

Date: 08/11/2021

To: Chair and Directors, Committee of the Whole

And To: John MacLean, Chief Administrative Officer

From: Nigel Whitehead, Manager of Planning Services

Date of Meeting: Committee of the Whole_Nov18_2021

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Short Summary:

Bill 26 – Municipal Affairs Statutes Amendment Act (No. 2)

Background:

Bill 26 was introduced in the Provincial Legislature on October 26, 2021. The Bill proposes several amendments to the *Community Charter* and *Local Government Act* which will provide some options in how the CRD processes development applications. There are further legislative changes such as mandating the consideration of codes of conduct of elected officials which are not covered in this memorandum.

Public Hearing Notices

The proposed legislation allows for a Council or Board to consider other forms of public notice postings, other than the traditionally required mailouts and newspaper advertisements. Planning staff believe that the current requirements for development signage, along with mailouts and newspaper advertisements are adequate for our region. Staff does not intend to consider procedural changes around notice formats at this time.

Public Hearings when Consistent with OCP

Proposed legislative amendments will provide an option for local governments to enshrine an automatic process where public hearings are not held when a proposed zoning bylaw amendment is consistent with the OCP. In such a case, the proposed legislation requires that notices are mailed out to neighbouring property owners prior to consideration of First Reading (rather than after Second Reading and prior to the Public Hearing). It is assumed that if this process was followed, that amendments to the CRD's Development Procedures, Guidelines & Fees Bylaw No. 5005 would be required. It is unknown at this point whether the Board will retain discretion to hold a public hearing later in the process if it is automatically "waived", for example if many letters of concern were received after the mailout was conducted.

Delegated Staff Authority for Minor DVPs

Also proposed is the delegation of minor DVP applications to staff for consideration of approval. If desiring to undertake this option, local governments will be required to develop and endorse guidance for staff, outlining what is deemed minor, along with decision making criteria for determining whether to approve an application. There will be an appeals process built into this mechanism as well.

It appears that the proposed legislation removes staff's ability to notify and seek comment from affected neighbours when a delegated DVP application is considered. Staff would have to rely solely on the guidance policy and/or bylaw adopted by the Board.

Timeline & Next Steps

The province is moving quickly with this legislation. It was introduced in the Legislature on October 26th, then moved through Committee and was given Third Reading without amendments on November 3rd. In a meeting with Provincial staff, it is understood that the current objective is to have Royal Assent by end of year, with any necessary implementing regulations in place by early 2022.

It is currently understood by staff that the enactment of this bill will not commit local governments to any immediate procedural changes (with exception of the code of conduct requirements, which Corporate Administration Dept. will address). The Ministry of Municipal Affairs intends to release detailed technical guidance on the legislation in the coming weeks. Staff are also reviewing relevant legal bulletins and coordinating with other Regional District and member municipality counterparts. Staff anticipate further information and discussion with the Board on this topic in 2022.

Attachments:

Letter to Mayors and RD Chairs – Ministry of Municipal Affairs - Oct 26 2021