

Interim Regional Evaluation Framework (IREF) Interpretation Guide

1. Introduction

This Interim Regional Evaluation Framework (IREF) Interpretation Guide outlines the practices and procedures of the Calgary Metropolitan Region Board (CMRB) for approving statutory plan and plan amendments.

The guide provides an overview of:

- how applications will be received by the CMRB and what the application package should include,
- how applications will be processed by CMRB Administration,
- how recommendations to the Board will be made by CMRB Administration, and
- how the Board will review and approve applications.

The Interpretation Guide does not form part of the Interim Regional Evaluation Framework (IREF) but is intended to increase the transparency and predictability of the IREF process.

An IREF application checklist is included as Attachment 1 of this guide. It provides member municipalities with a summary of the submission materials necessary to be included as part of a complete submission package. The full criteria for submission can be found in "Section 4.0 Submission Criteria" of the IREF document.

The IREF application review process chart is included as Attachment 2 of this guide. The process was approved by Ministerial Order on December 13, 2018. It outlines the roles, procedures and timeframes for the review of applications by the CMRB.

1.1. The Role of the Interim Growth Plan (IGP) and IREF

Once an application has been submitted, CMRB Administration and the third-party reviewer will determine if a statutory plan or plan amendment is consistent with the requirements of the IREF.

The primary goal of the IGP and the IREF is to ensure local statutory plans are consistent with long-term regional goals and interests as defined by member municipalities in the IGP and IREF:

- The IGP establishes direction about growth and development in the Calgary Metropolitan Region on an interim basis. The IGP supports the review of statutory plan and statutory plan amendments by providing the criteria against which plans will be judged and approved.
- The IGP was used to form the IREF. The IREF provides the CMRB with the means to evaluate regionally significant statutory plans and certain statutory plan amendments.

The IREF contains two (2) parts:

- Submission Criteria that identify which plans are considered regionally significant and are subject to the IREF review process, and

- Evaluation Criteria that form the checklist the CMRB will use to evaluate consistency between the statutory plan, certain plan amendments, and the IGP.

The IREF evaluation criteria used by the CMRB to make recommendations to the Board are provided in “Section 6.0 Evaluation Criteria” of the IREF document. Applications that are consistent with the IREF will receive an administrative recommendation for approval. Applications that are not consistent with the IREF will receive a recommendation for refusal.

2. Application Submission

The purpose of the IREF application review process is to ensure that the statutory plans or plan amendments of member municipalities are consistent with the IREF as approved by the CMRB and the Minister of Municipal Affairs.

The IREF outlines when a statutory plan or plan amendment must be submitted to the Board for review and approval. If a statutory plan or plan amendment is regionally significant, as defined in the IREF, it must be reviewed and approved by the CMRB before it can be approved by the council of a member municipality and can come into effect.

Member municipalities are the applicants in the IREF process. They submit plans or plan amendments for approval once they have been endorsed by their municipal councils. Member municipalities may submit applications for review and approval any time after formal review by municipal elected officials and prior to Third Reading of the bylaw. Each member municipality will determine at what point in their plan approval process IREF applications will be submitted to the CMRB. Developers, landowners, or public members with an interest in a statutory plan or plan amendment are not stakeholders in the IREF process and cannot advocate for or against IREF applications. These stakeholders are encouraged to work with the member municipality to ensure the plan meets the requirements detailed in the IREF.

The IREF provides the submission criteria that member municipalities will use to determine which plans are regionally significant and must be submitted to the CMRB for approval. These criteria are provided in “Section 4.0 Submission Criteria” of the IREF document. An application checklist has been provided as Attachment 1 of this guide that reflects the criteria provided in “Section 4 Submission Criteria”.

A member municipality may contact CMRB Administration to discuss regional significance prior to formally submitting their application. Preapplication meetings are optional, non-binding, and do not discuss the potential outcomes of the review process. Pre-application meetings are intended to support municipal staff in determining if an application should be submitted for regional review using the IREF for guidance. **It is the responsibility of member municipalities to determine which statutory plans or plan amendments are regionally significant using the criteria found in the IREF.** CMRB Administration will not provide a formal response to a member municipality as part of the preapplication meeting.

Member municipalities submit applications for CMRB approval that are compatible with their own municipal goals and that are consistent with the IREF. The CMRB does not provide developers, landowners, or the public with preapplication advice about their projects as member municipalities will determine which applications it will send to the CMRB for approval.

3. Application Deemed Complete

Once submitted by a member municipality, CMRB Administration will determine if the application is complete within five (5) working days of receiving the application. When an application is complete it means that CMRB Administration has all the materials necessary to undertake its review of the application. Once it is determined that an application is complete, CMRB Administration has a maximum of 25 working days to review the application and make a recommendation of refusal or approval to the Board.

As noted in Section 5.1(c) of the IREF, applications must include "sufficient information to ensure that the new statutory plan or existing statutory plan amendment can be evaluated pursuant to the evaluation criteria in Section 6.0 below, including applicable technical studies and other supporting document." Technical studies must be submitted when their conclusions are necessary to support approval of the application. Technical studies will not be reviewed for technical merit as part of the IREF process.

An application checklist has been provided as Attachment 1 of this document outlining the materials necessary to support CMRB Administration's review of applications. All required materials outlined in the checklist must be included with the application for an application to be complete.

4. Application Review Process

Once an application has been deemed a complete application, CMRB Administration will notify all members that an application has been received and it will outline the timelines for IREF review.

A member municipality may withdraw its application at any point in the application review process, and for any reason, by submitting written notice to CMRB Administration. Once an application is withdrawn, it will be removed from all CMRB meeting agendas and processes. Should the municipality wish to resubmit an application for a statutory plan or plan amendment that has been withdrawn, it must be submitted as a new application. There is no waiting period to resubmit a statutory plan or plan amendment as a new application.

4.1. Third-Party Review

The IREF application review process includes a third-party review of an application. The purpose of the third-party review is to provide an unbiased and objective assessment of an application evaluating if it does or does not conform to the IREF. The third-party review may be conducted by an external consultant engaged by the CMRB to review the document or it may be conducted by members of the Technical Advisory Group (TAG).

When member municipalities receive notification that a complete application has been received, CMRB Administration will identify if the third-party review will be conducted

by an external consultant or by a panel of TAG members. This decision will be made in consideration of the:

- scale, type, and location of the statutory plan and plan amendment,
- complexity of the referral, and
- capacity of TAG members to undertake the review within the timeframes required under the approval process.

If a TAG panel completes the third-party review, representatives from three (3) municipalities will be selected to complete the third-party review. TAG representatives must identify any real or perceived conflicts prior to being assigned to a third-party review panel. The TAG panel will be consensus-based but each panel member will have one (1) vote should voting be necessary to reach a decision.

If an external third-party consultant completes the third-party review, CMRB Administration will select a consultant from its list of pre-qualified consultants. External third-party consultants must identify any real or perceived conflicts they have prior to being assigned a third-party review. Third-party external consultants will be selected on a rotating basis unless a conflict of interest is identified. The costs associated with an external third-party application review will be borne by the CMRB.

Third party reviews are public, and reviewers are required to submit a report of their findings. This report will be included in the agenda package provided by CMRB Administration to the Board along with its recommendation.

CMRB Administration will consider the findings of the third-party review as part of making its recommendation; however, CMRB Administration is not bound to the conclusions of the third-party review. In addition to the third-party review report, CMRB Administration will provide a covering report that summarizes its recommendation to the Board for approval or refusal and provide reasons for its recommendation.

5. Administrative Recommendations

Once CMRB Administration is ready to make a recommendation to the Board, CMRB Administration will circulate its recommendation by email to all member municipalities for their consideration. The circulation email will include CMRB Administration's covering report and the third-party review report. The CMRB will review applications for their consistency with the IREF, and it will only make recommendations of refusal or approval based on the consistency of the application with the IREF criteria. The CMRB will not evaluate applications on their planning or technical merit, design quality, or other considerations not included in the IREF. CMRB Administration will not recommend modifications to the application.

5.1. Administrative Recommendations of Approval

When an application is recommended for approval, there will be a 28-day review period during which member municipalities will have the opportunity to review the recommendation for approval provided by of CMRB Administration.

Not all IREF Applications will be presented, discussed, and decided at meetings of the Board. Applications will be "deemed approved" when, after the 28-day review period,

there have been no challenges made by member municipalities to CMRB Administration's recommendation of approval.

To increase the expediency of the application review process, it is requested that member municipalities submit a letter to CMRB Administration at their earliest convenience stating they do not challenge Administration's recommendation of approval or they support an IREF application. If CMRB Administration receives a letter from all member municipalities prior to the close of the 28-day review period, the application will be deemed approved before the 28-day review period ends.

5.2. Member Challenges to a Recommendation of Approval

If a member municipality challenges CMRB Administration's recommendation of approval, the member municipality must provide its rationale in writing and circulate it to all members. Once a member municipality has challenged a recommendation, the matter is referred to the Board. The matter will be added to the next Board agenda for review by Board members.

As part of the agenda item:

- CMRB Administration will present the reasons why the application was recommended for approval.
- The member municipality who is challenging the recommendation of approval will have an opportunity to present reasons for its challenge. The presentation may be delivered by elected officials, members of municipal administration, technical experts, or other speakers as selected by the member municipality.
- The member municipality who submitted the application will have an opportunity to present its reasons for requesting approval of the application. The member municipality may use the support of technical experts during its presentation. The presentation may be delivered by elected officials, members of municipal administration, technical experts, or other speakers as selected by the member municipality.
- The Board will have the opportunity to discuss the matter and, if it so chooses, vote on the application by following the Board's regular voting procedures. Agenda items related to IREF will be discussed in open session unless the Board votes to discuss the matter in closed session. All votes of the Board occur in open session.

If an application is refused by the Board, a member municipality may resubmit its statutory plan or plan amendment at any time as a new application. As noted in Section 4 of this IREF Interpretation Guide, a member municipality may also choose to withdraw its application at any time during the IREF process.

5.3. Administrative Recommendations of Refusal

When an application is recommended for refusal, CMRB Administration will advise all members that the IREF application will be added to the next Board meeting agenda for discussion by member municipalities.

As part of the agenda item:

- CMRB Administration will present the reasons why the application was recommended for refusal.
- The member municipality who submitted the application will also have an opportunity to present its reasons for requesting approval of the application. The presentation may be delivered by elected officials, members of municipal administration, technical experts, or other speakers as selected by the member municipality.
- The Board will have the opportunity to discuss the matter and, if it so chooses, vote on the application by following the Board's regular voting procedures.

If an application is refused by the Board, a member municipality may resubmit its statutory plan or plan amendment as a new IREF application at any time. As noted in Section 4 of this IREF Interpretation Guide, a member municipality may also choose to withdraw its application at any time during the process.

6. Timeframes for Review

The timeframes for review are identified in Attachment 2 of this guide which outlines the IREF application review process. The timeframes identified in the IREF application review process are maximum timeframes. CMRB Administration will seek to expedite the IREF approval process whenever possible.

7. Attachments

Attachment 1: IREF Application Submission Checklist

Attachment 2: IREF Application Review Process

IREF Interpretation Guide, Attachment 1

Interim Regional Evaluation Framework (IREF) Application Submission Checklist

This Application Submission Checklist outlines the materials to be submitted by a member municipality as part of an Interim Regional Evaluation Framework (IREF) application. These materials facilitate the timely review of statutory plan and statutory plan amendment by the Calgary Metropolitan Region Board (Board or CMRB). Once submission materials contained in this checklist have been sent to CMRB Administration, CMRB Administration will review the materials and determine if they are sufficient to support the IREF review. If the materials are found sufficient, the application will be deemed complete by CMRB Administration. IREF applications will be deemed complete or incomplete within five (5) working days of receiving an IREF application. All IREF application documents must be submitted in electronic PDF format, either by email or contained on a USB drive.

1. COVER LETTER

A cover letter on municipal letterhead must accompany the IREF Application and include the following:

Ministerial Order Number

The cover letter must cite the correct Ministerial Order. (M.O.) of record which is MSL:091/18.

Description of Bylaw

Include a brief description of the proposed statutory plan or amendment. The description must indicate the date on which the statutory plan or amendment Bylaw received review by elected officials and was determined to be ready for IREF evaluation.

Requested Action

Provide one or two sentences requesting approval of the proposed statutory plan or amendment by the CMRB.

Consultants (Conflict of Interest)

Refer to any land use, engineering or other consultants contracted by the Municipality to assist in the preparation of the statutory plan or amendment. This information supports the selection of a third-party IREF consultant to carry out the independent IREF evaluation should a consultant be required.

Contact Information

The cover letter must identify the municipal representative that CMRB Administration may contact for further information or clarification of the Application submission.

2. SUBMISSION REQUIREMENTS (ATTACHMENTS TO THE COVER LETTER)

As outlined in Section 5 of the IREF, the submission of a new statutory plan or amendment to an existing statutory plan referred by a municipality to the Board shall include:

Proposed statutory plan or amendment bylaw

Include a copy of the proposed statutory plan or plan amendment that is the subject of the IREF application.

Sufficient documentation to explain the proposed statutory plan or plan amendment

Provide a brief summary that outlines the purpose, intent, and outcomes proposed by the statutory plan or amendment. Staff reports, referral agency comments, or other documents may be included to explain the IREF application as determined by the member municipality.

Sufficient information to ensure that the new statutory plan or existing statutory plan amendment can be evaluated pursuant to the evaluation criteria in Section 6.0 of the IREF, including applicable technical studies and other supporting documents

Provide a summary report which compares the statutory plan or amendment to the IREF Evaluation Criteria provided in Section 6.0 of the IREF. Technical documents, municipal and intermunicipal agreements, or other documentation should be submitted as outlined in the IREF.

The corresponding GIS data set including, at minimum, the boundary of the new statutory plan, its land-use concept, and its transportation and servicing concepts, including land use statistics and residential density

A copy of the most recent amended statutory plan without the proposed amendment

IREF Application Review Process

