

## ADMINISTRATIVE REPORT



**TO:** Planning & Development Committee  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** August 18, 2022  
**RE:** Public Notice Bylaw

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### **Administrative Recommendation:**

**THAT the Regional District of Okanagan-Similkameen Public Notice Bylaw No. 2977 be initiated.**

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### **Purpose:**

It is being proposed that the Regional District Board adopt a bylaw to provide an alternate means of publishing a notice that does not require advertising in a newspaper.

### **Background:**

On November 25, 2021, Bill 26, being the provincial *Municipal Affairs Statutes Amendment Act (No. 2), 2021*, received Royal Assent and came into effect.

Amongst other things, this Bill amended the *Local Government Act* and the *Community Charter* to allow local governments the ability, by bylaw, to provide for alternative means of publishing a notice instead of using a local newspaper.

A bylaw adopted under Section 94.2 of the *Community Charter* must specify at least two (2) means of publication by which a notice is to be published, and this may include internet or other electronic means.

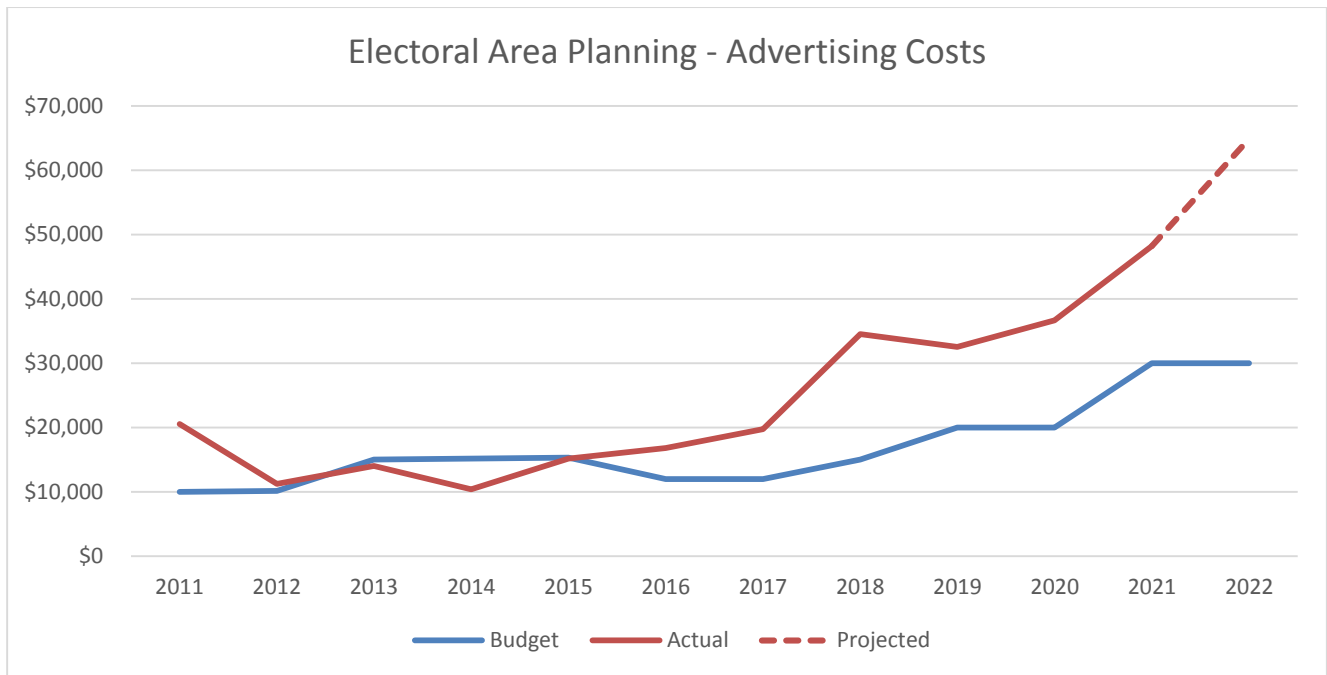
Importantly, the Board must consider the principles prescribed by the Minister, under regulation, before adopting such a bylaw. On March 1, 2022, the Minister of Municipal Affairs prescribed the *Public Notice Regulation* (see Attachment No. 1).

In the absence of a public notice bylaw, Section 94.1 (Default publication requirements) of the *Community Charter* requires that a notice must be published as follows (NOTE: this is the method currently used by the Regional District):

- (a) *in a newspaper that is distributed at least weekly*
  - (i) *in the area affected by the subject matter of the notice, and*
  - (ii) *if the area affected is not in the municipality, also in the municipality, and*
- (b) *unless this or another Act provides otherwise, once each week for 2 consecutive weeks.*

### **Notification of Electoral Area Planning Matters:**

The budget allocated to Electoral Area Planning matters has increased 200% since 2011 but has consistently failed to account for actual costs since 2015, the majority of which are attributable to advertising in local newspapers:



This trend has become more pronounced over the past five years and, in 2022, the advertising budget for Electoral Area Planning is currently projected to reach \$64,857 versus an available budget of \$30,000 (NOTE: this will be off-set by the collection of increased application fees in 2022).

**Analysis:**

Administration considers the cost associated with advertising statutory notifications in local newspapers to exceed the benefit (i.e. limited number of people being reached) and considers there to be merit in implementing alternate methods of notification.

In addition, and with regard to the requirements under the Act that a local government consider the reliability, suitability and accessibility of the various options for providing notices prior to adopting a public notice bylaw, Administration considers that a principle benefit of moving to electronic notification is no longer relying on outside sources to ensure that legislative requirements are met.

For instance, Administration is aware of instances where local newspapers have omitted to run a notification for a public hearing or notice that a TUP is to be considered, or run the wrong notice thereby resulting in confusion and delays regarding a particular land use application.

In terms of accessibility, the ability of the local newspapers to make a broad audience aware of land use applications in their area is unclear and thought to be limited.

In comparison, the Regional District’s website is accessible to anyone with either a computer or mobile device connected to the internet, and is significantly easier to update with new or corrected information than is a newspaper advertisement.

Similarly, anyone from the public can subscribe for free to the Regional District’s mass notification (email) service, Voyent Alert, which is capable of reaching residents by email, text, or phone and advising of upcoming events related to a land use application, amendment bylaw (e.g. public information meeting or public hearing) or other statutory notification.

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As with the Regional District website, the mass notification service is equally flexible in terms of sending out updated information with the web-page at minimal cost to the Regional District.

With regard to those rural areas that may have limited internet connectivity, consideration can be given to including a standardized blurb in the Regional District's "Bi-weekly Ad" directing residents to contact the Regional District for information regarding any specific public hearing, land disposition, or other public notice relevant to their area.

If a public notice bylaw is adopted, Administration is anticipating that the application fees for bylaw amendments ("rezonings") and temporary use permits (TUPs) *could* be reviewed and potentially lowered in 2023 to reflect the reduced costs being incurred by the Regional District to process such applications.

Alternative:

Conversely, the option to continue to advertise in local newspapers is available to the Board. Administration is aware that some local governments consider such advertising as a way to support local democracy by ensuring a viable local press.

If a bylaw allowing for an alternate means of notification is not initiated, Administration is anticipating that an increase to the Electoral Area Planning advertising budget from \$30,000 (2022) to \$50,000 will be required in 2023, and that the current fees for rezonings and TUPs will have to be maintained.

**Alternative:**

- .1 THAT the Regional District of Okanagan-Similkameen Public Notice Bylaw No. 2977 be initiated.

**Respectfully submitted:**



C. Garrish, Planning Manager

Attachments: No. 1 - *Public Notice Regulation*