A. Recommendations

THAT Committee receive Staff Report PDS.19.131, entitled “Notice of Public Meeting Procedures” for their information.

B. Overview

The Planning Act sets out the requirements for the providing of notice to members of the public for those land-use planning applications that require a statutory public meeting. The purpose of this report is to provide Council with an overview of those Planning Act requirements and the Town’s current procedures.

C. Executive Summary

Council requested that a staff report be prepared explaining the Planning Act requirements and the Town’s procedures for giving notice of public meetings.

Public participation is a cornerstone of the land-use planning system in Ontario. One of the stated purposes of the Planning Act is to provide for planning processes that are fair by making them open, accessible, timely and efficient. Many land-use planning applications submitted under the Act require a statutory public meeting. However, it is important to note that certain Planning Act applications do not require a statutory public meeting. Examples include Site Plan Control Agreements and the enactment and passing of a by-law to remove a Holding “h” symbol.

Section 16 of the Planning Act provides in part that an Official Plan shall contain a description of the measures and procedures for informing and obtaining the views of the public in respect of applications such as proposed Plans of Subdivision, Official Plan Amendments, Zoning By-law Amendments, Minor Variances, Consents, etc. Gathering input related to land-use planning also includes seeking comments from interested outside agencies, boards and commissions (ex. the County, the school board, the Niagara Escarpment Commission, utility companies, etc.).
D. Background

Consistent with Section 16 of the Planning Act the Town’s Official Plan has policies related to public participation (O.P. Section E1.6). The Official Plan provides that;

“It is a policy of this Plan that public participation be an integral component of any land use planning process and the Town will encourage the involvement of residents, businesses, stakeholders and other levels of Town of government. On this basis, before making any planning decision, Council shall be satisfied that:

a) adequate public notice in accordance with the Planning Act has been given;
b) enough information to enable a person to reasonably understand the nature of the proposal and its impacts is available prior to any public meeting;
c) all public and agency comments have been assessed and analyzed by the Town; and,
d) their decision will appropriately balance the overall public interest against the private interest expressed in the application.

Proponents shall be encouraged to pre-consult with neighbouring landowners to obtain their views before a formal application is submitted.

Public Open Houses shall be required for major municipally-initiated planning programs and studies, such as Secondary Plans and Zoning Bylaw reviews.

Council may eliminate notice to the public and a public meeting for a minor Official Plan Amendment that:

a) changes the numbers of sections or the order of sections in the Plan, but does not add or delete sections;
b) consolidates previously approved Official Plan Amendments in a new document without altering any approved policies or maps;
c) corrects grammatical or typographical errors in the Plan that do not affect the intent of the policies or maps; and,
d) rewords policies or re-illustrates mapping to clarify the intent and purpose of the Plan or make it easier to understand without affecting the intent or purpose of the policies or maps.

In all other instances, notification to the residents of the Town of public meetings held by Council shall be given in accordance with the procedures of the Planning Act.”
As noted above it is Town policy that notice to residents for public meetings shall be given in accordance with the procedures of the *Planning Act*. These procedures are prescribed in regulations (known as O.Regs) and are enacted by the Minister of Municipal Affairs and Housing.

Regulations are technical in nature and written in legal language. As such the descriptions provided below have been purposely simplified. Moreover, for the purpose of this staff report, the requirements for providing a “Notice of Complete Application” have been omitted. The requirements for providing a “Notice of Complete Application” versus a “Notice of Public Meeting” are similar.

### 1. Plan of Subdivision (O.Reg 544/06)

The County of Grey is the approval authority for a Plan of Subdivision within the Town. The County and the Town divide up the responsibility for providing notice in accordance with the regulation. The Town holds the public meeting and ensures that the prescribed information and material is available to the public.

The County or the Town sends notice to every person or public body who provides us with written request for notice. The County or Town also provides notice to persons and public bodies prescribed in the regulation (ex. the County, the school board, the Niagara Escarpment Commission, utility companies, etc.). For proving notice to the public “at large” the regulation gives the municipality the right to choose between two (2) options.

**Option 1**

By personal service or ordinary mail, to every owner of land within 120m of the subject land; and by posting a notice, clearly visible and legible from a public highway or other place to which the public has access.

The owner of land described above is the person shown on the last revised assessment roll of the Town at the address shown on the roll. If the Town has received a written notice of a change of ownership, the notice shall be given to the new owner at the new owner’s address as provided.

In the case of a condominium, notice may be given to the condominium corporation according to its most recent provided address for service instead of notice being given to all owners of the condominium.

**Option 2**

By publishing it in a newspaper that is of sufficiently general circulation in the area that it would give the public reasonable notice of the application.
Comment: Staff provides Notice of Public meeting for a Plan of Subdivision as follows;

I. Notice to every person or public body who provided us with a written request,
II. Notice to all the persons and public bodies as prescribed in the regulation, and
III. By personal service or ordinary mail to every owner of land within 120m of the subject land and by posting a sign (Option 1). In the case of a condominium, notice is given to the condominium corporation according to its most recent address for service (if provided) instead of notice being given to all owners of the condominium.

Fulfillment of the above satisfies the Town’s legal requirements under the Planning Act. In addition to satisfying its legal requirements the Town also undertakes the following;

I. Notice by posting on the Town’s website as part of the “weekly e-blast”, and
II. Notice by posting on the “Municipal Information & Notices” bulletin board located in the Town Hall gallery.

2. Official Plan Amendment (O.Reg 543/06)

The County of Grey is the approval authority for Official Plan Amendments within the Town. The County makes the Town responsible for holding the public meeting. The Town provides notice in accordance with the regulation, ensures that the public meeting is held, and that any prescribed information and material is available to the public.

The Town sends notice to every person or public body who provided written request for notice. The Town also provides notice to persons and public bodies prescribed in the regulation (ex. the County, the school board, the Niagara Escarpment Commission, utility companies, etc.). For proving notice to the public “at large” the regulation gives the municipality the right to choose between two (2) options.

Option 1

By personal service or ordinary mail, to every owner of land within 120m of the subject land; and by posting a notice, clearly visible and legible from a public highway or other place to which the public has access.

The owner of land described above is the person shown on the last revised assessment roll of the Town at the address shown on the roll. If the Town has received a written notice of a change of ownership, the notice shall be given to the new owner at the new owner’s address as provided.

In the case of a condominium, notice may be given to the condominium corporation according to its most recent provided address for service instead of notice being given to all owners of the condominium.
Option 2

By publishing it in a newspaper that is of sufficiently general circulation in the area that it would give the public reasonable notice of the application.

Comment: Staff provides Notice of Public Meeting for an Official Plan Amendment as follows;

- Notice to every person or public body who provided us with a written request,
- Notice to all the persons and public bodies as prescribed in the regulation, and
- By personal service or ordinary mail to every owner of land within 120m of the subject land and by posting a sign (Option 1). In the case of a condominium, notice is given to the condominium corporation according to its most recent address for service (if provided) instead of notice being given to all owners of the condominium.

Fulfillment of the above satisfies the legal requirements under the Planning Act. In addition to satisfying its legal requirements the Town also undertakes the following;

- Notice by posting on the Town’s webpage as part of the “weekly e-blast”, and
- Notice by posting on the “Municipal Information & Notices” bulletin board located in the Town Hall gallery.

3. Zoning By-law Amendment (O.Reg 545/06)

The Town is the approval authority for Zoning By-law Amendments within the Town. The Town is responsible to hold the public meeting and to provide notice in accordance with the regulation.

The Town sends notice to every person or public body who provided written request for notice. The Town also provides notice to persons and public bodies prescribed in the regulation (ex. the County, the school board, the Niagara Escarpment Commission, utility companies, etc.). As for proving notice to the public “at large” the regulation gives the municipality the right to choose between two (2) options.

Option 1

By personal service or ordinary mail, to every owner of land within 120m of the subject land; and by posting a notice, clearly visible and legible from a public highway or other place to which the public has access.

The owner of land described above is the person shown on the last revised assessment roll of the Town at the address shown on the roll. If the Town has received a written notice of a change of ownership, the notice shall be given to the new owner at the new owner’s address as provided.
In the case of a condominium, notice may be given to the condominium corporation according to its most recent provided address for service instead of notice being given to all owners of the condominium.

Option 2

By publishing it in a newspaper that is of sufficiently general circulation in the area that it would give the public reasonable notice of the application.

Comment: Staff provides Notice of Public Meeting for a Zoning By-law Amendment as follows;

I. Notice to every person or public body who provided us with a written request,
II. Notice to all the persons and public bodies as prescribed in the regulation, and
III. By personal service or ordinary mail to every owner of land within 120m of the subject land and by posting a sign (Option 1). In the case of a condominium, notice is given to the condominium corporation according to its most recent address for service (if provided) instead of notice being given to all owners of the condominium.

Fulfillment of the above satisfies the legal requirements of the Planning Act. In addition to satisfying these legal requirements the Town also undertakes the following;

I. Notice by posting on the Town’s webpage as part of the “weekly e-blast”, and
II. Notice by posting on the “Municipal Information & Notices” bulletin board located in the Town Hall gallery.

4. Committee of Adjustment

A. Minor Variance (O.Reg 200/96)

The Town’s Committee of Adjustment has been delegated authority by Council to deliberate upon and render decisions for minor variance applications.

A Secretary-Treasurer is appointed by the Committee and is responsible to keep on file the minutes, records, decisions and other official business of the Committee. These duties include the arrangement of the public meetings and the circulation of notices.

The Secretary-Treasurer sends notice to every person or public body who provided written request for notice. The Secretary-Treasurer also provides notice to persons and public bodies prescribed in the regulation (ex. the County, the school board, the Niagara Escarpment Commission, utility companies, etc.). For proving notice to the public “at large” the regulation gives the Secretary-Treasurer the right to choose between two (2) options.
Option 1

By personal service or prepaid first-class mail, to every owner of land within 60m of the area to which the application applies; and by posting a notice, clearly visible and legible from a public highway or other place to which the public has access.

The owner of land described above is the person shown on the last revised assessment roll of the Town at the address shown on the roll. If the Town has received a written notice of a change of ownership, the notice shall be given to the new owner at the new owner’s address as provided.

In the case of a condominium, notice may be given to the condominium corporation according to its most recent provided address for service instead of notice being given to all owners of the condominium.

Option 2

By publishing it in a newspaper that is of sufficiently general circulation in the area that it would give the public reasonable notice of the application.

Comment: The Secretary-Treasurer provides Notice of Public Meeting for a Minor Variance as follows;

I. Notice to every person or public body who provided us with a written request,
II. Notice to all the persons and public bodies as prescribed in the regulation, and
III. Notice by prepaid first-class mail to every owner of land within 60m and the posting of a sign (Option 1). In the case of a condominium, notice is given to the condominium corporation according to its most recent address for service (if provided) instead of notice being given to all owners of the condominium.

Fulfillment of the above satisfies the legal requirements of the Planning Act. In addition to satisfying these legal requirements the Town also undertakes the following;

I. Notice by posting on the Town’s webpage as part of the “weekly e-blast”, and
II. Notice by posting on the “Municipal Information & Notices” bulletin board located in the Town Hall gallery.

Note that under this regulation, where the Town’s Zoning By-law restricts the use of the land that is subject to a minor variance application to just single detached, semi-detached or duplex dwellings, the Committee may direct that the area of notification be reduced to 30m. The Town’s Committee has not directed that the notification radius be reduced to 30m in these circumstances.
B. Consent (O.Reg 197/96)

The Town’s Committee of Adjustment has been delegated authority by Council to deliberate upon and render decisions regarding consent applications.

The Secretary-Treasurer sends notice to every person or public body who provided written request for notice. The Secretary-Treasurer also provides notice to persons and public bodies prescribed in the regulation (ex. the County, the school board, the Niagara Escarpment Commission, utility companies, etc.). For proving notice to the public “at large” the regulation gives the Secretary-Treasurer the right to choose between two (2) options.

Option 1

By personal service or prepaid first-class mail, to every owner of land within 60m of the area to which the application applies; and by posting a notice, clearly visible and legible from a public highway or other place to which the public has access.

The owner of land described above is the person shown on the last revised assessment roll of the Town at the address shown on the roll. If the Town has received a written notice of a change of ownership, the notice shall be given to the new owner at the new owner’s address as provided.

In the case of a condominium, notice may be given to the condominium corporation according to its most recent provided address for service instead of notice being given to all owners of the condominium.

Option 2

By publishing it in a newspaper that is of sufficiently general circulation in the area that it would give the public reasonable notice of the application.

Comment: The Secretary-Treasurer provides Notice of Public Meeting for a Consent as follows;

I. Notice to every person or public body who provided us with a written request,
II. Notice to all the persons and public bodies as prescribed in the regulation, and
III. Notice by prepaid first-class mail to every owner of land within 60m and the posting of a sign (Option 1). In the case of a condominium, notice is given to the condominium corporation according to its most recent address for service (if provided) instead of notice being given to all owners of the condominium.
Fulfillment of the above satisfies the legal requirements of the *Planning Act*. In addition to satisfying these legal requirements the Town also undertakes the following;

1. Notice by posting on the Town’s webpage as part of the “weekly e-blast”, and

E. Analysis

The Town is required to provide Notice of Public Meetings in accordance with the regulations (O.Reg) established under the *Planning Act*. Based on the above analysis the Town’s current practices satisfy the legal requirements of the *Planning Act*.

Conclusions

1. With respect to Minor Variance and Consent applications no change to the Town’s current practices are recommended. Given the relatively limited scope of development that is generally reviewed by the Committee, and the frequency at which these applications are to be circulated/adjudicated by the Committee, the additional requirement of posting notice as an advertisement in a newspaper would be ineffective.

2. With respect to Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment applications there are potential changes to the Town’s current practices that could enhance awareness in the community. These are;

   a) The additional requirement of posting notice as an advertisement in the newspaper, and
   b) That the notice signage placed on subject lands be made larger and more consistent in size, appearance and information provided.

For the consideration of Council a “draft” Notice of Public Meeting sign has been included as part of this report (please refer to Attachment #1).

F. The Blue Mountains Strategic Plan

| Goal #2: Engage Our Communities & Partners |
| Objective #1 Improve External Communication with our Constituents |
| Goal #4: Promote a Culture of Organizational & Operational Excellence |
| Objective #3 To Consistently Deliver Excellent Customer Service |

G. Environmental Impacts

There are no direct environmental impacts associated with the recommendations of this report.
H. Financial Impact

Direct financial impacts associated with this report include the potential costs of posting notice in the newspaper (est. $150-$300/advertisement) and the costs of making consistent signage. Presumably the costs of the newspaper advertisement and the signage would be borne by the applicant and collected as part of the Town’s application fees.

I. In consultation with

Senior Management Team, Communications and Economic Development

J. Public Engagement

The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required.

Comments regarding this report should be submitted to Trevor Houghton, managerplanning@thebluemountains.ca

K. Attached

1. Draft Notice of Public Meeting signage

Respectfully submitted,

_Trevor Houghton_____________________
Trevor Houghton, MCIP, RPP
Manager of Community Planning

_Nathan Westendorp_____________________
Nathan Westendorp, RPP, MCIP
Director of Planning and Development Services

For more information, please contact:
Trevor Houghton, MCIP, RPP
managerplanning@thebluemountains.ca
519-599-3131 extension 308
PUBLIC NOTICE

AN APPLICATION HAS BEEN SUBMITTED FOR THIS SITE

< Insert description of project here >

Town File #: P12345 Name of Project

Public Meeting Information

Date, Time and Location of the Public Meeting

Learn More and Share Your Feedback

To receive a copy of this notice, please contact the Town

Learn about this file online by visiting the Town website
www.thebluemountains.ca/development-projects.cfm

Town of The Blue Mountains
Planning & Development Services
519-599-3131
planning@thebluemountains.ca