

Our File/N/Réf. **50 23-99-001; 06-99-0008-B**
Your File/V/Réf.

DATE 20 September 1999

TO/DEST. Co-ordinator
 Transportation Committee

FROM/EXP. Director Mobility Services and Corporate Fleet Services
 Environment and Transportation Department

SUBJECT/OBJET **PUBLIC HEARING PROCESS FOR ROADWAY
 MODIFICATIONS**

<p><u>Information Previously Distributed</u> To be listed on the Transportation Committee Agenda 6 Oct 99</p>

BACKGROUND

Section 300 of the *Municipal Act* requires that before passing a by-law to alter a roadway, a municipality must advertise, for four consecutive weeks, the intent to alter the roadway and hear those people whose land may be prejudicially affected by the change.

The current process for approving roadway modifications to a Regional Road, as outlined in Annex A, has a report presented to the Transportation Committee and Council for approval of the modifications and the initiation of the above-noted advertising per the *Municipal Act*. If after four weeks of advertising no objections have been received by the Clerk's Department, the roadway modifications are deemed to be approved allowing preparation of final designs and implementation of the modifications. If, however, objections are received, then the item must come back to Transportation Committee for a public hearing and reconsideration of the item. It then returns to Council for final approval.

This report outlines changes to streamline the approval process making it less complicated and time consuming.

DISCUSSION

The current process noted above is needlessly complicated, potentially repetitious and can lead to confusion for members of the public and the development community. Committee members questioning or wishing to debate the proposal must do so when the item first appears before Committee as the item may not come back for a public hearing. As well, members of the public close to the issue often appear to discuss the item at the initial meeting. This can lead to a full

discussion and debate of the issue before the public at large has been notified and has had a chance to comment. This, in turn, can lead to repetition of the discussion if an objection is received and a public hearing is held. The dual meetings can also lead to debate of the issue without all interested parties being present at either meeting. The current process also has the potential to take close to ten weeks from the time a report is submitted until a final decision is rendered

The only legal requirement in the public hearing process is that alterations to the roadway must be advertised for four consecutive weeks and that anyone whose land is prejudicially affected be heard. There is no legal requirement that the roadway modification be approved by Council prior to the advertising.

The new process, also outlined in Annex A, eliminates the first appearance of the issue before Transportation Committee and Council by having staff initiate the advertising for a public hearing. This means that the item will appear before Transportation Committee and Council only once. The appearance of the item before Transportation Committee would be the public hearing. A full debate of the issue with all interested parties present can then take place. Each can be heard and each has the opportunity to hear the arguments of others and all would be present as the decision is made. The new process can also speed up the approval by potentially eliminating four to five weeks from the time a report is submitted to final approval. This is important for the development community who need quick resolution to these items in order to respond effectively to market demand.

It is understood that the affected ward councillor(s) would be consulted prior to advertising any given project. If staff or the councillor deems the item to be controversial or sensitive in nature, then the item can follow the current process and be presented to Committee and Council for discussion and approval prior to advertising. Staff would clearly identify this in the report to Transportation Committee and Council.

FINANCIAL STATEMENT

There are no financial implications with this report.

CONSULTATION

The public was not consulted as this is a purely administrative matter.

*Approved by
Doug Brousseau*

ANNEX A**Current Process****Submission of Report**

Transportation Committee Meeting	2.5 weeks
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Council	1.0 week
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if approved,

Advertise for 4 weeks (await objections)	4.0 weeks
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if objections received

Transportation Committee Meeting for public hearing	1.0 week
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Council - final approval	1.0 week
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TOTAL	9.5 weeks
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New Process**Submission of Report/Staff initiate advertising for Public Hearing**

Transportation Committee for public hearing	4.0 weeks
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Council - final approval	1.0 week
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TOTAL	5.0 weeks
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