



## DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: February 27, 2024

From: Ron Mattiussi, Interim CAO

File No: P 24-05

Subject: **P 24-05; Bill 44 Amendments - Public Hearings**

Report Prepared By: Yvonne Mitchell, Planner III

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### **RECOMMENDATION** to Consider and Resolve:

**THAT** Council give first, second, and third reading to Development Applications Procedures Amendment Bylaw No. 0260.03, 2024;

**AND THAT** the Development Application Delegation Request Council Policy be revised as outlined in the Report from the Planner III dated February 27, 2024.

### **BACKGROUND**

On November 30, 2023, Bill 44, being the *Housing Statutes (Residential Development) Amendment Act, 2023* was given Royal Assent. Bill 44 made amendments to the *Local Government Act* including the following:

1. Removed public hearings for housing projects that are consistent with OCPs;
2. Requires local governments to update zoning bylaws to allow more small-scale multi-unit housing;
3. Requires local governments to more directly link and regularly update housing needs reports, OCPs, and zoning bylaws; and
4. Introduced new and updated development finance tools that local governments can use to help fund the costs of infrastructure and amenities.

These changes are part of the Province's Homes for People Action Plan which aims to deliver more homes for people faster and follows the Province's Development Approvals Process Review completed in 2019 that was undertaken to increase the efficiency and effectiveness of local government development approvals processes.

This report focuses on item 1 above. Other changes as a result of Bill 44 will be reviewed by staff and recommendations brought forward to Council for consideration at a later date.

## Prohibited Public Hearings

Under s.464(3) in the *Local Government Act* a local government must now 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.

## Public Notice Requirements

Under s.467 of the *Local Government Act*, if a local government is prohibited from holding a public hearing it must give notice of first reading.

## DISCUSSION

### **Proposed Changes to the Development Applications Procedures Bylaw No. 0260**

Changes are proposed to the Development Applications Procedures Bylaw to clarify that there are now circumstances where Council is prohibited from holding a public hearing on a proposed zoning bylaw (Attachment 1):

- 3.14.1. A public hearing will not be held for a Zoning Bylaw Amendment application which is consistent with the Official Community Plan pursuant to the *Local Government Act*.
- 3.14.2. Notwithstanding s.3.14.1., and **unless a public hearing is prohibited from being held pursuant to the *Local Government Act***, Council may at their discretion choose to hold a public hearing, or if eight or more written submissions have been received, a public hearing is required. A written submission is a submission received in response to notice of first reading, and in accordance with the submission requirements set out in the notice. Multiple submissions from one address will be counted as one submission.

### **Proposed Changes to the Development Application Delegation Request Policy**

To ensure Council is not indirectly holding a public hearing when prohibited, delegation requests will not be considered in these circumstances. Proposed changes to the Development Application Delegation Request Policy clarify this (Attachment 2).

To date, Council has considered two zoning bylaw amendment applications with prohibited public hearings. Z 23-01 (1179 Westside Road) given first and second reading on December 12, 2023, and Z 23-07 (3715 & 3717 Hoskins Road, 2424 Dobbin Road) given first second and third reading on January 9, 2024. These applications have been processed in accordance with Provincial legislation and the changes proposed above.

## NEXT STEPS

If the proposed amendments are adopted, the Zoning and Official Community Plan Amendments Information Bulletin and other materials will be updated to reflect the changes.

Other changes as a result of Bill 44 will be reviewed by staff and recommendations brought forward to Council for consideration at a later date.

### **Alternate Recommendation** to Consider and Resolve:

1. **THAT** Council postpone first, second, and third reading to Development Applications Procedures Amendment Bylaw No. 0260.03, 2024;

**AND THAT** Council postpone the amendment of the Development Application Delegation Request Council Policy.

Should Council postpone consideration of the proposed amendments, further direction to staff on how to proceed is requested.

2. **THAT Council** deny first, second, and third reading to Development Applications Procedures Amendment Bylaw No. 0260.03, 2024;

**AND THAT** Council deny the amendment of the Development Application Delegation Request Council Policy.

## REVIEWED BY

Chris Oliver, Planning Manager

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

Trevor Seibel, Deputy CAO

## APPROVED FOR THE AGENDA BY

Name, CAO

Powerpoint: Yes ☐ No ☒

### Attachments:

1. Development Applications Procedures Amendment Bylaw No. 0260.03, 2024
2. Red Line Development Application Delegation Request Council Policy