



Staff Report to Council

DATE: Monday, May 6, 2024

DEPARTMENT: Planning

SUBJECT: Bylaw No. 2176 – Public Hearing Notification Bylaw Amendment

EXECUTIVE SUMMARY:

This report sets out amendments to *City of Langford Public Notification Bylaw No. 1490, 2013*, as directed by Council at the March 4th, 2024 Regular Council meeting, with respect to land use applications, Public Hearings, and waiving Public Hearings.

BACKGROUND:

In November 2023, the Province of British Columbia enacted the *Housing Statutes (Residential Development) Amendment Act, 2023* which introduced a suite of amendments to the *Local Government Act* including amendments pertaining to Public Hearings. With this change to the legislation, the City is **prohibited** from convening a Public Hearing with respect to a Zoning Bylaw amendment application that is consistent with the Official Community Plan (OCP) and would result in predominantly residential development.

Prior to these changes, a municipality was *required* to hold a Public Hearing for all Zoning Bylaw amendments, unless the municipality waived the hearing in accordance with the *Local Government Act*. Historically, the City of Langford did not waive Public Hearings, except during the early days of the COVID-19 pandemic.

COMMENTARY:

Public Hearings are a requirement of the Provincial Government as set out in Section 464 of the *Local Government Act*. Relevant excerpts of all sections noted in the report are attached as an appendix.

As noted, Section 464 (3) now prohibits Public Hearings for any Zoning Bylaw amendment application that is consistent with the OCP and which would result in development that is predominantly residential. This would include developments such as townhouses, apartments, mixed use buildings or residential subdivisions. This section is already in effect, and as such, any rezoning application that was not in stream with at least one bylaw reading in place prior to December 7, 2023, is not permitted to be the subject of a Public Hearing.

Council may wish to note that Section 464(3) does not pertain to the kind of Omnibus Zoning Bylaw amendments that the City makes, from time to time, to amend regulations of the Zoning Bylaw. These omnibus changes may lead to more residential development, but do not specifically permit it.

In addition to the prohibition under Section 464(3), Section 464 (4) prohibits Public Hearings for any Zoning Bylaw amendments necessary to enact other provisions of the *Residential Development Amendment Act*, those being the changes that are proposed with respect to transportation-oriented areas (TOA) and the small-scale multi-unit housing (SSMUH). More information on these specific changes will be forthcoming in a future report.

Unrelated to recent changes to the *Local Government Act*, Section 464(2) of the *Act* allows Council the discretion to waive a Public Hearing for any Zoning Bylaw amendment that is consistent with the OCP, and this may include omnibus housekeeping amendments. While this is a longstanding provision in the *Act*, it is seldom used as the requirements for public notification and discussion are similar to what is required for a Public Hearing.

With the noted changes to the legislation in Section 464(3), the only circumstances where a Public Hearing must be held is for an application to amend the OCP or to amend zoning concurrent with an amendment to the OCP (zoning not being consistent with the OCP without the amendment).

On March 4th, 2024, Council passed the following resolution with respect to the *Public Hearing Policy* report presented by Staff:

1. *Direct staff to prepare bylaw and/or policy amendments to implement the following:*
 - a. *That Council makes it their practice to employ Sec. 464(2) of the Local Government Act, unless there are extenuating circumstances that would make it undesirable to do so;*
 - b. *That the notification procedure for applications where a Public Hearing is not being held (whether prohibited or waived) include, the placement of signage on the subject property at the beginning of the process through the conclusion of the application;*
 - c. *That the notification procedure for applications where a Public Hearing is not being held (whether prohibited or waived) include, as required, advertisement in a local newspaper prior to 1st reading;*
 - d. *That the notification procedure for applications where a Public Hearing is not being held (whether prohibited or waived) include, written notice to owners and occupiers of land within 100m of the subject property prior to consideration of the application by Committee and again prior to 1st reading;*

- e. *That the Council Procedure Bylaw be amended to exclude any land use bylaw that is being considered for adoption from items that may be discussed during the Public Participation portion of Council’s meeting; AND*

- f. *That telecommunications applications be referred to Committee for public input, with a recommendation to be approved by Council and forwarded to Industry Canada and that the term “Public Hearing” be dropped from this process.*

Staff have prepared the required amendments to the City of Langford Public Notification Bylaw, in accordance with Council’s above-noted resolution. Subsequent amendments to Council’s Procedure Bylaw and the New Transmission Towers Policy No. 0340-50 will be brought forward in separate reports.

FINANCIAL IMPLICATIONS:

Application fees are based on cost recovery and currently a portion of application fees account for the direct cost of Public Hearing notification (mailout, signage and newspaper advertising). Notification will be similar where a Public Hearing is not required and there will likely not be any cost savings to the City as a result. Staff review the costs associated with rezoning applications on a regular basis and can suggest adjustments to the City’s fee schedule as necessary.

LEGAL IMPLICATIONS:

Council must abide by the provisions of the *Local Government Act* with respect to Public Hearings.

OPTIONS:

Option 1

THAT Council give First, Second and Third Readings to Bylaw No. 2176

OR Option 2

THAT the Council take no action with respect to Bylaw No. 2176 until such time as the following items are addressed by Council:

- a. _____;
- b. _____;
- c. _____;

SUBMITTED BY: Matt Notley, Planner II, Community Planning and Climate Change

Concurrence: Leah Stohmann RPP, MCIP, Director of Community Planning and Climate Change

Concurrence: Donna Petrie, Senior Manager of Communications & Economic Development

Concurrence: Yari Nielsen, Director of Parks, Recreation and Facilities

Concurrence: Matthew Baldwin, RPP, MCIP, Director of Development Services
Concurrence: Katelyn Balzer, P.Eng., Director of Engineering and Public Works
Concurrence: Michael Dillabaugh, CPA, CA, Director of Finance
Concurrence: Marie Watmough, Director of Legislative and Protective Services
Concurrence: Braden Hutchins, Deputy Chief Administrative Officer
Concurrence: Darren Kiedyk, Chief Administrative Officer

Attachments:

Bylaw 2176 – City of Langford Public Notification Bylaw

20240304 – Public Hearing Policy Report