

DISCUSSION

Current Practice with respect to Public Notification Public Hearing Notification

Section 892 of the *Local Government Act*, R.S.B.C. 1996, c. 323, as amended (the "Act"), requires a local government to provide notice of public hearings for the following types of applications:

- Official Community Plan amendments;
- Rezoning; and
- Land Use Contract amendments and/or discharges.

In addition to public notices advertised in local newspapers, the *Act* also stipulates that notice must be mailed or delivered to both the directly affected and neighbouring properties. Local governments are able to set by by-law the notification distance around the site that is the subject of the notification.

Bylaw No. 6727 stipulates that the notice of a public hearing is to be mailed or delivered to the owners and occupiers of property:

- "(a) *within the area subject to the by-law alteration; and*
- (b) *within a distance of 100 metres from all boundaries of the area that is subject to the by-law alteration".*

By City policy, all development applications requiring by-law amendments must erect development information signs on the site prior to the introduction of the amendment by-law. By legislation, notice of each public hearing is also advertised in a local newspaper at least twice, between three and 10 days prior to the public hearing. By policy, the City posts a notice related to each public hearing on the City's website approximately 10 days in advance of the public hearing.

Council may specify the notification area for any public hearing as it sees fit as there are no limits defined by legislation.

City of Surrey Pre-notification Process related to Development Applications

In 1993 the City introduced a pre-notification procedure to the City's public notification process related to development applications. At the time, there was concern that public hearing notifications occurred too late in the development approval process to provide adequate opportunity for interested parties to be engaged in the process. The pre-notification procedure allows residents in the area of a development proposal to be engaged early in the process so that that concerns with the project can be resolved before the public hearing.

The pre-notification process applies to any development application that involves:

- an Official Community Plan amendment;
- a Rezoning; and/or
- a Land Use Contract amendment and/or discharge.

Under the pre-notification process, as soon as a complete development application is submitted to the City, a letter is prepared that briefly outlines the nature of the development application, the approval process that it must follow, and the staff person in the Planning and Development Department who may be contacted to receive further information regarding the application. The pre-notification letter is then mailed to the owners of properties in the vicinity of the site that is the subject of the application, as follows:

- in "urban" areas, the pre-notification letter is sent to the owner as well as the occupier of each property that is located within a 100 metre radius of the site that is the subject of the related application; and
- in "agricultural" and "suburban" areas, the pre-notification letter is mailed to the owner of each property that is located within a distance of 100 metres of the development site but in any case, it is mailed to the owner and occupiers of each property that is within three lots of the development site in all directions. This wider area is intended to ensure that the owners and occupiers of nearby lots are advised of the proposed development.

Appendices 1 and 2 illustrate the pre-notification area as it pertains to development applications in "suburban" and "agricultural" areas. These appendices also illustrate the current notification area for a public hearing related to the same development applications.

Discrepancy between Public Hearing Notification and Pre-notification Areas

To eliminate the difference that currently exists between the City's development application pre-notification area around sites that are subject to a development application and the public hearing notification area for those same sites, it is recommended that the notification area for public hearings be expanded to be consistent with the notification distance used in the City's pre-notification process.

New Forms of Electronic Notification

With the introduction of the City's new website, public hearing notices and links to public hearing items are now available on the City website in advance of the public hearing date. These new forms of electronic notification are in addition to newspaper advertisements and development application signs, which must be posted on each site that is the subject of a development application. In combination all of these approaches help to ensure that interested members of the public become aware of development applications well in advance of it being approved.

Public Notification Procedures of Other Municipalities

Staff reviewed the notification policies and practices of several municipalities in the Lower Mainland that share Surrey's mix of urban, suburban and agricultural areas, including Richmond, Delta, Langley Township, Maple Ridge, and Abbotsford. Surrey's public notification processes (both the pre-notification process and the public hearing notification process) generally exceed the practices of these other municipalities. The following table provides an overview of the notification policies and practices of the above-noted municipalities:

TABLE 1: PUBLIC NOTIFICATION PROCEDURES IN OTHER MUNICIPALITIES

MUNICIPALITY	PRE-NOTIFICATION		PUBLIC HEARING	
	PROCESS	DISTANCE	URBAN	RURAL
District of Maple Ridge	Coordinated by developer. Required for OCP amendment or rezoning involving 25 or more units.	50 m	50 m	50 m
City of Abbotsford	Not standard regulation	Case by case	100 m	500 m in ALR
Township of Langley	Not standard regulation	Case by case	100 m, and 5 lots deep in large lot areas	100 m, and 5 lots deep in large lot areas
City of Richmond	Not standard regulation	Case by case	50 m	50 m
Corporation of Delta	Yes	100 m	100 m	100 m
City of Surrey - Existing	Yes	100 m in urban areas and 3 lots deep in agricultural and suburban areas	100 m	100 m
City of Surrey - Proposed	Yes	Greater of 100 m or 3 lots in each direction	Same as pre-notification	Same as pre-notification

CONCLUSION

Based on the above discussion, it is recommended that Council:

- Approve increasing the notification area for every public hearing to all the properties that are located within a distance of 100 metres or within three lots in all directions, whichever is greater, from the boundary of the site that is the subject of the public hearing; and
- Authorize the City Clerk to bring forward for the required readings amendments to By-law No. 6727 to reflect recommendation 2 of this report.

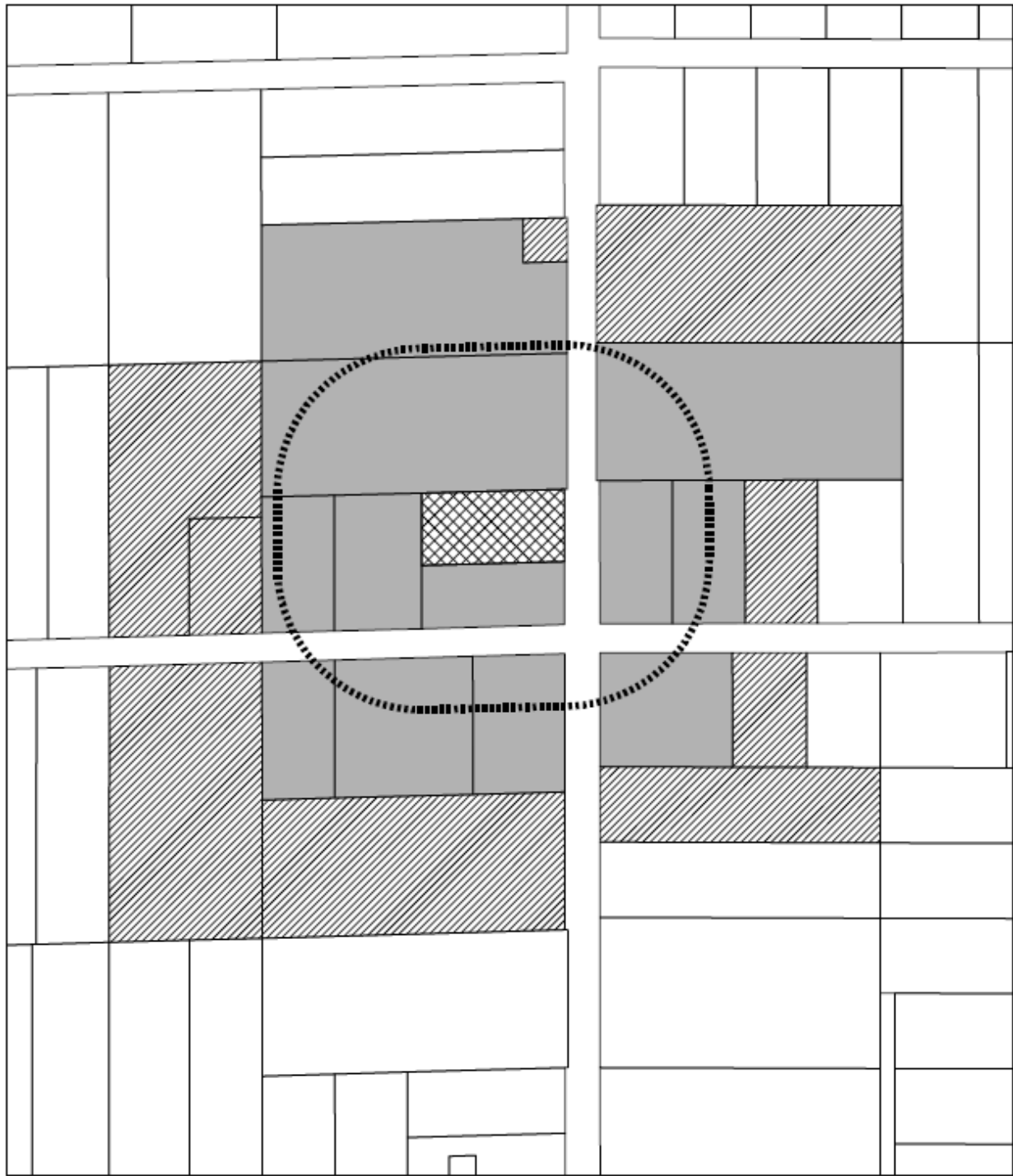
Original signed by
 Jean Lamontagne
 General Manager,
 Planning and Development

Original signed by
 Jane Sullivan
 City Clerk





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Attachments:

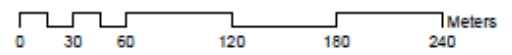
- Appendix 1 Example Illustration of Public Notification in Suburban Area
 Appendix 2 Example Illustration of Public Notification in Agricultural Area



Legend





-  100m Buffer
-  Development Application
-  Lots Affected by 3 Lots Deep
-  Lots Affected by 100m

Example Illustration of Public Notification in Suburban Areas

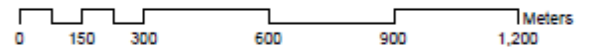




Legend

-  100m Buffer
-  Development Application
-  Lots Affected by 3 Lots Deep
-  Lots Affected by 100m

Example Illustration of Public Notification in Agricultural Areas



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