

Policy: Policy on Inter-Municipal Planning Projects Between the Town of Truro and the Municipality of the County of Colchester

Date Originally Approved: October 28, 1999

Motion: "That on recommendation of Council Committee, Council approve the following resolutions: 1. Council adopt the attached Policy on Inter-Municipal Planning Projects Between the Town of Truro and the Municipality of Colchester; with the amendment of the quorum of the Joint Planning Advisory Committee in Section 13 from 3 to 4;" Motion carried

This Policy is current as of: October 28, 1999

POLICY ON INTER-MUNICIPAL PLANNING PROJECTS BETWEEN THE
TOWN OF TRURO AND THE MUNICIPALITY OF THE COUNTY OF
COLCHESTER

Background:

1. Section 204(1) of the *Municipal Government Act* requires Council to adopt, by Policy, a Public Participation Program concerning the preparation of planning documents. Section 200(2) authorizes two or more municipalities to establish, by Policy, a Joint Planning Advisory Committee. Section 207(1) allows the councils of two or more municipalities to agree to hold joint public hearings regarding the adoption or amendment of an inter-municipal planning strategy.

Purpose:

2. The following Policy, if adopted by both the Town of Truro (“Truro”) and the Municipality of the County of Colchester (“Colchester”), allows the two Councils to refer possible inter-municipal planning strategy initiatives to a process involving a jointly conducted public participation process, a joint planning advisory committee, with a possible culmination in a joint public hearing. The Policy outlines the principal features of the process.

Condition:

3. This Policy only comes into effect when it has been duly approved by the respective Councils of each of Truro and Colchester. It shall cease to have effect in the event it is repealed or unilaterally amended by either of Truro or Colchester. This Policy may only be amended by the adoption of mirror amendments by each Council.

Definitions:

4. In this Policy:
 - (1) “planning staff designates” means Truro’s Director of Planning and Development or his designate and Colchester’s Director of Community Planning or his designate; and
 - (2) “possible inter-municipal planning projects” means planning matters which involve the drafting or possible drafting of an inter-municipal planning strategy between Truro and Colchester (and implementing land use bylaws), or the drafting or possible drafting of amendments thereto, and the adoption or amendment or possible adoption or amendment of such documents, and includes any application by the proponent(s) of such a project.

Public Participation and JPAC regarding Floodplain Initiative Not Affected:

5. For greater certainty it is declared that this Policy does not govern or affect the public participation program or the Joint Planning Advisory Committee composition or activities in respect of the inter-municipal planning initiative regarding the Salmon River floodplain which pre-dates the approval of this Policy.

Application of the Policy:

6. This Policy applies to possible inter-municipal planning projects that are designated by resolution of the respective Councils of each of Truro and Colchester as projects to which this Policy shall apply. Designation by the Council of either municipal unit pursuant to this section shall be conditional upon like designation by the other municipal unit

Public Participation:

7. Public participation concerning the preparation of planning documents shall be carried out jointly between Truro and Colchester as follows:
 - (1) Public participation shall be co-ordinated and public participation meetings co-chaired by the planning staff designates;
 - (2) Unless otherwise agreed by the planning staff designates, one advertised public participation meeting shall constitute a sufficient public participation program;
 - (3) Public participation meetings shall be advertised in the *Truro Daily News* on one occasion, at least 3 days in advance of the meeting, and the advertisement shall contain a statement generally describing the subject of the meeting;
 - (4) Public participation meetings shall be held at a time and place jointly set by the planning staff designates. The meeting will be open to all members of the public.

Joint Planning Advisory Committee:

8. A Joint Planning Advisory Committee ("Committee") is hereby established to advise the Councils of Truro and Colchester concerning possible inter-municipal planning projects designated pursuant to s. 6 of this Policy as projects to which this Policy applies.
9. Upon or after designating a project as a project to which this Policy applies, each Council by resolution shall appoint 3 members to the Committee to deal with that project, with the following composition from each of the municipal units:

- (1) the Mayor or Warden;
 - (2) another member of Council; and
 - (3) a citizen representative.
10. The term of the appointment of the Committee members shall continue until the date of the Municipal election following their appointment, after which each Council shall make replacement appointees. However, either Council may replace any appointee who resigns from the Committee, or who ceases to be a Mayor, Warden or Councillor as the case may be, or who otherwise becomes unable or unwilling to discharge the duties of a Committee member.
 11. Committee members shall receive such per diem, travel or other allowances to attend Committee meetings as they would receive if they were attending a meeting of the appointing municipal unit's regular Planning Advisory Committee but shall otherwise not receive remuneration.
 12. Unless the Committee elects a chair by a vote of at least 2/3rds of the maximum number of members that may be appointed to the Committee, the Committee shall be co-chaired by the Mayor of Truro and the Warden of Colchester in such manner as may be agreed on between them.
 13. Subject to s. 12, voting shall be by majority vote of the members present. Four members shall constitute a quorum. Parliamentary procedure shall be followed in regards matters not set out by statute or in this Policy.

Council Referral:

14. Upon or after appointing membership to the Committee to deal with that project, each Council:
 - (1) shall refer the project to the planning staff designates for conduct of the public participation program, and to the Committee for its recommendations and advice;
 - (2) may set a date and time for first reading by that Council of an inter-municipal planning strategy (and implementing land use bylaws) or amendments thereto, or may delegate authority to its Clerk or Chief Administrative Officer to set such a date;
 - (3) may set a date, time and place for a joint public hearing and authorize any advertising therefore, or may delegate authority to its Clerk or Chief Administrative Officer to coordinate the setting and advertising of such a date, time and place with the other municipal unit.

First Reading:

15. After draft planning documents are available, each Council shall carry out independently a first reading of the inter-municipal planning strategy (and implementing land use bylaws) or of amendments thereto.
16. In order to maintain the integrity and fairness of the public hearing which occurs on the occasion of second reading, on the first reading Council shall not entertain submissions from a proponent, opponent, or other interested parties, nor entertain debate amongst Council members on the merits of the project or any aspect of the project. An approval at the first reading shall signify only that the Council is satisfied that all necessary preconditions to a lawful public hearing have been taken or will have been taken by the date of the public hearing, and debate and discussion at Council and the text of the motion of Council shall be limited accordingly.

Joint Public Hearing:

17. After the Councils of Truro and Colchester have completed first reading, a public hearing shall be carried out jointly by the Councils as follows:
 - (1) a venue, date and time shall be set as prescribed by s. 14 (3) of this Policy, and advertised in accordance with any statutory requirements;
 - (2) the hearing shall be co-chaired by the Mayor of Truro and the Warden of Colchester in such manner as may be agreed on between them;
 - (3) the joint public hearing may be carried out concurrently for
 - (a) the adoption or amendment of an inter-municipal planning strategy and of any implementing land use bylaws;
 - (b) the approval of a development agreement pursuant to an inter-municipal planning strategy and implementing land-use bylaws; and
 - (c) any other hearing authorized or required by any statute or by an inter-municipal planning strategy;
 - (4) at the conclusion of the submissions and presentations at the public hearing, the hearing shall be closed by the co-chairs and each Council will carry out a separate debate and vote on resolutions in respect of the inter-municipal project;
 - (5) the separate debate and vote of each Council may occur, one after the other, at the venue of the public hearing following the hearing, in which case each Council shall refrain from participating in the debate and vote of the other Council, or, either Council may determine that it wishes to adjourn to a different place, date and/or time for its debate and vote;
 - (6) during each Council's debate and vote no further presentations or submissions from interested parties or the public shall be permitted;

- (7) in addition to any other conditions which lawfully may be imposed by Council, a vote by either Council to approve a resolution pertaining to a possible inter-municipal planning project may be made conditional on the approval of the other Council for some or all resolutions pertaining to the project and, without limiting the generality of the above, no inter-municipal planning strategy shall be deemed to be adopted or amended unless approval has been given by the respective Councils of each of Truro and Colchester.

Clerk's Annotation For Official Policy Book

Date of Notice to Council Members
of Intent to Consider [7 days minimum] : _____

Date of Passage of Current Policy : _____

I certify that this Policy was adopted by Council as indicated above.

Clerk

Date