

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: June 2, 2022

RE: Delegated Development Variance Permits (X2022.001-DPB)

Administrative Recommendation:

THAT Bylaw No. 2793.02, a bylaw to amend the Chief Administrative Officer Delegation Bylaw to introduce new criteria, guidelines and processing procedures related to the delegation of development variance permits (DVPs); and,

THAT Bylaw No. 2500.26, a bylaw to amend the Development Procedures Bylaw;
be read a first, second and third time.

Background:

On November 25, 2021, Bill 26, being the provincial *Municipal Affairs Statutes Amendment Act (No. 2), 2021*, received Royal Assent and came into effect.

Amongst other things, this Bill amended the *Local Government Act* to provide local governments with the authority to delegate, by bylaw, the issuance of a “minor” development variance permit (see Attachment No. 1).

DVP Overview (2013-2021)

At its meeting of June 20, 2013, the Regional District began utilizing a “Consent Agenda” for land use applications deemed “of a generic nature or that need no discussion” (i.e. “minor”).

Land use applications “that may be considered controversial or of wide interest” were to continue to be listed separately on the Regular Agenda.

The criteria that has generally been used to determine the inclusion of a DVP in the “Consent” versus “Regular” Agenda has been either a negative recommendation from Administration or a representation opposing the requested variance.

Between 2013 and 2021, approximately 78.2% of DVPs were placed on the “Consent Agenda” with 91.8% being approved while 8.2% are removed and decided on the “Regular” Agenda.

Board Consideration

At its meeting of May 19, 2022, the Planning and Development (P&D) Committee considered an Administrative Report related to delegated DVPs and resolved that “that the Chief Administrative Officer Delegation Bylaw and the Development Procedures Bylaw be amended to provide options in relation to the approval of development variance permits (DVPs).”

Analysis:

Authorizing the delegation of DVPs to Administration will reduce application processing times as well as the volume of land use applications that the Board must consider. The criteria and guidelines proposed for inclusion in the Delegation Bylaw will ensure that the Board's interest in the variance process are represented while providing staff with a suitable level of professional judgement to make determinations of "minor" based on a suite of land use planning considerations.

The proposed amendments to the Development Procedures Bylaw will further support transparency and procedural fairness by ensuring that the Board continues to see DVP applications "that may be considered controversial or of wide interest" – as currently occurs when applications are excluded from the Consent Agenda – such as requiring automatic reconsideration when a DVP is either denied or is the subject of a negative representation(s).

While the *Local Government Act* does not require a delegated DVP to be advertised to surrounding residents and property owners, the proposed amendments to the Development Procedures Bylaw will ensure that residents and property owners surrounding a property that is the subject of a DVP application receive notification and the opportunity to submit comments.

Alternative:

1. Status quo

Respectfully submitted:

C. Garrish, Planning Manager