



THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

**To:** Council

**File No.:** 3360-20-2302/RZ000075 & 3360-20-2201/RZ000065

**From:** Director of Development Services

**Date:** July 12, 2023

**Subject:** Change in Legislation – Request for Reconsideration

---

### PURPOSE:

To request Council reconsider 1<sup>st</sup> and 2<sup>nd</sup> readings of Bylaw No. 3063 (1814 Grieve Avenue) and Bylaw No. 3095 (4655a Madrona Place) to ensure compliance with new legislated notification requirements.

### BACKGROUND:

Bill 26 was introduced in the legislature on October 26, 2021 and proposed amendments to various sections in the Community Charter, the Local Government Act and others. The changes to section 464 of the Local Government Act removed 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 by default without public hearings, thereby removing the need for local governments to go through the process of waiving these hearings (which was previously required).

In order to provide transparency in such cases, the newly amended legislation required that a local government provide public notice of a zoning bylaw before the bylaw is considered at first reading. This approach to notice differs from the past practice required to waive a public hearing, which had notice provided after the 2<sup>nd</sup> reading of the bylaw.

### DISCUSSION:

Notifications have been prepared and distributed based on the new legislative requirements for two rezoning applications: 1814 Grieve Avenue and 4655a Madrona Place. In seeking Council's consideration to waive the public hearing (consistent with the pre-amendment approach), the respective June 28, 2023 staff reports recommended Council give 1<sup>st</sup> and 2<sup>nd</sup> reading to the respective bylaws. This practice was in accordance with the previous legislative requirements, but does not meet the newly updated requirement of providing notice prior to 1<sup>st</sup> reading of the bylaw. Therefore, to meet the legislated notice requirements regarding rezonings that do not require a public hearing, it is requested that Council reconsider the following motions:

#### **1814 Grieve Avenue, originally considered at the June 28, 2023 Council meeting:**

*THAT Council give First and Second Readings to "Zoning Amendment Bylaw No. 3063" (1814 Grieve Ave) subject to the following conditions prior to adoption;*

- a. 219 Covenant for Community Amenity Contributions; and*
- b. 219 Covenant to ensure a 3m vegetation buffer is installed along the northeast and southeast property lines.*
- c. A Preliminary layout Plan be issued.*

*THAT Council not hold a public hearing as per section 464(2)(b) of the Local Government Act as "Zoning Amendment Bylaw No. 3063" (1814 Grieve Ave) consistent with the City's Official Community Plan; and*

*THAT Council direct staff to issue public notice as per section 467 of the Local Government Act that a public hearing will not be held for “Zoning Amendment Bylaw No. 3063” (1814 Grieve Ave).*

**4655a Madrona Place, originally considered at the June 28, 2022 Council meeting:**

*THAT Council give First and Second Reading to “Zoning Amendment Bylaw No. 3095” to amend Zoning Bylaw No. 2500, 2007, Part 24 – Industrial Two Zone (I-2), section 8.24.1 Permitted Uses to add day care use in Unit A of Strata Lot 5, District Lot 236, Comox District, Strata Plan VIS5235 (4655a Madrona Place); and*

*THAT Council not hold a public hearing as per section 464 2 (b) of the Local Government Act as the proposed zoning is consistent with the Official Community Plan; and*

*THAT a public notice is given as per section 467 of the Local Government Act.*

Upon reconsideration of the aforementioned motions, it is requested that Council amend both motions to remove the reference to the public hearing and the notice. A motion of Council is no longer required to “waive” a public hearing and direction is not required regarding notice as it is a legislated requirement that the City is obligated to provide. After amending the motion, it is requested Council defer 1<sup>st</sup> and 2<sup>nd</sup> reading of both bylaws to the July 26, 2023 Council meeting.

**POLICY ANALYSIS:**

Council may reconsider a matter at the next Council meeting in accordance with section 40 “Reconsideration of Matter by Council Member”.

**FINANCIAL IMPLICATIONS:**

There are no financial implications.

**ADMINISTRATIVE IMPLICATIONS:**

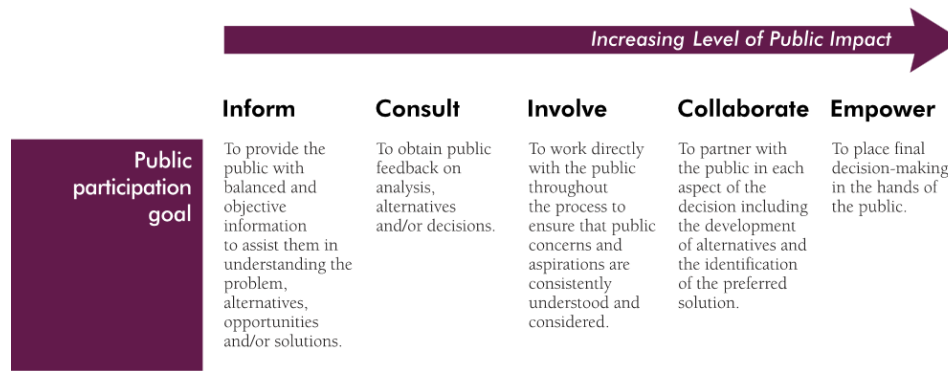
Staff will provide notice and report back to Council on any public comments received at the July 26<sup>th</sup> Council meeting.

**STRATEGIC PRIORITIES REFERENCE:**

Not applicable.

**PUBLIC ENGAGEMENT:**

Staff would inform and consult the public based on the IAP2 Spectrum of Public Participation:



© International Association for Public Participation [www.iap2.org](http://www.iap2.org)

**OPTIONS:**

To be read as separate motions:

**1) 1814 Grieve Avenue**

THAT Council reconsider the following motion in accordance with section 40 of the Council Procedure Bylaw:

*THAT Council give First and Second Readings to “Zoning Amendment Bylaw No. 3063” (1814 Grieve Ave) subject to the following conditions prior to adoption;*

- a. 219 Covenant for Community Amenity Contributions; and*
- b. 219 Covenant to ensure a 3m vegetation buffer is installed along the northeast and southeast property lines.*
- c. A Preliminary layout Plan be issued.*

*THAT Council not hold a public hearing as per section 464(2)(b) of the Local Government Act as “Zoning Amendment Bylaw No. 3063” (1814 Grieve Ave) consistent with the City’s Official Community Plan; and*

*THAT Council direct staff to issue public notice as per section 467 of the Local Government Act that a public hearing will not be held for “Zoning Amendment Bylaw No. 3063” (1814 Grieve Ave).*

**2) 4655a Madrona Place**

THAT Council reconsider the following motion in accordance with section 40 of the Council Procedure Bylaw:

*THAT Council give First and Second Reading to “Zoning Amendment Bylaw No. 3095” to amend Zoning Bylaw No. 2500, 2007, Part 24 – Industrial Two Zone (I-2), section 8.24.1 Permitted Uses to add day care use in Unit A of Strata Lot 5, District Lot 236, Comox District, Strata Plan VIS5235 (4655a Madrona Place); and*

*THAT Council not hold a public hearing as per section 464 2 (b) of the Local Government Act as the proposed zoning is consistent with the Official Community Plan; and*

*THAT a public notice is given as per section 467 of the Local Government Act.*

2. THAT Council provide alternative direction to staff.

Prepared by: Kate O’Connell, Director of Corporate Services

Reviewed by: Adriana Proton, Manager of Legislative Services

Nancy Gothard, RPP, MCIP, Manager of Community and Sustainability Planning

Concurrence: Geoff Garbutt, M.Pl., MCIP, RPP, City Manager (CAO)