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**MEETING TYPE:** Regular Council Meeting  
**MEETING DATE:** March 19, 2024  
**AUTHOR:** Jared Kassel, Director of Planning & Development  
**DEPARTMENT:** Planning and Development  
**ITEM TITLE:** Development Approval Procedures Discussion  
**DESCRIPTION:** Discussion on Delegation Authority and Minor Development Variances

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#### **PURPOSE**

To discuss potential improvements to streamline the Development Approval Procedures Bylaw, 1133, 2023.

#### **RECOMMENDATION**

THAT staff be directed to prepare amendments to the Development Procedures Bylaw, 1133, 2023 at the next available meeting.

#### **EXECUTIVE SUMMARY**

Staff is seeking to improve timelines for development approvals by making adjustments to how Development Permit and variance applications are processed at the District. The Development Approval Procedures bylaw is a key tool that staff use to process applications, and the bylaw needs updating to ensure a focus on customer service and reasonable timeframes for decisions on applications. The current bylaw is cumbersome and difficult to manage when files need to be processed in a timely manner. Therefore Staff is seeking Council direction regarding expanding delegation authority to the CAO or Director of Planning for an expanded list of Development Permits, as well as establishing delegation authority for Development Variances (to the Zoning Bylaw) that are considered minor in nature.

#### **DISCUSSION/ANALYSIS**

As population growth in Lake Country has boosted economic activity over the past several years, an increased number of Development Permit and variance applications have been received at the District. In addition to the quantity of applications, there has also been an increase in the complexity of applications that require additional variances and technical oversight to ensure adherence to engineering and safety standards. These factors have contributed to the large backlog of applications for relatively simple construction projects. Currently, most of these DP applications are subject to a lengthy processing timeframe.

Under the existing Development Approval Procedures Bylaw, a regular Development Permit (DP) requires approval from Council, however a Technical Development Permit (Technical DP's) is authorized to be approved through administration (either the CAO or Director of Planning). Subject to Council direction, the current idea is to increase staff delegation authority for limited-scope DP's which affect multi-family residential, commercial and industrial development. The additional files that would be delegated to staff for multi-family residential, commercial and industrial developments are typically minor in scope and would not include large-scale developments of a noteworthy significance. With the additional delegation, approximately 6-8 current DP files would be affected from the current list of applications. This would save considerable staff time for these files, as they are typically form and character permits that are evaluated on OCP guidelines for developments such as townhouses, and small-scale commercial developments. The preparation of information and documents for Council reports that demonstrates this evaluation process requires considerable staff time compared to internal review of this information. Adherence to the OCP guidelines for these delegated DPs would still be ensured by staff through the application review process.

As an additional change to the bylaw, it is proposed that the District introduce Development Variance Permits of a minor nature. Currently, there are 18 variance applications in the queue waiting for a decision. Of the 18 variance applications in the queue, approximately 9 would be considered minor. A minor variance could include relatively small changes to parcel coverage, height of buildings, setbacks and landscaping. Staff would also continue to bring variances to Council if a particular development is deemed important and has significant impacts on the community, based on whether the District receives a significant number of written comments during the community notification process. Specific details would be brought forward for 1<sup>st</sup> reading at the next available Council meeting as part of the bylaw amendment process.

### **APPLICABLE LEGISLATION, BYLAWS AND POLICY**

*Community Charter:* 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 – This is the principal legislation used in the Province of B.C. to govern land use within 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 (OCP):* In the District of Lake Country, Development Permit Areas (DPAs) are designated in the OCP. 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).

### **CONSULTATION**

The CAO, Director of Corporate Services and members of the Planning department participated in several discussions prior to the drafting of this Council report for information. Should Council provide direction to make changes to the bylaw, a communication plan will be developed and sent to stakeholders as well as posted on the District’s website.

### **ALIGNMENT WITH COUNCIL STRATEGIC PRIORITIES**

- Create and Support Opportunities for a Healthy, Active and Inclusive Community
- Create Infrastructure That Meets Community Needs
- Encourage Growth of the Downtown Core
- Ensure Sustainable Water Service Delivery for the Community

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- Explore Opportunities to Engage With Regional Local Governments for the Betterment of the Community
  - Honour Reconciliation by Strengthening Relationships and Inclusiveness With Our Indigenous Partners
  - Identify and support improvements to the Development Process
  - Implement the Agricultural Plan
  - Preserve, Protect and Enhance Our Natural Environment
  - Secure long term wastewater service delivery for our community
  - Support Opportunities to Diversify Lake Country's Tax Base

**ALIGNMENT WITH MASTER PLANS**

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|--|--|
| <input type="checkbox"/> Agricultural Plan                             | <input checked="" type="checkbox"/> Official Community Plan                |
| <input type="checkbox"/> Climate Action Charter                        | <input type="checkbox"/> Parks & Recreation Master Plan 2019               |
| <input checked="" type="checkbox"/> Housing Needs Report               | <input type="checkbox"/> Sanitary Sewer System Map                         |
| <input type="checkbox"/> Liquid Waste Management Plan Stage 1/2 Report | <input type="checkbox"/> Transit Future Plan-Central Okanagan Region-DRAFT |
| <input type="checkbox"/> McCoubrey Plateau Area Structure Plan         | <input type="checkbox"/> Transportation for Tomorrow                       |
| <input type="checkbox"/> Mobility Master Plan                          | <input type="checkbox"/> Water Master Plan                                 |

Respectfully Submitted,  
Jared Kassel, Director of Planning & Development

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**Report Approval Details**

Document Title:	Development Approval Procedures Bylaw.docx
Attachments:	
Final Approval Date:	Mar 15, 2024

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

**Reyna Seabrook, Director of Corporate Services - Mar 15, 2024 - 12:32 PM**

**No Signature - Task assigned to Paul Gipps, Chief Administrative Officer was completed by workflow administrator Reyna Seabrook, Director of Corporate Services**

**Paul Gipps, Chief Administrative Officer - Mar 15, 2024 - 2:45 PM**