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Item No. 12.2 (ii)
Halifax Regional Council
June 20, 2023

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed

Cathie O'Toole, Chief Administrative Officer

DATE: June 7, 2023

SUBJECT: **Amendments to the Administrative Order 2023-002-ADM Respecting Public Participation for Planning Documents, Certain Planning Applications and Engagement with Abutting Municipalities**

SUPPLEMENTARY REPORT

ORIGIN

On August 9, 2022, the following motion of Halifax Regional Council (item 15.1.1):

MOVED by Councillor Mancini, seconded by Councillor Mason

That Regional Council:

1. Direct the Chief Administrative Officer, when developing the new Administrative Order on Public Participation, to include:

- minimum standards for engagement;*
- requirements for engagement with abutting municipalities; and,*
- direction to create a Planning and Development Engagement Guidebook and to use that Guidebook when considering additional standards for public participation; and*

2. Direct the Chief Administrative Officer to return to Council with a draft public participation program for Council's consideration respecting potential amendments to the Municipality's existing planning documents to reflect the new Administrative Order.

3. Direct the Chief Administrative Officer to return to Council, after the public participation program is complete, with draft amendments to the Municipality's existing planning documents, for Council's consideration, to reflect and accompany the draft Administrative Order.

MOTION PUT AND PASSED

On April 25, 2023, the following motion of Halifax Regional Council (item 15.1.3):

MOVED by Councillor Russell, seconded by Councillor Lovelace

THAT Section 7 (1) and (2) of proposed Administrative Order 2023-002-ADM be amended to

replace “may” with “shall”.

MOTION PUT AND PASSED

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, subsections 30(2) and 59(3) as follows:

30 (2) *A community council may appoint a planning advisory committee for the community and Part VIII applies with all necessary changes.*

59 (3) *In addition to matters specified in this Act or another Act of the Legislature, the Council may adopt policies on any matter that the Council considers conducive to the effective management of the Municipality Part VIII, Clause 208 (c) of the Halifax Regional Municipality Charter requires the following:*

208 *The purpose of this Part is to*

(c) establish a consultative process to ensure the right of the public to have access to information and to participate in the formulation of planning strategies and by-laws, including the right to be notified and heard before decisions are made pursuant to this Part;”

Public participation program

219 (1) *The Council shall adopt, by policy, a public participation program concerning the preparation of planning documents.*

(2) *The 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 must identify opportunities and establish ways and means of seeking the opinions of the public concerning the proposed planning documents.*

Engagement program

219A (1) *The Council shall adopt, by policy, an engagement program for engaging with abutting municipalities when the Council is adopting or amending a municipal planning strategy.*

(2) *Subject to the regulations, the content of an engagement program is at the discretion of the Council.*

(3) *The Minister may make regulations respecting the content of an engagement program.*

(4) *The exercise by the Minister of the authority contained in sub-section (3) is regulations within the meaning of the Regulations Act, 2018, c. 39, s. 14.*

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Adopt Administrative Order 2023-002-ADM Respecting Public Participation for Planning Documents, Certain Planning Applications, and Engagement with Abutting Municipalities, as set out in Attachment A (Revised) of this supplementary staff report dated June 7, 2023, including repealing the Resolution Regarding a Public Participation Program for Municipal Planning Strategy Amendments adopted by Council on February 25, 1997.

BACKGROUND

Planning and Development has been continually updating and reviewing engagement practices, policies and processes. Some of these improvements include lessening the dependence on public information meetings by encouraging open house-style meetings, using a range of mediums to allow residents to engage, developing more user-friendly outreach, and redesigning notifications and signage, as well as updating virtual engagement as a response to the COVID-19 pandemic.

On August 9, 2022, staff brought forward a report for the Planning and Development Public Engagement Guidebook (Guidebook). The Guidebook was developed following Regional Council's direction in 2016 to update HRM's engagement processes to establish an updated and consistent approach to designing engagement practices. The purpose of the Guidebook is to support staff in pro-actively addressing public engagement with influence, impact, inclusion, and accessibility as primary and core considerations. To accompany the Guidebook, Regional Council directed staff to develop an administrative order to establish minimum standards for public participation. Further, recent amendments to the Halifax Regional Municipality Charter have changed the Municipality's requirements for public notification and public hearings when adopting and amending planning documents and planning applications.

On April 25, 2023, Regional Council received a staff report¹ setting out the proposed Public Participation Administrative Order (Public Participation AO), and gave first reading to proposed amendments to the Regional Municipal Planning Strategy, Secondary Municipal Planning Strategies, and Land Use By-laws to ensure engagement requirements are consistent with the Public Participation AO. A public hearing is scheduled for June 20, 2023 on these proposed amendments, and should Council choose to approve the amendments, Council will also be asked to approve the Public Participation AO.

A number of minor changes have been proposed to the Public Participation AO presented to Council on April 25, 2023. This report outlines those changes and presents a revised AO in Attachment A.

DISCUSSION

Attachment A includes a revised Administrative Order 2023-002-ADM for Council's consideration. The revisions are summarized below.

Public Engagement Guidebook

On April 25, 2023, Council passed a motion for the following change to the Administrative Order:

- Section 7 (1) and (2) of proposed Administrative Order 2023-002-ADM be amended to replace "may" with "shall" as follows:

Additional Public Participation for Planning Documents

7.(1) The Executive Director, or their designate, **shall** ~~may~~ create a Planning and Development Engagement Guidebook.

(2) The Planning and Development Engagement Guidebook **shall** ~~may~~ be reviewed and updated from time to time by the Executive Director, or their designate, and may be posted on the website of the Municipality.

Notification Distance

In consultation with Development Services staff, it has been determined that under Subsection 10(2), the notification distance of 200 metres from a proposed development is significantly greater than past practice

¹ <https://cdn.halifax.ca/sites/default/files/documents/city-hall/regional-council/230425rc1513.pdf>

and would result in much higher mailing costs and staff time. In general, notices have been sent to surrounding neighborhoods within a minimum of 75 metres (250 feet) in urban areas and 152 metres (500 feet) in rural areas. The revised AO has been adjusted to require a minimum notification distance of 80 metres for urban areas and 160 metres for rural areas, with the ability for the Executive Director or their designate to expand this distance where deemed necessary. Staff note that dedicated project webpages for each planning application are well-utilized and provide the opportunity to share significantly more information than a mailed notice.

The revisions are summarized below.

10(2) If a Public Meeting is related to a specific property or a site involving multiple properties, a notice will be sent by mail to every assessed owner and residential tenant:

- (i) **in the Urban Service Area**, within ~~200m~~ **80 meters** of the boundary of the land for which the development is proposed,
- (ii) **outside the Urban Service Area**, within ~~200m~~ **160 meters** of the boundary of the land for which the development is proposed,

or such greater distance as may be determined by the Executive Director or their designate.

Planning Applications

Subclause 6(b)(i) and Subsection 10(3) referenced requirements for posting signage and the ability to view documents, respectively. Both clauses referenced "Planning Documents" but had incorrectly omitted the words "or Planning Applications". The revised AO makes this adjustment.

The revisions are summarized below.

6 Subject to subsections 5(1) and 5(2), the following public participation shall apply to all Planning Documents and Planning Applications:

- (b) where the Planning Document or Planning Application is related to:
 - (i) a specific property, erecting and maintaining a minimum of one (1) sign along each side of the subject property that fronts on a street and private road, and such sign shall be erected at least 10 calendar days before the public participation commences and remain on the property until Council adopts or refuses the Planning Document **or Planning Application**, or

10(3) The notice referred to in subsections (1) and (2) shall indicate the time, date, and location of the Public Meeting, and the location where the Planning Document **or Planning Application** may be viewed.

FINANCIAL IMPLICATIONS

Should Council choose to implement the proposed new public participation policy there will be limited impacts to the P&D operating budget for 2023-2024. Generally, the proposed process changes should result in an overall reduction of existing costs. For example, funding for staff overtime costs associated with evening meetings could be re-allocated towards other public engagement mediums such as improving technology, enhancing web-presence, the use of social media, and spending time in direct contact with citizens. Conversely, specific engagement programs that are wide-reaching and impactful in nature will have greater costs associated with them. These will be considered on an annual basis, through the Budget and Business Planning process for P&D.

RISK CONSIDERATION

By continuing to use older documents to guide engagement which are not reflective of current practices or best practices for diversity, inclusion and accessibility, Regional Council risks developing engagement programs that are not reflective of their current policy goals. Further risk is brought by not making the process and minimum standards available publicly.

COMMUNITY ENGAGEMENT

Community engagement activities for the proposed Public Participation AO are outlined in the staff report dated April 14, 2023. No further engagement was undertaken for this report, as the changes are considered housekeeping in nature.

ENVIRONMENTAL IMPLICATIONS

Incorporating the use of virtual technology (website) and traditional methods (phone, mailout) for engagement allows Regional Council to continue to minimize barriers to engagement, but also reduces the need for residents to travel to meetings and limits the GHG emissions associated with this travel.

ALTERNATIVES

1. Regional Council may refuse to adopt and amend the revised Administrative Order. This is not the staff recommendation.
2. Regional Council may choose to only amend subsections 7(1) and 7(2) of the Administrative Order as directed on April 25, 2025. For this alternative, the motion would need to reference the original Administrative Order with the necessary amendments rather than revised version attached to this supplementary staff report. If Council selects this alternative, the motion would be as follows:

Adopt Administrative Order 2023-002-ADM Respecting Public Participation for Planning Documents, Certain Planning Applications, and Engagement with Abutting Municipalities, as set out in Attachment A of the staff report dated April 14, 2023, including repealing the Resolution Regarding a Public Participation Program for Municipal Planning Strategy Amendments adopted by Council on February 25, 1997, with the following amendment:

(1) replacing the word “may” with the word “shall” in subsections 7(1) and 7(2).

3. Regional Council may choose to direct staff to develop an Administrative Order on Public Participation that differs from the staff recommendation. This would require specific direction from Regional Council and a supplementary staff report.

ATTACHMENTS

Attachment A (Revised): Administrative Order 2023-002-ADM

**Amendments to the Administrative Order 2023-002-ADM
Respecting Public Participation for Planning Documents,
Certain Planning Applications and Engagement with Abutting Municipalities
Council Report**

- 6 -

June 20, 2023

Report Prepared by: Shilo Gempton, Planner III, Regional Planning, 902.943.9158.
Leah Perrin, Manager, Regional Planning, 902.476.3792

Attachment A (Revised)

**ADMINISTRATIVE ORDER 2023-002-ADM
RESPECTING PUBLIC PARTICIPATION FOR
PLANNING DOCUMENTS, CERTAIN PLANNING
APPLICATIONS, AND ENGAGEMENT WITH ABUTTING
MUNICIPALITIES**

**ADMINISTRATIVE ORDER 2023-002-ADM
RESPECTING PUBLIC PARTICIPATION FOR PLANNING DOCUMENTS,
CERTAIN PLANNING APPLICATIONS,
AND ENGAGEMENT WITH ABUTTING MUNICIPALITIES**

WHEREAS subsection 219(1) of the *Charter* requires Council to adopt, by Policy, a public participation program concerning Planning Documents;

AND WHEREAS under subsection 219(2) of the *Charter*, Council may adopt different public participation programs for different types of Planning Documents;

AND WHEREAS under subsection 219(3) of the *Charter*, the content of a public participation program is at the discretion of Council, providing it identifies the opportunities and establishes the ways and means of seeking the opinions of the public concerning the proposed Planning Documents;

AND WHEREAS Council desires to direct public participation concerning certain planning applications;

AND WHEREAS subsection 219A(1) of the *Charter* requires Council to adopt, by Policy, an engagement program for engaging with abutting municipalities when the Council is adopting or amending a municipal planning strategy;

AND WHEREAS under subsections 219A(2) and (3) of the *Charter*, subject to any regulations respecting the content of an engagement program with an Abutting Municipality, the content of an engagement program is at the discretion of the Council;

THEREFORE, BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality under the authority of subsection 59(3) and sections 219 and 219A of the *Charter*, as follows:

Short Title

1. This Administrative Order may be cited as the *Public Participation Administrative Order*.

Purposes

2. The purposes of this Administrative Order are to:

(a) identify the opportunities and establish the ways and means of seeking the opinions of the public respecting proposed Planning Documents as required under the *Charter*;

(b) identify the ways and means of seeking the opinions of the public respecting certain Planning Applications; and

(c) establish an engagement program with Abutting Municipalities respecting the adoption or amendment of a Municipal Planning Strategy.

Interpretation

3. In this Administrative Order,

(a) “Abutting Municipality” means one or more of the following municipalities, the

(i) Municipality of the County of Colchester,

(ii) Municipality of the County of Pictou,

(iii) Municipality of the District of East Hants,

- (iv) Municipality of the District of Chester,
 - (v) Municipality of the District of St. Mary's, and
 - (v) West Hants Regional Municipality;
- (b) "*Charter*" means the *Halifax Regional Municipality Charter*, S.N.S., 2008, c. 39, as amended;
- (c) "Council" means the Council of the Municipality;
- (d) "Community Council" means the council of a community established pursuant to the *Charter*;
- (e) "Executive Director" means the position determined by the Chief Administrative Officer to be the head of the department of the Municipality responsible for planning, and who is accountable to the Chief Administrative Officer under section 36 of the *Charter*;
- (f) "Municipal Planning Strategy" means a municipal planning strategy, intermunicipal planning strategy, or secondary planning strategy;
- (g) "Municipality" means the Halifax Regional Municipality;
- (h) "Planning Advisory Committee" means a planning advisory committee created by Council or a Community Council under section 215 of the *Charter*;
- (i) "Planning Application" means
- (i) a land-use by-law amendment that does not require an amendment to a municipal planning strategy, and,
 - (ii) a development agreement under section 240 or 241 of the *Charter* that will be considered by Council, or a Community Council, excluding an amendment to a development agreement;
- (j) "Planning Documents" means
- (i) a Municipal Planning Strategy and a land-use by-law adopted to carry out the Municipal Planning Strategy,
 - (ii) an amendment to a Municipal Planning Strategy and a land-use by-law amendment to carry out the Municipal Planning Strategy amendment, and
 - (iii) a subdivision by-law and an amendment to it;
- (k) "Policy" means a resolution of the Council that is required, pursuant to the *Charter*, to be recorded in the by-law records of the Municipality, except where the context otherwise requires, and includes an administrative order;
- (l) "Public Meeting" means a virtual or in person meeting, or a combination thereof, organized to seek the opinions of the public;
- (m) "Statement of Provincial Interest" means a statement of provincial interest under the *Municipal Government Act*; and

(n) "Urban Service Area" means the area shown as the Urban Service Area on Schedule 'B' Service Requirement Map of the *Regional Subdivision By-law*, as may be amended from time to time.

Application

4. This Administrative Order applies to the adoption of all Planning Documents and Planning Applications.

5. (1) Nothing in this Administrative Order precludes Council from requiring, by Policy:

(a) a public participation program for Planning Documents that is different, or in addition to, the public participation required by this Administrative Order; or

(b) engagement with an Abutting Municipality that is different, or in addition to, the engagement required by this Administrative Order.

(2) Nothing in this Administrative Order precludes the Executive Director, or their designate, to

(a) waive the requirement for public participation for a Planning Application; or

(b) require public participation for a Planning Application that is different, or in addition to, the public participation for Certain Planning Applications set out under this Administrative Order.

(3) The *Procedures for the Development of Administrative Orders* shall not apply if Council, or a Community Council, adopts, by Policy, public participation or engagement that is different or in addition to, the public participation or engagement required under this Administrative Order.

(4) Where Council adopts, by Policy, additional or different public participation the seven (7) day notice requirement under subsection 59(1) of the *Charter* shall apply.

Requirements for Public Participation for Planning Documents and Planning Applications

6. Subject to subsections 5(1) and 5(2), the following public participation shall apply to all Planning Documents and Planning Applications:

(a) information shall be posted on the website of the Municipality respecting

(i) the location where the Planning Document or Planning Application may be viewed, including any available plans, maps, renderings, studies and other materials as appropriate and permitted by copyright and privacy laws,

(ii) the contact phone number and email address for the municipal staff person(s) responsible for the file who will answer questions from members of the public,

(iii) a comment period during which submissions and input from the public can be made, and such period shall be for at least fourteen (14) calendar days in duration, including both the day of posting and the day the comment period ends, and

(iv) information regarding any other means for participation that may be made available during the fourteen (14) day comment period, such as a public meeting or questionnaire; and

(b) where the Planning Document or Planning Application is related to:

(i) a specific property, erecting and maintaining a minimum of one (1) sign along each side of the subject property that fronts on a street and private road, and such sign shall be erected at least 10 calendar days before the public participation commences and remain on the property until Council adopts or refuses the Planning Document **or Planning Application**, or

(ii) a site involving multiple properties, erecting and maintaining one (1) or more notification signs in a manner determined by the Executive Director, or their designate, is best suited to notifying the public, and such sign or signs shall be erected at least 10 calendar days before the public participation commences and remain on the property until Council adopts or refuses the Planning Document **or Planning Application**.

Additional Public Participation for Planning Documents

7. (1) The Executive Director, or their designate, **shall** create a Planning and Development Engagement Guidebook.

(2) The Planning and Development Engagement Guidebook **shall** be reviewed and updated from time to time by the Executive Director, or their designate, and may be posted on the website of the Municipality.

8. Where a Planning and Development Engagement Guidebook has been created, the Guidebook shall be used to determine if different or additional public participation to support the review of a Planning Document.

9. If Executive Director, or their designate, determines additional or different public participation is appropriate for a Planning Document, a public participation program will be prepared for Council's consideration.

Notice of Public Meeting

10. (1) If a Public Meeting is being held as part of public participation, a notice of the Public Meeting shall be placed on the website of the Municipality for a minimum of seven (7) calendar days prior to the Public Meeting, including the day of the notice and excluding the day of the meeting.

(2) If a Public Meeting is related to a specific property or a site involving multiple properties, a notice will be sent by mail to every assessed owner and residential tenant:

(i) in the Urban Service Area, within **80 meters** of the boundary of the land for which the development is proposed, or

(ii) outside the Urban Service Area, within **160 meters** of the boundary of the land for which the development is proposed,

or such greater distance as may be determined by the Executive Director or their designate.

(3) The notice referred to in subsections (1) and (2) shall indicate the time, date, and location of the Public Meeting, and the location where the Planning Document or Planning Application may be viewed.

Referrals to Planning Advisory Committee

11. If a Public Meeting is held by a Planning Advisory Committee, the meeting will be held in accordance with Administrative Order 48, the *Community Council Administrative Order*.

Engagement with Abutting Municipalities

12. (1) Where Council is considering adopting or amending a Municipal Planning Strategy, staff shall notify the applicable Abutting Municipality of the adoption or amendment and, if requested, refer the proposal to the appropriate Abutting Municipality.

(2) The notice shall provide a timeline for a response to be received in order to be considered by Council, which may be the same timeline as the period for submissions and input from the public under clause 6(a).

(3) If applicable, the notice shall include topics associated with the Statements of Provincial Interests.

(4) The comments received shall be forwarded to Council in accordance with section 14.

13. The engagement with Abutting Municipality shall be completed before the first notice for a public hearing for considering a proposed adoption of, or amendment to, a Municipal Planning Strategy.

Forwarding Information Arising from Public Comment

14. For a Planning Document, a record of public comment received, any comments from the Abutting Municipality, and any staff reports respecting Public Meetings, shall be kept and provided to Council, in advance of the public hearing.

Transition

15. (1) A public participation program for a Planning Document adopted by Council before the coming into force of this Administration Order shall continue to be held in accordance with that program.

(2) This Administrative Order shall come into force on the same date as that date the Clerk posts the notice on the Municipality's website advising that the amendments to the Regional Municipal Planning Strategy, Secondary Municipal Planning Strategies, and Land Use By-laws, attached to the staff report date April 14, 2023, are in effect.

16. The public participation under section 6 shall not be required for a completed Planning Application that was received by the Municipality prior to or on the date of this Administrative Order coming into force.

Repeal

17. The *Resolution Regarding a Public Participation Program for Municipal Planning Strategy Amendments* adopted by Council on February 25, 1997, and any amendments thereto, is repealed.

Done and passed in Council on this day of , A.D. 2023 .

Mayor

Municipal Clerk