

Proposed Amendments to the Public Notice Bylaw 2003-8, The Subdivision Bylaw No. 7748, and The Zoning Bylaw, 2019-19

Date	May 19, 2020
To	Priorities and Planning Committee
From	City Planning & Community Development
Service Area	Planning & Development Services
Item No.	PPC20-7

RECOMMENDATION

Priorities and Planning Committee recommends that City Council:

1. Approve a new Public Notice Policy Bylaw generally in the form of the draft bylaw set out in Appendix A, to consolidate and establish minimum public notice requirements pursuant to *The Cities Act* and *The Planning and Development Act, 2007*.
2. Direct the City Solicitor to prepare the necessary Bylaw.
3. Approve an amendment to Appendix A of *The Development Application Fee Bylaw, 2008* by replacing the existing “Advertising Fee” with a “Per Advertisement” amount based on current Leader Post pricing.
4. Remove EX14-25 from the List of Outstanding Items for Executive Committee.
5. Approve these recommendations at its June 24, 2020 meeting and thereafter consider the related bylaw and conduct the required public hearing at its July 29, 2020 meeting, after advertising the required public notice.

ISSUE

Administration is recommending approval of a new Public Notice Policy Bylaw to replace the City’s existing Bylaw 2003-8. The new Bylaw will consolidate and establish minimum public notice requirements to be followed with respect to any matters for which public notice is required to be given pursuant to both *The Cities Act* and *The Planning and Development*

Act, 2007 (the Act). Adoption of a public notice policy bylaw is a statutory requirement of Council pursuant to *The Cities Act*. Although the Act also allows Council, as an approving authority, to adopt its own minimum requirements for planning related matters, the existing Bylaw only addresses those matters requiring public notice pursuant to *The Cities Act*. Accordingly, for planning matters, Council is currently bound to strictly comply with the statutory requirements of the Act and is unable to rely on certain other provisions of the Act which require a public notice policy bylaw.

Updating the City's Public Notice Policy Bylaw provides the opportunity to create the City's own minimum requirements that consider costs and effectiveness of notification to intended audiences as well as enables the consolidation of our multiple public notice processes into a single document. Expanding the current Public Notice Policy Bylaw to include planning and development-related matters also confirms City Council's authority to adopt Concept Plans and amendments by resolution. The purpose of establishing minimum public notice requirements is for transparency and to ensure that the public is aware of decisions being made on development matters that may have an impact. The proposed notice changes related to newspaper ads would have an impact on development application fees; as such, an amendment to The Development Application Fees Bylaw is also recommended.

Given the delay since the original report was presented to Executive Committee in 2014, this report is intended to replace that submission and respond to the concerns that arose from the discussion. At that time, questions were raised about the impact of proposed changes to minimum notification requirements and how consultation would occur on a project by project basis. This report addresses the impact of the proposed changes while engagement, such as consultation, has been identified as out of scope for this Bylaw discussion. The City's Citizen Experience Department guides engagement activities corporately and these activities are not regulated by the Act.

IMPACTS

Financial

The overall financial implications to the City are relatively minor with the proposed bylaw. The proposed changes (summarized in Appendix B) and their cost implications are outlined as follows:

- Where newspaper ads are required by the Act as a minimum method for notification, the minimum requirements are proposed for each matter.
 - Each ad is approximately \$750.
 - The number of ads proposed for each matter are outlined below.
 - Official Community Plan (OCP) and Zoning Bylaw Amendments and Repeals are proposed to change from requiring two ads to one.
 - In the last three years, over 50 items related to amendments were identified. Amendments generally occur as part of a development application and as such, it would impact future application fees. Changes to application fees are recommended to be made

- concurrent to the approval of this proposed Bylaw through amendments to the Development Application Fee Bylaw.
- OCP and Zoning Bylaw Adoptions are recommended to continue to have a minimum requirement for two ads, as is the current requirement.
 - Development Levy Bylaw Adoption, Amendments and Repeals and Sale of Buffer Strip or Municipal Reserve are proposed to change from requiring two ads to one.
 - Savings to the City would mostly relate to these matters (i.e. a total of 9 items were brought forward over the last three years).
 - It is noted that the level of activity over the last three years was above normal as it included multiple incremental changes to the Development Levy Bylaw to accommodate work identified through the 2015 Servicing Agreement Fee and Development Levy Review. If the proposed bylaw had applied and it is assumed that all matters were led by the City, the savings from newspaper ads would be about \$6,750.
 - Voiding a Contract Zone is recommended to continue to require one ad, as is required currently.
 - Concept Plan Adoptions or Amendments are proposed to change from requiring two ads to one.
 - This change would largely impact the applicant. As such, changes to application fees are recommended to be made concurrent to the approval of this proposed Bylaw through amendments to the Development Application Fee Bylaw.
- For matters that relate to a specific location, a mailout to surrounding property owners has been proposed as a minimum requirement in response to reducing the number of ads.
 - Costs associated with mailouts to print, address and mail letters are minimal.
 - This change would apply to Zoning Bylaw Amendments and Repeals.
 - Discretionary Use Applications are proposed to continue to have mailouts as a minimum requirement.
 - Posting a public notification sign at the site is proposed to be added as a minimum requirement in response to reducing the number of newspaper ads from two to one.
 - Costs for posting a sign are minor and are the responsibility of the permit applicant.
 - This change would apply to Sale of Buffer Strip or Municipal Reserve.
 - Zoning Bylaw Amendments, Discretionary Use Applications, and Concept Plan Adoptions or Amendments are proposed to continue to have public notification signs as a minimum requirement.
 - Posting all matters on the City's website under a new "Public Notice" section.
 - This tactic would be undertaken for all matters with existing resources and results in no additional costs or savings.

- Posting all matters on the main floor of City Hall on the public notice board.
 - This tactic would be undertaken for all matters with existing resources and results in no additional costs or savings.

The notification requirements proposed in the Bylaw, as well as identified in The Act, are minimums. As such, if a project was identified as being particularly sensitive or impactful to the community, additional notification measures would be executed, such as use of social media (e.g. Facebook), as is done today. As well, additional engagement measures such as open houses, public meetings, or meetings with key stakeholders, would be considered. These measures may have additional costs that would be charged to the applicant or covered by the City, depending on who was leading the matter.

Policy/Strategic

Design Regina: The Official Community Plan Bylaw 2013-48 directs the City to “engage the public in planning and other City matters, in accordance with established procedures (Policy 14.14). The proposed Public Notice Policy Bylaw supports this direction by providing the minimum requirements to provide notice for planning and development matters while providing flexibility to incorporate additional tactics as may required, depending on the nature and impacts of the matter being discussed.

This is also supported by the Corporate Strategic Plan to improve Internal and External Communication to work towards the outcome that residents trust the City by being informed and engaged.

OTHER OPTIONS

Administration recommends the following after consideration of the following alternatives.

Recommended Option: Adopt minimum public notice requirements that are appropriate for the City of Regina but still consistent with the requirements of the Act and supplemented by additional methods of notice to align with tactics that are consistent with community preferences for finding information and are reasonable from a financial perspective. This option is described in the proposed Public Notice Policy Bylaw (Appendix A).

Option 1: Replicate minimum public notice requirements from the Act directly into the Public Notice Policy Bylaw.

- This option would maintain the status quo in terms of minimum public notice provisions and still enable City Council to rely on other provisions of the Act that require an approving authority to adopt its own public notice policy bylaw.
- It does not allow the creation of minimum requirements that are best aligned with how residents prefer to find information these days, such as online, nor does it consider costs associated with these methods to ensure cost effectiveness.

Option 2: Replicate methods and minimum frequency of public notice requirements from the Act in the Public Notice Policy Bylaw but reduce the amount of required detail contained in the notice and direct readers to find information on the City's website.

- This would reduce the size of the ads, particularly in the newspaper, which would reduce costs and direct people to where more information can be found.
- The challenge with this option is that it assumes that everyone has access to information on the City's webpage and can easily find it. As well, it effectively requires a two-step process by providing only limited information in the initial notice, requiring one to pursue the website for further information. This is inefficient and ineffective in ensuring comprehensive notification by citizens.

COMMUNICATIONS

Like the current requirements identified in the Act that the City currently follows, the requirements for public notice recommended in the proposed Public Notice Policy Bylaw (Appendix A) would be minimums. These requirements would ensure a consistent process is followed to notify the community when there are planning and development decisions being contemplated that could have an impact. All matters would continue to be reviewed and assessed to determine if actions beyond the minimum requirements are needed in terms of notification and/or community consultation, depending on the topic and interest of the community.

Council is required to give public notice of its intention to consider the bylaws proposed by this report and to hold a public hearing between first and second readings of the proposed bylaws. Accordingly, if Council approves the recommendations, public notice of Council's intention to consider the proposed bylaws and hold the public hearing at the June meeting of City Council will be given in accordance with *The Planning and Development Act, 2007*. Notice will also be posted at City Hall and online at Regina.ca.

DISCUSSION

Administration is recommending approval of a new Public Notice Policy Bylaw. The new Bylaw will consolidate and establish minimum public notice requirements to be followed with respect to any matters for which public notice is required to be given pursuant to both *The Cities Act* and *The Planning and Development Act, 2007* (the Act) in a way that is current with modern-day technologies and ways residents receive information.

Adoption of a Public Notice Policy Bylaw is a statutory requirement of Council pursuant to *The Cities Act*. Although the Act also allows Council, as an approving authority, to adopt its own minimum requirements for planning related matters, the existing Bylaw only addresses those matters requiring public notice pursuant to *The Cities Act*. Accordingly, for planning matters, Council is currently bound to strictly comply with the statutory requirements of the

Act and is unable to rely on certain other provisions of the Act which require a public notice policy bylaw.

When a planning or development application is received by the City, typical steps involve circulating the application to internal and external stakeholders to solicit comments to consider in developing a recommendation. This would include local organization such as community associations, organizations and groups. There may also be consultation with the community, such as through an Open House. Neither of these steps are regulated, nor are they being proposed to be changed. Only the final step, when the matter is to be reviewed by Council is formal public notification legally required. It is this step that the Public Notice Policy Bylaw and the minimum requirements established therein in relation to timing and method of notice would regulate. The purpose of establishing minimum public notice requirements is for compliance with the applicable statutory regimes and for transparency and to ensure that the public is aware of decisions being made on development matters that may impact them.

Without a Public Notice Policy Bylaw passed pursuant to the authority of the Act, the City is subject to follow the requirements in the Act (as outlined in Appendix B under 'Current Practice') which define the methods for giving notice and the required content of the notice. The recommended bylaw would consolidate all notification requirements, including those required by *The Cities Act*, into a single bylaw.

The Act requires municipalities to provide public participation in planning processes. Municipalities, like the City of Regina, that have been declared an approving authority are authorized to adopt their own minimum requirements through public notice bylaw respecting all or any of the following matters:

- a) the adoption, amendment or repeal of a bylaw for an official community plan, district plan or zoning bylaw;
- b) the adoption, amendment or repeal of a bylaw of a development levy bylaw;
- c) an application for discretionary use pursuant to section 55;
- d) the adoption, amendment or repeal of a bylaw authorizing the sale of a buffer strip or municipal reserve;
- e) the voiding of an agreement pursuant to section 69 respecting the rezoning of land;
- f) the adoption, amendment, or repeal of an interim development control bylaw;
- g) the passing of a resolution to adopt or amend a concept plan.

These matters have been addressed within the proposed Public Notice Policy Bylaw (Appendix A). No changes to the content or timing of when the notification would otherwise be required to be given pursuant to the Act are being proposed. The only proposed changes are to the number of publications and method of notice used for some types of applications to reduce costs to the City and applicants as well as diversify the tactics to broaden the reach.

For example, the statutory provision for public notice of a proposed zoning bylaw amendment requires it be advertised once each week for two consecutive weeks with the

first ad running no less than two weeks prior to the public hearing. Under the proposed bylaw, public notice would require the notice be advertised only once at least two weeks prior to the public hearing, but in lieu of a second ad, written notice be sent by mail directly to the assessed owners of properties within a 75 metre proximity of the property being considered for re-zoning.

The proposed approach intends to improve notice to the community. The proposed changes include reducing the number of newspaper ads and complementing that tactic with more targeted measures such as a mailout and/or site-specific signage where the matter is location-based and those in the immediate vicinity are likely to be most impacted. As such, substantial amount of notice would occur prior to the newspaper ad being posted, which also typically follows consideration of the matter by the Regina Planning Commission. Furthermore, website updates on Regina.ca and notification on the City Hall Public Notice Board are proposed as minimum requirements for all matters. These changes are recommended as a result of recent trends.

In particular, readership of the local newspaper has been declining. Over the 2008-2014 period, subscriptions for *The Leader-Post* dropped by 28 per cent. In 2015, print of the local newspaper moved to Saskatoon and Post Media cited that print circulation was on a decline across several municipalities. Since then, the City Communications Department has continued to monitor analytics and industry trends, which are showing a decline in readership of print materials and increase in online versions. *Weekly Leader-Post* readership from Winter 2019 to Winter 2020 shows a decline of four per cent.

A continual increase in traffic on the City's website is observed, which is consistent with the popular trend of "online." Most content and services have been slowly moving digitally, thus reiterating the importance of creating a "Public Notice" section on the City's website that is easily accessible and provides transparency.

Still, there continues to be avid newspaper subscribers and anyone that has a subscription has access to the e-paper which is an exact replica of paper; however, it does not show up on leaderpost.com for non-subscribers. As such, the minimum requirements in the proposed Public Notice Policy Bylaw include newspaper ads that are complemented by other tools. This approach is consistent with other cities, including Saskatoon, Winnipeg, Calgary and Edmonton.

Like most major cities, the City has a Public Engagement Framework that uses the International Association of Public Participation (IAP2) principles as a base to guide when and how the City engages the community. The City acknowledges the importance of public participation in the city-building process. However, engagement in this context is different from minimum notification requirements.

Generally, public consultation beyond the minimum requirements is undertaken when proposals are of interest to the public, the impact to the neighbourhood is high, and the subject matter is of a sensitive nature (e.g. proposed high density infill residential

development in a lower density neighbourhood, a proposed new greenfield community, a change of use of an existing building that may have off-site impacts). Open houses or public meetings are often used in these circumstances along with other communication tactics.

DECISION HISTORY

A related report, EX14-25 was brought forward in 2014 and was referred to Administration by Executive Committee to outline implications of concerns that were noted by the Committee about the recommended changes to the minimum public notice requirements. The recommendations contained in this report require City Council approval.

Respectfully submitted,



Fred Searle, Director, Planning & Development Services

Respectfully submitted,



5/7/2020

Diana Hawryluk, Executive Director, City Planning & Community Dev.

5/13/2020

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ATTACHMENTS

Appendix A - Recommended Bylaw

Appendix B - Comparing Approaches