
MEETING TYPE: Regular Council Meeting
MEETING DATE: May 16, 2023
AUTHOR: [Sponsor]
DEPARTMENT: Planning and Development
ITEM TITLE: Development Approval Procedures Amendment Bylaw 1201, 2023
DESCRIPTION: Three readings of bylaw amendments for development process improvements

QUESTION

Does Council support the proposed bylaw amendments for development process improvements?

OPTIONS

- A. THAT Development Approval Procedures Amendment Bylaw 1201, 2023 be read a first, second and third time.
- B. THAT Development Approval Procedures Amendment Bylaw 1201, 2023 be read a first, second and third time as amended.
- C. THAT Development Approval Procedures Amendment Bylaw 1201, 2023 be referred back to staff to address specific issues identified by Council.

EXECUTIVE SUMMARY

On April 18, 2023 Planning staff initially presented proposed Bylaw 1201, 2023 to Council regarding amendments to the Development Approval Procedures Bylaw. This report contemplates suggested revisions to the proposed amendments for Council consideration.

A Procedures Bylaw defines standardized procedures for “how” development applications will be considered by a local government. Revised amendments to this bylaw include the following:

- Remove the authorization of the Approving Officer for permits subject to this bylaw;
- Clarify misleading or complicated language so that the intent of the bylaw regulations is better understood and implemented;
- Expand delegation authority to the CAO or Director of Planning for Technical Development Permits and clarify exemption delegation for Development Permits;
- Clarify issuance dates for Development Permits, and requirements for prerequisite conditions;
- Expand the time allowed for the completion of prerequisite conditions on permits, as well as the timeframes needed for permit renewal and extension;
- Establish application requirements for *Development Permit Exemptions* (DPE);
- Expand the types of Technical Development Permits (DPs) which are delegated to the CAO or Director of Planning to include all Hillside Development Permit areas. These amendments continue the current practice of requiring all DP's (whether Technical or Council- approved) to substantially satisfy the DP Guidelines contained in the Official Community Plan;
- Modify public notification and consultation requirements for OCP Amendments, and establish these requirements for DPE's.

Staff also proposes to change the current practice of requiring landscape deposits for Council-issued DPs *from* prior to Development Permit issuance *to* prior to Building Permit issuance.

BACKGROUND/HISTORY

In preparation for these bylaw amendments, numerous other bylaws from surrounding local governments were reviewed for context, comparability and determination of best practice. Some of the changes contemplated in this amendment are being considered by neighbouring local governments.

<i>Date:</i>	<i>Event:</i>
May 25, 2021	Council initially adopted Development Approval Procedures Bylaw 1133, 2021
Summer 2021 through to March 2023	Bylaw implementation through processing of development application uncovered the need for several minor corrections to section references in the bylaw and an opportunity to expand the Schedules to improve process definition.
April 18, 2023	Council consideration of proposed bylaw amendments (Bylaw 1201, 2023).
May 16, 2023	Revised bylaw amendments presented to Council, and possible adoption date.

The process of improving application submissions has been carried out with improvements to application forms, checklists and guidance documents, as well as increased transparency of permitting timelines. Improvements to the Planning and Development website are also ongoing. This new information is intended to assist applicants through the process by providing guidance through a complex and multi-faceted process. Changes to application forms do not require Council approval.

Development Permit Exemptions

Section 21.3 of the Official Community Plan (OCP) provides for a number of circumstances where development is exempt from the requirement to make application for a DP. In addition to these OCP general exemption guidelines, if there are unique site circumstances where a DP exemption could be considered, the property owner may apply for an exemption under section 7.1 of the OCP. The proposed amendments delegate authority to the CAO or Director to issue a decision on an exemption. Furthermore, the amendments also describe in Schedule 'K' the process which will be followed when an exemption application is received by Planning and Development.

DP Delegation

Within the OCP there are eleven (11) unique Development Permit Areas (DPAs) that comprise an extensive land base (see map's 11-20 of the OCP for an illustration of the DPA's). Each of these DPA's contains a set of guidelines that need to be adhered to when a DP is applied for. As economic growth in the District has occurred over the past several years, an increased number of DP applications have been received, and this growth coupled with other circumstances (both external and internal to the District), has resulted in the growth of a large backlog of applications. Currently, most of these DP applications are waiting to be considered by Council and are subject to a lengthy processing timeframe. A regular Development Permit (DP) requires approval from Council, however a Technical Development Permit (Technical DPs) is authorized to be approved through Administration (either the CAO or Director of Planning). In order to reduce file backlog and make the application process more efficient, this set of bylaw amendments proposes to reduce the number of regular DP applications that need to go to Council, and subsequently increase the number of Technical DP's that are delegated to Administration (CAO and Director).

By expanding the list of DP's that will be designated as Technical, the delegation authority will be expanded. With these amendments, the expanded list of Technical DP's will include land subject to the Hillside DPA (and not the Agricultural DPA as initially proposed). The purpose of the Hillside DPA guidelines are to enhance the visual impact of development on steep slopes to protect development from hazardous conditions and protect the natural environment, its ecosystems and biological diversity. These include lands that have slopes that are 20% or greater, for 10 meters or more. Applications received in the Hillside DPA typically include slope stability and geotechnical reports that are signed by qualified professionals and are highly technical in nature. Planning staff may choose to bring a Technical DP to Council if staff is uncomfortable with what is being proposed.

The current bylaw includes Schedule E which is a description of the application process for Technical Development Permits (Technical DP's), and includes the requirement for a full assessment of the application to be prepared by staff for review and authorization by the CAO or the Director of Planning and Development rather than Council.

Timeline Adjustments

Lengthening the time provided to satisfy prior-to-issuance conditions would assist many applicants and reduce the frequency that applications need to be reconsidered. The bylaw proposes that the time allowed to satisfy prerequisite conditions be extended to from five months to one year, and that a six-month extension be available upon request. With these amendments, the timeframe to substantially start construction can be extended to 30 months (from the current 18 months). Furthermore, the extension application would be processed through the CAO or Director of Planning & Development, rather than Council.

Security Deposits

Operationally, staff have discovered that the wording contained in the bylaw needs to be updated to allow draw-down on security deposits on a phase-by-phase basis while maintaining sufficient funds to complete any remaining phases. Amendments to Section 9.3 (h) are intended to accomplish this.

DISCUSSION/ANALYSIS

Provincial Legislation & District of Lake Country Regulations that Affect these Amendments

Community Charter: CC section 15(1) provides the authority for a local government to establish a system of licenses, permits and approvals to support the land use planning authorities found mainly in Part 14 of the *Local Government Act*.

Local Government Act: Division 7 – Part 14 – Planning and Land Use Management is the principal legislation used in British Columbia to govern land use and the associated processes in a municipality. A number of “tools” available in the Act are described under separate headings. Sections 488 through 497 provide the authority and guidance for Development Permit Area designation, issuance and exemption. In particular, Section 490(2) states: “The authority under subsection (1) must be exercised only in accordance with the applicable guidelines specified under section 488 in an official community plan or zoning bylaw.”

Official Community Plan: In the District of Lake Country, Development Permit Areas (DPAs) are designated in the OCP; the plan describes the special conditions and objectives that justify the designation. DPAs identify locations that need special treatment for certain purposes, including the protection of the natural environment, protection of development from hazards, establishing objectives for form and character, revitalization of an area or establishing objectives to promote energy conservation, water conservation or reduction of greenhouse gas emissions. Specifically, Section 21 of the OCP contains guidelines for how development proposed in a DPA can address the special conditions or objectives and situations where development is exempt from those requirements.

Zoning Bylaw: Zoning regulations are the principal tool is used to implement local government land use plans. *Local Government Act* Section 488(3) provides the opportunity to establish DPA guidelines in a Zoning Bylaw.

Development Application Procedures Bylaw: In the Local Government Act, Section 460 requires that “a local government that has adopted an Official Community Plan bylaw or a Zoning bylaw must, by bylaw, define procedures under which an owner of land may apply” to amend the bylaw or for issuance of a permit in accordance with that plan or bylaw. Furthermore, specific types of information may be required to support the decision-making process, and the authority for requiring this information is located in *Local Government Act*, Part 14, Division 6 (Sections 484 through 487).

Staff have discussed delegation of authority with respect to the legislation with legal counsel and the proposed changes align with legislation.

Technical Considerations:

- **Impact on Infrastructure and Other Municipal Services**

Realignment of application processes from Council to delegated authorities (CAO or Director of Planning and Development) is not expected to have any impact on infrastructure or other municipal services.

- **Impact on Staff Capacity and Financial Resources (Cost/Benefit Analysis)**

The expansion of delegated authority to the CAO and Director regarding sign-off for Hillside area DP's will add to the number of applications that can be processed without consideration by Council. This will save considerable staff and Council time. It is anticipated that the results of the expanded delegation will shift a portion of the workload to process applications from the Planners to Planning Technicians, allowing improved distribution of tasks in the Planning Department associated with application processing.

Comments from Other Government Agencies, Council Committees and Relevant Stakeholders:

- The staff have had numerous meetings with stakeholders from the development and building community over the last year including:
 - three meetings with the Urban Development Institute (UDI)
 - June 22, 2022 - Builders Forum including members from UDI and the Canadian Home Builders Association – Central Okanagan (CHBA-CO)
 - September 28, 2022 – Development Community Forum including private industry planners, developers and builders

All these meetings discussed issues related to the District's development processes and provided feedback on potential improvements.

Over the past year, Planning staff has also had numerous individual conversations with specific developers and residents related to the development approvals process at the District of Lake Country.

Staff have discussed these various ideas at the weekly department meetings and many of the proposed amendments are as a result of these discussions.

Consultation, Public Feedback, and Communication to and from the Public and the Applicant:

The Director of Planning and Development, Manager(s) of Planning, Planners and Planning Technician participated in several discussion and reviews that led to the proposed bylaw. The CAO, the Director of Corporate Services and members of the Engineering Department were also included in discussions regarding these amendments.

Should Council approve the proposed changes, a formal communication plan will be developed and sent to stakeholders and as well as posted on the District website.

ANALYSIS OF OPTIONS FOR CONSIDERATION

OPTION A: Provision of three readings to the (revised) amendments would indicate Council support for the proposed changes. Adoption of the bylaw amendments would occur at a subsequent Council meeting, and implementation would occur in Spring 2023.

OPTION B: Instructions would be provided to staff regarding amendments or additional consultation with stakeholder groups, in order to provide clear direction and keep the process improvements moving forward.

OPTION C: Refusal of the proposed bylaw would continue the existing practices and procedures regarding how development applications are approved as well as processed by staff. The existing framework for delegation authority by Council and Administration would be maintained.

Respectfully Submitted,
Jared Kassel, Director of Planning & Development

Report Approval Details

Document Title:	Development Approval Procedures Bylaw Amendment 1201, 2023.docx
Attachments:	Attachment A – Development Approval Procedures Bylaw 1133 2021 Redline Version.docx Attachment B Development Application Approvals Amending Bylaw Council May 16 2023.docx
Final Approval Date:	May 2, 2023

This report and all of its attachments were approved and signed as outlined below:

Reyna Seabrook, Director of Corporate Services - May 1, 2023 - 4:45 PM

Tanya Garost, Chief Administrative Officer - May 2, 2023 - 8:27 PM