



West Hants

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Planning and Heritage Advisory Committee (PAC/HAC)
Submitted by: _____
Madelyn LeMay, Director, Planning and Development
Date: January 12, 2023
Subject: Public Participation Program Policy Revisions; File # 22-36

1.0 LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) s. 204A: Engagement Programs Content Regulations

2.0 RECOMMENDATION

... that PAC/HAC recommends that Council approve the Public Participation Program Policy attached as Appendix D to the January 12, 2022 report “Public Participation Program Policy Revisions” File # 22-36.

3.0 BACKGROUND

The Nova Scotia Engagement Programs Content Regulations (Appendix A) in s.4 lists the mandatory contents of an engagement policy. The Regulations require content regarding engagement with abutting municipalities, the Statements of Provincial Interest and how Council will consider any comments received from abutting municipalities.

4.0 DISCUSSION

The MGA requires each Municipality which has planning documents to also have a “Public Participation Program Policy”. Hantsport, West Hants and Windsor had Public Participation Programs stretching back a considerable time. Immediately following consolidation, the Region of West Hants adopted a Public Participation Program Policy (Appendix B) which reflects those of the earlier individual municipal units.

The Engagement Programs Content Regulations made under s. 204A of the MGA have added topics which now must be included in the Public Participation Program Policy. In

order to meet the requirements of these Regulations, the following changes are recommended and shown in Appendices C and D:

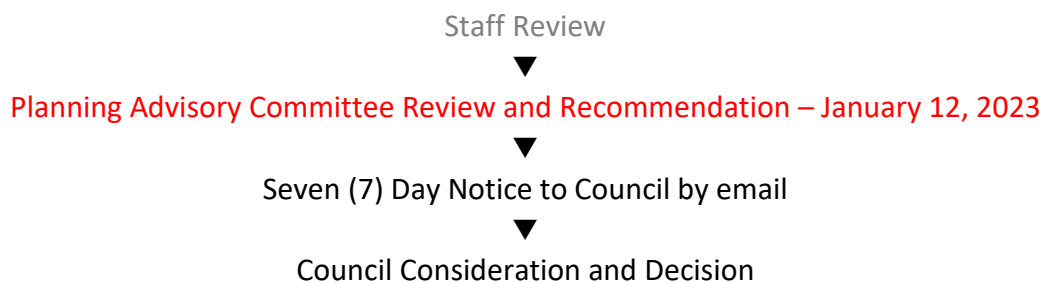
- The section regarding *“Comprehensive Review of Planning Documents”* has been moved to within *“Development Agreements and Amendments to Development Agreements; Adoption of Revised Planning Documents, Amendments To Planning Documents And Amendments To The Land-Use By-Law”*.
- The following material has been added:
 - a minimum distance for notification of neighbours of a site-specific amendment or a development agreement or amendment;
 - a requirement that Council solicit comments from abutting municipalities on the proposed adoption of a Municipal Planning Strategy or an amendment related to the Statements of Provincial Interest;
 - a limitation on when abutting municipalities need to be notified of the location of site-specific amendments;
 - the method and timing of soliciting comments from abutting municipalities.

Just as the remainder of a Public Participation Program must be complete prior to “First Reading” by Council, at which time Council may give notice of public hearing, engagement with abutting municipalities must be complete prior to “First Reading”.

The proposed amendments to the Public Participation Program Policy reflect the requirements of the *“Engagement Programs Content Regulations made under Section 204A of the Municipal Government Act”*.

5.0 NEXT STEPS

The following process is being used for adoption of the revised policy:



6.0 FINANCIAL IMPLICATIONS

There are no financial implications for the Region associated with the filing of this report.

7.0 ALTERNATIVES

Should PAC/HAC not wish to accept the policy as drafted, it may:

- recommend specific amendments to the proposed draft; or
- provide alternative direction, such as requesting further information on a specific topic.

8.0 APPENDICIES

Appendix A Nova Scotia Engagement Programs Content Regulations

Appendix B WHRM Public Participation Program Policy

Appendix C WHRM Public Participation Program Policy showing proposed changes

Appendix D Proposed WHRM Public Participation Program Policy

Report Prepared by: _____
Madelyn LeMay, Director, Planning and Development

APPENDIX A
Engagement Programs Content Regulations
made under Section 204A of the
Municipal Government Act
S.N.S. 1998, c. 18
N.S. Reg. 139/2019 (effective December 3, 2019)

Table of Contents

Please note: this table of contents is provided for convenience of reference and does not form part of the regulations.

[Click here to go to the text of the regulations.](#)

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[Definitions](#)

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[Limiting engagement program to areas impacted](#)

Citation

1 These regulations may be cited as the *Engagement Programs Content Regulations*.

Definitions

2 In these regulations,

“Act” means the *Municipal Government Act*;

“adoption or amendment” means adoption or amendment of a municipal planning strategy;

“engagement program” means an engagement program, which a council must adopt by policy, as required by subsection 204A(1) of the Act for engaging with abutting municipalities when a council is adopting or amending a municipal planning strategy.

Recording of policy

3 A policy adopting an engagement program must be recorded in the by-law records of the municipality.

Mandatory content of engagement program

4 An engagement program must include all of the following:

- (a) a requirement that council solicit comments from abutting municipalities on the proposed adoption or amendment;
- (b) provisions ensuring that engagement deals with topics associated with the statements of provincial interest;
- (c) a means for council to consider any comments received from abutting municipalities; ~~and~~
- (d) a requirement that engagement with abutting municipalities be completed before the first notice for a public hearing for considering a proposed adoption or amendment.

Limiting engagement program to areas impacted

5 An engagement program may provide that engagement with an abutting municipality be limited to the geographical area or areas or topics that are likely to be impacted by a proposed adoption or amendment.

PUBLIC PARTICIPATION PROGRAM POLICY

1. PURPOSE

- 1.1. Section 204 of the *Municipal Government Act* requires Council to adopt a public participation program before undertaking the preparation or amendment of development agreements or planning documents.

2. DEFINITIONS

- 2.1. The terms used in this Policy have the same meaning as those found in the *Municipal Government Act*.

3. COMPREHENSIVE REVIEW of PLANNING DOCUMENTS

- 3.1. Council resolves to seek the views of the public and encourage public participation regarding any comprehensive review by developing and implementing a public engagement plan to inform the public and receive comments from the public. The contents are at the discretion of Council but may involve committees, meetings, open houses, surveys, questionnaires, and publications.

4. DEVELOPMENT AGREEMENTS and AMENDMENTS to DEVELOPMENT AGREEMENTS; AMENDMENTS to PLANNING DOCUMENTS and AMENDMENTS to the LAND-USE BY-LAW

- 4.1. Council resolves to seek the views of the public and encourage public participation regarding development agreements, amendments to development agreements, and amendments to the West Hants and/or Hantsport Planning Documents or Land Use By-law by, at a minimum:
- holding one or more public meetings, usually hosted by the Planning Advisory Committee, prior to First Reading of any proposed development agreement or amendment;
 - advertising any public participation or information meeting regarding any proposed development agreement or amendment by notifying by mail the owners of neighbouring properties of the site of both the public information meeting and any public hearing regarding a proposed amendment to a specific property;
 - advertising any public hearing regarding any proposed development agreement or amendment by:
 - placing a notice in a newspaper circulating in the local area;
 - notifying by mail the owners of neighbouring properties of the site of both the public information meeting and any public hearing regarding a proposed amendment to a specific property;

PUBLIC PARTICIPATION PROGRAM POLICY

5. GENERAL

- 5.1. Councillors shall receive no new information regarding a planning matter once a public hearing is complete.
- 5.2. Any fees related to any action required by the Public Participation Program will be established by policy of Council.

6. REPEAL

- 6.1 The Public Participation Program Policy COPL-002.00, dated October 10, 2017, of the former Municipality of the District of West Hants and the Public Participation Program Policy dated March 26, 2019 of the former Town of Windsor are hereby repealed.

7. RELATED LEGISLATION, POLICIES and PROCEDURES

7.1. Municipal Government Act

I, Rhonda Brown, Municipal Clerk of the Region of Windsor and West Hants Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the Policy as adopted by the Council of the Region of Windsor and West Hants Municipality at a meeting duly called and held on the **28th** day of **April, 2020**.

R. N. Brown
Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	April 1, 2020
<i>Approval:</i>	April 28, 2020
<i>Description:</i> Initial approval of the Public Participation Program Policy, COPL-001.00.	



APPENDIX C
West Hants Regional Municipality
Public Participation Program Policy

Showing proposed changes in **Blue** and ~~Strikeout~~

1. PURPOSE

- 1.1. Section 204 of the *Municipal Government Act* (MGA) requires Council to adopt a public participation program before undertaking the preparation or amendment of development agreements or planning documents.
- 1.2. The *Engagement Programs Content Regulations* made under Section 204A of the MGA Act require the public participation program to contain specific content.

2. DEFINITIONS

- 2.1. The terms used in this Policy have the same meaning as those found in the MGA.

~~3. COMPREHENSIVE REVIEW of PLANNING DOCUMENTS~~

- ~~3.1. During any comprehensive review of any planning document, Council resolves to seek the views of the public and encourage public participation regarding by developing and implementing a public engagement plan to inform the public and receive comments from the public. The contents are at the discretion of Council but may involve committees, meetings, open houses, surveys, questionnaires, and publications.~~

**4. DEVELOPMENT AGREEMENTS and AMENDMENTS to DEVELOPMENT AGREEMENTS;
ADOPTION OF REVISED PLANNING DOCUMENTS, AMENDMENTS to PLANNING
DOCUMENTS and AMENDMENTS to the LAND-USE BY-LAW**

- 4.1. Council resolves to seek the views of the public and encourage public participation regarding development agreements, amendments to development agreements, **and**

adoption of revised documents or amendments to the West Hants, Hantsport and Windsor Planning Documents or Land Use By-laws by, at a minimum:

- holding one or more public meetings, usually held prior to a Planning and Heritage Advisory Committee meeting, prior to First Reading of any proposed development agreement or amendment;
- advertising any public participation or information meeting regarding any proposed development agreement or site-specific amendment by: (1) placing a notice in a newspaper circulating in the local area and (2) notifying by mail the owners of all lots within 300' of the site of both the public information meeting and any public hearing. Within a Land Use By-law Council may specify a greater distance for notification.
Notices for public participation or information meetings shall be placed in the paper and sent to abutting property owners at least seven (7) days prior to any public participation or public information meeting. Notices for public hearings shall follow the MGA notification requirements.

4.2 In addition, during any comprehensive review of any planning document, Council resolves to seek the views of the public and encourage public participation regarding by developing and implementing a public engagement plan to inform the public and receive comments from the public. The contents are at the discretion of Council but may involve committees, meetings, open houses, surveys, questionnaires, and publications.

4.3 In accordance with the requirements of the MGA, where:

- (a) a revised Municipal Planning Strategy is considered; or
- (b) where an amendment to the Municipal Planning Strategy affects policy regarding:
 - drinking water;
 - flood risk areas;
 - agricultural land;
 - infrastructure; or
 - housing,

Council shall seek input from all abutting municipalities; and

- (c) where an amendment to the Municipal Planning Strategy is specific to land that lies within 2 km of an adjacent municipality, Council shall seek input from the abutting municipality.

In each case, Council shall seek input by:

- notifying abutting municipalities of the proposal. The notice shall include the date by which a response must be received in order to be considered by Council;
- ensuring that there is sufficient opportunity for a response to be received so that it may be considered before First Reading of the proposal at Council.

4.4 In addition, in accordance with MGA 206 (5), when a notice of public hearing is published, the clerk shall send a copy of the notice to the clerk of every municipality that abuts an area affected by the proposal.

5. GENERAL

5.1. Councillors shall receive no new information regarding a planning matter once a public hearing is complete.

5.2. Any fees related to any action required by the Public Participation Program Policy will be established by policy of Council.

6. REPEAL

6.1 The Public Participation Program Policy COPL-001.00, dated April 28, 2020, of West Hants Regional Municipality is hereby repealed.

7. RELATED LEGISLATION, POLICIES and PROCEDURES

7.1. Municipal Government Act

I, Deanna Snair, Municipal Clerk of West Hants Regional Municipality, Province of Nova Scotia, do hereby certify that this is a true copy of the policy as adopted by the Council of West Hants Regional Municipality at a meeting duly called and held on the ____ day of _____ (month), _____ 2023.

(Signature of Municipal Clerk)

Deanna Snair
Municipal Clerk

<i>Adoption</i>	
<i>Notice to Council:</i>	<i>Date</i>
<i>Approval:</i>	<i>Date</i>
<i>Description:</i>	



WEST HANTS REGIONAL MUNICIPALITY
PROPOSED PUBLIC PARTICIPATION PROGRAM POLICY
APPENDIX D

RCOPL-006.00

1. PURPOSE

- 1.1 Section 204 of the *Municipal Government Act* (MGA) requires Council to adopt a public participation program before undertaking the preparation or amendment of development agreements or planning documents.
- 1.2 The *Engagement Programs Content Regulations* made under Section 204A of the MGA require the public participation program to contain specific content.

2. DEFINITIONS

- 2.1 The terms used in this Policy have the same meaning as those found in the MGA.

3. DEVELOPMENT AGREEMENTS and AMENDMENTS to DEVELOPMENT AGREEMENTS; ADOPTION OF REVISED PLANNING DOCUMENTS, AMENDMENTS to PLANNING DOCUMENTS and AMENDMENTS to the LAND-USE BY-LAW

- 3.1 Council resolves to seek the views of the public and encourage public participation regarding development agreements, amendments to development agreements, and adoption of revised documents or amendments to the West Hants, Hantsport and Windsor Planning Documents or Land Use By-laws by, at a minimum:

- holding one or more public meetings, usually held prior to a Planning and Heritage Advisory Committee meeting, prior to First Reading of any proposed development agreement or amendment;
- advertising any public participation or information meeting regarding any proposed development agreement or site-specific amendment by: (1) placing a notice in a newspaper circulating in the local area and (2) notifying by mail the owners of all lots within 300' of the site of both the public information meeting and any public hearing. Within a Land Use By-law Council may specify a greater distance for notification.

Notices for public participation or information meetings shall be placed in the paper and sent to abutting property owners at least seven (7) days prior to any public participation or public information meeting. Notices for public hearings shall follow the MGA notification requirements.

- 3.2 In addition, during any comprehensive review of any planning document, Council resolves to seek the views of the public and encourage public participation

regarding by developing and implementing a public engagement plan to inform the public and receive comments from the public. The contents are at the discretion of Council but may involve committees, meetings, open houses, surveys, questionnaires, and publications.

- 3.3 In accordance with the requirements of the MGA, where:
- (a) a revised Municipal Planning Strategy is considered; or
 - (b) where an amendment to the Municipal Planning Strategy affects policy regarding:
 - drinking water;
 - flood risk areas;
 - agricultural land;
 - infrastructure; or
 - housing,

Council shall seek input from all abutting municipalities; and

- (c) where an amendment to the Municipal Planning Strategy is specific to land that lies within 2 km of an adjacent municipality, Council shall seek input from the abutting municipality.

In each case, Council shall seek input by:

- notifying abutting municipalities of the proposal. The notice shall include the date by which a response must be received in order to be considered by Council;
- ensuring that there is sufficient opportunity for a response to be received so that it may be considered before First Reading of the proposal by Council.

- 3.4 In addition, in accordance with MGA 206 (5), when a notice of public hearing is published, the clerk shall send a copy of the notice to the clerk of every municipality that abuts an area affected by the proposal.

4. GENERAL

- 4.1 Councillors shall receive no new information regarding a planning matter once a public hearing is complete.



**WEST HANTS REGIONAL MUNICIPALITY
PROPOSED PUBLIC PARTICIPATION PROGRAM POLICY
APPENDIX D**

RCOPL-006.00

4.2 Any fees related to any action required by the Public Participation Program Policy will be established by policy of Council.

5. REPEAL

5.1 The Public Participation Program Policy COPL-001.00, dated April 28, 2020, of West Hants Regional Municipality is hereby repealed.

6. RELATED LEGISLATION, POLICIES and PROCEDURES

6.1 Municipal Government Act

I, Deanna Snair, Municipal Clerk of West Hants Regional Municipality, Province of Nova Scotia, do hereby certify that this is a true copy of the policy as adopted by the Council of West Hants Regional Municipality at a meeting duly called and held on the ____ day of ____ (month), ____ 2023.

(Signature of Municipal Clerk)

Deanna Snair
Municipal Clerk

Adoption	
Notice to Council:	Not Applicable
Approval:	
Description: Initial Approval of the Public Participation Policy RCOPL-006.00	



**WEST HANTS REGIONAL MUNICIPALITY
PROPOSED PUBLIC PARTICIPATION PROGRAM POLICY
APPENDIX D**

RCOPL-006.00

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