



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☐	Councillor Activity ☐
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To: Mayor Zebian and Members of West Hants Regional Municipal Council

Submitted by: _____
Kari Fougere, Acting Director of Planning and Development

Date: 2024-12-03

Subject: Public Participation Program Policy

LEGISLATIVE AUTHORITY

Municipal Government Act Section 204 *Public Participation Program*, Section 204A *Engagement Program* and Section 206 *Public Hearing*

RECOMMENDATION

Should Committee of the Whole recommend Council proceed with amendments to the Public Participation Program Policy, the following motion would be in order:

...that Committee of the Whole recommends that Council approve amendments to the Public Participation Program Policy which are substantively the same as shown in Attachment A to the report entitled “Public Participation Program Policy” to Committee of the Whole, dated December 3, 2024.

BACKGROUND

Property ☒	Public Opinion ☐	Environment ☐	Social ☒	Economic ☐	Councillor Activity ☐
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Due to the current Canada Post strike, staff are recommending amendments to the Public Participation Program Policy to outline alternative methods of notification to enable the continuation of Public Information Meetings and Public Hearings.

DISCUSSION

Municipal Government Act

The Municipal Government Act (MGA) outlines the powers provided to municipalities in Nova Scotia. Section 204 of the MGA states the following:

- (1) A council shall adopt, by policy, a public participation program concerning the preparation of planning documents.*
- (2) A council may adopt different public participation programs for different types of planning documents.*
- (3) The content of a public participation program is at the discretion of the council, but it shall identify opportunities and establish ways and means of seeking the opinions of the public concerning the proposed planning documents.*

In relation to Public Hearings, Section 206 (1) of the MGA states the following:

- (1) Prior to holding a public hearing required under this Part, the clerk shall provide notice of the public hearing at least fourteen days before the date of the public hearing by either*
 - (a) placing the notice in a newspaper circulating in the municipality, inserted at least once a week, for two successive weeks; or*
 - (b) posting the notice on the municipality's website.*

Public Participation Program Policy

A Public Participation Program Policy for West Hants Regional Municipality was established on April 28, 2020. Revisions to the policy were approved by Council on January 24, 2023. The policy requires the following as a minimum for any development agreement, amendments to development agreement, and adoption of revised documents or amendments to the West Hants, Hantsport and Windsor planning documents or Land Use By-laws:

- Holding one or more public meetings, usually held prior to a Planning and Heritage Advisory Committee meeting, prior to First Reading.
- Advertising any Public Information Meeting by placing a notice in a newspaper circulating in the local area and notifying by mail the owners of all lots within 300 ft. of the site of both the Public Information Meeting and any Public Hearing. Within a Land Use by-law Council may specify a greater distance for notification.
- Notices for Public Information Meetings shall be placed in the newspaper and sent to abutting property owners at least seven (7) days prior to any Public Information Meeting. Notices for Public Hearings shall follow the MGA notification requirements.

- In addition, in accordance with MGA 206 (5), when a notice of Public Hearing is published, the clerk shall send a copy of the notice to the clerk of every municipality that abuts an area affected by the proposal.

The WHRM Public Participation Program Policy would meet all of the requirements of Section 204, 204A and 206 of the MGA.

In accordance with the Public Participation Program Policy, Planning staff use the following notification process to advertise a Public Information Meeting for any site-specific Land Use By-law amendment or development agreement:

- Send letters to property owners within 300 ft. (Windsor and Hantsport) or 500 ft. of the subject lot (West Hants) at least 7 days prior to the meeting;
- Place an advertisement in the local newspaper at least 7 days prior the meeting;
- Post notification on WHRM website and social media accounts;
- Notify Councillors when advertisement appears in the newspaper;
- Post a sign that is approximately 22 in. x 17 in. on the site at least 7 days prior to the meeting;
- Host the Public Information Meeting in-person with an option to attend via Zoom. The meeting is also live streamed on the Municipal YouTube page.

A similar process is followed for Public Hearings, however, the notification timeline is increased to at least 14 days prior to the meeting.

Canada Post Strike

The Canada Post strike began on November 15, 2024. Due to the current strike, staff are unable to use regular mail to send letters to property owners within 300 ft. (Windsor and Hantsport) or 500 ft. of the subject lot (West Hants) at least 7 days prior to a Public Information Meeting or at least 14 days prior to a Public Hearing.

There are two applications for rezoning that were received by staff during the first week of November. There is also one development agreement application that is anticipated to be scheduled for Public Hearing in January 2025.

In relation to the applications for rezoning, Section 210, *Amendment to the Land Use By-law*, of the MGA states the following:

(6) Where the council has not, within one hundred and twenty days after receipt of a completed application to amend a land-use by-law referred to in subsection (1), commenced the procedure required for amending the land-use bylaw by publishing or posting the required notice of public hearing, the application is deemed to have been refused.

(7) Within seven days after an application to amend a land-use by-law, referred to in subsection (1), being deemed to be refused, the clerk shall notify the applicant in writing that the application is deemed to have been refused and setting out the right to appeal.

Therefore, if the regular planning process is not followed for these applications and a Public Hearing is not scheduled and advertised within 120 days of the application being received the application has been deemed to be refused by Council and the applicant has the right to appeal to the Nova Scotia Utility and Review Board.

To avoid two planning appeals, staff are recommending changes to the Public Participation Program Policy (Attachment A) to provide staff the choice of advertising a Public Information Meeting or Public Hearing regarding any proposed development agreement or site-specific amendment through a minimum of two methods:

- (1) placing a notice in a newspaper circulating in the local area;
- (2) posting a notice on the Municipal website and bulletin board at the Municipal office;
or
- (3) notifying by mail the owners of all lots within 300' of the site of both the public information meeting and any public hearing. Within a Land Use By-law Council may specify a greater distance for notification.

During the Canada Post strike staff would use the following notification process to advertise a Public Information Meeting for any site-specific Land Use By-law amendment or development agreement:

- Place an advertisement in the local newspaper at least 7 days prior the meeting;
- Post notification on WHRM website and social media accounts, and bulletin board at the Municipal office;
- Notify Councillors when advertisement appears in the newspaper;
- Post a sign that is approximately 22 in. x 17 in. on the site at least 7 days prior to the meeting;
- Host the Public Information Meeting in-person with an option to attend via Zoom. The meeting is also live streamed on the Municipal YouTube page.

A similar process would be followed for Public Hearings, however, the notification timeline is increased to at least 14 days prior to the meeting.

FINANCIAL IMPLICATIONS

The WHRM Public Participation Program Policy states that “Any fees related to any action required by the Public Participation Program Policy will be established by policy of Council.” The WHRM Fees Policy outlines the cost for any Land Use By-law or development agreement application. The fees are currently set at \$1,600 which includes a \$500.00 processing fee and \$1100.00 deposit for direct costs such as notice. Application fees are charged up front with the excess of the deposit for direct costs being refunded following completion of the application process.

The fees cover all advertising in the newspaper for Public Information Meeting, Public Hearings and the notice of approval, and any postage to mail meeting notification letters to nearby property owners. If the application is for a development agreement, the fee also covers the recording fee charged by the Land Registry Office. Where possible, staff combine newspaper advertisements to reduce fees to applicants.

Any proposed changes to the Public Participation Program Policy may have financial implications for an applicant.

Staff explored the option of using couriers to deliver the letters to property owners for both Public Information Meetings and Public Hearings during the Canada Post strike. The estimated cost per letter was quoted at \$24. Based on the current Public Participation Program Policy, for the first rezoning application there are approximately 31 letters to be sent and for the second there are approximately 22 letters to be sent. This would equate to an additional approximately \$744 for the first rezoning application and an additional approximately \$528 for the second rezoning application. In relation to the development agreement application that is anticipated to be scheduled for Public Hearing in January 2025, the application requires approximately 34 letters be sent, equating to approximately \$816. It seems unrealistic to require applicants to cover this cost in addition to the current application fee required.

Due to staff capacity, the number of addresses without an actual dwelling to deliver a letter to, and the number of addresses outside of the local area it is not recommended for staff to hand deliver letters.

ALTERNATIVES

In response to the report, Committee of the Whole may:

- recommend Council approve the revisions to the Public Participation Program Policy as drafted or as revised by the Committee;
- direct staff to keep the Public Participation Program Policy as-is without revisions; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A Public Participation Program Policy

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation.

Report Prepared by: _____

Kari Fougere, Acting Director of Planning and Development

Report Approved by: _____



Mark Phillips, Chief Administrative Officer

1. PURPOSE

- 1.1 Section 204 of the *Municipal Government Act* (MGA) requires Council to adopt a public participation program before undertaking the preparation or amendment of development agreements or planning documents.
- 1.2 The *Engagement Programs Content Regulations* made under Section 204A of the MGA require the public participation program to contain specific content.

2. DEFINITIONS

- 2.1 The terms used in this Policy have the same meaning as those found in the MGA.

3. DEVELOPMENT AGREEMENTS and AMENDMENTS to DEVELOPMENT AGREEMENTS; ADOPTION OF REVISED PLANNING DOCUMENTS, AMENDMENTS to PLANNING DOCUMENTS and AMENDMENTS to the LAND-USE BY-LAW

- 3.1 Council resolves to seek the views of the public and encourage public participation regarding development agreements, amendments to development agreements, and adoption of revised documents or amendments to the West Hants, Hantsport and Windsor Planning Documents or Land Use By-laws by, at a minimum:
 - holding one or more public meetings, usually held prior to a Planning and Heritage Advisory Committee meeting, prior to First Reading of any proposed development agreement or amendment;
 - advertising any public participation or information meeting regarding any proposed development agreement or site-specific amendment ~~by~~ **through a minimum of two methods outlined below:** (1) placing a notice in a newspaper circulating in the local area; ~~and~~ (2) **posting a notice on the Municipal website and bulletin board at the Municipal office;** or (23) notifying by mail the owners of all lots within 300' of the site of both the public information meeting and any public hearing. Within a Land Use By-law Council may specify a greater distance for notification.Notices for public participation or information meetings shall be placed in the **newspaper, posted on the Municipal website and bulletin board, or** ~~and~~ sent to abutting property owners at least seven (7) days prior to any public participation or public information meeting. Notices for public hearings shall follow the MGA notification requirements.

3.2 In addition, during any comprehensive review of any planning document, Council resolves to seek the views of the public and encourage public participation by developing and implementing a public engagement plan to inform the public and receive comments from the public. The contents are at the discretion of Council but may involve committees, meetings, open houses, surveys, questionnaires, and publications.

3.3 In accordance with the requirements of the MGA, where:

- (a) a revised Municipal Planning Strategy is considered; or
- (b) where an amendment to the Municipal Planning Strategy affects policy regarding:
 - drinking water;
 - flood risk areas;
 - agricultural land;
 - infrastructure; or
 - housing,Council shall seek input from all abutting municipalities; and
- (c) where an amendment to the Municipal Planning Strategy is specific to land that lies within 2 km of an adjacent municipality, Council shall seek input from the abutting municipality.

In each case, Council shall seek input by:

- notifying abutting municipalities of the proposal. The notice shall include the date by which a response must be received in order to be considered by Council;
- ensuring that there is sufficient opportunity for a response to be received so that it may be considered before First Reading of the proposal by Council.

3.4 In addition, in accordance with MGA 206 (5), when a notice of public hearing is published, the clerk shall send a copy of the notice to the clerk of every municipality that abuts an area affected by the proposal.

4. GENERAL

4.1 Councillors shall receive no new information regarding a planning matter once a public hearing is complete.



DRAFT AMENDMENTS
WEST HANTS REGIONAL MUNICIPALITY
PUBLIC PARTICIPATION PROGRAM POLICY

RCOPL-006.00

- 4.2 Any fees related to any action required by the Public Participation Program Policy will be established by policy of Council.

5. REPEAL

- 5.1 The Public Participation Program Policy COPL-001.00, dated April 28, 2020, of West Hants Regional Municipality is hereby repealed.

6. RELATED LEGISLATION, POLICIES and PROCEDURES

- 6.1 Municipal Government Act

I, Deanna Snair, Municipal Clerk of West Hants Regional Municipality, Province of Nova Scotia, do hereby certify that this is a true copy of the policy as adopted by the Council of West Hants Regional Municipality at a meeting duly called and held on the **XX day of MONTH, 2024.**

Deanna Snair
Municipal Clerk

Adoption	
Notice to Council:	January 13, 2023
Approval:	January 24, 2023
Initial Approval of the Public Participation Policy RCOPL-006.00	