

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: September 1, 2022
RE: Public Notice Bylaw No. 2977, 2022

Administrative Recommendation:

THAT Bylaw No. 2977, 2022, a bylaw of the Regional District of Okanagan-Similkameen to amend the Public Notice Bylaw, be read a first, second and third time; and

THAT Bylaw No. 2500.28, 2022 a bylaw to amend the Development Procedures Bylaw, be read a first, second and third time.

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.*

At its meeting of August 18, 2022, the Planning and Development (P&D) Committee of the Regional District Board resolved that the Public Notice Bylaw No. 2977, 2022, be initiated.

Analysis:

The cost associated with advertising statutory notifications in local newspapers exceeds the benefit (i.e. limited number of people being reached) of current practice and implementing alternate methods of notification are now permitted.

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, a principle benefit of moving to electronic notification is no longer relying on outside sources to ensure that legislative requirements are met.

For instance, there are occasions 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, 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.

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.

Development Procedures Bylaw Amendments:

The proposed amendments to the Development Procedures Bylaw No. 2500, 2011, will replace references to advertising public hearings and temporary use permits in newspapers with more generalized references to the Public Notice Bylaw.

Alternative:

- .1 THAT first reading of the Regional District of Okanagan-Similkameen Public Notice Bylaw No. 2977, 2022, and Development Procedures Amendment Bylaw No. 2500.29, 2022, be denied.

Respectfully submitted:



C. Garrish, Planning Manager