

DATE: 2024-01-15**MEETING: REGULAR COUNCIL****DEPARTMENT: PLANNING & DEVELOPMENT SERVICES****REPORT AUTHOR: ROBERT SISSONS, MANAGER OF PLANNING, PDS & RANDI BUCHNER, SUPERINTENDENT OF ENGINEERING, PDS****PUBLIC NOTIFICATION PROCESS FOR DEVELOPMENT PERMITS AND REZONINGS****EXECUTIVE SUMMARY:**

On November 8, 2023, the Acting City Manager approved the recommendation from the Administrative Committee to enhance the available options used to inform the public of proposed developments and rezonings.

STRATEGIC ALIGNMENT:**INNOVATION****ECONOMIC EVOLUTION****SERVICE ORIENTATION****PARTNERSHIPS & GOVERNANCE****COMMUNITY WELLNESS****RESILIENCY & SUSTAINABILITY****RECOMMENDATION:**

It is recommended through the Administrative Committee and the Development and Infrastructure Committee that Council receives the attached Public Notification Process for Development Permits and Rezonings Administrative Report (Attachment #1) as information.

PREVIOUS COUNCIL MOTIONS / DIRECTIONS:

At the June 5, 2023, Council meeting, Council requested Administration to review the public notification process for developments and rezonings following the public hearing and the recommendation to rezone two properties.

BACKGROUND / ANALYSIS:

The approved recommendation is for Administration to expand the current public notification toolkit for Development Permits (DP's) and Land Use Bylaw Amendments (rezonings) to include the use of:

1. Signage on site for major DP's and rezonings (an example of signage is included in Attachment #2):
 - a. Major DP's that are discretionary and/or are requesting a variance. Major DP's include multi-unit housing developments with five or more units, mixed-use developments (with five or more total units), and non-residential developments.
 - b. All rezonings will include signage on the site notifying of the proposed change. Notification will also include the continuation of the use of a mailout prior to the public hearing.
 - c. At the discretion of the Director of Planning and Development Services, for other DP applications where the public interest may be substantial.

2. An online posting and webmap on the City website for all DP's and rezonings. This is intended to share information on the development or rezoning and provide a link to major DP's comment forms.
3. Notification within the Medicine Hat Newspaper.

The public notification and comment timeframe will be trialed for a two-week period during the application review process and planning staff will assess whether this is an appropriate timeframe for collecting feedback. Planning staff will answer questions from the public, review the public input that is received, and produce a report that outlines themes and technical considerations. This information will be kept on file and included in the feedback provided to the developer. The background of the public notification process is provided in Attachment #1.

INTERNAL AND EXTERNAL ENGAGEMENT CONSIDERATIONS:

Enhancing public notification will result in increased awareness of development proposals. The development community stakeholder group understands that this is a positive for the community, however, expressed concerns about increased timelines and costs. Administration's review and recommendation focused on finding a balance. Further information is found in Attachment #1.

POTENTIAL RISKS / IMPACTS:

Financial:

Funding Request:	No	If yes, amount: \$Click to enter text.
Budgeted Item:	No	Funding Source:
Funding Explanation:	N/A	
Budget Amendment Form?	No	

Costs incurred in the short term are to be funded through the Planning & Development Services operating budget. A future amendment to the Planning and Development Fee Schedule will be brought forward to cover this cost by applicants. Financial considerations are outlined further in Attachment #1.

Health, Safety and Environmental:

N/A

Legal / Legislative / Policy:

Under the Land Use Bylaw s.3.5(1)(c) the public notification process is at the approval of the City Manager. In adjusting the notification processes, legislative requirements must continue to be met for the processing and issuance of Development Permits (Municipal Government Act s.683 and s.684).

PUBLIC PARTICIPATION REQUIRED FOR IMPLEMENTATION:

The purpose of informing the public of DP's and rezonings is to ensure there is a general awareness of changes that may impact those who live in the nearby area and to provide an opportunity for the public to ask questions, provide feedback, and participate in the planning process.

INFORM <input checked="" type="checkbox"/>	CONSULT <input checked="" type="checkbox"/>	INVOLVE <input type="checkbox"/>	COLLABORATE <input type="checkbox"/>	EMPOWER <input type="checkbox"/>
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ALTERNATIVE OPTIONS / PROS AND CONS:

There are many options available to notify the public. There are alternative options that were not recommended due to the increased resources and costs they would add in comparison to the minimal value they would create in enhancing notification to the community. Alternative options are listed in Attachment #1.

IMPLEMENTATION PLAN:

Administration has created a plan to implement the enhanced options in Attachment #1. Signage will be utilized for any new major DP's or rezonings, other supplementary enhancements are currently being implemented, such as improvements to the website and webmap. Feedback received from utilizing the new options will assist in creating a new procedure for inclusion in the new Land Use Bylaw.

REVIEWED BY & DATE:	Larry Randle City Clerk Ben Bullock City Solicitor	2023-11-14
APPROVED BY & DATE:	Pat Bohan Managing Director, Development and Infrastructure	2023-11-16
ATTACHMENTS:	1: Administrative Report – Public Notification Process for Development Permits and Rezonings with examples of signage.	

DATE: 2023-11-02**MEETING: CITY MANAGER APPROVAL****DEPARTMENT: PLANNING & DEVELOPMENT SERVICES****REPORT AUTHOR: ROBERT SISSONS, MANAGER OF PLANNING, PDS & RANDI BUCHNER, SUPERINTENDENT OF ENGINEERING, PDS****PUBLIC NOTIFICATION PROCESS FOR DEVELOPMENT PERMITS AND REZONINGS****EXECUTIVE SUMMARY:**

Administration has completed a review of enhanced options (toolkit) to inform the public of proposed developments and rezonings.

STRATEGIC ALIGNMENT:

INNOVATION <input type="checkbox"/>	ECONOMIC EVOLUTION <input type="checkbox"/>	SERVICE ORIENTATION <input checked="" type="checkbox"/>
PARTNERSHIPS & GOVERNANCE <input type="checkbox"/>	COMMUNITY WELLNESS <input type="checkbox"/>	RESILIENCY & SUSTAINABILITY <input type="checkbox"/>

RECOMMENDATION:

That administration expands the current public notification toolkit for Development Permits (DP's) and Land Use Bylaw Amendments (rezonings) to include the use of:

- signage on site for major DP's and rezonings (an example of signage is included in Attachment #1):
 - Major DP's that are discretionary and/or are requesting a variance. Major DP's include multi-unit housing developments with five or more units, mixed-use developments (with five or more total units), and non-residential developments.
 - All rezonings will include signage on the site notifying of the proposed change. Notification will also include the continuation of the use of a mailout prior to the public hearing.
 - At the discretion of the Director of Planning and Development Services, for other DP applications where the public interest may be substantial.
- an online posting and webmap on the City website for all DP's and rezonings. This is intended to share information on the development or rezoning and provide a link to major DP's comment forms.
- notification within the Medicine Hat Newspaper.

The public notification and comment timeframe will be trialed for a two-week period during the application review process, planning staff will assess whether this is an appropriate timeframe for collecting feedback. Planning staff will answer questions from the public, review the public input that is received, and produce a report that outlines themes, and technical considerations. This information will be kept on file and included in the feedback provided to the developer.

BACKGROUND / ANALYSIS:

Council has indicated a desire for a more robust procedure for informing the public of proposed developments and rezonings. The purpose of informing the public of DP's and rezonings is to ensure there

is general awareness of changes that may impact those who live in the nearby area and to provide an opportunity for the public to ask questions, provide feedback, and participate in the planning process.

Current Process

When an application for a DP is approved, it is advertised once in the Medicine Hat News during the statutory appeal period. There is no requirement in the Municipal Government Act for notification of adjacent properties for a DP, as potential uses for a property have typically been determined by Council through Statutory Plans and the Land Use Bylaw. The number of major DP's varies year to year, Planning staff reviewed 10 major DP's in 2022 and 5 major DP's so far in 2023.

A rezoning application is reviewed by the Municipal Planning Commission which makes a recommendation to Council. An amendment to the bylaw includes a requirement for a public hearing and notification to adjacent properties. Notification of public hearings is also currently posted twice in the Medicine Hat News prior to the public hearing. Similarly, the number of rezonings varies, Planning staff reviewed 9 rezonings in 2022 and 10 rezonings so far in 2023.

Increased Notification

A review of other communities' best practices was completed, takeaways include:

- It is relatively common to post signage for rezoning applications and major development permit applications (an example of a rezoning sign from Calgary is included in Attachment #2).
- Notification in newspapers, while once common place, has declined substantially and is typically not used anymore.
- Social media is not commonly used for posting development notifications.
- Notifications posted on a municipal website are very common. Some communities, such as Lethbridge and Calgary, also have a web mapping software indicating the location of development and rezoning proposals.

There are benefits and challenges to providing increased awareness and opportunities for feedback on applications:

Benefits:

- An informed public can provide valuable feedback to a developer and the City from the perspective of those who live and work in the neighbourhood and may be personally impacted. Note that the current recommendation is only for major projects where there is likely the most interest from the public.
- A reduction in public misinformation.
- A developer will receive feedback from the public during the review period, providing an opportunity for issues or concerns to be potentially incorporated into a revised design which may mitigate potential appeals.

Challenges:

- Residents who may be positively impacted by these developments (for example, future tenants or owners in a multi-unit development) are rarely recognized in the public notification process. Moderate increases in density in established communities are often contentious but are also needed to increase the taxbase and meet the housing needs of the community.
- A developer may incur costs, delays in approval times, and may require increased resources in the design work and technical studies required to make an application.
- A developer may also have purchased land with the understanding that it is suitable for a proposed use based on approved statutory plans. Although development by nature involves taking risks, the City must be mindful of balancing these risks with the public interest as it could deter potential developers from the projects that also provide the most benefit to the City.
- Appeals for projects with variances may become more frequent. This will lengthen application timelines and require additional administrative time and resources to prepare and go through the appeal process.

The public feedback collected through this enhanced notification process is intended to better inform development decisions and increase public awareness. This falls within the City’s Public Participation Policy and the 1AP2 Spectrum of Public Engagement under the goal of ‘inform’ and ‘consult’. Staff will utilize this feedback as one component in the decision-making process, also taking into account other technical and regulatory factors.

POTENTIAL RISKS / IMPACTS:

Financial:

Funding Request:	No	If yes, amount: \$Click here to enter text.
Budgeted Item:	No	Funding Source: Operating
Funding Explanation:		
Budget Amendment Form?	No	

- **Signage** - Posting signage on a site will cost approximately \$500 per sign. In the short term, this cost will be covered through the Planning and Development Services Operation Budget. Planning staff will collect information over the next 6 months on the actual costs incurred, and bring forward an amendment to the Planning and Development Fee Schedule to have this cost covered by future applicants.
- **Newspaper** – Newspaper yearly notification costs are approximately \$35,000 depending on the volume of development.

Health, Safety and Environmental:

N/A

Legal:

Under the Land Use Bylaw s.3.5(1)(c) the public notification process is at the approval of the City Manager. The Land Use Bylaw is currently under review and the revised public notification process (with any recommended changes based on lessons learned in implementing this toolkit) will be included in the new bylaw.

It will be important to ensure that legislative requirements are met for the processing and issuance of Development Permits (*Municipal Government Act* s.683 and s.684).

Public Considerations:

Enhancing the public notification toolkit will result in an increased awareness of development proposals for the public.

Notification requirements were discussed with the Development Advisory Panel (development community stakeholder group) in October. The general feedback was that posting signage and enhancing the public notification process is positive for the community. However, concerns were expressed about an applicant incurring further costs (fees for signage, design fees, etc.) and potential increased timelines.

Council:

As this notification process has implications for both the public and the development community, it is recommended that Council be updated as to the status of these changes.

ALTERNATIVE OPTIONS / PROS AND CONS:

There are other public notification options available:

1. Notification by mail of proposed development to nearby property owners. This was determined not to be the most effective method of notification as it may miss interested parties as well as being both cost and time intensive.

2. Notification of the proposed development during the appeal period (after approval). This is not recommended as there is no opportunity for mutually agreed upon changes to the development based on feedback once a DP is appealed.
3. Having administration go door to door to explain proposed developments or rezonings. This is not recommended due to it being extremely time and cost intensive, and will likely result in a low response rate.

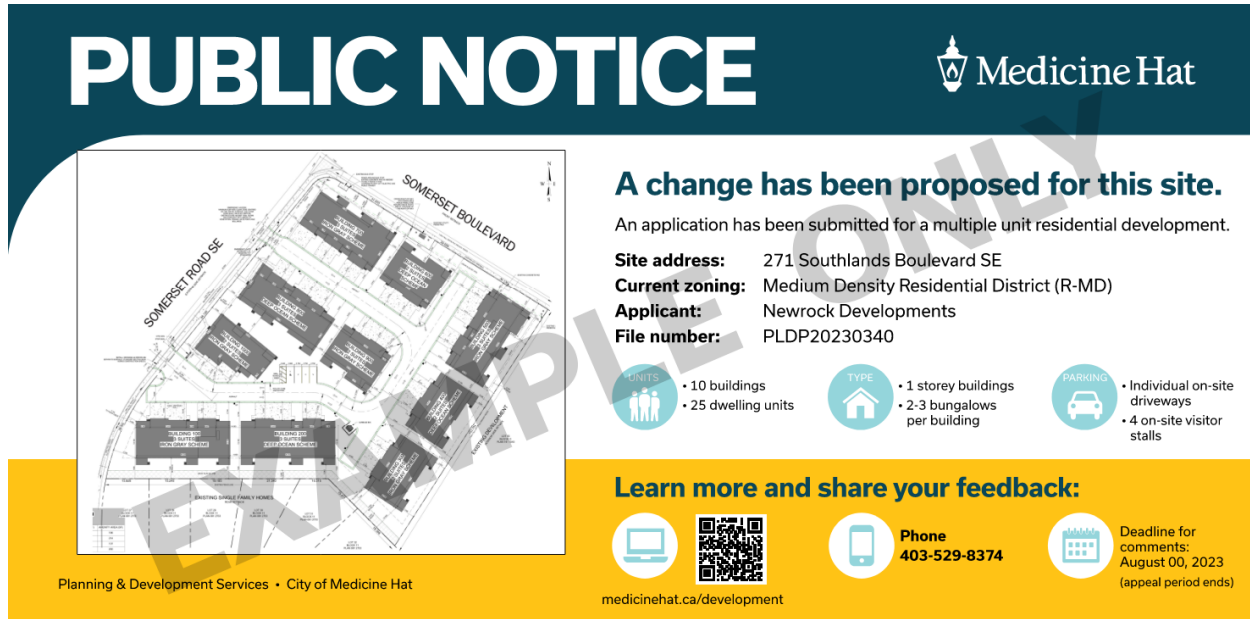
IMPLEMENTATION PLAN:


Once the development and rezoning public notification options are approved by the City Manager, Planning staff will implement the following:

1. Create a signage template for major DP's and rezonings (complete). Planning staff will require any new major DP's or rezonings to have signage posted.
2. Create an updated website and comment form (partially completed).
3. Create an interactive webmap, showing proposed development projects on the City website (underway).
4. Revise Planning and Development standard operating procedures for DP's and rezonings to reflect the approved options.
5. Review the feedback received and impacts on administrations and applicants' time, to inform a new procedure for inclusion in the new Land Use Bylaw, as well as the costs of signage incurred to create an appropriate fee.

REVIEWED BY & DATE:	Larry Randle City Clerk	2023-10-30
	Ben Bullock City Solicitor	2023-10-30
APPROVED BY & DATE:	Pat Bohan Managing Director of Development and Infrastructure	2023-10-31
ATTACHMENTS:	1: Example of Signage from Medicine Hat Pilot 2: Examples of Signage from the City of Calgary	

Attachment #1: Example of Signage from Medicine Hat Pilot



PUBLIC NOTICE 

A change has been proposed for this site.
An application has been submitted for a multiple unit residential development.





Site address: 271 Southlands Boulevard SE
Current zoning: Medium Density Residential District (R-MD)
Applicant: Newrock Developments
File number: PLDP20230340

UNITS • 10 buildings
• 25 dwelling units

TYPE • 1 storey buildings
• 2-3 bungalows per building

PARKING • Individual on-site driveways
• 4 on-site visitor stalls

Learn more and share your feedback:

   **Phone** 403-529-8374  **Deadline for comments:** August 08, 2023 (appeal period ends)

Planning & Development Services • City of Medicine Hat
medicinehat.ca/development

Figure 1: Signage Template (Example Only)



Figure 2: Pilot Signage at 271 Southlands Boulevard SE

Attachment #2: Examples of Signage from the City of Calgary



Photo taken from: <https://calgary.skyrisecities.com/news/2017/12/city-launches-enhanced-development-notices.30049>



Photo taken from: https://twitter.com/brent_bellamy/status/1283924441353904129