

# Report to Council



**Date:** April 15, 2024  
**To:** Council  
**From:** City Manager  
**Subject:** Development Application and Heritage Procedures Bylaw No. 12310  
Amendment No. 4 & Progress Update on Minor Delegated Variance  
**Department:** Development Planning

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**Recommendation:**

THAT Council receives, for information, the report from the Development Planning Department, dated April 15, 2024, with respect to amending the Development Application and Heritage Procedures Bylaw No. 12310 to implement provincial housing legislation to streamline housing approvals;  
AND FURTHER THAT Bylaw No. 12637 being Amendment No. 4 to the Development Application and Heritage Procedures Bylaw No. 12310 be advanced for reading consideration.

**Purpose:**

To consider amendments to the Development Application and Heritage Procedures Bylaw No. 12310 to implement mandated legislation on Public Hearing procedures, improve processing of development applications, and conduct bylaw maintenance.

**Council Priority Alignment – Affordable Housing:**

The proposed amendments to the [Development Application Procedures Bylaw No. 12310](#) align with Council’s Priority on Affordable Housing by implementing Provincial Bill 44 Small Scale Multi-Unit Housing (SSMUH) which will help to streamline residential development approvals by not permitting Public Hearings on residential projects that are consistent with the Official Community Plan. In addition, improving the processing of development files can save costs and time for applicants, and efficiency for Staff and Council. These costs are often passed along to the end user.

**Background:**

The [Development Application and Procedures Bylaw No. 12310](#) (Procedures Bylaw) establishes procedures for processing development applications including Official Community Plan (OCP) amendments, Zoning Bylaw amendments, Text Amendments, Development Permits, Development Variance Permits, Agricultural Land Commission (ALC) Applications, Temporary Farm Worker Housing, and others. The most recent amendment to the Procedures Bylaw was to delegate authority for Minor Development Variance Permits.

*Previous Council Resolution*

Resolution	Date
<a href="#">Regular Council Meeting Agenda May 8, 2023, Item 5.2</a>	Adopted May 15, 2023

**Discussion:**

In 2023, the Province of BC passed two Housing Statutes Bills (44 and 47) that require Local Governments to amend their municipal bylaws to assist in densifying existing neighbourhoods and streamlining housing approvals to address the housing crisis in BC.

As a response, Staff are recommending amendments to the Procedures Bylaw to address the following:

1. Implement mandated legislation on Public Hearing procedures
2. Improve processing of development applications
3. Bylaw maintenance

At this time, no changes are proposed to Heritage applications found in Schedules 10, 11, 12, 13, or 14 of the Procedures Bylaw. Amendments to the Heritage Schedules will be brought forward to Council with a larger package of bylaw amendments related to Heritage.

1. Implement Mandated Legislation on Public Hearing Procedures:

Provincial Bill 44 mandates legislation on when a Local Government may hold a Public Hearing on a bylaw amendment as per Section 464 of the [Local Government Act \(LGA\)](#). Previously, for residential rezoning bylaws that align with the OCP, Council had discretion to hold a Public Hearing. Staff recommend changes to the Procedures Bylaw to align with three Public Hearing streams regulated by the LGA. The Public Hearing streams are as follows:

- i. For a bylaw amendment that is **inconsistent** with the OCP, a Public Hearing is required.
- ii. For a bylaw amendment that is **non-residential** and **consistent** with the OCP, a Public Hearing is not required.
- iii. For a bylaw amendment that is **residential** and **consistent** with the OCP, a Public Hearing is not permitted.

Staff are proposing amendments to [Council Policy 365: Official Community Plan Consistency Policy](#), under a separate report, to provide clarity in determining when a bylaw amendment is inconsistent with the OCP and requires a public hearing.

2. Improve Processing of Development Applications:

Two of the recommended changes to improve the processing of development applications include removing the requirement for a Development Permit to be considered in conjunction with a Rezoning Application; and changing the requirement for a Pre-Development Tree Inventory to be at the discretion of the Development Planning Department Manager. These changes will streamline development applications and will alleviate some up-front costs associated with development applications.

Staff recommend revising the delegated authority on Development Permits and Minor Development Variance Permits to provide further process improvements.

*Revise Delegated Authority on Development Permits*

Currently, form and character Direct Development Permits for MF1 zoned properties are delegated in the Procedures Bylaw. This allows Staff to issue permits for those properties, typically developed with fourplexes. Staff recommend revising the delegated authority on Development Permits to include three to six units, which aligns with recent Zoning Bylaw

amendments to the MF1 zone and provincial legislation. This authority will apply in all areas of the city including the Heritage Conservation Area.

Progress Update on Minor Development Variance Permits

On May 8, 2023, Council adopted bylaws and policy changes for delegated authority for Minor Development Variances. In the report, Staff indicated a summary of all variances received and approved at the Staff level will be provided to Council. The following provides a summary of applications from May 8, 2023, to March 8, 2024.

Type	Quantity
Approved by Delegate	12
Cancelled by Applicant	2
Active Applications	7
<b>TOTAL</b>	<b>21</b>

All applications are subject to Council Policy No. 367 – Public Notification & Consultation for Development Applications for neighbourhood notification requirements. For Minor Development Variance Permit applications there is a 14-day period after the neighbours are notified for them to submit feedback. Any feedback received is submitted to the delegate to consider. The delegate then applies the following guidelines when making their decision as outlined in the Procedures Bylaw: Scope and scale of variances; use and enjoyment of neighboring lands; effects on the natural environment; appropriateness of the development; intent of the Zoning Bylaw; and public interest in variances. After considering the guidelines, the delegate did not deny any applications for Council reconsideration.

Revise Delegated Authority on Minor Development Variance Permits

Based on the successful results of the first implementation of delegated authority on Minor Development Variance Permits, Staff recommend revising the program to include up to six units. This aligns with the recommendation for delegated authority on Direct Development Permits. On infill projects, variances that require Council approval are often a deterrent to applicants. By delegating variances on projects of up to six units to staff, applicants can save both time and money, helping to streamline infill housing and avoid additional costs being passed on to the end user. Staff variances could be used in cases where site constraints necessitate a variance such as preserving a mature tree in favor of a parking variance; or a setback variance due to a road dedication.

Delegated Minor Sign Bylaw Variances

Staff recommend assigning delegated authority on Minor Development Variance Permits to include [Sign Bylaw No. 11530](#). Currently, a variance to the Sign Bylaw requires Council consideration and approval which is a lengthier process than a delegated variance. In current practice, Staff are firm in adhering to the Sign Bylaw and encourage applicants to meet the bylaw rather than apply for a variance. A Delegated Minor Sign Bylaw Variance would be considered using the same criteria as for other delegated minor variances outlined above (in Progress Update section).

### 3. Bylaw Maintenance

Staff utilized this opportunity to conduct bylaw maintenance on the Procedures Bylaw to update terminology, definitions, references to other bylaws, and chart formatting. In addition, Staff propose revisions to delegated authority on Landscape Agreements to include the execution of the agreement itself, thereby saving Council's time and administrative costs.

#### **Conclusion:**

Staff recommend support for the proposed amendments to the Development Application and Heritage Procedures Bylaw No. 12310 to implement mandated legislation on Public Hearing procedures, improve processing of development applications, and conduct bylaw maintenance. These changes will improve efficiency of processing development applications. Amendments to the Heritage Schedules of the Procedures Bylaw will be brought forward for Council consideration as part of a larger package in late April or early May.

#### **Internal Circulation:**

Policy & Planning  
Building & Permitting  
Development Engineering  
Communications  
Office of the City Clerk

#### **Considerations applicable to this report:**

Legal/Statutory Authority & Procedural Requirements: *Local Government Act, Community Charter, Agricultural Land Commission Act, Seasonal Agricultural Worker Program*

#### **Communications Comments:**

Staff held an information session on March 26, 2024, with representatives from the Urban Development Institute and the Canadian Home Builders Association to review proposed changes to the Procedures Bylaw, Fee Bylaw, and Council Policies.

#### **Prepared By:**

Trisa Atwood, Planner Specialist & Breanna Sartori, Planner I

#### **Approved for inclusion:**

Ryan Smith, Director of Planning, Climate Action, & Development Services

#### **Attachments:**

Schedule A: Proposed Text Amendments