



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall  
1229 Esquimalt Road  
Esquimalt, B.C. V9A 3P1

## Legislation Text

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### TOWNSHIP OF ESQUIMALT STAFF REPORT

**MEETING DATE:** February 5, 2024

Report No. DEV-24-010

**TO:** Council

**FROM:** Bill Brown, Director of Development Services

**SUBJECT:** Bylaw to amend the "Development Application Procedures and Fees Bylaw, 2012, NO. 2791"

#### RECOMMENDATION:

That Council give first, second, and third readings to "Development Application Procedures and Fees Bylaw, 2012, No. 2791, Amendment Bylaw, 2023, No. 3119".

#### EXECUTIVE SUMMARY:

Through a series of recent amendments to the *Local Government Act*, the provincial government has sent strong signals to local governments that they must streamline their approval processes related to the provision of housing. This message with Council's Priorities Plan 2023-2026 (January 2024), which includes the following project under the Housing Initiatives: "Development Process Improvements".

Amendment Bylaw, 2023, No. 3119 would amend the Development Applications Procedures and Fees Bylaw by delegating minor variance approval authority to the Director of Development Services along with the authority to approve development permits for applications for up to six housing units on a parcel of land. Several other streamlining amendments are also proposed.

#### BACKGROUND:

On November 25, 2021, amendments to the *Local Government Act* allowed local governments to delegate power, by bylaw, to issue Development Variance Permits to its officers or employees for minor variance in certain circumstances. These amendments are intended to help streamline and speed up the development approval processes with the intention of building more homes faster. Minor variances that can be delegated include siting, size, and dimensions of buildings and structures, off-street parking and loading requirements, signs, screening, and landscaping. Schedule "A" of Amendment Bylaw, 2023, No. 3119 lists the applicable minor variances and the criteria to be used to determine if a variance is minor. The list of delegated minor variances in the bylaw is as follows:

- (a) *A minor variance includes:*
- i. Variances to maximum fence heights of less than 25%.*
  - ii. Variances to maximum building heights of less than 25%.*
  - iii. Variances to minimum setbacks of less than 25%.*
  - iv. Variances to minimum parking requirements of less than 25%.*
  - v. Variances to site coverage less than 25%.*
  - vi. Variance to sign regulations up to 25%.*
  - vii. Notwithstanding the above, the full scope of variances authorized by the Local Government Act can be increased beyond 25% if, in the opinion of a Registered Professional Planner working for the Township, the variance, or development facilitated by the variance, is consistent with good land-use planning, and any one or more of the following applies:*
    - A. the variance relates to an existing building or structure.*
    - B. the variance facilitates subdivision of land, except in the ALR.*
    - C. the variance facilitates the provision of dwelling units provided that maximum density of the applicable zone and Official Community Plan land use designation is not exceeded.*
    - D. the variance facilitates a development that advances Township policy as identified in the Official Community Plan, bylaw or other plan or policy endorsed by resolution of Council.*
    - E. the variance relates to section 50 of the Community Charter [trees].*
    - F. the variance results in enhanced accessibility for persons with disabilities.*

Schedule "A" of Bylaw 3119 also contains the following guidelines that the Director of Development Services must consider when deciding whether to issue a minor DVP:

- i. The variance should not result in inappropriate development of the site;*
- ii. The variance should not adversely affect the natural environment;*
- iii. The variance should not substantially affect the use and enjoyment of adjacent land;*
- iv. The variance should not defeat the intent of the bylaw;*
- v. The variance or development facilitated by the variance should, in the opinion of a Registered Professional Planner working for the Township, be consistent with good land-use planning;*
- vi. In support of additional housing initiatives, greater leeway may be given for variances that facilitate the provision of dwelling units provided that maximum density of the applicable zone and Official Community Plan designation is not exceeded.*
- vii. In support of Council priorities, greater leeway may be given for variances that advance Township policy as identified in the Official Community Plan, bylaw or other plan or policy endorsed by resolution of Council.*
- viii. If the variance is likely to have more than minor adverse impacts on the public realm that are not justifiable by other criteria, has the applicant proposed sufficient mitigations or alternative benefits either to benefit surrounding property, the broader neighbourhood or the Township, as determined in the sole discretion of the Director.*

The other major initiative of Bylaw 3119 is to delegate approval of development permits for "All residential development, in any building form, up to and including six (6) units on a fee simple parcel" to the Director of Development Services. This initiative is based on the recently released, Provincial

Policy Manual & Site Standards Small-Scale, Multi-Unit Housing. Page 50 of the Manual states, “Staff Delegation: Authority to issue development permits should be delegated to staff under the provisions of LGA section 490 (5) to improve consistency in the adjudication of applications and consistent approvals”.

Other proposed amendments to the Development Applications and Procedures Bylaw include:

- 1) Adding a reference to “Minor DVP” where required.
- 2) Clarifying that no notice is required for “Minor DVPs”. This is consistent with the amendments to the *Local Government Act*.
- 3) References to development permits that are no longer required such as development permits for subdivisions are deleted.
- 4) Authority for the Mayor and Corporate Officer to sign a covenant and other documents required by the Subdivision Approving Officer is added. This is consistent with existing authorities in the Bylaw and will speed up subdivision approvals.
- 5) The Bylaw delegates to the Subdivision Approving Officer, authority to exempt a parcel from the statutory 10% or bylaw minimum frontage. Currently Council must approve the exemptions. Such exemptions are rare, however, when they are required, delegation will help speed up subdivision approvals.
- 6) Clarification is added related to the Public Consultation Procedure outlined in Schedule “A” of the Bylaw to indicate that the Township will mail out the notices.
- 7) The development permit fees for Single Family Infill dwelling units and Duplexes are deleted and will be covered by the fees for delegated development permits for dwelling units.
- 8) New \$1000.00 per dwelling unit fee is added to the fee schedule for delegated residential development permits.
- 9) The \$50.00 fee for a sign development permit is deleted since signs no longer require development permits.
- 10) A \$500.00 fee is added to the fee schedule for “Minor DVPs”.
- 11) The fee for a Development Variance Permit (excluding signs and Minor DVPs) is increased from \$500.00 to \$1000.00.
- 12) In Schedule “C” of Bylaw 2791, developments no longer requiring development permits are deleted.
- 13) The fee schedule will be amended to differentiate between “Non-Dwelling Unit Delegated Development Permits” and “Dwelling Unit Delegated Development Permits”. The fee for “Non-Dwelling Unit Delegated Development Permits” will remain at \$500.00. A \$1000.00 per residential unit will be added to the fee schedule for “Dwelling Unit Delegated Development Permits”.
- 14) In Schedule “C” of Bylaw 2791, several types of development are added to the list of delegated development permit approvals including “all residential development, in any form, up to and including six (6) units on a fee simple parcel”.
- 15) Provisions are added requiring the Director of Development Services to notify the applicant in writing within fifteen days if the application is refused.

## **ANALYSIS:**

The proposed amendments will align with both the Council Priorities Plan 2023-2026 (January

2024) and guidance from the provincial government related to the streamlining and expediting of approval processes to get more housing supplied. It is anticipated that the processing time for development variance applications that are deemed “minor” will be reduced by over 50 percent since they will usually be approved in a few weeks rather than several months. Likewise with the delegation of development approval for up to six residential units on a fee simple lot. Currently these applications can take months to get approved. Delegated approvals should, on average, take less than 2 months. In addition, the proposed amendments will save a considerable amount of staff time that is currently spent preparing staff reports for the Advisory Planning Commission, the Design Review Committee, the Board of Variance, and Council.

**OPTIONS:**

1. That Council give first, second, and third readings to “Development Applications Procedures and Fees Bylaw, 2012, No. 2791, Amendment Bylaw, 2023, No. 3119”.
2. That Council ask staff for more information prior to considering giving “Development Applications Procedures and Fees Bylaw, 2012, No. 2791, Amendment Bylaw, 2023, No. 3119 first, second, and third readings.
3. That Council defeat first reading of Development Applications Procedures and Fees Bylaw, 2012, No. 2791, Amendment Bylaw, 2023, No. 3119”.

**COUNCIL PRIORITY:**

Housing

**FINANCIAL IMPACT:**

Although the proposed amendments are likely to be revenue neutral in terms of cash flow, they will result in a significant reduction in the amount of time staff spend on writing and reviewing staff reports. This extra time will allow for a reduction in processing times for most applications and a reallocation of more time to work on Council priorities.

**COMMUNICATIONS/ENGAGEMENT:**

No statutory public notice is required.

**TIMELINES & NEXT STEPS:**

If “Development Applications Procedures and Fees Bylaw, 2012, No. 2791, Amendment Bylaw, 2023, No. 3119 receives first, second, and third readings, it will be brought back to the next Council meeting for adoption.

**REPORT REVIEWED BY:**

1. Ian Irvine, Director of Finance, Reviewed
2. Deb Hopkins, Director of Corporate Services, Reviewed
3. Dan Horan, Chief Administrative Officer, Concurrence

**LIST OF ATTACHMENTS:**

1. Consolidated Development Application Procedures and Fees Bylaw 2791 with Track Changes
2. Development Application Procedures and Fees Bylaw, 2012, No. 2791, Amendment Bylaw, 2023, No. 3119
3. Staff Presentation