



Number: 400-02-17
REGIONAL DISTRICT OF CENTRAL KOOTENAY
Policy Manual

Chapter: Development Services

Section: Planning

Subject: COVID-19 Public Hearings

Board Resolution:	473/20	Established Date:	July 16, 2020	Effective Date:	July 16, 2020
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POLICY:

PURPOSE:

A public hearing is a statutory requirement for Official Community Plan (OCP) Bylaw Amendments and is utilized for most Zoning Bylaws Amendments. It is an opportunity for members of the public to be heard by the Regional District Board and let their views be known. This policy guides the Regional District's response to Ministerial Order M-139 which grants latitude to local governments on how they allow for public consultation during COVID-19.

SCOPE:

This policy applies to Official Community Plan Bylaw Amendments, Zoning Bylaw Amendments, and Temporary Use Permit applications, which are in stream and as of July 16, 2020 have not yet held public hearings. This policy shall remain in effect so long as Ministerial Order M-139 is in effect.

DEFINITIONS/ACRONYMS:

Board: RDCK Board

Chair: the Director appointed by the Board under the RDCK Planning Procedures Bylaw

LGA: *Local Government Act*

OCP: Official Community Plan

RAC: Rural Affairs Committee

RDCK: Regional District of Central Kootenay

Staff: RDCK Planning Staff

POLICY:

Waive Public Hearing

- A proposed zoning bylaw amendment may have the requirement for a public hearing waived if an Official Community Plan (OCP) is in effect for the area that is subject to the zoning bylaw, and the proposed bylaw amendment is consistent with the OCP.
- When Staff introduce a zoning amendment application to RAC they will provide a recommendation on whether the public hearing could be waived. Waiving of a public hearing will only take place upon a positive resolution by RAC.

Notice

- Notice of the Public Hearing will follow the *LGA* and RDCK Planning Procedures and Fees Bylaw No. 2457, 2015 regulations.



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- Notice will include:
 - (a) the time and date of the hearing
 - (b) the place of the hearing - the “place” may be a web address or telephone number set for a specific public hearing
 - (c) in general terms, the purpose of the bylaw
 - (d) the land or lands that are the subject of the bylaw
 - (e) the place where and the times and dates when copies of the bylaw may be inspected
- Notice will be mailed out to nearby property owners (at least those within 100 m of subject property(s)), included in two consecutive copies of a local newspaper, posted at the nearest RDCK office bulletin board, and posted online on the RDCK webpage.
- The notice period may be extended from the regulated period to allow additional time to contact Staff and/or prepare a written statement.
- Notice will encourage attendance by Webex or by advance written statement, if possible, to minimize those that may need to attend in person.
- Notice will request that those interested in attending the public hearing RSVP to Staff in advance to receive emailed Webex login information.
- All public hearing materials will be posted in advance of the hearing to the RDCK Applications in Process webpage. Public who wish to inspect the materials will be provided the web link, if possible, to reduce multiple handlings of physical materials.
- The RDCK Public Hearing webpage will be updated to include information on how to participate in a public hearing, the meeting procedure and frequently asked questions.

Online

- Public Hearings will be primarily held online via Webex.
- Participants may join the meeting via telephone – the toll free number will be included in the notice.
- Telephone participants will not be able to see the shared screen but can access the same materials from the RDCK Applications in Progress webpage.
- Participants may join online using the microphone and video capabilities of Webex. Participants will have to RSVP in advance to Staff to received an emailed invite to join.
- Online meeting instructions to join and meeting protocols such as using headphones and mute will be posted online on the RDCK Public Hearings webpage.

In person

- If Staff or the Chair deem that those whose interests may be affected would not be able to reasonably participate online, via telephone or by written response (for example limited infrastructure in subject area), a hybrid model public hearing including an in person meeting at a physical location may be organized.
- The meeting will be hosted at a meeting space within a reasonable driving distance of the subject location of the public hearing, with a drive time of less than 30 minutes being preferred.
- The space must have internet access.
- Physical meetings will adhere to the below safety protocols as well as any guidelines from the Office of the Provincial Health Officer and WorkSafeBC:



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- (a) Capacity will be limited to 1 person per 150 square feet in order to keep 2.0 m social distancing;
- (b) In no circumstance will total attendance be greater than 50 people including the Chair and Staff;
- (c) Should the number of attendees be greater than the safe capacity, an overflow area may be prepared outside the space;
- (d) Hand sanitizer will be made available and required before entry;
- (e) Attendees will be encouraged to wear masks;
- (f) Staff will sign participants in to limit shared contact surfaces;
- (g) Staff will retain the names and contact details of all participants for at least one month, and state clearly that their details will be shared with local public health authorities if any participant becomes ill with COVID-19. If they will not agree to this they cannot attend the public hearing;
- (h) Individual paper public hearing packages will be provided to limit shared contact surfaces;
- (i) Queues to enter the space and chairs within will be spaced 2.0 m apart; and,
- (j) Windows and doors will be kept open as possible.

Meeting Procedure

- Staff will take a roll call of all participants at the beginning of the meeting.
- The delegated elected official will be the Chair and will provide opening statements.
- Staff will present the application.
- The applicant is invited to attend and may present their proposal.
- The Chair will ask for those that have questions for Staff and/or the applicant and create a speakers que.
- Questions will be asked and answered in the order of the speakers que.
- The Chair will open the floor to formal submissions.
- Staff will read any written responses into the record.
- Chair will make a speakers que and call on each participant to hear their submission in order of the que.
- If there are a large number of participants the Chair may limit to submissions to 5 minutes where interested participants may speak again once the initial que has been completed.
- The Chair will adjourn the Public Hearing.

After Meeting

- If a physical meeting is held Staff will keep the sign in sheet for one month. If anyone attending the meeting falls ill, they must notify Staff and Interior Health and all meeting attendees will be contacted.
- Minutes of the public hearing will be on the agenda of the next Board meeting.



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RELATED LEGISLATION:

Local Government Act s. 464 - 470

Ministerial Order M-139