

# Report to Council



**Date:** March 20, 2023  
**To:** Council  
**From:** City Manager  
**Subject:** Official Community Plan Consistency Policy  
**Department:** Policy and Planning

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**Recommendation:**

THAT Council adopts Council Policy No. 365 - Official Community Plan Consistency Policy as outlined in the Report from the Policy and Planning Department dated March 20, 2023;

AND THAT Council rescinds Council Policy No. 307 – Waiver of Public Hearing as outlined in the Report from the Policy and Planning Department dated March 20, 2023.

**Purpose:**

To adopt Council Policy No. 365 Official Community Plan Consistency Policy and to rescind Council Policy No. 307 – Waiver of Public Hearing.

**Background:**

Bill 26 received Royal Assent on November 25, 2021, bringing into effect changes around public hearings for zoning bylaws that are consistent with the Official Community Plan and options to delegate certain development variance permits (DVPs). The proposed policy outlined in this report is part of the preparation of bylaws and policies to implement those changes.

*Previous Council Resolution*

Resolution	Date
THAT Council receives, for information, the report from the Office of the City Clerk dated January 10, 2022, with respect to options to implement legislative amendments to public hearing procedures;	January 10, 2022
AND THAT Council directs staff to prepare bylaws and policies required to implement the legislated changes and recommended options described in the report from the Office of the City Clerk dated January 10, 2022.	

<p>THAT Council receives, for information, the report from the Office of the City Clerk dated November 22, 2021, with respect to legislative amendments affecting Council, public notices, and development application procedures;</p> <p>AND THAT Council directs staff to report back to Council with options to implement the legislative amendments;</p> <p>AND FURTHER THAT, once the legislative amendments come into effect, Council directs staff to make recommendations on public hearings for zoning applications as outlined in the report from the Office of the City Clerk dated November 22, 2021, pending bylaw and policy amendments.</p>	<p>November 22, 2021</p>
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**Discussion:**

Local Government Act (LGA) Section 471(1) states that *"An Official Community Plan is a statement of objectives and policies to guide decisions on planning and land use management, within the area covered by the plan, respecting the purposes of local government."* The Local Government Act also states in Section 478(2) that all bylaws enacted or works undertaken by Council must be consistent with the Official Community Plan (OCP).

The LGA requires a zoning bylaw that does not go to a public hearing be consistent with the OCP (Bill 26). Where there is not consistency with the OCP, the City must hold a public hearing on a proposed zoning bylaw, including amendments to the bylaw.

The purpose of this report is to outline the details pertaining to the proposed Council Policy No. 365 - Official Community Plan Consistency Policy. This internal policy outlines how consistency is determined when a proposed zoning bylaw or works is consistent with the 2040 Official Community Plan. Individual Council reports of rezoning applications will identify relevant OCP policies and how the application does or does not meet them. Staff recommend that rezoning applications that have a recommendation of non-support from staff continue to go to public hearing.

*Rezoning Application Flowchart*

The flowchart below shows the two streams for rezoning applications. Those that are consistent with the OCP do not require a public hearing and follow the process on the left. Those that are not consistent with the OCP require a public hearing and follow the process on the right. Staff will recommend which stream to follow at initial consideration. Council may choose to direct an application to public hearing at initial consideration or following notice of first reading.



#### *Examples: Application of OCP Consistency Policy*

The following two examples are recent rezoning applications that are consistent with the Official Community Plan. The requirement to hold a Public Hearing was not required for either application given that the applications meet the intent of the OCP and align with OCP Policy.

- Z22-0052
  - Application to rezone 5428 Tanager Ct from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone to facilitate the development of a carriage house on the subject property. Future Land Use designation is S-RES – Suburban Residential. The proposal meets the intent of the OCP which speaks to the accommodation of single and two dwelling housing with opportunities for secondary suites and carriage houses.
  
- Z21-0093
  - Application to rezone 1820 Ambrosi Rd from the RU1 – Large Lot Housing zone to the C4- Urban Centre Commercial zone to facilitate the development of a commercial building. Future Land Use designation is UC – Urban Centre. The proposed commercial and office uses are consistent with the OCP Policy which encourages office development within Urban Centres and within close proximity to transit.

#### *Rescindment of Council Policy No. 307 – Waiver of Public Hearing*

Council Policy No. 307 – Waiver of Public Hearing is obsolete due to the recent change in legislation.

The decision for Council to waive public hearings is no longer an option given that rezoning applications that are consistent with the Official Community Plan do not require a public hearing.

**Conclusion:**

Council Policy No. 365 - Official Community Plan Consistency Policy outlines how consistency is determined when a proposed zoning bylaw or works is consistent with the 2040 Official Community Plan. The Policy reflects new legislated procedures and recent procedural practice with waiving public hearings in 2021 as a starting point for criteria and processes. With the change in legislation and adoption of Council Policy No. 365, the current Council Policy No. 307 – Waiver of Public Hearing is obsolete.

**Internal Circulation:**

Office of the City Clerk  
Development Planning

**Considerations applicable to this report:**

***Legal/Statutory Authority:***

*Local Government Act s. 464* Requirement for public hearing before adopting bylaw

- (2) A local government is not required to 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, and
  - (b) the bylaw is consistent with the official community plan.

***Legal/Statutory Procedural Requirements:***

***Existing Policy:***

[Council Policy No. 307 Waiver of Public Hearing](#)

[Council Policy No. 367 Public Notification & Consultation for Development Applications](#)

**Attachments:**

Attachment 1: Draft Council Policy No. 365 – Official Community Plan Consistency Policy

Attachment 2: Council Policy No. 307 – Waiver of Public Hearing

Submitted by: R. Miles, Long Range Policy Planning Manager

**Approved for inclusion:**



D. Noble-Brandt, Policy & Planning Dept. Manager