



Development Control in Small Municipalities

This document is not intended as legal advice and municipalities should consult with their individual legal advisors when considering its contents and in seeking advice in complying with provincial and federal statutes and regulations. Every effort has been made to ensure the accuracy and timeliness of this document but the comments in it are necessarily of a general nature and its content may be affected by legal developments since the time of drafting. Other errors or omissions may have found their way into the document. The publishers, editors and authors of this model policy accept no liability for any claims arising from the use of this model policy.

Introduction

The way we develop land on our Island affects the environment, the economy, public health and our quality of life. Municipal land use planning is especially important in PEI, but it is a complex service that requires expertise, both during the adoption of the plan and bylaws and the administration. Errors in planning can result in unfair treatment of individuals and businesses, and the associated liability can be costly for municipal governments and taxpayers.

Thirty-two municipalities in Prince Edward Island have official plans and development bylaws; however, only a few municipalities have full-time staff dedicated to planning and development control. Delivery of this important service has been a significant challenge for many small municipalities and many others do not provide the service.

This document is intended to identify options for small municipalities that have adopted an official plan and development bylaw but are encountering challenges with implementation and enforcement.

Options for Development Control

The administration and enforcement of development control bylaws in small municipalities can be done by municipal staff, the private sector, or a combination of staff and private sector professionals.

1. Engaging Private Sector Professionals

In recent years, a growing number of small municipalities have turned to the private sector for its expertise in planning and development control. This has proven to be an effective option for delivering this service or for providing expert advice to municipal staff that have been assigned responsibility for development control. There are several individuals/companies that provide this service in Prince Edward Island.

2. Appointing Staff as the Development Control Officer

Several municipal councils have assigned the responsibility of development control to the chief administrative officer, who may be employed on a part-time basis

Either of these options can be delivered jointly with other municipalities. Small municipalities could benefit from delivering development control and other services in partnership with one or more other municipalities.

It is not recommended that a member of the municipal council be appointed as the Development Control Officer. The primary role of the Council is to the policy directions of the municipality and the strategic delivery of services in the public interest. Appointed officials are responsible for implementing the policy adopted by council, which includes the internal day-to-day administrative operations of the municipality. Development Control is an administrative function.

Long-term Viability

Some of the challenges associated with land use planning are directly related to the outdated municipal structure in PEI. Only four of the seventy-four municipalities in the province meet the minimum population and assessment thresholds for viability noted in the [Report of the Commissioner on Land and Local Governance](#). Not surprisingly, limited financial capacity has negatively impacted the delivery of municipal services for many municipal governments.

If a municipality is finding it difficult to administer and enforce its official plan and development bylaw, it is often an indicator of broader capacity issues. Limited capacity

also impacts the delivery of other municipal services and compromises the ability of the municipality to respond effectively to local needs.

FPEIM developed a [Municipal Viability Self-Assessment Toolkit](#) to help municipalities in Prince Edward Island to determine if they are sustainable and, if not, to provide and evaluate options for improving their viability. There has been significant interest in municipal restructuring to address capacity issues. [A Guide to Municipal Restructuring](#) has been developed to support municipal leaders that have an interest in exploring that option.

Additional Resources

Resources available to municipalities, include:

- [Handbook for Municipal Planning Processes: Adopting a new plan and bylaw](#)
(Municipal Affairs & Provincial Planning) ○ [Handbook for Municipal Planning Processes: Plan and Bylaw Amendments](#)
(Municipal Affairs & Provincial Planning) ○ [Handbook for Municipal Planning Processes: Official Plan Reviews](#) (Municipal Affairs & Provincial Planning) ○ [Municipal Viability Self-Assessment Toolkit](#) ○ [Building for the Future - A Guide to Municipal Restructuring](#) ○ [Report of the Task Force on Land Use Policy](#) ○ [FPEIM Model Agreement on Development](#).