

Current Notification Practice for Land Use Changes**Report Purpose**

To provide information on notification requirements and public input processes as part of the preparation and implementation of land use planning projects.

Recommendation

n/a

Our Strategic Goals

Goal 3 - Responsible Development

Goal 4 - Municipal Excellence

Governance Requirement

Goal 3 Priority - Growth and development that prioritizes community well-being and economic benefits

Goal 4 Priority - Relationships with all levels of government and key stakeholders that are strategic, purposeful and productive

Goal 4 Priority - Optimal use of resources that meets the community's needs

Report

The development of land is ultimately achieved through a hierarchy of approvals. Each approval builds on the last and provides further detail. Enclosure 1 illustrates the hierarchy.

Each stage in the planning process includes some form of communication with the public. As the development process gets more detailed, communication evolves from soliciting input at the plan preparation stage to informing residents at implementation of approved plans. The extent of notification also changes as the planning process moves to the more detailed level and implementation stages. The responsibility for plan preparation also transfers from County initiated to landowner initiated as the process becomes more site specific.

The following is a summary of the County's current practice of communication during each step of the planning process.

Statutory Planning

A statutory plan includes any Municipal Development Plan, Area Structure Plan (ASP), Area Concept Plan, or Area Redevelopment Plan adopted by Council. Statutory plans identify future land use within the municipality. They address items such as land use categories and transitioning, transportation and utility networks, school sites and parks, environmental areas, densities, and the general form of development. Statutory plans provide landowners/developers Council's direction for how their property can be considered for rezoning, subdivision and/or development.

The *Municipal Government Act* requires, while preparing a statutory plan, a municipality notify members of the public who may be affected by the plan and provide a means for suggestions and representations to be made.

When a statutory plan is being proposed or amended, the County is looking to receive input that will help inform the plan. The County's Statutory Plan Terms of Reference (TOR) (Enclosure 2) guides the preparation of statutory plans or amendments and includes specific public engagement requirements with the intent of gathering feedback on the proposal. The

manner of public engagement required in the TOR can vary depending on the scale and intent of the plan or amendment.

In the case of a Municipal Development Plan, Area Concept Plan, or Area Redevelopment Plan, given the area of land encompassed, there are often many landowners within the plan area and the project is most often led by County administration. The form and extent of communication for these plans is tailored to each project and is discussed with Council at its commencement. Enclosure 3 provides a summary of recent County-led statutory plans.

ASPs and amendments to them are most often proposed by the landowner/developer that owns the land subject of the ASP or amendment. The TOR guides developers on specific public engagement expectations.

All statutory plans and statutory plan amendments require a public hearing prior to Council making the decision. Currently, notification of a public hearing is required to be advertised in two consecutive issues of the local newspaper and letters mailed to surrounding landowners. Notice of public hearings is also posted on the County website.

Implementation

Implementation of approved statutory plans is achieved through rezoning, subdivision, and development permits. Applications for these three processes are made by the developer/landowner. At these stages, the purpose is to confirm that the proposal conforms with Council-approved statutory plans.

The purpose of a rezoning (Land Use Bylaw amendment) is to change the existing zoning of a property to be in line with the direction in the Council-approved statutory plan(s). For a rezoning application to a standard district, at the time of application a notification sign outlining the proposed rezoning and County contact information is to be installed on the parcel. For a site-specific rezoning (direct control), letters are sent to landowners in the surrounding area to inform them of the application. Input requested at this stage is regarding specifics of the zoning proposed. A public hearing is also required for a rezoning where public notification of the hearing is provided in the same manner as noted above.

Subdivision applications and Development Permit applications are an administrative process that is largely legislated by the *Municipal Government Act* and associated Matters Related to Subdivision and Development Regulation.

For subdivision, the *Municipal Government Act* in some cases requires that upon receiving a complete application the subdivision authority must give notice of the application to owners of adjacent land. At this point in the process the purpose is to inform adjacent landowners which is done by letter.

For development permits, legislation requires that adjacent landowners are notified of the decision on a permit where regulations are varied as well as for discretionary uses. This is done by letter and includes details on the right of appeal.

Conclusion

The input and notification practices of the County meet or exceed the legislated requirements of the *Municipal Government Act*. Our practices are well established and documented through the TOR. They are designed to engage landowners in the early creation of a plan where they can affect change and inform where approved plans are being implemented. Increasing the engagement or notification area could result in overshadowing

relevant feedback from those directly impacted, creating a false sense of being able to affect change where plans are already in place, and increase time and cost to applicants.

Following a review of the County's current notification processes, administration believes communication occurs with affected residents at the appropriate time. However, we have identified and are currently implementing improvements in how we communicate including:

1. Updating the County's advertisements and notification letters to include a plain language explanation for residents on:
 - a. why they are receiving the notice;
 - b. where the application falls on the planning continuum;
 - c. if it is for information or requesting input; and
 - d. what level of input is being asked for.
2. Further expansion of electronic means of notification and communication.

Council and Committee History

December 6, 2022 THAT the process to communicate infrastructure improvements and Area Structure Plan changes report be provided to Council on the revised due date of the end of Q1 2023.

Sept 27, 2022 THAT administration provide a report, for Councils consideration by the end of Q4 2022, that outlines the current process for, along with any possible improvements to, how we communicate and share information with residents regarding infrastructure improvements, changes to Area Structure Plans and other land use changes to ensure that all affected residents are informed, not only those that have property adjacent to the improvements or the areas of land use change.

Other Impacts

Policy: Statutory Plan Procedure, Subdivision Procedure

Legislative/Legal: The *Municipal Government Act* outlines notification and input requirements as part of statutory plan preparation, land use bylaw amendments, and subdivision and development.

Financial/Budget: n/a

Interdepartmental: n/a

Master Plan/Framework: n/a

Enclosures

- 1 Planning hierarchy chart
- 2 Statutory Plan Terms of Reference
- 3 Public engagement examples for County land use projects