

TO: Chair and Directors, Cariboo Regional District Board

AND TO: Janis Bell, Chief Administrative Officer

FROM: Rick Brundrige, Manager of Planning Services

DATE: January 14, 2010

DATE OF MEETING: January 22, 2010

SHORT SUMMARY: Planning application consultation process review: Review of web content, public information meetings, notice of development placards & signs, notification distance and public hearing notice in newspapers.

VOTING: Corporate Vote - unweighted

MEMORANDUM: **Preamble:**

In March 2009 the Board adopted the following resolution: ***“That staff undertake a review of planning application processes with other local governments to determine what their best practices are with regard to notification regarding public consultations and bring back recommendations to the Board.”***

Before responding to this request, staff are providing an overview of legislated requirements.

For formal public hearings, such as those required for rezoning and OCP applications, Section 892 of the *Local Government Act* provides the following notification procedures:

- advertisement of the public hearing in two consecutive issues of a newspaper (892 specifies the content of the ad)
- mail notice to adjoining property owners and tenants ‘specified by bylaw’ at least 10 days before public hearing
- if 10 or more parcels are owned by 10 or more persons, it is not required to send notice (example would be text amendment to an entire zoning bylaw or large part)
- optional is by bylaw to specify form, content and size of additional signage.

Notice is required for Development Variance Permits and notice and newspaper advertisement is required for Temporary Commercial/Industrial permits (TCIP’s).

As noted on the attached spreadsheet many regional districts, including the Cariboo surpass legislated requirements.

AGENDA ITEM SUMMARY

Regarding consultation, first and foremost is provincial legislation, which provides a framework of requirements relating to notification and consultation. Beyond this, technical consideration of existing CRD bylaws and their impact informs staff of how the current process works and where improvements

can be made. Finally, the procedures and policies of other regional districts provide guidance. The attached spreadsheet has formed the backbone of this review. Staff have spent considerable effort in researching other regional district bylaws to develop a spreadsheet to determine the scope of consultation practices for all application types, including obtaining supplemental information from other regional districts by e-mail. It is noted that many regional districts did not post their Development procedures bylaws online and others required acquisition by non-electronic means and therefore we do not have full and complete information for all regional districts.

This memo will cover utilization of the CRD webpage, consideration of public information meetings, and review of CRD Development procedures Bylaws.

You will note that the CRD's processes currently exceed legislated requirements, however improvements can be proposed that further consultation efforts.

1) Web Content:

We use the CRD website for posting public hearings and related information, such as the proposed bylaw and the notice that appears in the newspaper (example from CRD webpage under 'Public Hearings and Notices'):

Public Hearing at Miocene Community Hall on January 25, 2010

There will be a public hearing held on January 25, 2010 at 7:00 pm in the Miocene Community Hall for property described as Part of District Lot 717, Cariboo District, Except Plan 23753 and PGP36161 and located at 3550 Spokin Lake Road.

*More Information
Proposed Amendment Bylaw*

The two clickable links 'More Information' and 'Proposed Amendment Bylaw' on the web posting includes a larger colour map of the land under application. While the website acts as a valuable tool for citizens, the possibilities extend beyond its current utility. We expect that high speed internet services are going to expand within the district, and therefore it is a conduit of information that can be further utilized.

Posting General Information:

Staff acknowledges that the information we provide on our Public Hearing and Notice section of the webpage is basic and provides little details on an application. As our planning report to the Board is public electronic information, as are our fact sheets, we believe that the public understanding of the application would be furthered by providing mapping, an explanation of the rezoning application's intent and discussion of planning policies. Staff believes that the public's knowledge prior to the formal public hearing would be increased with this information. It is noted that all relevant information is already on the CRD Board agenda pages, but it is more difficult to navigate than a one stop information source on our webpage. For information, staff have attached an example of an 'information sheet' as an example of what we suggest be an additional item for inclusion on the CRD webpage. The information

sheet is the complete information sheet that contains comments from all agencies at the time the application is referred to the Board and includes the planning comments. It is also read out at public hearings.

In our consultation with other local governments, most use the newspaper public hearing advertisement to indicate that information is available at a specified location (requirement by law), an exception is Thompson-Nicola, where all persons are sent public hearing notices (required by law), and also receive a copy of the planning report. Staff believes that webpage additions would result in more transparent public knowledge.

Minor website development would need to take place (adding another clickable link) but overall, the posting of general information is an option that could be easily implemented and would provide an immense contribution to the efficiency and effectiveness of service delivery. This action would provide the community with an opportunity to get a basic understanding of the nature and purpose of an application prior to a public hearing.

Should a more contentious application be received, the Board could direct staff to post additional information as deemed necessary.

Timing for Posting:

Currently, rezoning/OCP public hearing notices are posted on our webpage concurrently with the public mailout and removed from our webpage the day following the hearing. We see no need to change this practise.

2) Public Information Meetings:

From the spreadsheet, some regional districts use public information meetings in advance of a public hearing. These meetings are generally used when a rezoning application is expected to have considerable impact on the community and provides an opportunity for more extensive discussion than permitted in a quasi-judicial public hearing. In this forum, both the public and the proponents are able to address concerns and respond to questions prior to a public hearing. In recent years, the CRD has participated in public information meetings for Heritage Island, a large subdivision development on Highway 24, for the Fircrest Resort strata conversion on Lac La Hache, and the recent residential redevelopment of the Dragon Lake golf course in the Quesnel fringe. There has been no formal density of development requirement that would trigger a public information meeting, but one regional district indicates that either a combination rezoning/OCP application, a large development project, or an application of significant impact would require a public information meeting. Another regional district is considering requiring a public information meeting if the application requires approval of the Ministry of Community Development (applies solely to Crown land; allows 30 or more parcels; allows 30 or more dwelling units, or applies to more than 20 ha of land). Sunshine Coast Regional District has a detailed procedure for public meetings and does require them for any application that creates more than 10 lots or applies to more than 10 ha of land.

At present in the CRD, a public information meeting is undertaken at the expense of the proponent with CRD staff/directors attending in a reference and/or observational capacity. The Capital Regional District requires developers to host public information meetings and do not require staff attendance but are required to supply proof of the meeting advertisement and copy of meeting minutes. Some regional districts do reduce lot fee costs for the public meetings while others charge additional fees if staff are to attend. In a recent fee schedule amendment, the CRD Board has established a \$25 per dwelling or lot fee for applications that create more than 3 lots or dwellings, to a maximum of \$2000. These funds were to be used to offset any added costs for public meetings, and extra staff time on responding to enquiries.

Guidelines for Proponents:

The CRD currently has no policy on public information meetings. As a result of this and the fact that the CRD is not involved in facilitating the meeting means that the proponent is currently not held to any set guidelines to which they should adhere. A set of guidelines pertaining to the following should be made available to address the following:

- what criteria would trigger a public information meeting,
- who to notify,
- meeting notice (newspaper, radio ads, etc.),
- time and location of meeting,
- meeting format,
- information that must be available,
- a record of comments and responses received,
- a definition of the role that staff should play and resources that can be provided.

In addition, a fee should be considered for applications that have lot fees of less than \$500 in order to cover staff attendance.

3) Notice of Development Placards & Signs:

As stated at the beginning of this memo, the *Local Government Act* has provisions for a bylaw for notification distances {892(4) (b)} and optional requirements for additional signage {892(8)}. The CRD has two Bylaws in this regard being Bylaw No. 3286, 1996 & Bylaw No. 3507, 1999. Under those bylaws, there are currently two types of signage that are used in different application types:

1. The Notice of Development Placard:

- i. 8 ½" x 11" stiff paper

ii. Lettering printed on a conventional printer

iii. Placard is provided to the applicant, who is responsible for posting the sign on the subject property adjacent to a public highway in a clearly visible manner.

2. The Notice of Development Sign:

i. Must be 48" x 48" on ¼" or better corex

ii. Black enamel paint or black vinyl lettering

iii. Wording is provided to applicants, who are responsible for the creation and posting of the sign in a visible location on the subject property adjacent to a public highway in a clearly visible manner.

In the following cases, a sign is required:

1. An application to rezone land for residential purposes which would permit the creation of four or more residential lots, a multi-family residential development, or a mobile home park.
2. An application to rezone land for commercial, industrial or institutional purposes;
3. An application to amend an official community plan or an official settlement plan
4. An application for a temporary commercial or industrial permit.

Placards are used in all other zoning applications.

Staff does not schedule a public hearing until we have photographic proof that the sign has been installed at a readily viewed location, and the wording is as staff provided.

Future Utility:

The purpose of signage is to place it so that it can be seen from a roadway. Staff have recently questioned the effectiveness of a Notice of Development Placard. It is unlikely that one would notice a placard in passing due to its small size (8.5" by 11").

In a memo to the Board dated March 4th, 1997, staff proposed the use of placards. The memo formed the basis of whether an applicant should be required to post a Notice of Development Placard or Notice of Development Sign. It is now apparent that placards are not achieving the goal that that memo indicated of signage becoming visually associated with development proposals. No other regional district is known to use Notice of Development Placards. From the spreadsheet, regional districts require signs from as small as 3 feet by 3 feet to 4 feet tall and 8 feet wide. Some are utilized for more than rezoning applications, including DVP's, temporary permits and development permits. The CRD has been using the signs only for rezoning amendments or rezoning/OCP amendments.

CRD Bylaw 3286 established the public hearing notification for owners and tenants in occupation to 60 metres, exclusive of highways, for public hearing notification as well as other development proposals. This bylaw also stipulated that dependent upon access to a public highway, alternative signage requirements or newspaper advertising may be required. This bylaw also provided staff with the ability to waive the signage requirements. Bylaw 3286 also indicated that the Notice of Development sign size was 2 ft by 2 ft. Bylaw 3507, adopted in 1999, increased the sign to 4 ft by 4 ft and maintained the ability for staff to waive the signage requirement, and provided that where the property is in a remote location and it is unlikely that the sign will be seen, the applicant may request that the Board waive the signage. Both bylaws are attached to this memo.

It is therefore now proposed that the posting of placards be halted. Earlier in this memo, staff suggested that supplementary information on an application be posted on the CRD website prior to a public hearing and therefore recommended that Schedule B of the CRD Management of Development Procedures and Fees Bylaw No. 3148 or its replacement in a new bylaw be amended to include the website address on any notice of development sign. Staff would further recommend that the bylaw be revised for staff to consult with the Electoral Area Director where signage requirements are to be waived, and to provide staff with discretion for requirement for a 2" by 2" newspaper ad with the same language that would appear on a sign, for remote areas that are inaccessible by public road.

Public Notification Distance:

A primary question for this review is the distance specified by bylaw. Currently, Section 6 of Bylaw No. 3286, 1997 indicates that: "...notice of a public hearing shall be sent to owners... and tenants... of all parcels, any part of which is within 60 metres, excluding highways, from the land that is subject of the bylaw amendment."

The existing distance has worked well for the most part, but some discomfort has been expressed at having a blanket distance for all types of application. For this reason, it is important to assess each application type individually:

Development Variance Permits:

Applications for development variance permits typically only affect the immediate property owner or tenant. This is because DVPs only enable minor changes to the zoning bylaw that do not have the potential wider impacts that other land use applications can have. In the survey of regional districts, the notification ranges from 50 m to 500 m, with Sunshine Coast employing a lesser notification distance for high density residential areas than more rural areas. Subtracting the one regional district with a 500 m notification distance, the data obtained indicated an average of 80 m notification; the CRD has a 60 m notification. The problem with one specified distance is that in more rural areas, where lot sizes are larger, the number of neighbours consulted is significantly less than in a suburban area, such as the fringe area. Staff have graphically indicated the effect of differing notification distances on varying lot areas on the attachments. In some cases, greater public notice is desired.

From the spreadsheet, some regional districts do require posting of signage. Staff recommend that the CRD's development bylaw be revised to increase DVP notification to 100 m and require the posting of signage.

Zoning & OCP Amendments:

Zoning & OCP bylaw amendment applications can impact a larger area of residents and/or businesses. However, the swath of its impact can be difficult to determine. This is reflected in the spreadsheet, where the range of public notification distances ranges from 50 m to 500 m, with excluding the two regional districts with 200 m and 500 m notification distances, the average is 87 m. Staff recommends that 100 m be established for the notification distance for rezoning and OCP amendments, exclusive of highways. Staff recognizes that unlike DVP's, rezoning have a signage, proposed enhanced CRD website component, and a newspaper advertisement.

From the spreadsheet, it is noted that using two notice of public hearing distances based upon circumstances is not unheard of (spreadsheet indicates that Bulkley- Nechako Regional District uses separate distances for tenants and owners). However, the use of separate distances based upon the nature of the application is one that is not known to be used in any BC regional district.

Temporary Commercial & Industrial Permits:

Temporary commercial and industrial permits (TCIP) can be used to permit an industrial or commercial use. Section 921(6) of the *Local Government Act* mandates notification of application for a TCIP. Therefore a distance for notice must be specified.

The impacts related to the issuance of a TCIP are difficult to determine. Staff, APCs and the Board are expected to weigh potential impacts in determining whether or not to issue the permit; and the purpose of notification is intended to provide notice and an opportunity to comment on an application.

Based on the review contained in the spreadsheet, excluding the one regional district with a 500 m notification distance, the average distance is 96 m; therefore 100 m is a reasonable notification distance.

The CRD is currently reviewing the option of offering temporary commercial permits for temporary accommodation in the form of vacation rentals. In a memo presented at the December 11, 2009 Board of Directors meeting, it was proposed that the notification distance be 100 m, therefore 100 m would be a consistent distance for all TCIP applications.

Land Use Contracts:

Many regional districts specify a notification distance for land use contracts. Current CRD practises are that land use contract discharges are concurrently advertised with are zoning application, therefore the proposed 100 m distance would prevail.

Board of Variance:

It has been many years since the CRD Board dealt with a Board of Variance application. There are other tools that achieve most of the features of a BoV, such as rezoning or a DVP. The *Local Government Act*, Section 901(4) requires notice to the applicant and 'adjacent to' the subject property. The same language exists in the CRD Board of Variance Bylaw 3182. Staff sees no need to alter this consultation distance.

Public Hearing Notice in Newspaper:

As noted earlier, Section 892(3) of the *Local Government Act* states that:

“The notice must be published in at least 2 consecutive issues of a newspaper, the last publication to appear not less than 3 and not more than 10 days before the public hearing.”

Currently, there is no specific internal bylaw or procedure that provides any further guidance than that provided in Section 892(3) of the *Local Government Act*, and none is needed with regards to the content and timing of the notice. Section 892 is silent on what type of newspaper we should advertise in, and generally the CRD tries to use the newspaper which is most widespread in the area. In rare cases, advertisements have been placed in more than one newspaper (such as the 100 Mile Advisor and the 100 Mile Free Press) when contentious rezoning applications are submitted.

ATTACHMENTS: 1) Public consultation for Rezoning and OCP Amendments; 2) Bylaw 3148, 1996; Bylaw 3507, 1999; 3) sample information sheet; 4) notification of distances graphically indicated for 60 m, 100 m and 200 m.

POLICYIMPLICATIONS: Will revise current practices on public notification distances, signage requirements and utilize CRD webpage for information source prior to public hearings.

FINANCIALIMPLICATIONS: None

OPTIONS: 1) Endorse the recommendation;
 2) Further action at the discretion of the Board.

RECOMMENDATION: That the agenda item summary from Rick Brundrige, Manager of Planning Services and Chris Hutton, Planning Officer, dated January 14, 2010, regarding recommended public notification additions and changes be received. Further, that the Board task Planning Services staff with the creation of a replacement bylaw to CRD Management of Development Procedures and Fees Bylaw No. 3148, 1996 and it's amending Bylaws to reflect the following:

- Guidelines surrounding the conducting of public information meetings.
 - Changes to notice of development signage, process for waiving signage requirements, notification in remote areas, and deleting Notice of Development placards.
 - Alterations to public notification buffers for:
 - a. Zoning and OCP Amendments from 60 m to 100 m
 - b. Temporary Commercial & Industrial Permits from 60 m to 100 m

c. DVP notification distances be established at 100 m and signage be required.

Further, that staff post rezoning information sheets on the Public Hearing and Notice section of the CRD webpage.