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Item No. 11.1.7
Halifax Regional Council
July 22, 2014

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original signed by

Richard Butts, Chief Administrative Officer

Original Signed by Director

Brad Anguish, Director, Community and Recreation Services

DATE: June 23, 2014

SUBJECT: **Case 19155: Housekeeping Amendments to MPSs and LUBs Regarding References to Community Councils, Planning Advisory Committees, Watershed Advisory Boards, Former Municipal Unit Names and Planning Legislation**

ORIGIN

Watershed Advisory Boards – November 27, 2012 Amended Motion of Regional Council:

“MOVED by Councillor Walker, seconded by Councillor Mosher that Halifax Regional Council:

- (1) Approve Administrative Order Number 48 Respecting the Creation of Community Councils that delegate to Community Councils the same powers that were previously delegated to the former Community Councils, with the exception of the power to create planning advisory committees, as set out in Appendix A attached to the November 14, 2012 staff report, effective Monday, December 3, 2012,
- (2) Amend Administrative Order Number 57 Respecting the Dissolution of Community Councils to clarify that Council may modify a continued area rate and to transfer the reporting requirements from Regional Council back to Community Council; as set out in Appendix B attached to the November 24, 2012 staff report; and direct staff to complete the analysis of the current advisory and planning advisory committee structure and recommend changes and options to Regional Council for review by February 19, 2013.
- (3) **Direct staff to consolidate all the Watershed Advisory Boards into one Watershed Advisory Board and initiate the processes necessary to amend all applicable planning documents.”**

MOTION PUT AND PASSED.

Planning Advisory Committees - February 19, 2013 Motion of Regional Council:

“MOVED by Councillor Outhit, seconded by Councillor Mason that Halifax Regional Council:

- (1) Amend Administrative Order Number 48 Respecting the Creation of Community Councils to: (a) delegate the authority to Community Councils to create Planning Advisory Committees; (b) limit the number of planning advisory committees to no more than two for each Community Council; and (c) adopt a standard Terms of Reference, as set out in Appendix B attached hereto, effective Tuesday, February 19, 2013;

RECOMMENDATION ON PAGE 2

- (2) Direct staff to consult Planning Advisory Committees and receive their recommendations earlier in the development review process;
- (3) Amend the boundaries of the North West Planning Advisory Committee as shown on Map 2 to align with the jurisdiction of the North West Community Council;
- (4) Dissolve the District 12 Planning Advisory Committee and thank the members for their dedicated public service;
- (5) Direct staff to initiate the processes necessary to amend all planning documents affected by recommendations 1 through 4; and**
- (6) Direct staff to continue to monitor the effectiveness and efficiency of all Planning Advisory Committees and report to the respective Community Council whenever concerns arise.”

MOTION PUT AND PASSED UNANIMOUSLY

LEGISLATIVE AUTHORITY

Halifax Regional Municipality (HRM) Charter:

- Subsection 30(2): A community council may appoint a Planning Advisory Committee.
- Subsection 220(1) The Council shall adopt, by by-law, planning documents.
- Subsection 219(1) The Council shall adopt, by policy, a public participation program concerning the preparation of planning documents.
- Subsection 219(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.
- Subsection 220(4) The Council shall complete the public participation program before placing the first notice for a public hearing in a newspaper circulating in the Municipality.

RECOMMENDATIONS

It is recommended that Halifax Regional Council:

- (1) Initiate the process to amend HRM's Municipal Planning Strategies and Land Use By-laws relative to references to the former municipal units and previous planning legislation; and
- (2) Approve the public participation program as presented in Attachment A of this report.

BACKGROUND

On November 6, 2012, the current Halifax Regional Council was sworn in and operated subject to an interim governance structure where all Community Council powers were rolled back to Regional Council. On November 27, 2012, Regional Council passed a motion to create a new Community Council structure and, in doing so, directed staff to:

- consolidate all of the Watershed Advisory Boards into one Watershed Advisory Board (WAB);
- initiate the processes necessary to amend all applicable planning documents; and
- complete the analysis of the planning advisory committee structure and recommend changes and options to Regional Council for review by February 19, 2013.

On February 19, 2013, Regional Council received a report from staff regarding a new planning advisory committee structure. Council passed a motion that:

- created the existing planning advisory committee structure; and
- directed staff to initiate the processes necessary to amend all planning documents to reflect the current Planning Advisory Committee (PAC) structure.

Implemented Changes (PACs and WABs)

In response to Council's motions, the structure of HRM's PACs and WABs has been changed as follows:

- To help ensure predictability in the scope and responsibilities of a PAC relative to the provisions mandated by the *HRM Charter*, standard terms of reference were approved by Regional Council. This change ensures that any PAC established by a Community Council would function for a prescribed purpose and within a defined process. Standard terms of reference have now been approved by the North West Community Council and the Halifax & West Community Council.
- PACs continue to provide input on planning applications but they are now engaged earlier in the review process. This allows their input to be considered through the course of the application, rather than after the staff recommendation and report are finalized.
- Regional Council has dissolved the former WABs and created a new Regional Watersheds Advisory Board. The mandate of the new WAB is focused on policy matters as opposed to reviewing the specifics of development proposals.

Staff has begun the process of reviewing all of HRM's Municipal Planning Strategies (MPSs) and Land Use By-laws (LUBs) to determine the required housekeeping amendments to reflect HRM's current governance structure for WABs and PACs. The list of references to PACs and WABs is provided in Attachments B and C respectively. The proposed amendments will update, clarify, and/or remove references to both committees where required. In order for staff to continue the amendment process, section 219 of the *HRM Charter* requires that Council adopt a public participation program. This is the main reason for this report.

Additional Housekeeping Amendments

During staff's review of HRM's MPSs and LUBs, two additional housekeeping amendments were identified that Council should consider updating as follows:

- removing references to former municipal units and replacing them with references that reflect HRM's governance structure (i.e., Regional and Community Councils); and
- removing and updating references to planning legislation.

DISCUSSION

Amendments to a MPS are generally major applications and require significant justification to demonstrate that the original land use policies are no longer appropriate. However, in this case, Council has already made changes to the structure and administration of both PACs and WABs. The intent of the proposed MPS amendments is to bring MPS documents in line with the current governance structure.

Rationale for Proposed Amendments

Many of the MPSs include implementation policies relative to the role of a PAC and a WAB (see Attachments B and C). Many of the policies are outdated. For example, in many instances, a PAC no longer exists for the plan areas referenced in Attachment B. Subsequent changes to PAC and WAB structures, electoral boundaries, as well as Council's direction of November 27, 2012 and February 19, 2013, now requires the various MPS documents to be updated. Also, some of the MPS policies deal with

administrative matters, such as timing of meetings, which are better addressed through Committee Terms of Reference and/or Administrative Order One Respecting the Procedures of the Council.

In regard to housekeeping amendments relative to HRM governance structure and planning legislation, the extent of the amendments needed is greater due to the age of the documents and their area of application. For example, a document can refer to City Council, Municipal Council, and Town Council. Also, most of the MPS documents within HRM refer to planning legislation (i.e., *Planning Act*, *Municipal Government Act*) other than the *HRM Charter*.

Proposed Public Participation Program

When considering amendments to municipal planning strategies, the *HRM Charter* requires Council to adopt a public participation program, the intent of which is to ensure and identify the means by which the public will be provided an opportunity to have input. The content of the program is at Council's discretion and Council can adopt different programs for different types of planning applications. A public participation program is intended to generate community engagement beyond the public hearing process required for amendments to municipal planning strategies. As a result of the changes which Council previously approved for the operation of the PACs and WABs, the proposed amendments are considered housekeeping in nature. Thus, staff recommends that Council adopt a public participation program that requires staff to:

- post a notice in the newspaper indicating that the amendments can be reviewed either on the HRM's website or at HRM Development Approvals offices for a period of two weeks. The notice and the website will also indicate where written comments can be directed;
- the notice will also be sent to all PACs and the WAB for information;
- staff will review and revise amendments based upon feedback received through the consultation process;
- following the completion of the public participation program, staff will prepare a report to Regional Council for first reading and to set a date for public hearing to consider the amendments.

Conclusion

The intent of the proposed MPS and LUB amendments is to bring these documents in line with the current governance structure relative to Planning Advisory Committees and Watershed Advisory Boards. This exercise also presents an opportunity to amend these documents to update references relative to planning legislation and the names of the former municipal units. Accordingly, it is recommended that Council authorize staff to conduct this process as outlined in this report.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this application can be accommodated within the approved 2014/15 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

The *HRM Charter* requires that Regional Council approve a public participation program when considering any amendments to a municipal planning strategy. The proposed level of community engagement is consultation, achieved through a public notice, and HRM website, as well as a public hearing before Regional Council can consider approval of any amendments. Existing PACs and WAB members will be sent the notice for information.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

ALTERNATIVES

1. Regional Council may choose to revise the public participation program, as presented in Attachment A of this report, for amendments to all MPS and LUB documents to address housekeeping amendments regarding PACs, WAB and other items. This may require a supplementary report from staff.
2. Regional Council may choose to refuse the initiation of a public participation program for the MPS and LUB amendment process, as outlined in this report. This action would result in a decision by Council not to amend the various MPS documents. Such a decision is not appealable to the N.S. Utility and Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Attachment A: Proposed Public Participation Program
Attachment B: Summary of References to PACs in Municipal Planning Strategies
Attachment C: Watershed Advisory Board Powers: Municipal Planning Strategy Review

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Kurt Pyle, Acting Operations Manager, 490-6011

Report Approved by: _____
Kelly Denty, Manager of Development Approvals, 490-4800

Report Approved by: _____
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Attachment A
Proposed Public Participation Process

Purpose:

To obtain input from the public on proposed amendments to HRM's Municipal Planning Strategies and Land Use By-laws in order to update, clarify, and/or remove out of date references for Planning Advisory Committees, Watershed Advisory Boards, municipal governance structure, municipal unit names and planning legislation.

Process:

A single region-wide program allowing input from the public. Steps in the process are as follows:

- 1) Post a notice in the newspaper indicating where residents can review the proposed MPS and LUB amendments: HRM's website and at HRM Development Approval offices for a period of two weeks. The notice and the website will also indicate where a resident may direct written comments;
- 2) Provide the notice to all PACs and the WAB for information;
- 3) Review the results of the public participation process;
- 4) Draft proposed amendments to the MPSs and LUBs as needed and prepare a staff report; and
- 5) Table the staff report with Regional Council.

When Regional Council is satisfied with the proposed amendments to the various MPSs and LUBs, Council would move First Reading and schedule a Public Hearing.

Attachment B
Summary of References to PACs in Municipal Planning Strategies

Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville

P-127 In addition to employing specific implementation measures, it shall be the intention of Council to maintain an ongoing monitoring and planning process through its Planning Advisory Committee.

Municipal Planning Strategy for Bedford

2. Participation in the Planning Process

There are several ways that residents can have effective participation in the planning process:

- Bedford Planning Advisory Committee Meetings (BPAC) meetings are open to the public, and are held regularly, the first Monday of every month. Information about meetings is available at the Bedford Town Office.

- Rezoning and Development Agreement review processes commence with the information meeting required by Policy C-9, followed by a detailed review of the proposal by staff and the Bedford Planning Advisory Committee, with the final step being a public hearing which is advertised and abutting land owners are notified. The public hearing is held by Town Council. The information meeting is informal and is conducted by Planning staff.

Policy CP-9:

It shall be the intention of Town Council to hold a public information meeting on all rezoning and development applications prior to BPAC Planning Advisory Committee forwarding a recommendation to Town Council. The proponent shall participate in these public information meetings. Notices for such meetings shall be distributed to owners/occupants of dwellings within 500 feet of the area proposed for rezoning or a development agreement and a notice shall appear in the newspaper at least seven days in advance of the meeting.

Implementation

The Town shall, in addition to employing specific implementation measures, carry on a system of ongoing planning through the Bedford Planning Advisory Committee and the Planning and Development Control Department. Specific efforts will be made to maintain and enhance a high level of community awareness and participation in the ongoing planning process.

Municipal Planning Strategy for Cole Harbour/Westphal

IM-2 In addition to employing specific implementation measures it shall be the intention of Council to maintain an ongoing monitoring and planning process through its municipal Planning Advisory Committee and the Cole Harbour/Westphal Community Council and Community Planning Advisory Committee.

Municipal Planning Strategy for Eastern Passage/Cow Bay

IM-2 In addition to employing specific implementation measures it shall be the intention of Council to maintain an ongoing monitoring and planning process through its Planning Advisory Committee.

Municipal Planning Strategy for Eastern Shore (East)

IM-2 In addition to employing specific implementation measures, it shall be the intention of Council to maintain an ongoing monitoring and planning process through its Planning Advisory Committee

Municipal Planning Strategy for Eastern Shore (West)

IM-2 In addition to employing specific implementation measures, it shall be the intention of Council to maintain an ongoing monitoring and planning process through its Planning Advisory Committee.

Municipal Planning Strategy for Halifax

12.1 The City shall legally constitute a Planning Advisory Committee under the Planning Act to review, monitor and advise on any proposed changes in the Plan and to assess any developments in the context of the Plan.

12.1.1 The City should create any other advisory sub-committees, including a design review advisory panel, which, upon investigation, it deems necessary to the proper administration of this Plan, such advisory sub-committees in all cases to report to and through the Planning Advisory Committee in Policy 12.1.

Municipal Planning Strategy for Lawrencetown

P-53 In addition to employing specific implementation measures, it shall be the intention of Council to maintain an ongoing monitoring and planning process through its Planning Advisory Committee.

Municipal Planning Strategy for Musquodoboit Valley/Dutch Settlement

IM-2 In addition to employing specific implementation measures, it shall be the intention of Council to maintain an ongoing monitoring and planning process through its Planning Advisory Committee. Repealed.

Municipal Planning Strategy for North Preston, Lake Major, Lake Loon, Cherry Brook and East Preston

IM-2 In addition to employing specific implementation measures, it shall be the intention of Council to maintain an ongoing monitoring and planning process through its Planning Advisory Committee. This monitoring function will also be maintained by the communities themselves, as well as by the Lake Major Watershed Advisory Board.

Municipal Planning Strategy for Planning Districts 1 and 3 (St. Margaret's Bay)

IM-2 In addition to employing specific implementation measures, it shall be the intention of Council to maintain an ongoing monitoring and planning process through its Municipal Planning Advisory Committee.

Municipal Planning Strategy for Planning District 4 (Prospect)

IM-2 In addition to employing specific implementation measures, it shall be the intention of Council to maintain an ongoing monitoring and planning process through its Planning Advisory Committee and Western Region Community Committee.

IM-13 It shall be the intention of Council to refer all proposed amendments to the Municipal Planning and/or the standards of the Land Use By-law for Planning District 4, to the Western Region Community Planning Advisory Committee.

Municipal Planning Strategy for District 5 (Chebucto)

IM-2 In addition to employing specific implementation measures, it shall be the intention of Council to maintain an ongoing monitoring and planning process through its Municipal Planning Advisory Committee.

Municipal Planning Strategy for Planning Districts 8 and 9 (Porters Lake/Chezzetook)

P-81 In addition to employing specific implementation measures, it shall be the intention of Council to maintain an ongoing monitoring and planning process through its Planning Advisory Committee.

Municipal Planning Strategy for Sackville

IM-2 In addition to employing specific implementation measures, it shall be the intention of Council to maintain an ongoing monitoring and planning process through its municipal Planning Advisory Committee and the Sackville Community Council and Community Planning Advisory Committee.

Secondary Municipal Planning Strategy for Sackville Drive

I-9 The Planning Advisory Committee, in association with any future Business Improvement organization, shall undertake an annual review of the development occurring along Sackville Drive to assess the effectiveness of the Secondary Planning Policies and Land Use By-law. The Planning Advisory Committee shall submit an annual report to Council outlining policies that have been effective and policies needing improvement. The PAC shall also review the list of permitted "existing uses" along Sackville Drive, and provide recommendations where such existing uses have ceased operation.

Municipal Planning Strategy for Timberlea, Lakeside and Beechville

IM-2 In addition to employing specific implementation measures, it shall be the intention of Council to maintain an ongoing monitoring and planning process through its Planning Advisory Committee

Attachment C
Watershed Advisory Board Powers:
Excerpts from Existing Municipal Planning Strategies

The Watershed Advisory Board,

- provides input on stormwater by:
 - (a) reviewing the master stormwater management plan for:
 - (i) Beaver Bank, Hammonds Plains and Upper Sackville;
 - (ii) the former Town of Bedford; and
 - (iii) the former City of Halifax;

Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville, Policy BW-1;
Municipal Planning Strategy for Bedford, Policy BW-1; and
Municipal Planning Strategy for Halifax, Policy BW-1.
 - (b) reviewing stormwater systems in the former Town of Bedford that will discharge to parkland; and
Municipal Planning Strategy for Bedford, Policy E-39.
 - (c) consulting with Council before Council adopts a stormwater drainage by-law for the North Preston, Lake Major, Lake Loon, Cherry Brook and East Preston plan area;
Municipal Planning Strategy for North Preston, Lake Major, Lake Loon, Cherry Brook and East Preston, Policy EH-10.
- consults with Council concerning a water quality monitoring program for:
 - (a) the Paper Mill Lake watershed;
Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville, Policy BW-3;
Municipal Planning Strategy for Bedford, Policy BW-3; and
Municipal Planning Strategy for Halifax, Policy BW-3.
 - (b) Morris and Russell Lakes;
Municipal Planning Strategy for Cole Harbour/Westphal, Policy ML-27;
Municipal Planning Strategy for Dartmouth, Policy ML-30; and the
Municipal Planning Strategy for Eastern Passage/Cow Bay, Policy ML-26.
- where the Community Council is satisfied that a development agreement application has been made for a development proposal which could not be reasonably expected to impact the quality of water within the Paper Mill Lake watershed, the Community Council may grant a waiver after the Watershed Advisory Board has provided advice to the Community Council;

*Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville, Policy BW-4; and the
Municipal Planning Strategy for Halifax, Policy BW-4.*

- comments:

- (a) on notifications from Council for any proposed amendments adjacent to a watercourse within the Sackville River or Shubenacadie Lake systems;

*Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville, Policy P-143; and the
Municipal Planning Strategy for Planning Districts 14 and 17 (Shubenacadie Lakes), Policy, P-161.*

- (b) on industrial development permit applications referred by a Development Officer which may create emission, waste problem, or be a hazardous use;

Municipal Planning Strategy for Bedford, Policy I-5.

- (c) on development proposals for the Lake Major Watershed; and

*Municipal Planning Strategy for Cole Harbour/Westphal, Policy W-4; and the
Municipal Planning Strategy for North Preston, Lake Major, Lake Loon, Cherry Brook and East Preston, Policy IM-19.*

- (d) on proposed development agreements within the setback of a watercourse or water retention area identified on environmentally sensitive areas in the former Town of Bedford

Municipal Planning Strategy for Bedford, Policies E-4, E-6, E-7, and E-8.

- implements a water quality sampling program for all lakes and rivers in the former Town of Bedford to provide a historical data base for water quality;

Municipal Planning Strategy for Bedford, Policy E-8, and 4th paragraph of Water Course Protection Policy.

- reviews subdivisions and developments within three hundred (300) metres of the streams and lakes of the Shubenacadie-Stewiacke system;

Municipal Planning Strategy for Planning Districts 14 and 17 (Shubenacadie Lakes), Policy, P-48.

- where appropriate, encourages the active participation of residents in development matters through the Watershed Advisory Board;

Municipal Planning Strategy for Bedford, Policy CP-8.