

Municipal Government Act Alignment and Housekeeping Amendments

EXECUTIVE SUMMARY

New provisions in the *Municipal Government Act* came into force on 2017 October 26. Land Use Bylaw amendments (Attachment 1) are necessary to add requirements for notifying Subdivision and Development Permit applicants of complete or incomplete applications, or a deemed refusal. Business process changes to comply with applicant notification requirements were implemented in June. An unrelated, minor housekeeping amendment is also proposed to update the name of the Inventory of Potential Heritage Sites to "Inventory of Evaluated Historic Resources." This clerical change will ensure consistency throughout our documents.

ADMINISTRATION RECOMMENDATION:

That the Standing Policy Committee on Planning and Urban Development:

1. Direct Administration to:
 - a. prepare an amending bylaw to Land Use Bylaw 1P2007 as outlined in Attachment 1; and
 - b. forward this report, with the proposed bylaw directly to the 2018 September 10 Combined Meeting of Council to accommodate the required advertising.
2. Recommend that Council hold a Public Hearing and adopt and give three readings to the proposed amending bylaw.

PREVIOUS COUNCIL DIRECTION / POLICY

On 2008 June 9, Council adopted the recommendations contained in LPT2008-24:

"That the SPC on Land Use, Planning and Transportation recommends that Council: ...

2. Approve the proposed renaming of The City of Calgary's Inventory of Potential Heritage Sites, to Calgary's Inventory of Evaluated Historic Resources;"

BACKGROUND

Legislative changes to the *Municipal Government Act* and associated regulations have been developed by the Province of Alberta and include the introduction of new legislative authorities for The City of Calgary through the *City of Calgary Charter*. Changes started to come into effect 2017 October. The *City of Calgary Charter* was approved in 2018 April, and is effective retroactively to 2018 January. The changes to the *Municipal Government Act* and the *City of Calgary Charter* include both new requirements for municipalities, as well as new, enabling legislative authorities.

There are two legislative changes to the Municipal Government Act that required amendments to the Land Use Bylaw to ensure compliance.

1. Changes to the appeal period for Development Permits (from 14 to 21 days) - complete.
Amendments to the Land Use Bylaw were adopted by Council on 2018 March 19 (PUD2017-1165, Homeowner and Small Business Support Improvements), which responded to the required increased appeal period.

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2. A mandatory notice process to advise applicants for Subdivision or Development Permits if their application is complete, incomplete, or deemed refused – purpose of this report.

The Land Use Bylaw amendments proposed in this report address these new notification requirements. The *Municipal Government Act* states that a municipality's Land Use Bylaw must specify the "form and manner" in which notification is given to applicants. Attachment 2 contains relevant excerpts from the *Municipal Government Act*.

While the two changes mentioned above are required for alignment, other legislative changes are enabling in nature. Currently Administration is reviewing and evaluating these opportunities, and will make recommendations for implementation in alignment with Council priorities and ongoing initiatives such as One Calgary, the four-year service and budget planning process (2019 -2022). A preliminary list of potential enabling opportunities is included for information as Attachment 3.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Municipal Government Act Alignment for Notification Requirements

The *Municipal Government Act* now requires The City to notify both Subdivision and Development Permit applicants about the status of their applications and stipulates that the form and manner of the notification must be established in the Land Use Bylaw. This means the Land Use Bylaw must be amended to address this new requirement. The notification requirements are the same for both types of applications.

The business process changes necessary to provide notification include determining if an application for Subdivision or Development Permit is complete or incomplete. If complete, an acknowledgement of completeness must be issued. If incomplete, the applicant must be notified, and given a timeline to submit the outstanding materials. When the required materials are received, The City must acknowledge the application as complete. If information is not submitted within the timeline indicated, the *Municipal Government Act* requires the application to be deemed refused, and The City must issue a notice of refusal and the reason(s) for the refusal.

Administration has already modified its internal business processes for receiving applications and now logs the received date, evaluates applications for completeness and notifies customers of the results of that review within both the legislated and internal timelines for services levels. Modified process and letter templates were provided to staff and external stakeholders.

The proposed Land Use Bylaw amendments address the form and manner requirement by placing administrative responsibility for notification with the General Manager or his/her delegate. The General Manager currently provides administrative direction in the Land Use Bylaw for: application requirements, forms, notice of Public Hearings, notice posting standards, direct control uses, cancellation and extension of applications. The proposed amendments suggest maintaining this relationship for administrative direction over business processes.

Inventory of Historic Resources Name Change

References to the term "Inventory of Potential Heritage Sites" occurs in several locations within the Land Use Bylaw. The proposed amendment will standardize references to the heritage inventory for our customers. The proposed change will not have any process or policy impacts.

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Stakeholder Engagement, Research and Communication

Information on business process changes to align with requirements in the *Municipal Government Act* were sent to the Building Industry and Land Development Calgary Region, Building Owners & Managers Association and the Federation of Calgary Communities in late April and early May. Draft amending text was forwarded in early June. No issues or comments were received, at the time of this report.

Strategic Alignment

The proposed Land Use Bylaw amendments for *Municipal Government Act* alignment will not impact strategic alignment with City policy documents. These minor amendments are required to comply with Provincial legislation.

The Municipal Development Plan contains policy on Calgary's historic resources. The proposed Land Use Bylaw amendments do not impact alignment with the Municipal Development Plan and will help ensure consistent terminology is used when customers are looking for information on historic resources.

Social, Environmental, Economic (External)

No impacts are anticipated for these Land Use Bylaw amendments.

Financial Capacity

Current and Future Operating Budget:

No impacts are anticipated.

Current and Future Capital Budget:

No impacts are anticipated.

Risk Assessment

No risks are anticipated.

REASON(S) FOR RECOMMENDATION(S):

Alignment with the *Municipal Government Act* is required through this Provincial legislation. Proposed Land Use Bylaw amendments facilitate the required changes. The proposed name change for historic resources, is consistent with information on calgary.ca.

ATTACHMENT(S)

1. Attachment 1 – Proposed Amendments to the Land Use Bylaw
2. Attachment 2 – Municipal Government Act Excerpts
3. Attachment 3 – Enabling Legislative Opportunities