



Memo

TO: Chair, Committee of the Whole

SUBJECT: Public Notification By Additional Means

DATE: December 6, 2024

FROM: Chief Administrative Officer

BACKGROUND

When a local government is creating or amending a bylaw for an OCP or a zoning bylaw that is not consistent with an OCP, a public hearing must be held after first reading of the bylaw and before third reading.

A local government must not hold a public hearing if a proposed zoning bylaw is consistent with the official community plan (OCP) in effect for the area. Where there is no consistency with the OCP, local government must hold a public hearing on a proposed zoning bylaw, including amendments to the bylaw. Local governments are prohibited from holding a public hearing on a zoning bylaw or amendments to zoning bylaw proposed for the sole purpose of complying with the Small-scale Multi-unit housing (SSMUH) legislation.

The current notification process for zoning or OCP amendments is governed by section 466 of the Local Government Act. If a change is proposed, then a bylaw under section 94.2 of the Community Charter must be adopted.

In the Rental Only amendment there was not a requirement for notification by mail as the bylaw affected more than 10 property owners. Nevertheless, on this issue, letters were sent to all affected property owners.

Where public notification is required the Town's "Development Approval Procedures and Notifications Bylaw No. [993-2017](#)" spells out the following:

5.1. Public Hearing

- a) Where a public hearing is to be held for the purpose of allowing the public to make representation to the municipality with respect to amendments proposed to the Zoning Bylaw or the Official Community Plan, such hearing will be held before the third reading of the bylaw.
- b) The newspaper notification process for a public hearing will be given as provided in Section 466 of the Local Government Act, as may be amended from time to time.

5.2. Notification to Owners and Tenants of Land Parcels in the Vicinity:

- a) Owners and/or tenants of all land parcels within fifty (50) metres from that area, which is subject to the bylaw amendment, will receive notification by mail at least ten (10) days before the public hearing, as provided in Section 466 of the Act, as may be amended from time to time.
- b) Notification by mail will not be provided if ten (10) or more parcels owned by ten (10) or more persons are affected by the bylaw alteration.

Where amendments affect large parcels and are initiated by a property owner billboard notification has been required in the past.

Notification Process by Additional Means

Currently the notification process complies with the legislative requirements plus notification on the website and posting at the municipal hall are also provided. It is apparent that council wants that process expanded to allow additional exposure to information on public hearings. These should be spelled out properly by an amendment to the Town's "Development Approval Procedures and Notifications Bylaw No. [993-2017](#)" (see attachment).

Council may want to include additionally the following requirements which are not currently included in Bylaw [993-2017](#):

- When applicable particularly when amendments are initiated by owners of property, on-site signage professionally done are required and posted indicating the nature of the amendment/s being proposed;
- Public Notice posting places – the municipal hall at 39 South Shore Road and the main page of the Town's website;
- Social media postings – public hearings are posted on Facebook at least 14 days prior to the hearing; and
- Where the public have provided personal emails notification of public hearings may be provided to those individuals if the amendments affect an excess of 10 parcels.

Note: The requirement for individual mail outs does not apply if the bylaw alteration affects 10 or more parcels of land owned by 10 or more persons.

Beyond that which is proposed above, there is not much more that can be done to publicize public hearings.



Joseph A. Fernandez

TOWN OF LAKE COWICHAN**A BYLAW TO ESTABLISH PROCEDURES TO AMEND THE OFFICIAL COMMUNITY PLAN
AND THE ZONING BYLAW OR ISSUANCE OF DEVELOPMENT PERMITS AND
DEVELOPMENT VARIANCE PERMITS; AND FOR NOTIFICATION OF PUBLIC
HEARINGS****BYLAW NO.993-2017**

WHEREAS the *Local Government Act* provides for procedures for amending the Official Community Plan, the Zoning Bylaw, and the issuance of Development Permits and Development Variance Permits;

NOW THEREFORE the Council of the Town of Lake Cowichan in open meeting assembled enacts the following:

1. TITLE

- 1.1. This bylaw may be cited for all purposes as the Town of Lake Cowichan "Development Approval Procedures and Notifications Bylaw No. 993-2017".

2. INTERPRETATION

- 2.1. In this Bylaw, unless the context requires otherwise:
- a) 'Act' means the Local Government Act, as may be amended from time to time;
 - b) Development Permit means a permit authorized by the Act;
 - c) Development Variance Permit means a permit authorized by the Act;
 - d) Official Community Plan means the Town of Lake Cowichan Official Community Plan, as may be amended from time to time; and
 - e) Zoning Bylaw means the Town of Lake Cowichan Zoning Bylaw, as may be amended from time to time.

3. APPLICATION FOR AMENDMENT TO THE OFFICIAL COMMUNITY PLAN AND ZONING BYLAW

- 3.1. Application for amendment to either the Official Community Plan land use designation or to the Zoning Bylaw shall be made on a form as established by the Town.
- 3.2. The applicant shall provide the following information:
- a) The specific nature of the request for an amendment;
 - b) Identification of the text and/or schedule map requested for amendment; including a citation of any and all relevant sections of the bylaw;
 - c) The rationale for the proposed amendment;
 - d) In the case of an amendment to the Zoning Bylaw, identify supporting goals, objectives, or policies of the Official Community Plan;
 - e) A location sketch of the land subject to the application;
 - f) A description of surrounding land uses; and
 - g) Certificate of Title.

4. APPLICATION FOR ISSUANCE OF A DEVELOPEMTN PERMIT AND DEVELOPMENT VARIANCE PERMIT

- 4.1. Development Permit
- a) The applicant shall provide the following information:
 - (1) Identify all the Development Permit Areas applicable to the subject land;
 - (2) Four (4) paper sets of detailed plans, including a PDF file, drawn to scale showing the following:
 - i) Site plan, including sidewalks, paths, off street parking layout, access points, and amenities;

- ii) Rainwater management plan (for all new construction);
 - iii) Landscaping plan showing location, type and quantities of all plants and ground cover material;
 - iv) Detailed colour renderings from all sides, including manufacturer specifications for all external building materials and colours;
 - v) Exterior lighting plan, including locations and manufacturer specifications; and
 - vi) Signage plan, including locations and size specifications.
- (3) For lands within a Watercourse and Streamside Protection or Natural Hazard Development Permit Area, submit the appropriate environmental and/or geotechnical study to respond to the guidelines of the Development Permit Area;
- (4) A site grading plan;
- (5) A written explanation of how the proposal satisfies all relevant Development Permit Area guidelines;
- (6) Certificate of title; and
- (7) A fee, as identified in an applicable bylaw.
- 4.2. Development Variance Permit
- a) The applicant shall provide the following information:
 - (1) Identification of all relevant land use bylaw regulations and the proposed variance request, including specific dimensions and number of parking spaces (if applicable);
 - (2) A written explanation of the purpose of the request, including the rationale and a description of the proposed development;
 - (3) Four (4) paper sets of a plan, including a PDF file, drawn to scale, illustrating the site, parking, access points, building footprints, building elevations (if relevant), sign dimensions, and proposed variance dimensions or reduction in off street parking requirements;
 - (4) Certificate of Title; and
 - (5) A fee, as identified in an applicable bylaw.

5. NOTIFICATION OF APPLICATION AND PUBLIC HEARING PROCESS

- 5.1. Public Hearing
- a) Where a public hearing is to be held for the purpose of allowing the public to make representation to the municipality with respect to amendments proposed to the Zoning Bylaw or the Official Community Plan, such hearing will be held before the third reading of the bylaw.
 - b) The newspaper notification process for a public hearing will be given as provided in Section 466 of the Act, as may be amended from time to time.
- 5.2. Notification to Owners and Tenants of Land Parcels in the Vicinity
- a) Owners and/or tenants of all land parcels within fifty (50) metres from that area, which is subject to the bylaw amendment, will receive notification by mail at least ten (10) days before the public hearing, as provided in Section 466 of the Act, as may be amended from time to time.
 - b) Notification by mail will not be provided if ten (10) or more parcels owned by ten (10) or more persons are affected by the bylaw alteration.
 - c) For the purposes of Development Permits (Sections 488 through 491 of the Act, as may be amended from time to time), and Development Variance Permits (Sections 498 and 499 of the Act, as may be amended from time to time), notices shall be mailed or otherwise delivered to the owners and to any tenants in occupation of all parcels within a distance of fifty (50) metres from that part of the land or the width of an abutting street plus fifty (50) metres, that is the subject of the Permit application.

6. FORCE AND EFFECT

That upon adoption of this bylaw "Development Approval Procedures and Notifications Bylaw No. 747-2002" shall hereby be repealed.

READ A FIRST TIME on the 22nd day of August, 2017.

READ A SECOND TIME on the 22nd day of August, 2017.

READ A THIRD TIME on the 22nd day of August, 2017.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the 19th day of September, 2017.

Ross Forrest
Mayor

Joseph A. Fernandez
Corporate Officer