

Staff Report to Council

Planning and Development

FILE: 01-0125-01/24

REPORT DATE: April 23, 2024 **MEETING DATE:** April 30, 2024
TO: Mayor and Council
FROM: Christine Carter, Manager of Strategic Initiatives
SUBJECT: Public Hearing Procedures Amending Package

CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:



RECOMMENDATION(S):

THAT Council:

- A. Grant first, second, and third readings to Development Procedures Amendment Bylaw No. 2988, 2024; AND
- B. Approve amendments to the Delegations Before Council Policy C010 as presented at the April 30, 2024 Council meeting; AND
- C. Approve amendments to the Public Engagement at Council Meetings Policy C107 as presented at the April 30, 2024 Council meeting; OR
- D. Other.

PURPOSE

For Council to consider amendments to bylaws and policies to implement provincial changes to public hearing procedures, resulting from Bill 44 - Housing Statutes (Residential Development) Act.

☐ Information Report

☒ Decision Report

☐ Direction Report

DISCUSSION

Background:

On November 30, 2023, *Bill 44 - 2023 Housing Statutes (Residential Development) Amendment* received Royal Assent, and Section 464(3) of the *Local Government Act* (LGA) now prescribes that a local government must NOT hold a public hearing on a zoning bylaw if the:

- bylaw is compliant with the Official Community Plan (OCP);
- bylaw is to permit a development that is, in whole or part, residential; and
- residential component is at least 50% of the gross floor area of all buildings/structures of development.

The legislation does exempt any in-stream zoning application that has received first reading to proceed to public hearing. The legislation also prohibits the local government from holding a public hearing in connection with the Zoning Bylaw amendments necessary to accommodate the Small-Scale Multi-Unit Housing [“SSMUH”] requirements.

It is noted that public hearings will still be permitted for OCP amendments; residential rezoning applications that are not OCP compliant; and non-residential rezoning applications. A summary of the public hearing rules is summarized in Table 1 below.

Public Hearing Requirements – Table 1

OCP Amendment	No Change to process
Zoning Bylaw amendment not compliant with OCP	Refer bylaw to public hearing
Zoning Bylaw amendment – non residential	No Change to process Refer bylaw to public hearing
Zoning Bylaw amendment – residential & OCP compliant	Change to process public hearing prohibited

In early January 2024, an internal Public Hearing Working Group, comprised of staff from the Planning and Development, Legislative Services, and Communications and Civic Engagement departments was formed. Members of the Working Group have reviewed the legislation, relevant City policies and bylaws, and have prepared amendments to implement the Provincially mandated changes.

The prohibition of residential, OCP compliant rezoning applications from going to public hearing is a significant change, and one that citizens may find confusing. However, it is important to note that this change is mandated by the Provincial government. It is also worth noting that while the rules around public hearings have changed, there is still a public process, and residents are able to provide written comments to Council. In addition, many of the

applications prohibited from public hearing will still be subject to Council Policy C015 (Development Information Meetings), and a development information meeting will be required for development applications seeking:

- an OCP amendment;
- a rezoning that will result in five or more dwelling units, or more than 10,000 square feet of commercial or industrial space; or
- when the Director of Planning and Development is of the opinion that the development (e.g., OCP amendment or rezoning application) could have significant impacts on the amenities or character of the surrounding area.

The DIM policy requires that an applicant host a meeting after the introductory report is received by Council and before the application is forwarded to Council for consideration of first reading. Following the meeting, the applicant is required to provide a written summary, comments received, and sign-in sheets to the Planning department, and staff include a summary of the information received in the first reading report.

The public hearing amending package includes a number of amendments to implement the changes to the public hearing procedures as prescribed in the *LGA*. Significant changes resulting from the SSMUH legislation are described in the following section of this report.

a) Changes to Rezoning Process

Local Government Act changes that prohibit OCP compliant, residential rezoning applications from presentation at public hearing, require changes to the City's current rezoning process. Non-residential rezoning applications, and residential applications that are not OCP compliant will continue to be referred to public hearing, and will be subject to the current process, as illustrated in Figure 1 below.

Figure 1:

Pre-Bill 44 & Process for Non-Residential or Residential, Non OCP Compliant Applications



Effective November 30, 2023, residential, OCP compliant applications are prohibited from being referred to public hearing and are now subject to a revised process as illustrated on Figure 2 below.

Figure 2: Post Bill 44 - for Residential, OCP Compliant Rezoning Applications



b) Rezoning Application Introductory Reports

To comply with the *Local Government Act*, and in an attempt to maximize transparency, the Introductory Report that is prepared by the Planning and Development Department will contain an introduction to the rezoning application, and an assessment of OCP compliance. The Introductory Report will also include a section that identifies whether a public hearing is required or prohibited pursuant with Section 464 of the *LGA*.

c) Statutory Notification Process for Residential, OCP Compliant Rezoning Applications

When a public hearing is prohibited, the local government is now required to provide statutory notice before the date where first reading is to be considered by Council (Figure 2 above). The notice is to include information regarding the purpose of the bylaw and lands subject to the bylaw, plus provide details on the date of first reading, and places, times and dates that are available for someone to inspect the bylaw. It is worth noting, that the legislation provides no opportunity for a resident to appear before Council to voice their opinion on a residential, OCP compliant rezoning application.

In recognition that Council may want to hear from its residents, the Public Notice template has been prepared to include an opportunity for comments to be provided in writing to Council. Submissions received before 3:00 p.m. on the Thursday prior to the meeting, will be included in the meeting agenda package. Submissions received after this deadline, up until 3:00 p.m. on the day of the Council meeting, will form part of an on-table circulation. A copy of the updated Public Notice template is attached as Attachment A.

Similar to current processes, the statutory notice is to be published in the newspaper, once each week, for two consecutive weeks, plus written notice is mailed to owners and occupiers within a prescribed distance.

When a public hearing is prohibited, there is now an opportunity for Council to grant three readings to the zone amending bylaw at one time. It is also noted, that because there is no public hearing, there are no longer restrictions limiting when a Council can receive additional information, and Council could receive new information leading up to consideration of final reading. Non residential, and residential non-OCP compliant applications will be subject to the

current public hearing processes and rules, and Council will remain unable to receive information following the close of the public hearing.

d) Development Procedures Bylaw

Section 460 of the *Local Government Act* requires that municipalities have in place a development procedures bylaw under which landowners may apply for an amendment to the Official Community Plan or Zoning Bylaw or for a permit (i.e., development permit, development variance permit, heritage alteration permit). Part 10, Section 34 of the Bylaw contains a table that summarizes the notification requirements for applications by application type, and amongst other things, specifies whether a public hearing is required. The current bylaw acknowledges that Council may waive a public hearing, however does not reflect that the *LGA* prohibits residential, OCP compliant applications from public hearing.

Staff are recommending that Table 1, in Part 10 of the bylaw be amended to clarify that a public hearing will not be held where prohibited by the *LGA*. Specifically, the notation in Table 1 currently reads “NOTES: *Unless the Public Hearing is waived.” Staff recommend that the notation be amended to read: “NOTES: *Unless the Public Hearing is waived or prohibited by the *Local Government Act*.” Refer to Attachment B to view the draft Development Procedures Amending Bylaw.

e) Changes to Council Meetings

Legal advice has cautioned of the risk of a Council hosting a public hearing under a different name, for example, allowing people to comment as a delegation or during question and answer period, on rezoning applications prohibited from a public hearing. For that reason, staff are recommending that there be no opportunity to make an oral submission at a Council meeting on rezoning applications that are prohibited from public hearing. However, local governments may use an alternate form of public engagement to meet their duty of procedural fairness, through the receipt of written submissions.

Legislative Services staff have reviewed the bylaws and policies that refer to public hearing processes, and make the following recommendations:

i. Council Procedures Bylaw:

The Council procedures bylaw is required to establish the rules of procedure for City Council, its standing and select committees, and other advisory committees of the City. The bylaw as written remains accurate, as per section 465 of the *Local Government Act*, and no changes are recommended.

ii. Delegations Before Council – Policy C010:

This policy establishes guidelines for delegation requests, which are requests from members of the public or external bodies to present matters to Council. Under section 5.3(b), the policy currently prohibits a delegation on “...any matter pertaining to a bylaw or zoning application that is the subject of a public hearing and [where the bylaw] has not yet been adopted.”

Because the legislation now prohibits Council from holding public hearings on certain land matters, staff recommend that Council also limit delegations on those same matters, to ensure Council abides by the intent of the recent changes to provincial legislation. It is recommended that an additional bullet be added to section 5.3 of the Delegation Policy that prohibits delegation requests pertaining to any rezoning or land use matter for which a public hearing is prohibited by provincial legislation. Refer to Attachment C Policy C010 with tracked changes.

iii. Public Engagement at Council Meetings – Policy C107

This policy establishes guidelines for public engagement at Council and Engagement and Priorities Committee (EPC) meetings. Under section 8.3(a), the policy currently prohibits questions and comments from the public on “...any matter pertaining to a bylaw or zoning application that is the subject of a public hearing and [where the bylaw] has not yet been adopted.”

The legislation now prohibits Council from holding public hearings on certain land matters, and staff recommend that Council also limit comments during Question & Comment Period on those same matters, to ensure Council abides by the intent of the recent changes to provincial legislation.

It is recommended that an additional bullet be added to section 8.3 of the Public Engagement Policy that prohibits delegation requests pertaining to any rezoning or land use matter for which a public hearing is prohibited by provincial legislation. It is also recommended that the language in sections 7 and 8 clarify the process for Question & Comment Period, and how questions must pertain to items on the agenda for Council’s consideration at any particular meeting. Refer to Attachment D Policy C107 with tracked changes.

iv. Public Hearing Process and Chair Introductory Statement- Policy C041

This policy establishes a fair and equitable process for all public hearings held by the City. It does not speak to how and when public hearings are required or prohibited, as such

provisions are already established under the *Local Government Act*. Changes to this policy are not required in response to the new housing legislation.

f) Communications

In an effort to share information about the provincial housing legislation, Communications and Civic Engagement staff created a New Provincial Housing Legislation page (www.pittmeadows.ca/housing-legislation) on the municipal website. The webpage notes that as a part of the new legislation, municipalities are no longer allowed to hold public hearings for residential properties that fit with the City's Official Community Plan. This subject report will be made available to view/download from the web page as information.

In addition, on April 9, 2024 Council received information about the Communications Strategy for the Provincial Housing Legislation that identifies how changes stemming from the Legislation are being disseminated in the community.

g) In-Stream Applications

The legislation does exempt any in-stream zoning application that has received first reading to continue to public hearing. There are no in-stream applications that have received first reading and have not had a public hearing. Two multi-family rezoning applications, where Council has received an introductory report, are pending first reading. Details on those two multi-family applications are as follows:

Address	Proposal	Status	OCP Designation	Public Hearing
12469 191B St	13 townhouse units	No readings granted	Town Centre Commercial: OCP compliant	Prohibited
19261, 19267, 19275, 19285, 19293 Hammond Rd	57 townhouse units	No readings granted	Residential Medium: OCP compliant	Prohibited

Next Steps

The amending package before Council is required to bring relevant City of Pitt Meadows bylaws and policies into compliance with the legislation. While this amending package is administrative in nature, changes to the public hearing requirements are a deviation from past requirements where residents were provided an opportunity to directly address Council in person. However, it is worth noting that while the rules around public hearings have changed, there is still a public process, and residents remain able to provide written comments to Council. In addition, development information meetings will continue to be required for many

applications prohibited from public hearing, and city staff remain available to answer questions and share information.

COUNCIL STRATEGIC PLAN ALIGNMENT

- ☐ Principled Governance ☐ Balanced Economic Prosperity ☐ Infrastructure
☐ Community Spirit & Wellbeing ☐ Corporate Pride ☐ Public Safety
☒ Not Applicable

The Public Hearing amending package is an administrative amendment, required to bring local bylaws and policies into compliance with recent changes to the Local Government Act that prohibit Residential, OCP compliant applications from being considered at a public hearing.

WORKPLAN IMPLICATIONS

- ☒ Already accounted for in department workplan / no adjustments required
☐ Emergent issue / will require deferral of other priority(ies)
☐ Other

Much of the housing related work related to Provincial legislative changes are contemplated in the Planning and Development Department's 2024 Business Plan. However projects such as the ACC Program, OCP amendments, and Transit Oriented Area designation bylaw were not specifically accounted for, and required some reallocation of staff resources. Staff continue to place a priority on the implementation of the frequently expanding Provincial housing legislation, which may result in some 2024 key initiatives being deferred to future years.

FINANCIAL IMPLICATIONS

- ☒ None ☐ Budget Previously Approved ☐ Referral to Business Planning
☐ Other

This is an administrative amendment to bring local bylaws and policies into alignment with recent changes to the *Local Government Act*.

PUBLIC PARTICIPATION

- ☒ Inform ☐ Consult ☐ Involve ☐ Collaborate ☐ Empower

Comment(s):

The *Local Government Act* no longer allows residential, OCP compliant applications from being referred to public hearing, and the amending package brings City bylaws and policies into compliance with the legislation. While residents will no longer be able to appear before Council on residential, OCP compliant rezoning applications, a public process does remain, and written submissions can be provided to Council.

KATZIE FIRST NATION CONSIDERATIONS

Referral ☐ Yes ☒ No ☐ Other

A referral to the Katzie First Nation is not required or recommended, at this time.

SIGN-OFFS

Written by:

Christine Carter,
Manager of Strategic Initiatives

Reviewed by:

Patrick Ward,
Director of Planning and Development

Kate Barchard,
Corporate Officer

ATTACHMENT(S):

- A. Public Notice Template
- B. Development Procedures Amending Bylaw No. 2988, 2024
- C. Delegations Before Council – Policy C010
- D. Public Engagement at Council Meetings – Policy C107