



MINUTES

GOVERNANCE AND PRIORITIES COMMITTEE MEETING

Monday, March 25, 2024, 12:59 P.M.
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

- Members: Councillor I. Thorpe, Chair (vacated 2:04 p.m.)
Councillor B. Geselbracht, Chair
Mayor L. Krog
Councillor T. Brown*
Councillor H. Eastmure
Councillor P. Manly
Councillor J. Perrino
- Absent: Councillor S. Armstrong
Councillor E. Hemmens
- Staff: D. Lindsay, Chief Administrative Officer
S. Gurrie, Director, Legislative Services
J. Holm, Director, Planning and Development
K. Robertson, Deputy Corporate Officer
L. Brinkman, Manager, Community Planning
K. Biegun, Planner, Community Planning
N. Sponaule, Communications Advisor
A. Chanakos, Recording Secretary

1. CALL THE MEETING TO ORDER:

The Governance and Priorities Committee Meeting was called to order at 12:59 p.m.

* Denotes electronic meeting participation as authorized by "Council Procedure Bylaw 2018 No. 7272"

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 5(a) Upcoming Topics and Initiatives – Add document titled “Upcoming Topics and Initiatives”.
- (b) Agenda Item 6(b)(1) Development Approval Process Review – Add PowerPoint presentation titled “Development Approval Process Review”.
- (c) Add Agenda Item 6(b)(2) Council Procedure Bylaw Amendments.

3. APPROVAL OF THE AGENDA:

It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

4. AGENDA PLANNING:

a. Upcoming Topics and Initiatives

Sheila Gurrie, Director, Legislative Services, spoke regarding topics and initiatives scheduled for upcoming Governance and Priorities Committee (GPC) meetings, and reviewed the updated format for the Upcoming Topics and Initiatives document.

It was moved and seconded that the Governance and Priorities Committee recommend that Council direct Staff to add the Geotechnical Guidelines Review topic to the 2024-MAY-13 Governance and Priorities Committee Agenda. The motion carried unanimously.

Committee discussion took place regarding the possibility of cancelling the 2024-JUL-15 GPC meeting if no emergent topics arise.

5. REPORTS:

a. Connected Nanaimo:

1. Transit-Oriented Areas

Introduced by Jeremy Holm, Director, Planning and Development.

Presentation:

- 1. Kasia Biegun, Planner, Community Development, provided a PowerPoint presentation. Highlights included:
 - The primary goal of Bill 47 – *Housing Statutes (Transit-Oriented Areas) Amendment Act* is to increase housing supply near transit exchanges, and increase diversity of housing, employment, amenities and

services within a 15-20 minute walk of a transit exchange

- Three Transit-Oriented Areas (TOAs) have been identified for Nanaimo:
 - Vancouver Island University (VIU) Exchange
 - Country Club Exchange
 - Woodgrove Exchange
- Lands zoned to permit residential use, including mixed-use zones, within a 400m radius of each transit exchange are now subject to minimum height, density, and parking restrictions
- Parcels that are partially included in a TOA's radius are deemed to be fully included
- Lands exempt to the new legislation include lands zoned for agricultural or industrial use
- Minimum density and height requirements can include other uses, such as commercial
- As of 2024-MAR-08, the Province advised that local governments are permitted to use density bonusing within the provincial height envelope, until the City's Zoning Bylaw and City Plan are updated
- Residential components of development projects can no longer have minimum parking requirements for off-street parking; however, this does not apply to commercial parking, disability parking, bike parking, and loading zones
- Council is required to pass a TOA designation bylaw and parking amendments by 2024-JUN-30
- The Regional District of Nanaimo (RDN) Transit Redevelopment Strategy calls for a new, permanent location for the Woodgrove transit exchange, as the current location is temporary
- The City was awarded a Complete Communities Grant in October 2023 to undertake an assessment of the Woodgrove area, and help determine a new location for a permanent bus exchange. Work must be completed by October 2024

- The RDN Transit Redevelopment Strategy also notes the current Country Club transit exchange location is temporary, and a new location closer to Highway 19A may be selected in the future
- All lands in the VIU TOA are held by Snuneymuxw First Nation, VIU, the Federal and Provincial governments, School District #68, and the City
- Staff sent a letter to the Ministry of Housing in January 2024, requesting an extension to the 2024-JUN-30 deadline due to the temporary nature of the two bus exchanges and Complete Communities Grant. The letter was forwarded to the Ministry of Transportation and Infrastructure; however, no response has been received to date
- In addition to communication from the Province, Staff recommend a larger communication strategy, including both print and digital tools, to inform the public on changes from the new legislation

Committee discussion took place. Highlights included:

- Should transit routes change (following a change in location of the Woodgrove and Country Club transit exchanges) the City will not be affected by zoning requirements at this time, as Nanaimo's bus frequency does not currently meet the Province's threshold outlined in Bill 44 – *Housing Statutes (Residential Development) Amendment Act*
- During the rezoning application process, height and density requirements are obligatory; however, other aspects of the application would be up to Council's discretion
- The Downtown Transit Exchange was not included as a TOA at this time, and it is assumed the Province will request that the City include that location in the bylaw once the transit exchange project is complete

It was moved and seconded that the Governance and Priorities Committee recommend that Council direct Staff to prepare Transit-Oriented Areas designation bylaw and amendments to the “Off-Street Parking Regulations Bylaw 2018 No. 7266” as outlined in the Staff report titled “Transit-Oriented Areas”, dated 2024-MAR-25. The motion carried unanimously.

b. Healthy Nanaimo:

1. Development Approval Process Review

Introduced by Jeremy Holm, Director, Planning and Development.

- This project started in June 2023, and builds on Council’s priority of governance and excellence and the continuous improvement of processes
- The project primarily focusses on work managed by the Current Planning department including Official Community Plan (OCP) amendments, zoning amendments, and development permit applications

Presentation:

1. Allan Neilson, Neilson Strategies Inc., and Sherry Hurst, Leftside Partners Inc., provided a PowerPoint presentation. Highlights included:

- The purpose of the Development Approval Process Review (the Review) was to focus on shortening the approval process timeline and increasing certainty for applicants
- Research efforts included interviews with developers in the community, followed by a roundtable discussion to review preliminary findings
- Challenges for Staff include significant and sustained growth in the City and major legislative changes introduced by the Province

Councillor Thorpe vacated the Shaw Auditorium at 2:04 p.m. and Councillor Geselbracht assumed the Chair.

- The City currently processes rezoning applications and OCP amendments concurrently; however, rezoning applications and development permit applications are processed separately

- Technology improvements, including a new software platform, will allow applicants to track the application process online
- Target timelines will track how long the application spends at each stage and will provide greater clarity regarding how long future applications should take at each stage

Committee discussion took place regarding new software improving Staff's ability to meet targets in less time.

Allan Neilson, Neilson Strategies Inc., and Sherry Hurst, Leftside Partners Inc., continued the presentation. Highlights included:

- Pre-application meetings are intended to improve the quality of applications and ensure applicants are aware of all the implications involved in the application process
- Many communities charge a fee for pre-application meetings, which could later be credited back to the applicant if an application is submitted
- Completed applications are followed up by internal referrals to receive feedback from other departments
- Following internal review, the file manager would provide the applicant with a comprehensive letter identifying any changes that may need to occur with the application
- The City's planning department structure does not provide much room for growth, leading to higher than ideal turnover
- Suggestion to change how positions are structured, including adding different levels of planners and implementing an assistant manager position
- Engineering technicians review Planning applications to assess any implications on City infrastructure

Committee discussion took place regarding the role of development engineers in the application review process, and maintaining a balance between reviewing applications quickly, while also mitigating risk.

Allan Neilson, Neilson Strategies Inc., and Sherry Hurst, Leftside Partners Inc., continued the presentation. Highlights included:

- The Design Advisory Panel (DAP) reviews applications for form and character development permits, and offers feedback based on development permit guidelines and urban design characteristics
- Staff often receive pushback from the development community regarding the DAP, and the extra time involved with this additional step
- Suggestion to adopt a multi-faceted approach to answering the large volume of planning questions relating to development, using self-serve options such as Frequently Asked Questions on the City website, or implementing Artificial Intelligence to provide basic responses
- Suggestion to build a database into the new software system being implemented, to confirm if a specific inquiry has been addressed previously, and what the response was
- Suggestion to add a modest fee to land use inquiries that will require more than 30 minutes of Staff time
- The City currently acts as both a regulator, to protect the City from risk, and a facilitator, to assist applications throughout the process. Suggestion to combine both roles into a Development Liaison Group

Committee discussion took place. Highlights included:

- The goal of the Development Liaison Group is to have Staff and developers work together and gain an understanding of each other's roles in the development process
- Concern from established developers that feel they are starting from square one for each application
- Concern regarding delays for permits deterring people from applying

It was moved and seconded that the Governance and Priorities Committee recommend that Council:

1. support the recommendations as outlined in the 2024-MAR-25 report by Neilson Strategies Inc. titled “Development Approval Process Review”; and,
2. direct Staff to work with the consultants to finalize the report and return to Council with a final draft of the report.

The motion carried unanimously.

2. Council Procedure Bylaw Amendments

Sheila Gurrie, Director, Legislative Services, noted the Council Procedure Bylaw amendments were referred back to the GPC from the 2024-MAR-18 Regular Council Meeting for further clarification.

Karen Robertson, Deputy Corporate Officer, noted the two motions questioned at the 2024-MAR-18 Regular Council Meeting were listed first in the report for review, and noted a change to the 12th recommendation.

Committee discussion took place regarding allowing questions pertaining to delegations unrelated to agenda items during question period.

It was moved and seconded that the Governance and Priorities Committee recommend that Council direct Staff to add the following provisions to Council’s Procedure Bylaw:

1. Section 9.1 – Order of Proceedings and Business

To add a “Correspondence” section to Section 9.1 - Order of Proceedings and Business.

2. Section 19.4(c) - Delegations Pertaining to Council Agenda Items

To add the words “been acted upon by Council or” in Section 19.4(c).

3. Section 19.9 (b) – Delegations Pertaining to Council Agenda Items

To retain the status quo of five minutes for delegations in Section 19.9.

4. Section 19.14 - Delegations Unrelated to Agenda Items

To retain the status quo of five minutes for delegations in Section 19.9 and that Section 19.10 removed.

5. Section 19.15(k) – Delegations Unrelated to Agenda Items

To add a Section 19.15(k) which states: “if the Delegation has already spoken to Council on the same matter and no new significant information is provided.”

6. Section 19.17 (c)- Delegations Unrelated to Agenda Items

To add a Section 19.17(c) which states: “not act on a request from a delegation following the presentation unless consent by a two-thirds vote of Council present is given.”

7. Section 23.1 – Question Period

To retain question period in 23.1 at five minutes.

8. Section 50.4 and 50.5

To make the necessary housekeeping amendments to Section 50.4 and 50.5 of Council’s Procedure Bylaw as outlined in Attachment “2” to the 2024.MAR-18 staff report by the Deputy Corporate Officer.

9. Section 51.9, 51.10, and 51.11

To add the following Sections 51.9, 51.10, and 51.11:

“Motion to Amend Minutes

51.9 A Council member may make a motion requesting that the minutes be amended to correct an inaccuracy or omission, however, the Corporate Officer should be advised of the challenge to the minutes at least one hour before the Council meeting at which the minutes are to be officially confirmed, to allow the Corporate Officer to review the recording of that meeting.

Meeting Recording to Determine Accuracy of Minutes

51.10 If a Council member questions the accuracy of a portion of the minutes of a Council meeting, Committee meeting, public hearing, Court of Revision or Special Council meeting, the recording of that meeting, if available, shall be used to decide the question.

Adoption of Minutes

51.11 If there are no errors or omissions, Council must adopt the minutes as circulated.”

The motion carried unanimously.

10. Section 19.4(d) – Delegations Pertaining to Council Agenda Items

Karen Robertson, Deputy Corporate Officer, noted the following:

- New Provincial legislation limits when a public hearing can be held, but does not limit delegations for items prohibited to a public hearing
- Allowing delegations when a zoning bylaw is introduced, where public hearings are prohibited, could be seen as holding a de facto public hearing

Committee discussion took place regarding concerns around allowing delegations to speak when a public hearing is prohibited and the potential ramifications, and concerns regarding the lack of advertising for rezoning applications where public hearings are prohibited.

It was moved and seconded that the Governance and Priorities Committee recommend that Council select the following provision as Section 19.4(d) to Council’s Procedure Bylaw:

“Refuse to place a Delegation on the agenda if the matter relates to a bylaw in respect of which a public or statutory hearing has already been held or where third reading has been given”.

The motion carried unanimously.

11. Section 19.15 (a) – Delegations Unrelated to Agenda Items

Karen Robertson, Deputy Corporate Officer, noted that members of the public registering as a Delegation to speak to an upcoming development, prior to the bylaw being added to a Council agenda for first readings, could essentially be afforded additional opportunities to speak to a bylaw.

It was moved and seconded that the Governance and Priorities Committee recommend that Council direct Staff to add the following provision as Section 19.15(a) to Council's Procedure Bylaw:

"If the matter relates to a bylaw in respect of which a public or statutory hearing has already been held or where third reading has been given."

The motion carried unanimously.

12. Section 55.5 – Public Hearings

Karen Robertson, Deputy Corporate Officer, noted that sections 55.3, 55.4 and 55.5 are already covered in Council's Public Hearing Process Policy. Also, the *Local Government Act* authorizes the Chair to establish the procedural rules for the conduct of the hearing so it is not necessary to duplicate them in Council's Procedure Bylaw.

It was moved and seconded that the Governance and Priorities Committee recommend that Council direct Staff to delete sections 55.3, 55.4, and 55.5 of Council's Procedure Bylaw. The motion carried unanimously.

13. Section 23.2– Question Period

It was moved and seconded that the Governance and Priorities Committee recommend that Council direct Staff to make the necessary amendments to Section 23.2 to clarify that questions during Question Period must pertain to business that is being considered by Council at that particular meeting. The motion carried unanimously.

6. QUESTION PERIOD:

The Committee received no questions from the public regarding agenda items.

7. ADJOURNMENT:

It was moved and seconded at 4:10 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER