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**REPORT TO THE LAND USE COMMITTEE
MEETING OF TUESDAY, MAY 18, 2021**

SUBJECT Juan de Fuca Development Fees and Procedures Bylaw Amendment

ISSUE SUMMARY

To consider an amendment to the Juan de Fuca Development Fees and Procedures Bylaw No. 3885 to establish fees for Official Community Plan (OCP) and zoning amendment applications where Agricultural Land Reserve (ALR) exclusion is also requested.

BACKGROUND

Bylaw No. 3885, the Juan de Fuca Development Fees and Procedures Bylaw, was adopted in 2019. Applications for land development in the ALR are included in the scope of Bylaw No. 3885. The CRD Board approved the Juan de Fuca ALR Application Policy BRD05 at their December 9, 2020 meeting and passed the following resolution:

“That the staff be directed to initiate an amendment to the Juan de Fuca Electoral Area Development Fees and Procedures Bylaw, 2018, Bylaw No. 3885, to increase the application fees for OCP and zoning amendment applications where exclusion from the ALR is also required or requested.”

Staff have prepared an amendment to Bylaw No. 3885 to increase the applicable OCP and zoning bylaw amendment fee by \$2,000 where ALR exclusion is required. Proposed Bylaw No. 4385 is included as Appendix A.

ALTERNATIVES

Alternative 1:

The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4385, “Juan de Fuca Development Fees and Procedures Bylaw No. 3, 2018, Amendment Bylaw No. 1, 2021” be introduced, read a first, a second and a third time; and
2. That Bylaw No. 4385 be adopted.

Alternative 2:

The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board that Bylaw No. 4385, “Juan de Fuca Development Fees and Procedures Bylaw No. 3, 2018, Amendment Bylaw No. 1, 2021” not proceed.

IMPLICATIONS

Legislative

Section 460 of the *Local Government Act (LGA)* requires that a local government that has adopted an OCP bylaw or zoning bylaw must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or the issuance of a permit under Part 14 of the *LGA*. Bylaw No. 3885 establishes the fees and procedures for development applications in the Juan de Fuca Electoral Area.

Section 29 of the *Agricultural Land Commission (ALC) Act* came into force on September 30, 2020, and specifies that only government, First Nations or a prescribed body may apply to have land excluded from the ALR. Therefore, in cases where an individual land owner wished to have land excluded, they would request that the local government apply on their behalf. With the exception of exclusion applications, the application fee for ALR applications is \$1,500. From this fee, the affected local government is entitled to retain \$750 and the remaining \$750 is forwarded to the ALC along with

the local government resolution of support or non-support. With regards to exclusion applications, the amendments to the *ALC Act* only include the \$750 fee to be remitted by the local government submitting the application.

The powers of the Juan de Fuca Land Use Committee, as stated by Bylaw No. 3166, include making recommendations to the CRD Board on matters for the Electoral Area regarding Part 14 of the *LGA* and other specific matters, including ALR applications.

Financial

The application fee levied upon local governments by the ALC for review of an ALR exclusion application is \$750. In addition, the ALR application process undertaken by staff would require additional planning review, analysis, reporting and administration. Additional public notification, consultation and hearing costs would also be incurred prior to submitting the application to the ALC. Since an OCP and zoning bylaw amendment would be required in conjunction with exclusion requests, staff recommend that the fee specified by Bylaw No. 3885 for OCP and zoning amendment applications be increased by \$2,000 in order to recover costs associated with ALR exclusion applications. Staff have prepared Bylaw No. 4385 for consideration.

Public Consultation

This is an administrative bylaw; therefore, public consultation is not required. However, notice of the Land Use Committee meeting and agenda will be posted on the CRD website prior to the consideration of this item by the Committee.

CONCLUSION

Where an individual land owner wishes to have land excluded from the ALR, they would request that the local government apply on their behalf. The fee levied by the ALC upon local governments to apply for exclusion is \$750. In addition to the application fee, additional staff resources would be required to make application on behalf of a private land owner. Since exclusion requests would require a concurrent OCP and zoning amendment application, staff recommend that a portion of these additional costs be recovered through an increase to the OCP and zoning bylaw amendment application fee. Bylaw No. 4385 has been prepared to increase the OCP and zoning bylaw amendment application fee associated with a request for ALR exclusion by \$2,000.

RECOMMENDATION

The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4385, “Juan de Fuca Development Fees and Procedures Bylaw No. 3, 2018, Amendment Bylaw No. 1, 2021” be introduced, read a first, a second and a third time; and
2. That Bylaw No. 4385 be adopted.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning and Protective Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services and Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT

Appendix A: Proposed Bylaw No. 4385