



REPORT

To: Chair and Directors

Report Number: DS-BRD-440

From: Development Services

Date: November 21, 2024

Subject: Development Application Procedures, Fees and Delegation Bylaw No. 2558, 2024

RECOMMENDATION #1: [Corporate Unweighted]

That the Regional Board give Development Application Procedures, Fees and Delegation Bylaw No. 2558, 2024, which establishes the procedures under which an owner of land may apply for a variety of permits and bylaw amendments; imposes fees for those applications, and delegates the issuance of Development Permits, Minor Development Variance Permits and Temporary Use Permits to the General Manager of Development Services as authorized by the *Local Government Act*, first, second and third readings.

RECOMMENDATION #2: [Corporate Unweighted]

That the Regional Board adopt Development Application Procedures, Fees and Delegation Bylaw No. 2558, 2024.

RECOMMENDATION #3: [Corporate Unweighted]

That the Regional Board give Miscellaneous Fees and Charges Amendment Bylaw No. 2565, 2024 which imposes an application fee for Telecommunications Antenna System proposals and Board of Variance applications, first, second and third readings.

RECOMMENDATION #4: [Corporate Unweighted]

That the Regional Board adopt Miscellaneous Fees and Charges Amendment Bylaw No. 2565, 2024.

RECOMMENDATION #5: [Corporate Unweighted]

That the Regional Board repeal the PRRD File Closure Policy Statement as the policy requirements have been incorporated into Development Application Procedures, Fees and Delegation Bylaw No. 2558, 2024.

RECOMMENDATION #6: [Corporate Unweighted]

That the Regional Board repeal the PRRD Agricultural Land Reserve Exclusion Application Policy, as the policy requirements have been incorporated into Development Application Procedures, Fees and Delegation Bylaw No. 2558, 2024.

BACKGROUND/RATIONALE:**Rationale:**

Development Application Procedures, Fees and Delegation Bylaw No. 2449, 2021 was adopted in May 2021. Since that time there have been a number of changes to provincial legislation, specifically the *Local Government Act*. These changes have affected how we must shape our development processes. The proposed bylaw will ensure the PRRD is compliant with any provincial legislation that has been passed since the existing bylaw was adopted.

The proposed bylaw will help improve ease of access to information for the public by reducing the number of policies that currently need to be referred to in addition to the Development Applications Procedures, Fees and Delegation Bylaw. A comprehensive review of application fees was completed and while increases to fees are recommended through this update, the PRRD continues to charge some of the lowest fees in the province for development.

Other changes in the proposed bylaw are changes that strengthen the bylaw and clearly articulate requirements. There are processes related to the requirement of securities that need to be added to better reflect best practices and provide certainty for applicants.

Additionally, the PRRD is working through implementing a corporate software solution to digitize development applications. Updating the Development Application Procedures, Fees and Delegation Bylaw will ensure that the processes being mapped within the software are clear and accurate.

To ensure that staff has adequate time to update forms and notify the public of the new bylaw, the bylaw is proposed to not come into force and effect until January 1, 2025.

Background:

<u>Date</u>	<u>Changes</u>
May 27, 2021	Development Application Procedures, Fees and Delegation Bylaw No. 2449, 2021 was adopted.
June 9, 2022	Development Application Procedures, Fees and Delegation Bylaw No. 2486, 2022 was amended to include the applicability of Telecommunication Antenna System (TAS) applications and fees associated under the purview of the bylaw.
February 23, 2023	Development Application Procedures, Fees and Delegation Bylaw No. 2514, 2023 was amended to update the application fee for Board of Variance applications from \$90.00 to \$500.00.

Proposed Bylaw Updates:Formatting:

The entire bylaw has been reformatted to ensure it is accessible.

Definitions:

A definitions section has been created and includes fifteen (15) definitions which provide context and clarity for the various terms used in the bylaw.

Applicability of the Bylaw:

The proposed bylaw will no longer be applicable to the Board of Variance applications which has its own bylaw, or Telecommunication Antenna System (TAS) applications which have are governed by a Board policy which outlines the application processes and requirements respectively. The bylaw will now apply to specific types of Liquor Licence applications, ALR Exclusion applications and will continue to apply to all other development applications.

Delegation of Authority:

Staff is recommending that the Regional Board delegate additional authority for the issuance of permits to help streamline processes and ensure timely approvals for applications. Currently staff are only able to issue Development Permits. It is therefore recommended that the following items be delegated to staff:

- To issue and amend Minor Development Variance Permits (variances less than 15%);
 - Staff have included specific criteria for minor variances so that the requirements are clear for applicants. Any requests that do not meet the requirements outlined will be directed to apply for a regular Development Variance Permit, which requires Board consideration. The criteria for a minor variance are proposed as follows:
 - A maximum of a 15% reduction in the required parcel line setback from buildings or structures; and
 - A maximum of a 15% increase to the accessory building floor area, provided that the variance does not allow for an increase in density.
 - The Province approved changed to the *Local Government Act* in early 2022 through Bill 26 to allow for the delegation of minor variances to staff. Staff has processed nine (9) DVPs in 2023 and nine (9) DVPs in 2024 . Only two of these could have been considered minor variances (i.e. Variances less than 15%). Development Variance Permits typically take 8 – 12 weeks to process, depending on Board meeting dates. Therefore, by delegating minor variances to staff, it is anticipated that the processing time could be reduced by up to half.
- To issue Temporary Use Permit renewals, provided that the permit is consistent with the current Official Community Plan (OCP) and relevant guidelines; and
- To respond to Liquor License Referral Applications from the Liquor and Cannabis Regulation Branch (LCRB) provided they are an application type that does not require the LCRB's community input process. Liquor License Referral Applications that require community input will continue to be directed to the Regional Board for consideration.

Application Requirements:

The application requirements section has been updated to provide applicants with a clear understanding of what documents and information must be submitted with an application. Staff has also included a well-defined list of landscape plan requirements to provide clear direction for applicants, as landscape plan submissions often do not contain sufficient information for staff to complete their review.

Inclusion of File Closure Policy into the Bylaw:

Staff has included the existing file closure policy in the proposed bylaw (See Table 1.0 for existing file closure dates). Staff has shortened the file closure timelines to be more appropriate for applications that have been stalled by the applicant or are awaiting additional information (See Table 2.0 for the proposed file closure dates).

Table 1.0

Existing File Closure Dates			
Application Type	Stage of Application	Timeline of Closure	
Permits (i.e. Development Permits, Development Variance Permits, Temporary Use Permits)	Incomplete Applications	Not Accepted	
	Applications Awaiting Payment	3 Months	
	Applications Stalled by Applicant	12 Months	
Bylaw Amendments (i.e. OCP Amendments, Zoning Amendments, Combined OCP/Zoning Amendments)	Incomplete Applications	Not Accepted	
	Applications Awaiting Payment	3 Months	
	Applications Stalled by Applicant	No Readings	12 Months
		After 1 st and 2 nd Reading	12 Months
		After 3 rd Reading	24 Months

Table 1.0: Existing File Closure Dates

Table 2.0

Proposed File Closure Dates			
Application Type	Stage of Application	Timeline of Closure	
Permits (i.e. Development Permits, Development Variance Permits, Temporary Use Permits)	Incomplete Applications	Not Accepted	
	Applications Awaiting Payment	1 Month	
	Applications Stalled by Applicant	3 Months	
Bylaw Amendments (i.e. OCP Amendments, Zoning Amendments, Combined OCP/Zoning Amendments)	Incomplete Applications	Not Accepted	
	Applications Awaiting Payment	1 Month	
	Applications Stalled by Applicant	No Readings	3 Months
		After 1 st and 2 nd Reading	6 Months
		After 3 rd Reading	12 Months

Table 2.0: File Closure Dates (Proposed)

Inclusion of OCP/Zoning Amendment Application Requirements for Wind Energy Generation Project:

The application requirements for OCP and Zoning Amendment applications to permit a Wind Energy Generation Project have been pulled from the PRRD Regional Board Wind Energy Generation Project Application Guidelines. At this time, staff is not recommending the repeal of the existing policy as there are siting requirements within that policy which cannot be included in this bylaw. Siting requirements are something that can only be incorporated into Official Community Plans via Development Permit Areas, or within Zoning regulations, as the Development Application Procedures, Fees and Delegation Bylaw does not regulate land use.

Inclusion of the Agricultural Land Reserve Exclusion Application Policy into the Bylaw:

The Agricultural Land Reserve (ALR) Exclusion Policy was created to address changes to the *Agricultural Land Commission Act* (ALC Act) in regard to exclusion applications, which can now only be submitted by the Local Government. In order to ensure clarity and ease of reference for the public, this policy is recommended to be incorporated into the proposed bylaw.

Public Hearing Requirements/Public Information Meetings:

The proposed bylaw includes a section which specifies requirements for Public Hearings and Public Information meetings.

Public Hearing procedures now provide language on when a public hearing must not be held and when a public hearing is *permitted* not to be held (waived) according to the *Local Government Act*. When a Zoning Amendment is consistent with an OCP, public hearings will generally not be held. In cases where residential development triggers the requirement of a Zoning Amendment, provided the development is consistent with the OCP, a public hearing must not be held.

Public Information Meetings are intended to allow for additional public engagement earlier on in the development process when necessary. Public Information Meetings can be requested by either the Regional Board or staff and will be arranged and hosted by regional district staff, with Board participation optional. Public Information Meetings cannot substitute Public Hearing requirements.

Provision of Security:

The securities section has been overhauled to provide regulations which clearly outline when securities are required, the amount of security required and how securities will be returned. Landscaping securities, remediation securities, performance securities and securities related to the issuance of work camps have all been specifically addressed in the proposed bylaw.

Fees:

Most of the fees have been updated based on the evaluation of fees from other regional districts and municipalities with similar populations to the PRRD's member municipalities. Three new fees are proposed to be added to account for the creation of the following new processes, Temporary Use Permit Renewal, Development Permit Amendment and Liquor Licence Referral. The application for ALR Exclusion applications remains the same as this is set by the *ALC Act*. The proposed fee changes are listed in Table 3.0 shown on the next page:

Table 3.0

Application Type	Average Fee Charged Based on Comparable Communities	Existing Fee	Proposed Fee	Increase from Existing Fee
Official Community Plan Amendment	\$1,540.11	\$1,000.00	\$1,500.00	\$500.00
Zoning Amendment	\$1,703.80	\$650.00	\$1,000.00	\$350.00
Official Community Plan Amendment and Zoning Amendment Combined	\$2,610.83	\$1,050.00	\$2,000.00	\$950.00
Temporary Use Permit	\$1,078.72	\$350.00	\$750.00	\$400.00
Temporary Use Permit Renewal	\$813.03	N/A	\$350.00	<i>New Fee</i>
Development Permit	\$784.88	\$165.00	\$250.00	\$85.00
Development Permit Amendment	\$724.59	N/A	\$200.00	<i>New Fee</i>
Development Variance Permit	\$757.35	\$165.00	\$500.00	\$335.00
Liquor Licence Referral Application	\$985.27	N/A	\$150.00	<i>New Fee</i>
Agriculture Land Reserve Exclusion	\$1,500.00	\$1,500.00	\$1,500.00	No Change

Table 3.0: Development Applications Procedures, Fees and Delegation Bylaw Fee Schedule (Proposed)

Fee amounts for Telecommunication Antenna System (TAS) proposals and Board of Variance (BOV) applications are proposed to be moved to the Miscellaneous Fees and Charges Bylaw. The rationale for this change is that the Development Applications Procedures, Fees and Delegation Bylaw does not regulate processes for these application types. TAS proposals are managed by the PRRD Telecommunications Tower Siting Policy Statement and BOV applications are regulated by Board of Variance Bylaw No. 2494, 2023. There are no proposed changes to the existing fee(s) for these application types.

Table 4.0

Application Type	Existing Fee	Proposed Fee	Increase
Board of Variance	\$500.00	\$500.00	No Change
Telecommunication Antenna System (TAS)	\$250.00	\$250.00	No Change

Table 4.0: Miscellaneous Fees and Charges Bylaw Fee Addition (Proposed)

ALTERNATIVE OPTIONS:

1. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

- Not Applicable to Strategic Plan

FINANCIAL CONSIDERATION(S):

The new fees will be effective as of January 1, 2025.

The Miscellaneous Fees and Charges Bylaw has been amended to include the Board of Variance application fee and Telecommunication Tower Siting application fees respectively, as these application types are no longer referenced in the proposed bylaw.

COMMUNICATIONS CONSIDERATION(S):

Information regarding the new bylaw will be shared on the PRRD website and social media platforms.

OTHER CONSIDERATION(S):

None at this time.

Attachments:

1. Development Application Procedures, Fees and Delegation Bylaw No. 2558, 2024
2. Miscellaneous Fees and Charges Amendment Bylaw No. 2565, 2024