

ITEM	16
MANAGER'S REPORT NO.	38
COUNCIL MEETING	1978 05 15

Re: PUBLIC HEARING PROCEDURES

Following is a report from the Director of Planning on Public Hearings. Item 10 on page 124 also contains information on this subject.

RECOMMENDATIONS:

1. THAT Council confirm and continue to utilize the existing methods of notifying the public on matters regarding rezoning of an area and proposed text amendments of the Burnaby Zoning By-Law.
2. THAT a copy of this report be sent to the Manager of the Burnaby Chamber of Commerce.

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PLANNING DEPARTMENT
1978 MAY 10

TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING
SUBJECT: PUBLIC HEARING PROCEDURES

1.0 BACKGROUND INFORMATION

1.1 On 1977 February 21 Council heard a delegation from the Manager of the Burnaby Chamber of Commerce regarding the manner and extent of which affected property owners and/or occupiers are notified of Public Hearings involving rezoning of area and zoning bylaw text amendments. At that time, the Chamber recommended that the Burnaby Zoning Procedure Bylaw be amended to reflect the following concerns:

- " (a) That all property owners in the area to be circularized be advised, as well as occupants;
- (b) That the surrounding areas to be notified be set at 100 feet, but that as a part of the Manager's report dealing with the rezoning, the area planned to be circularized should be shown to give Municipal Council an opportunity to come to a decision on each such matter in accordance with the possible effect the proposal might have on surrounding properties;
- (c) That where changes in 'text' are contemplated that the Manager's report recommend a level of information to be provided to concerned property owners and occupants and that Council again decide the method and scope of notifications. "

1.2 On that occasion, the following resolutions were adopted by Council:

1. That the text of By-Law No. 7001 (amending the Burnaby Zoning Procedure By-Law 1974) be amended to add the word owners so as to read -- "Owners and occupiers".
 2. That the Manager report on items b and c raised in the presentation.
- 1.3 The subject of this report is intended to deal with Items b and c as outlined above.

2.0 GENERAL INFORMATION

- 2.1 Appearing on the Council Agenda is a report from the Director of Planning recommending that the Burnaby Zoning Procedure By-Law be revised to reflect recent amendments to the Municipal Act, metrication of Municipal documentation and revision of the rezoning application fee structure. Council approval of these recommendations will provide for that section of the Procedure By-Law dealing with Public Hearing notifications involving rezoning of an area to read as follows:

Notice of the Public Hearing on any proposed amendment to the Zoning By-Law having the effect of rezoning an area of the Municipality from one zone to another shall be mailed or otherwise **delivered** to the owners and occupiers of all real property

- (a) within the area that is subject to the rezoning, and
- (b) within a distance of 30 m (100 feet) from the area that is subject to the rezoning.

In addition to this provision, it is a requirement of the Municipal Act to place notices of Public Hearings involving rezoning of an area in not less than two consecutive issues of a newspaper published or circulated in the Municipality with the last of such publications appearing not less than three days nor more than ten days before the date of the Hearing. As such, these notices which are to be of a certain size as specified in the Municipal Act are placed in the Sun, Province and Columbian newspapers.

Moreover, where rezoning of an area is initiated, it is the policy of Council to place at least two Public Hearing sign notices on the affected property 7 days prior to the Public Hearing date with removal the following day thereafter. These signs are placed on the properties requested to be rezoned where they have the greatest exposure to the public. The signs state that the site is the subject of a rezoning request and that further information may be obtained from the Planning Department.

- 2.2 Relative to text amendments of the Zoning By-Law, the Municipal Act requires that the proposed amendments be included in the newspaper notice as referenced above. As such there is no requirement to mail notices to owners or occupiers of properties that may be affected.
- 2.3 A recent survey conducted amongst various Lower Mainland Municipalities reveals that Burnaby along with the City of Coquitlam and the District of North Vancouver are the only municipalities that place a Public Hearing sign on the property involved in a rezoning request. However, several

Municipalities require the developer to erect Public Hearing signs where major developments are proposed. In reference to newspaper notices, all municipalities comply with the requirements of the Municipal Act as outlined in Section 2.1 above. However, the majority of the other Municipalities contacted use local newspapers as opposed to the wider circulated Sun, Province and Columbian utilized by Burnaby. Text Amendments of the Zoning By-Law are also treated in the same manner as in Burnaby (refer to Section 2.2 above) where proposed amendments are included in newspaper notices without letters mailed out to property owners and/or occupiers that may be affected. Again, local newspapers are utilized by the majority of the other Municipalities contacted.

Relative to the specified area in which property owners and/or occupiers are notified by mail of the proposed rezoning, Richmond, New Westminster, North Vancouver City and Coquitlam City all utilize the 30 m (100 feet) radius as is practised in Burnaby. The City of Vancouver utilizes a 2 block radius, whereby numerous outlying Municipalities with less densely developed areas utilize a greater radius such as 50 m (150 feet) or 100 m (300 feet).

3.0 CONCLUSIONS

3.1 In view of the foregoing information, the Planning Department is of the opinion that the methods presently used in Burnaby to appropriately inform property owners and occupiers that may be affected by rezoning of an area is very successful and in most cases is superior to those methods used by other Municipalities within the Lower Mainland area.

Council is advised that the placement of Public Hearing signs on properties requested for rezoning is the most informative means of advising the public on these matters due to its exposure qualities and as such has been very successful to date. Newspaper coverage utilizing the most widely circulated newspapers (The Sun, Province and Columbian) has also been an extremely important factor in the Burnaby situation that exceeds the exposure provided by other Municipalities through their use of local newspapers.

Relative to the specific areas in which Public Hearing notices are mailed to affected property owners and occupiers, Council is advised that in those cases where a radius of more than 30 m is used (as in the case of outer suburbs such as Surrey and Port Coquitlam) the density and extent of surrounding development is less than that of Burnaby. As such, the area surrounding the proposed rezoning may often be only slightly developed with agricultural and very low density single family residential uses where a small radius may only include a few legal parcels. As a result, the 30 m radius utilized in Burnaby is appropriate relative to its general density and character of development.

3.2 In reference to Text Amendments of the Zoning By-Law, this Department considers that the existing methods of advising the public through widely circulated newspaper advertisements as required by the Municipal Act is most appropriate and provides ample opportunity for affected citizens to obtain further information on such matters if so desired.

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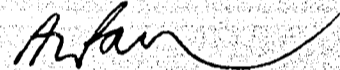
4.0 SUMMARY

In summary, this Department considers that there is no need to revise the present means of informing the public on matters concerning rezoning of area or amending the text of the Zoning By-Law. The existing methods have proven to be very informative and have solicited abundant public input as evidenced in the recent past. Furthermore, there is widespread use of the Planning Information Program by Burnaby residents who can upon registration request that they receive on a regular basis information on rezoning and Public Hearing dates. As a result, there is no need for Council to determine when considering rezoning requests which specific area is to be advised by mail of the Public Hearing nor is there the need to revise the level of information provided to the public when text amendments to the Zoning By-Law are contemplated.

5.0 RECOMMENDATIONS:

It is recommended:

- 5.1 THAT Council confirm and continue to utilize the existing methods of notifying the public on matters regarding rezoning of an area and proposed text amendments of the Burnaby Zoning By-Law.
- 5.2 THAT the Manager of the Burnaby Chamber of Commerce be furnished with a copy of this report.


A. L. Parr
DIRECTOR OF PLANNING

PDS/sam
cc: Municipal Clerk
Municipal Solicitor