



Committee of the Whole Report For the Meeting of July 22, 2021

To: Committee of the Whole **Date:** June 30, 2021
From: Karen Hoese, Director of Sustainable Planning and Community Development
Subject: Pre-Application Community Consultation after the COVID-19 Pandemic

RECOMMENDATION

That Council direct staff to bring forward amendments to the *Land Use Procedures Bylaw* consistent with Option 1 outlined in this report, which would retain flexibility to alter processes during emergencies and revise the pre-application community consultation requirements that apply after the COVID-19 pandemic has ended, to require applicants to:

- install a pre-submission sign on site
- post plans to the Development Tracker (with an associated online comment form), and
- attend an in-person and/or online community meeting, at the discretion of the Community Association Land Use Committee.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with a recommendation for gathering early public input on Rezoning and Official Community Plan (OCP) Amendment applications after the COVID-19 pandemic has ended.

On July 16, 2020, Council passed a motion adopting the necessary amendments to the *Land Use Procedures Bylaw* to require applicants to post plans to the Development Tracker in advance of application submission, as a substitute for the in-person Community Association Land Use Committee (CALUC) Community Meeting during the COVID-19 pandemic. On February 11, 2021, Committee of the Whole passed a motion directing staff to bring forward further amendments to require applicants to post signs on site and to be available for an online community meeting if requested by the CALUC and where the CALUC had capacity to host the meeting

These amendments were intended as a temporary response to the pandemic to allow the City's development processes to continue during the state of emergency. However, there are benefits associated with the temporary COVID-19 approach, including increased accessibility to information and broader opportunity for participation in the pre-application process, that may be worth continuing post-pandemic.

Staff recommend that Council direct staff to bring forward amendments to the *Land Use Procedures Bylaw* to adopt a hybrid approach that would incorporate the requirements during COVID-19 for a pre-submission sign, posting plans to the Development Tracker (with an associated online comment form), and the option for the CALUC to hold an online meeting. The decision of whether to hold an

online community meeting and/or an in-person meeting would remain at the discretion of the CALUC. This would provide a degree of both digital and in-person consultation methods which would increase accessibility to a wider range of people, including those who cannot physically attend a meeting and those who do not have access to technology.

PURPOSE

The purpose of this report is to present Council with a recommendation for gathering early public input on Rezoning and *Official Community Plan* (OCP) amendment applications after the COVID-19 pandemic has ended.

BACKGROUND

Prior to the COVID-19 pandemic, for changes to the OCP or the zoning bylaw, the *Land Use Procedures Bylaw* required that an applicant arrange and participate in a community meeting unless waived by the responsible Community Association Land Use Committee (CALUC), the Director of Planning or Council. Where community meetings were held, they were done so in person.

On July 16, 2020, in response to the COVID-19 pandemic, Council passed a motion (attached) adopting the necessary amendments to the *Land Use Procedures Bylaw* to enable posting of development application plans on the Development Tracker while maintaining current notification requirements, as a substitute for the current in-person CALUC Community Meeting. The Bylaw further limits this alternate process to a situation where a state of local or provincial emergency has been declared in the City and in-person participation in a community meeting is inconsistent with the declaration or impractical.

On February 11, 2021, Committee of the Whole passed a motion (attached with staff report) directing staff to bring forward further amendments to the *Land Use Procedures Bylaw* to require applicants to post signs on site and to be available for an online community meeting (where the CALUC has the capacity and elects to host one) in conjunction with the pre-application community consultation process during the COVID-19 pandemic. It is anticipated that this bylaw amendment will be brought to a Council meeting for Council's consideration for adoption July 15, 2021, but in the interim staff have been encouraging applicants to attend online meetings, if requested by the CALUC, and applicants have responded by voluntarily attending them.

The intent of the pre-application consultation process during COVID-19 is to provide an approach that allows CALUCS, developers and community members to engage with one another safely. This was part of a set of modifications that were initiated to facilitate the continued processing of Rezoning and *Official Community Plan* amendment applications during the pandemic, while complying with public health orders and maintaining transparency and accountability of land use processes.

ISSUES AND ANALYSIS

Post-Pandemic Pre-Application Consultation

When the alternate process for pre-application consultation was adopted in July 2020, the intention was to apply the new approach on a temporary basis during the COVID-19 pandemic, while keeping the previously established process unchanged. The attached process diagrams summarize the processes before and during COVID-19.

Under the current bylaw, when the COVID-19 pandemic is over, the temporary measures including online community meeting, provision of information on the Development Tracker (with an online

comment form), and signage will no longer be required, and the pre-application consultation process will return to the requirement for an in-person community meeting only. Although these alternative consultation methods do not provide the same interaction as an in-person community meeting, they do bring other benefits including greater awareness of a proposed development to a broader range of community members and easier access to information for those individuals who have a device such as a computer or smart phone.

Staff are providing options and seeking direction regarding which consultation methods should be retained after COVID-19 has subsided. The options and impacts are discussed below.

OPTIONS AND IMPACTS

The following options for pre-application consultation post-pandemic are provided for Council's consideration. In all cases, it is recommended that Section 8 of the *Land Use Procedures Bylaw* be retained which allows the CALUC, Council, and the Director of Planning to waive the pre-application consultation requirement in certain circumstances. This is important if the CALUC determines that pre-application consultation is unnecessary or if they are unable to accommodate an applicant. In addition, regardless of the option chosen, it is recommended that a provision be included in the bylaw to allow the City to adapt its processes quickly if a state of emergency is declared in response to a pandemic or other situation in the future.

Options

Option 1: Hybrid Approach (Recommended)

This option would leave the requirements that were established during COVID-19 in place and would require that all Rezoning and OCP Amendment applications install a pre-submission site sign and post plans to the Development Tracker (with the associated online comment form). It would also provide the option to hold an in-person meeting, at the discretion of the CALUC and where they have the capacity, as was required prior to the pandemic, or an online meeting. In some cases, the CALUC may also wish to combine the two into one meeting where the public attends in-person and online.

Staff recommend this option for Council's consideration because it would combine the requirements prior to the pandemic with the requirements during the pandemic, resulting in increased awareness of development proposals and allowing for increased public feedback in advance of application submission. Providing both digital and in-person consultation methods would increase accessibility to a wider range of people, including those who cannot physically attend a meeting or are unable to attend for other reasons, and those who do not have access to technology.

Option 2: Pandemic Approach

This option would retain the requirements during COVID-19, including a sign, posting plans to the Development Tracker (with an associated online comment form), and the option for the CALUC to hold an online meeting if they elect to, but would no longer include the pre-pandemic requirement of the in-person meeting.

Staff are not recommending this option because it would reduce in-person consultation as compared to before COVID-19.

Option 3: Pre-Pandemic Approach

This option would leave the *Land Use Procedures Bylaw* as is and would result in the consultation returning to the approach that was in place before the pandemic. An in-person meeting would be required, but the plans would no longer be posted to the Development Tracker (with the online comment form) and the sign would no longer be required.

Staff are not recommending this option because it would result in reduced awareness and feedback received at the pre-application stage.

Summary of Pre-Application Consultation Requirement Options

Option	Site Sign & Posting to Development Tracker	Online Community Meeting	In-Person Community Meeting	Clause to Respond to Future State of Emergency
1: Hybrid	Yes	At the discretion of the CALUC	At the discretion of the CALUC	Yes
2: Pandemic	Yes	At the discretion of the CALUC	No	Yes
3: Pre-Pandemic	No	No	At the discretion of the CALUC	No

Accessibility

In-person community meetings, while promoting in-person dialogue, may present barriers to individuals depending on their ability to travel to the open house venue, to meaningfully participate in an in-person meeting, and their availability at the time when the meeting is scheduled. For individuals who have access to a computer or device with internet capabilities, the approach of providing information online has the advantage of being more physically accessible and allowing for this access over an extended period of time. For those without access to a computer or experiencing other barriers related to accessing information, staff continue to be available by phone, and to work with individuals to find a different approach.

By allowing for both in-person and remote access to participation, the recommended hybrid approach provides a range of opportunities for community members to learn about development proposals and provide feedback on them.

2019 – 2022 Strategic Plan

The proposed recommendation would help achieve the Strategic Plan Objective 1: Good Governance and Civic Engagement by enhancing the pre-application consultation process after the COVID-19 pandemic has subsided.

Impacts to Financial Plan and Staff Resources

The recommendations in this report do not impact the Financial Plan and can be accommodated with current staffing levels. If Council chooses to pursue a different approach beyond the options identified in this report, the impacts to the Financial Plan and staff resources may need to be assessed.

CONCLUSIONS

When the alternate approach to pre-application community consultation for the COVID-19 pandemic was put in place in July 2020, the intention was to permanently implement the pre-application consultation process for development applications as is and to change it only during the pandemic to avoid potential unintended long-term consequences. There are, however, benefits to the temporary COVID-19 approach that are worth retaining once the pandemic has subsided.

It is recommended that Council direct staff to amend the *Land Use Procedures Bylaw* to adopt a hybrid approach that would leave the requirements for a pre-submission sign, posting plans to the Development Tracker (with an associated online comment form), and provide the option for the CALUC to hold an in-person, online, or combined meeting, at their discretion, provided the CALUC has the capacity. This would facilitate both digital and in-person consultation methods which would increase accessibility to information and participation of a wider range of community members.

Respectfully submitted,

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Karen Hoese, Director
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Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: July 16, 2020 Council minutes
- Attachment B: February 11, 2021 Committee of the Whole Report and minutes
- Attachment C: Process Diagrams.