



REPORT

To: Chair and Directors

Report Number: DS-BRD-152

From: Kathy Suggitt, General Manager of Development Services

Date: May 13, 2021

**Subject: Development Procedures and Fees Amendment Bylaw No. 2449, 2021 - DS-BRD-152
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RECOMMENDATION #1: [Corporate Unweighted]

That the Regional Board give "Development Application Procedures, Fees and Delegation Bylaw No. 2449, 2021", first, second and third readings, which establishes the procedures under which an owner of land may apply for a variety of permits and bylaw amendments, as required by the *Local Government Act*, s.460, and imposes fees for those applications as permitted under *Local Government Act* s.397 and s.462, and delegates the issuance of development permits to the General Manager of Development Services.

RECOMMENDATION #2: [Corporate Unweighted – 2/3 Majority]

That the Regional Board adopt "Development Application Procedures, Fees and Delegation Bylaw No. 2449, 2021."

BACKGROUND/RATIONALE:

Based on past Regional Board resolutions, staff recommendations, and the need to adapt to changing regulations, it has been identified that certain aspects of the in-effect Development Application Procedures and Fees Bylaw No. 2165, 2016 should be updated to conform to changes in legislation, such as for an Agricultural Land Reserve Exclusion application and a Site Disclosure Statement Fee and to include newly applicable fees.

As well, the current bylaw includes a number of prescribed application forms as schedules to the bylaw, the contents of which are procedural in nature. It is proposed that through a repeal and replacement of the bylaw, the application forms are removed in order to have the bylaw address processes relevant to the applicant and applicable fees only, rather than contain forms that require updating from time to time.

Furthermore, in the interest of seeking operational effectiveness, the current in-effect delegation bylaw that authorizes the General Manager of Development Services to approve development permits, has been incorporated into the Development Application Procedure, Fees, and Delegation Bylaw. As the delegation of authority also pertains to development applications, it makes sense to include it in the one bylaw for ease of reference and location. Bylaw 2449 will repeal the previous Development Permit Application and Fees Bylaw No. 2165, 2016, and Development Permit Delegation Bylaw No. 1908, 2010.

The Bylaw will also address the following previous Regional Board resolutions.

On February 11, 2021, the Regional Board passed the following resolution:

MOVED, SECONDED, and CARRIED

That the Regional Board implement a fee for participation in the contaminated site identification process required by the Ministry of Environment and Climate Change Strategy.

On May 3, 2018, the Regional Board passed the following resolution:

MOVED, SECONDED, and CARRIED

- a) That the Development Services File Closure Policy for land use applications be approved; and
- b) That staff be directed to prepare an amendment to the Development Application Procedures and Fees Bylaw No. 2165, 2016 to incorporate the Development Services File Closure Policy.

The existing Development Application Procedures and Fees Bylaw was used as the basis of the proposed new bylaw, however, staff draw the Board's attention to the following areas where the new bylaw is different than the existing bylaw:

1. **Scope**

Section 2 – 'Applicability' of the Bylaw now includes the Exclusion from the Agricultural Land Reserve applications and Site Disclosure Statements; ALC exclusion is new to the PRRD as the application process as dictated by new provincial regulations and legislation and Site Disclosure Statements are also a new requirement imposed on the PRRD by the Province, that the PRRD formerly was able to opt out of.

2. **Refunds**

Section 9 – 'Refunds' of the Bylaw authorizes and implements the Development Services File Closure Policy as approved by the Board, and details the applicable refunds procedure for applications.

3. **Delegation and Reconsideration of Development Permits**

Section 10 and Section 11 are added to the Bylaw. Section 10 delegates to the General Manager of Development Services the authority to approve issuance of development permits. Section 11 outlines the process to appeal a decision made by the GM, to the PRRD Board, which is required under the *Local Government Act* Section 490 (5). These provisions were previously contained in a separate delegation bylaw.

4. **Schedule A - Development Application Fee Schedule**

The following two fees are additions to the current Development Application Fee Schedule:

a. **Exclusion from the Agricultural Land Reserve Fee**

There are cost implications to process Exclusion from the Agricultural Land Reserve applications on a case-by-case basis that will be the responsibility of the PRRD. A fee of \$1,500 will be charged to the applicant, with \$750 being refunded should the application

not proceed to the ALC. The applicant will be responsible for additional costs associated with the advertisements, signage, and facility rental, if applicable. (Details provided in the ALC Exclusion Report DS-BRD-142, dated May 13, 2021).

b. Site Disclosure Statement Fee

As per recent amendments to the *Environmental Management Act*, local governments may charge a fee of up to \$100 per Site Disclosure Statement submitted to the Ministry of Environment and Climate Change and Strategy to cover administrative costs for this process. It is up to each local government to determine whether to charge a fee and how much they will charge. Pursuant to the Board resolution of February 11, 2021, indicating that the PRRD should charge a processing fee, and delegating to staff the calculation of a reasonable and justifiable fee as required under the LGA Section 462. PRRD Development Services staff has determined that it would be reasonable to charge a fee of \$50 for processing Site Disclosure Statements and forwarding them to the Ministry based upon the estimated amount of staff time involved.

Development Application Procedures, Fees and Delegation Bylaw No. 2449, 2021 is attached for the Board's consideration.

ALTERNATIVE OPTIONS:

1. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

- ☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

There are no changes to the existing application fees in the currently in effect 'Development Application Procedures and Fees Bylaw No. 2165, 2016'. The only new fees introduced in Bylaw 2449, 2021 are:

- \$50 for submitting a Site Disclosure Statement to the MoECCS; and,
- \$1,500 (plus additional costs associated with advertising, rental, etc.) for Exclusion from the Agricultural Land Reserve applications.

These new fees will be effective as of the date of adoption of the bylaw.

COMMUNICATIONS CONSIDERATION(S):

None.

OTHER CONSIDERATION(S):

None at this time.

Attachments:

1. Development Application Procedures, Fees and Delegation Bylaw No. 2449, 2021