



# Staff Report to Council

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**DATE:** Tuesday, February 20, 2024

**DEPARTMENT:** Planning

**SUBJECT:** No Public Hearing Required for Bylaw No. 2151 (2832, 2834, 2836, 2838 Knotty Pine Road)

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## EXECUTIVE SUMMARY:

Recent changes to the *Local Government Act* have changed the circumstances under which Council may hold a Public Hearing with respect to land use applications. This report sets out how Bylaw No. 2151 is not permitted to have a public hearing.

Of note, a report outlining the changes regarding public hearings will be presented to Council at a later date.

## BACKGROUND:

In November of 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.

## COMMENTARY:

The *Housing Statutes (Residential Development) Amendment Act, 2023*, which was given Royal Assent in November 2023, amends Section 464 of the *Local Government Act* by adding the following:

*464(3) A local government must not hold a public hearing on a proposed zoning bylaw if:*

- (a) an official community plan is in effect for the area that is the subject of the zoning bylaw,*
- (b) the bylaw is consistent with the official community plan,*
- (c) the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development, and*
- (d) the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development.*

If Council is prohibited from holding a public hearing under Sec. 464(3), then the City still must provide notice to the public in accordance with Sec. 467:

*467(1) If a local government decides not to hold, or is prohibited from holding, a public hearing referred to in section 464 (2) [public hearing not required for certain zoning bylaws] on a proposed zoning bylaw, it must give notice in accordance with this section.*

(2) *The notice must state the following:*

- (a) in general terms, the purpose of the zoning bylaw;*
- (b) the land or lands that are the subject of the bylaw;*
- (c) the date of the first reading of the bylaw;*
- (d) the place where and the times and dates when copies of the bylaw may be inspected.*

(3) *Section 466 (3) to (4) and (6) to (8) applies to a notice under this section, except that*

- (a) a reference in that section to a public hearing is to be read as a reference to the first reading of the bylaw, and*
- (b) the reference in subsection (4) (b) (i) of that section to the date of the first reading of the bylaw is to be read as a reference to the date of the mailing or delivery of the notice.*

Council may wish to note, as Bylaw No. 2151 is prohibited from holding a public hearing under Sec. 464(3), the City has sent out notices in accordance with Sec. 467 of the *Local Government Act*.

**FINANCIAL IMPLICATIONS:**

There are no known financial implications at this time.

**LEGAL IMPLICATIONS:**

The City must follow the provisions set out in the Local Government Act, with respect to Public Hearings.

**SUBMITTED BY: Matt Notley, Planner II, Long Range Planning**

**Concurrence:** Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision

**Concurrence:** Marie Watmough, Deputy Director of Corporate Services

**Concurrence:** Braden Hutchins, Director of Corporate Services

**Concurrence:** Darren Kiedyk, Chief Administrative Officer