

TO: MAYOR & COUNCILLORS
FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT
SUBJECT: **NATURAL HAZARD DEVELOPMENT PERMIT AREA AND GUIDELINES AND LOWER WESTRIDGE HAZARD ASSESSMENT – PROJECT INITIATION**

PURPOSE: To seek Council direction regarding the development of a Natural Hazard Development Permit Area (DPA) and Guidelines program for Burnaby and approval of a new budget item to advance a hazard assessment of the Lower Westridge neighbourhood.

RECOMMENDATION

THAT staff be directed to initiate the City-Wide Natural Hazard Development Permit Area and Guidelines project;

THAT staff be directed to initiate the Lower Westridge Hazard Assessment to determine whether properties in the Lower Westridge area may be exempt from Small Scale Multi-Unit Housing mandates due to a hazardous condition; and

THAT additional funding of \$120,000 from the Gaming Reserve be approved to fund the Lower Westridge Hazard Assessment.

1.0 POLICY SECTION

The report aligns with the following provincial legislation and municipal policies, including:

- *Local Government Act*;
- Metro 2050 Regional Growth Strategy; and
- Burnaby 2050 Official Community Plan.

The Natural Hazard Development Permit Area and Guidelines project responds to the following OCP Policy Actions (see Burnaby 2050 pages 116-117)

- 5.4.3 Assess and manage natural hazards, including those influenced by climate change, by ...directing growth and infrastructure development away from areas that are vulnerable to natural hazards through the establishment of Development Permit Areas and guidelines.
- 5.4.4 Manage natural hazards on steep slopes by creating DPAs and guidelines that restrict development on steep slopes.
- 5.4.5 Reduce the impacts of flooding on community health and safety, infrastructure, property and agricultural and natural areas by creating DPAs and guideline to manage construction or alterations on floodplains

2.0 BACKGROUND

2.1 Council Decisions

Council in recent years has adopted a number of reports and resolutions pertaining to hazard assessment and the implementation of Natural Hazard Development Permit Areas, including:

On February 26, 2024, Council endorsed the future use of Development Permits (DPs) as a means of regulating development within specified areas and moving away from a reliance on site-specific rezoning. The report titled, “Development Permit Transition,” provided an overview of the enabling legislation and types of development permit areas that could be designated by a municipality. The report further introduced the preparation of form and character, and streamside protection DPAs initially, and that DPAs for protection of agricultural lands and protection of development from natural hazards would be established after the OCP’s adoption.

On January 14, 2025, Council passed the following motion:

WHEREAS the risk of extreme weather events, such as flooding and wildfire, has increased significantly, and will continue to increase, due to climate change;

WHEREAS the Official Community Plan is an overarching land-use strategy for the next 25 years;

WHEREAS land-use designation as a tool should be utilized to increase preparedness, resiliency, and the mitigation of risk to people from hazards such as flooding and wildfire;

THEREFORE BE IT RESOLVED THAT staff identify the areas of the City of Burnaby that are at high risk of flooding and wildfire in the next 25 years and designate appropriate land uses in the Official Community Plan to prevent, to the largest extent possible, the risk to people and property;

THAT staff embed other forms of proactive, nature-based risk mitigation strategies within engineering and planning standards, prioritizing areas where people already live that are at high risk of flooding and wildfire; and

THAT staff identify and report back to Council with other strategies to improve resiliency and preparedness, such as but not limited to leveraging Development Permit processes, rezoning requirements, and municipally owned land.

On September 9, 2025, Council passed the following motion:

WHEREAS the lower Westridge neighbourhood is proximal to the Trans Mountain Westridge terminal and other such facilities; and

WHEREAS the public safety risks associated with Trans Mountain facilities have been well established; and

WHEREAS there is limited access to/from the lower Westridge neighbourhood making it especially vulnerable to those known risks; and

WHEREAS the Province has mandated considerably more density in that neighbourhood in the form of Small-Scale Multi-Unit Housing (SSMUH); and

THEREFORE BE IT RESOLVED THAT Council direct staff to undertake the necessary steps to have that neighbourhood declared a hazardous condition; and

THAT staff move forward expeditiously with all bylaw and other regulatory amendments to have the lower Westridge neighbourhood exempted from the Province’s SSMUH mandates on that basis.

With the adoption of Burnaby 2050 OCP on December 9, 2025, the form and character and streamside protection DPAs were established, as well as an additional DPA for regulating tenant protection, with guidelines for all three DPAs forthcoming later this year through the Zoning Bylaw Rewrite project. As such, at this time it is appropriate to initiate the preliminary phase of the Natural Hazard DPA work with the assessment of the Lower Westridge neighbourhood, followed by the broader Natural Hazard DPA program as part of the OCP’s implementation.

2.2 Legislative Authority

Hazard Development Permit Areas

The *Local Government Act* (LGA) enables municipalities to establish DPAs for the purpose of protecting development from hazardous conditions and discouraging growth in these areas. The LGA DP provisions uniquely permit hazard DPs to vary use and density, if for the purpose of health, safety or protection of property. Hazard DPs are an important tool that municipalities can use to establish conditions under which land alteration and new construction take place in areas prone to natural hazards. Property owners with lands that fall within a hazard DPA would need to obtain a Hazard DP from the City before subdividing the land and before constructing, adding to, or altering a building.

Small Scale Multi-Unit Housing (SSMUH) Exemptions

Section 3(1) of the *Local Government Zoning Bylaw Regulation* enables land to be exempted from SSMUH mandates if it meets all of the following requirements:

- a) the land is subject to a hazardous condition;
- b) development of the land to a density of use required to be permitted under the applicable provision of the LGA would significantly increase the threat or risk from the hazardous condition;
- c) the threat or risk from the hazardous condition cannot be practically mitigated; and
- d) the local government has obtained a report in which a qualified professional (QP), as described in the *Community Charter*, that certifies the above to the local government.

2.3 Implementation of Development Approvals Process (DAP)

Through the implementation of DAP, the City is transitioning from reliance on Preliminary Plan Approval to the use of DPs as a primary tool for streamlining development approvals and reducing dependence on rezoning to facilitate development. Introducing a Natural Hazard DPA and guidelines would enable staff to regulate land alteration within hazard-prone areas through the application of established guidelines, while continuing to require the submission of necessary documentation and technical studies prepared by qualified professionals, consistent with current rezoning requirements. A benefit of

development permit guidelines is that they offer a more adaptable approach to hazard risk reduction than blanket regulations, as they allow for the consideration of site-specific conditions and the application of tailored risk-reduction strategies. In addition, the identification of hazard-prone areas through the establishment of DPAs would enhance transparency for both staff and property owners by clearly identifying locations where special consideration is required due to site conditions.

3.0 GENERAL INFORMATION

With Council direction, this project would build on recent work to establish Burnaby's first DPAs and associated guidelines. The project would assess the potential for establishing one or more DPAs and guidelines for areas of the city that are known or anticipated to be affected by natural hazards. The proposed scope of the city-wide assessment would be on risks associated with wildfire, steep terrain, and flood-prone areas, but additional hazard conditions not currently highlighted in the Official Community Plan (OCP) could potentially be added at a later stage. Subject to Council direction to proceed, the project is anticipated to continue into 2027, with timelines dependent on the number of DPAs identified through the city-wide assessment.

In accordance with the September 9, 2025 Council motion, staff propose to begin with a hazard assessment of the Lower Westridge neighbourhood to determine eligibility for SSMUH exemption (described below).

3.1 Project Planning

The project planning phase of the project is currently underway and is intended to establish the foundation for project implementation. This phase includes scoping, background research, development of a project charter and work plan, formation of a staff working group, consultant procurement, and a project kick-off meeting. Staff propose to report back to Council with the detailed project plan in mid-2026.

3.2 Preliminary Phase - Lower Westridge Hazard Assessment

A preliminary phase of the project is to assess wildfire hazard risk due to Lower Westridge neighbourhood's proximity to petroleum storage, processing, and distribution facilities and would commence immediately subject to Council direction. A Request for Proposals (RFP) to procure a consultant to undertake the hazard assessment of the Lower Westridge area closed on December 4, 2025, and a preferred proponent has been identified. As the RFP closed after budget discussions had concluded with Council, the cost to undertake this assessment was not included in the 2026-2030 Financial Plan as the cost was unknown prior to completion of the RFP. The assessment and QP report are anticipated to be completed by Q3 2026. As this is an unfunded project in response to Council's September 9, 2025, motion, staff are seeking approval of a new budget item in the amount of \$120,000 to hire the consultant and undertake this work. The assessment budget reflects the need for several professionals with special expertise on the topics of petroleum facilities, forestry, fire safety, and provincial and federal policy and regulations.

To meet the legislative requirements needed to exempt specific parcels from SSMUH mandates due to hazardous conditions, the properties must be assessed and determined by a QP to meet the conditions outlined in Section 2.2 of this report. Should the QP report

determine eligibility for exemption, the City would be required to provide written notice to the Minister of Housing and Municipal Affairs of the exempted properties and under what provision they have been exempted from SSMUH. Council would also need to adopt Zoning Bylaw amendments to exempt those specific properties from the R1 zoning district (SSMUH).

It should be noted that depending on the severity of the hazardous conditions found, applying a hazard designation to properties and exempting them from SSMUH could result in unintended consequences, including but not limited to, changes to development potential, possible impacts to property insurance, restrictions on new construction or alterations, as well as restrictions on landscaping and building materials. Because of these potential impacts engagement with affected property owners is advisable. Should a QP identify Lower Westridge and other similarly-located neighbourhoods as eligible for exemption from SSMUH due to risks associated with being proximate to petroleum facilities, staff propose conducting outreach to affected property owners. Should Council wish to proceed with this work, a summary of any feedback received from property owners in these areas would be shared with Council in a future report prior to advancing proposed Zoning Bylaw amendments.

3.3 Subsequent Phases – City-Wide Hazardous Conditions DPA and Guidelines Program Development

Following the completion of the Lower Westridge Hazard Assessment, staff would procure a qualified consultant to prepare Natural Hazard Development Permit Areas and Guidelines more broadly for the City of Burnaby, focusing on the following hazards: wildfire, steep slopes, and flood-prone areas. This work would include preparing maps of hazard areas and developing guidelines for obtaining a development permit in those areas. The project would culminate in an OCP amendment to add the Natural Hazard Development Permit Area maps to the OCP and a Zoning Bylaw amendment to add the DPA Guidelines to the Zoning Bylaw. A more detailed project plan report will be brought before Council in mid-2026. Project completion is anticipated for late 2027.

3.4 Recommendations

The preliminary phase of the project to develop a Natural Hazard DPA and Guidelines program for Burnaby is unfunded and therefore not budgeted within the City’s 5-year Financial Plan. As such, staff are re-confirming Council’s direction to continue to advance the Lower Westridge Hazard Assessment at this time. The following options are outlined for Council’s consideration.

Option 1 (recommended) – That:

- a) Staff be directed to initiate the city-wide Natural Hazard Development Permit Area and Guidelines project;
- b) Staff be directed to initiate the Lower Westridge Hazard Assessment to determine whether the Lower Westridge area may be exempt from Small Scale Multi-Unit Housing mandates due to a hazardous condition; and

- c) An unbudgeted amount of \$120,000 be authorized from the Gaming Reserve to fund the Lower Westridge Hazard Assessment.

Should Council direct staff to proceed with Option 1, it would result in procurement of a consultant with a total budget \$120,000 (including contingency) to conduct the risk assessment of the Lower Westridge neighbourhood related to it being proximate to petroleum facilities. The consultant team would complete the hazard assessment and a QP would deliver a determination of whether the conditions, and the properties impacted, in the Lower Westridge neighbourhood meet the conditions of Provincial legislation and regulations of a hazard risk area. They would also determine which properties, if any, are eligible for exemption from SSMUH mandates. This information would be provided to the City in a report. If a hazard risk were identified and a hazard DPA and exemption from SSMUH were recommended, consultation with affected property owners would be undertaken. The preparation of the recommended hazard DPA and guidelines would then be integrated into the city-wide Natural Hazard DPA program project. Staff would complete the project planning phase of the city-wide project and bring forward an information report with additional details regarding project phasing, schedule, engagement and deliverables in mid-2026. Following the receipt of the QP report for the Lower Westridge assessment, staff would commence work on the city-wide Natural Hazard development permit area and guidelines.

Option 2 – That staff be directed to initiate the City-Wide Natural Hazard Development Permit Area and Guidelines project.

Option 2 would direct staff not to initiate the unbudgeted additional Lower Westridge Hazard Assessment related to being proximate with petroleum facilities and instead proceed directly to the budgeted development of a city-wide Natural Hazard DPA and Guidelines program focusing on an assessment of hazardous conditions arising from steep slopes, flood-prone areas and wildfire conditions. Staff would report back to Council with additional details regarding project phasing, schedule, engagement and deliverables by mid-2026.

Option 3 – That staff be directed to take no action at this time.

Option 3 would postpone any additional work related to the Lower Westridge Hazard Assessment and the city-wide Natural Hazard DPA and Guidelines program, to a future date.

Option 1 responds to Policy Actions in the Official Community Plan as well as Council motions dated January 14 and September 9, 2025. For these reasons Option 1 is recommended.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

OCP and Zoning Bylaw amendments would be required to establish new Natural Hazard DPAs and guidelines. Section 475 of the LGA requires that a municipality provide one or more opportunities for consultation with persons, organizations and authorities it considers will be affected when amending an OCP, including a public hearing. As part of the project planning, an engagement strategy would be prepared to include multiple opportunities for

affected property owners, Host Nations and other stakeholders to provide feedback on the proposed DPAs. With Council direction to proceed with this project, further details on the engagement strategy would be reported to Council at a later date when the project plan for the city-wide Natural Hazard DPA and Guidelines project and Lower Westridge Hazard Assessment has been prepared.

5.0 FINANCIAL CONSIDERATIONS

The city-wide Natural Hazard Development Permit Area and Guidelines project is included within the approved 2026 – 2030 Financial Plan. Regarding the additional operating work related to the Lower Westridge Hazard Assessment, as recommended under Option 1, this would require \$120,000 in additional funding that is not included in the approved 2026 – 2030 Financial Plan. Should Council choose to move forward with this option then funding for the \$120,000 could be accommodated through the Gaming Reserve. As per Council Policy, the Gaming Reserve is an eligible funding source to support work that is related to environmental sustainability and public safety.

Respectfully submitted,

Lee-Ann Garnett, Deputy General Manager Planning and Development, on behalf of
E.W. Kozak, General Manager Planning and Development

REPORT CONTRIBUTORS

This report was prepared by Carla Schuk, Planner 2, and reviewed by Erin Rennie, Planner 3, Wilson Kwan, Director Budgets and Reporting, and Johannes Schumann, Senior Director Development Services.