Management Plan
- Are they being reviewed by people with the appropriate expertise?
- What are the municipal standards? Do they meet them?

Setting Conditions

- Planning authorities have ability to set conditions
- After the determination of site suitability, conditions can be determined
- Ensure conditions:
 - Are enforceable
 - Serve a planning purpose

Irrelevant Considerations

- Business Competition/Use proliferation
- 'who' the applicant is or their efforts
- 'who' the users are
- Public benefit
- Financial Gain or Loss (including the municipality)

Dos and don'ts

- Do

- Apply conditions
- Provide a rationale for denials
- Ensure the MPC is operating within the bounds of its authority
- Use the MPC
- Train the MPC
- Provide the MPC reports to support their decision making

- Don't

- Approve an application without a complete application/all the required information

Thank you!
Questions?