

STAFF REPORT TO COUNCIL

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DATE: June 5, 2024

TO: MAYOR AND COUNCIL

NAME AND TITLE: Ethan Anderson, Manager of Legislative Services/Corporate Officer

SUBJECT: Land-Use Bylaw Process Changes

ATTACHMENT(S): Flowchart

RECOMMENDATION(S):

That Council RECEIVES FOR INFORMATION the report dated June 5, 2024 from the Manager of Legislative Services, titled 'Land-Use Bylaw Process Changes.'

PURPOSE:

For Council information (no decision required) regarding processes surrounding land-use bylaws.

BACKGROUND:

The focus of this report is to inform Council of changes to recommendations coming to Council and the timing of bylaw readings in relation to Rezoning Amendments, Official Community Plan Amendments (OCP), and Road Closure Bylaws.

Current processes regarding land-use application and their associated bylaws are a product of historical legislation and past practice that has carried over to the present. Changes to legislation impacting Public Hearings where public hearings are either required, optional, or prohibited depending on the type of rezoning application and the signing of an agreement under s.52 of the *Transportation Act* with the Ministry of Transportation and Infrastructure has led to analysis of the current processes and changes to future recommendations as they relate to the above type bylaws.

With the understanding that there may be circumstances regarding an application that will require a slight deviation from the process laid out below, the table below describes how Administration will apply the legislation for bylaw readings regarding land-use applications:

Application / Bylaw Type	Current Process	New Process
OCP with or without rezoning (no conditions)	<ul style="list-style-type: none"> • Meeting 1: 1st and 2nd Reading <ul style="list-style-type: none"> ○ Public Notice • Meeting 2: Public Hearing, 3rd Reading • Meeting 3: Final Reading & Adoption 	<ul style="list-style-type: none"> • Meeting 1: 1st and 2nd Reading <ul style="list-style-type: none"> ○ Public Notice • Meeting 2: Public Hearing, 3rd Reading, Final Reading & Adoption
Rezoning consistent with OCP (residential, no conditions)	<ul style="list-style-type: none"> • Public Notice • Meeting 1: 1st and 2nd Reading • Meeting 2: 3rd Reading • Meeting 3: Final Reading & Adoption 	<ul style="list-style-type: none"> • Public Notice • Meeting 1: 1st, 2nd, 3rd Reading, Final Reading & Adoption
Rezoning consistent with OCP (conditions)	<ul style="list-style-type: none"> • Public Notice • Meeting 1: 1st and 2nd Reading • Meeting 2: 3rd Reading • Meeting 3: Final Reading & Adoption 	<ul style="list-style-type: none"> • Public Notice • Meeting 1: 1st, 2nd, 3rd Reading • Condition to be met • Meeting 2: Final Reading & Adoption
Rezoning consistent with OCP (non-residential, conditions)	<ul style="list-style-type: none"> • Public Notice • Meeting 1: 1st and 2nd Reading • Meeting 2: 3rd Reading • Conditions to be met • Meeting 3: Final Reading & Adoption 	<ul style="list-style-type: none"> • Public Notice • Meeting 1: 1st, 2nd, 3rd Reading, Conditions to be met • Meeting 2: Final Reading & Adoption
Road Closure	<ul style="list-style-type: none"> • Public Notice • Meeting 1: 1st and 2nd Reading • Meeting 2: 3rd Reading • Meeting 3: Final Reading & Adoption 	<ul style="list-style-type: none"> • Public Notice • Meeting 1: 1st, 2nd, 3rd Reading, • Meeting 2: Final Reading & Adoption

As noted, these changes are general and will differ case-by-case dependent on an application’s particulars. Administration will most often not recommend a public hearing where the legislation allows for that hearing to be optional. It is also important to note that these are just recommendations and Council still has full discretion to do fewer readings in one meeting, to choose to hold a public hearing on a rezoning (except where prohibited), to reject applications, and any other number of decisions that are authorized by the legislation.

Benefits of the altered recommendations are primarily centered on faster timelines (less council meetings required for readings), less time spent re-introducing the reports in Council meetings, and reduced concern and/or liability for ‘new’ information being introduced between 3rd reading and adoption when a public hearing was held.

Drawbacks of the altered recommendations falls under the ‘sober second thought’ aspect of a separated space between readings. Under the current process Council is still in full discretion whether to give final reading and adoption to a bylaw after providing third reading and may choose to

deny providing that reading based on any number of reasons. If Council decides to provide 3rd and adoption to OCP and rezoning bylaws in one meeting, that time for introspection is lost.

One additional change in process is regarding bylaws where a lot consolidation was a requirement prior to final reading and adoption. In these instances, Council will be asked to amend the proposed bylaw to account for the new legal description resulting from the lot consolidation.

STRATEGIC PRIORITIES:

The process outlined in this report align with Council's strategic priority regarding City Government and Infrastructure Priorities in that it improves processes and practices to support effective and efficient service delivery.

SUMMARY AND CONCLUSION:

In compliance with legislation, Administration will recommend that Council provide readings to land-use bylaws as noted in the report which will improve application processing times for some land-use applications.

RESPECTFULLY SUBMITTED:

Ethan Anderson, Manager of Legislative Services/Corporate Officer

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2024/06/12