



**REPORT TO THE LAND USE COMMITTEE
MEETING OF TUESDAY, SEPTEMBER 17, 2019**

SUBJECT **New Juan de Fuca Development Approval Information Bylaw No. 4294**

ISSUE

To update development approval information requirements for applications in the Juan de Fuca (JdF) Electoral Area (EA).

BACKGROUND

Development applications in the JdF EA are typically accompanied by supporting information provided in the form of a report prepared by a qualified professional. Official Community Plans (OCPs) designate areas and circumstances where applicants may be required to provide development approval information (DAI). Where OCPs outline DAI requirements, the local government must establish a bylaw outlining procedures and policies on the process for requiring the information, as well as the substance of the information required.

CRD Bylaw No. 2975, Development Approval Information Bylaw No. 1, 2002, currently applies to that part of the JdF that was part of the former Sooke Electoral Area. CRD Bylaw No. 3031, Development Approval Information (Malahat/Willis Point) Bylaw No. 1, 2002, applies to that part of the JdF that was part of the former Langford Electoral Area.

Since these bylaws were adopted in 2002, OCPs for communities in the JdF have been updated to include the range of development approval information that may be required at the time various development approvals are considered. Staff have drafted a new DAI bylaw to apply to the entire JdF EA, and that reflects updated OCP content and current legislative requirements. Proposed Bylaw No. 4294 is included in Appendix 1 for consideration.

ALTERNATIVES

Alternative 1:

That the Land Use Committee recommends to the Capital Regional District Board:

- a) That Bylaw No. 4294, "Juan de Fuca Development Approval Information Bylaw No. 3, 2019", be introduced and read a first, a second and a third time; and
- b) That Bylaw No. 4294 be adopted.

Alternative 2:

That proposed Bylaw No. 4294 not proceed.

Alternative 3:

That more information be provided by staff.

LEGISLATIVE IMPLICATIONS

Part 14, Division 6 of the *Local Government Act (LGA)* outlines development approval information requirements. Section 486 of the *LGA* requires that, if an OCP includes provisions for requiring DAI, the local government must, by bylaw, establish procedures and policies on the process for requiring DAI and the substance of the information that may be required. The bylaw may authorize an officer or employee to require the DAI and must establish procedures for applying for and dealing with a reconsideration.

FINANCIAL IMPLICATIONS

Pursuant to Section 487 of the *LGA*, proposed Bylaw No. 4294 specifies that where DAI is to be provided, the information shall be provided by the applicant, at the applicant's cost. Peer review of the information, if required, shall also be at the applicant's expense.

PUBLIC CONSULTATION

This is an administrative bylaw, therefore does not require public consultation. 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.

LAND USE IMPLICATIONS

DAI is information provided by an applicant on the anticipated impact of a proposed development on the community. Information can relate to such matters as: transportation, infrastructure, public facilities, community services and the natural environment. DAI can be required for applications for an amendment to a zoning bylaw; a development permit; or a temporary use permit.

Applications for development permits are typically required to include a report prepared by a qualified professional addressing how the proposed development addresses the guidelines in the OCP. Applications for temporary use permits and rezoning must consider OCP policies and potential community impacts, so the scope of information that may be required will vary according to circumstances of the proposed development. Proposed Bylaw No. 4294 outlines procedures and policies for requiring DAI and the substance of the information to be provided.

A single DAI bylaw for the JdF is expected to simplify administration and apply consistent requirements throughout the electoral area. The proposed bylaw authorizes certain CRD officials to require DAI in order to provide clarity and to expedite application processes. Where there is disagreement on the substance of a report, the bylaw outlines processes for peer review and reconsideration by the CRD Board. Staff recommend adoption of proposed Bylaw No. 4294.

CONCLUSION

Staff have drafted Bylaw No. 4294 (Appendix 1) to address legislative and procedural changes that have occurred since 2002, to revise development approval information processes for land use applications in the JdF EA. Staff recommend that Bylaw No. 4294 be adopted.

RECOMMENDATIONS

That the Land Use Committee recommends to the Capital Regional District Board:

- a) That Bylaw No. 4294, "Juan de Fuca Development Approval Information Bylaw No. 3, 2019", be introduced and read a first, a second and a third time; and
- b) That Bylaw No. 4294 be adopted.

Submitted by:	Emma Taylor, MA, MCIP, RPP, Planner, Juan de Fuca Community Planning
Concurrence:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Concurrence:	Christine Culham, Acting General Manager, Planning & Protective Services
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Attachments:

Appendix 1: Proposed Bylaw No. 4294