

**DATE:** March 4, 2022

**TO:** MAYOR AND COUNCIL

**NAME AND TITLE:** WALTER BABICZ, CITY MANAGER

**SUBJECT:** Legislation Changes to Public Hearing Requirements

**ATTACHMENT(S):** None

**RECOMMENDATION:**

THAT Council RECEIVES FOR INFORMATION the report dated March 4, 2022 from the City Manager, titled “Legislation Changes to Public Hearing Requirements.”

**PURPOSE:**

The purpose of this report is to provide Council with information regarding recent amendments to legislation by the Province and more specifically at this time, changes related to public hearing requirements for zoning bylaw amendments.

**BACKGROUND:**

Bill 26, *Municipal Affairs Statutes Amendment Act (No. 2), 2021* introduced by the Province in October 2021, included amendments to sections in the *Community Charter* and *Local Government Act*. One significant change relates to public hearings on planning and land use bylaws which the province identified during their consultation with local governments, housing providers, builders, and other interested parties as part of their Development Approvals Process Review. These amendments support local governments to move forward efficiently and effectively on development applications and proposals.

**DISCUSSION:**

Public Hearings on Planning and Land Use Bylaws

The changes include revisions to section 464 of the *Local Government Act* that remove the default requirement for local governments to hold public hearings for zoning bylaw amendments that are consistent with the official community plan (OCP). Instead, approval of such zoning bylaws would proceed directly without public hearings, thereby removing the need for local governments to go through the process of waiving these hearings. In other words, Council will no longer have to pass a resolution to waive a public hearing on each individual application.

In order to maintain transparency in such cases, local governments must now provide public notice of the zoning amendment bylaw before the bylaw is considered for first reading by Council. Where

applicable, staff reports to Council will include a statement that a public hearing will not be held in accordance with *Local Government Act* section 464(2). The staff reports will also identify relevant OCP policies and how the application does or does not meet them, statutory notification processes and an alternative for Council to direct staff to schedule a public hearing.

The amendment is a change to how rezoning applications have been considered previously. When a public hearing is not held, applicants and members of the public may provide written submissions to Council that will be included in the Council Meeting agenda for consideration prior to first reading of the bylaw.

Council still has the option to hold a public hearing on a zoning amendment bylaw that is consistent with the OCP if Council is of the view that a public hearing is warranted. Council may choose to direct an application to public hearing at initial consideration of the bylaw (i.e. first two readings) or at any time prior to third reading, at Council's discretion. Notice of first reading includes a newspaper advertisement and a mailed notice to property owners and occupants within 30 minutes of the subject property, or a greater distance recommended by staff.

#### Public Notice Requirements

Other amendments introduced by the Province include a revision to the public notice requirements set out in the *Community Charter* that enable local governments to provide for an alternative means of publishing notice instead of publishing the notice in a newspaper. A local government must adopt a bylaw enabling it to provide the alternative means of publishing a notice. Prior to adopting a bylaw, local governments must consider principles of effective public notice which are defined by a new Provincial regulation. Administration will report back to Council at the March 28, 2022 regular meeting regarding this option to change public notice requirements.

#### **SUMMARY AND CONCLUSION:**

The Province's amendments are a significant shift in how Council considers rezoning applications that are consistent with the Official Community Plan. This information report outlines implementation around the changes to public hearing requirements. The report also refers to other amendments to legislation by the Province that give local governments alternative means of providing notice instead of publishing the notice in a newspaper. A more detailed staff report will be provided on public notice options for Council to consider at the March 28<sup>th</sup> regular meeting.

**PREPARED BY:** Maureen Connelly, Manager of Legislative Services/Corporate Officer

#### **RESPECTFULLY SUBMITTED:**

Walter Babicz, City Manager

Meeting Date: 2022/03/14