



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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Date	Ver.	Action By	Action	Result
12/17/2018	1	Council	approved	Pass

REQUEST FOR DECISION

DATE: December 08, 2018

Report No. DEV-18-086

TO: Laurie Hurst, Chief Administrative Officer

FROM: Bill Brown, Director of Development Services

SUBJECT:

Proposed Amendments to Development Application Procedures and Fees Amendment Bylaw No. 2936

RECOMMENDATION:

That Council give first, second, and third readings to Development Application Procedures and Fees Bylaw, No. 2791, 2012, Amendment (No. 3), 2018, No. 2936 attached as Appendix "A" to Staff Report DEV-18-086.

RELEVANT POLICY:

Official Community Plan Bylaw, 2018, No. 2922

STRATEGIC RELEVANCE:

The proposed amendments are operational in nature and not directly related to Council's Strategic Priorities or Goals.

BACKGROUND:

Appendices:

Appendix A - Development Application Procedures and Fees Bylaw, No. 2791, 2012, Amendment

(No. 3), 2018, No. 2936

Appendix B - Development Application and Procedures and Fees Bylaw, No. 2791, 2012,
Consolidated for Convenience March, 2017

The Development Application Procedures and Fees Bylaw No. 2791, 2012 provides the regulatory framework for processing procedures for applications that are submitted to the Township. The applications are listed in Section 1 of Bylaw No. 2791 attached as Appendix “B” of this report. From time to time procedures are changed or modified through a process of continual improvement or because of externalities such as the adoption of the new Official Community Plan. Staff are presenting Bylaw No. 2936 (Appendix “A”), to Council for the purposes of executing the following four amendments to the Development Application Procedures and Fees Bylaw No. 2791, 2012, as follows:

1) Delete Section 6 of the Bylaw which states:

6. In the case of an application for an amendment of the Official Community Plan or the zoning bylaw, the applicant must within 7 days of making the application post on the land that is the subject of the application a notification sign supplied by the Township at the applicant's cost, and notify the Director of Development Services in writing that the sign has been posted.

and replace it with:

6. In the case of an application for an amendment of the Official Community Plan or the zoning bylaw, the applicant must within 14 days of making the application post on the land that is the subject of the application a notification sign, which must either:

(a) be supplied by the Township at the applicant's cost, or

(b) if directed by the Township, be supplied by the applicant at the applicant's cost, to specifications as to size, material, composition and form specified by the Township,

and notify the Director of Development Services in writing that the sign has been posted.

The purpose of this amendment is to accommodate the new rezoning sign that has been developed. The new sign is in response to complaints that the old sign did not contain enough information. The new sign also has a more contemporary look. Under the previous system the Township would purchase the 32” x 48” generic signs in bulk (approximately 10 at a time) from a sign maker and store them in the storage room. Although the costs of the signs were recovered from the applicants, it represented an up front cost to the Township. In addition, the signs took up scarce storage room. Under the new system, the Planner will e-mail a sign template containing site specific information about the proposed amendment to the applicant who will then be responsible for having a sign maker produce the sign(s). The applicant will also be responsible for installing the sign(s) in accordance with the Bylaw and notifying the Director of Development Services in writing that the sign(s) have been installed.

2) The second amendment would add a bullet under the first bullet to Schedule “A” - the

Schedule containing the “Public Consultation Procedure” - requiring that: *“The public meeting must take place within 45 days of the date that the application was submitted to the Township.”*

Currently the Bylaw is silent on the time frame for the public consultation meeting. The proposed amendment requires that the meeting occur early in the process so that the concerns, if any, of the neighbours can be addressed early in the process.

3) The third amendment to the Bylaw would Amend Schedule “B” being the fee schedule by:

- (a) *deleting the row containing the words “Gorge Waterway Development Permit” and “\$500” in adjacent columns.*
- (b) *adding two rows to the table above the heading “OTHER FEES”, containing the following:*

<i>Natural Area, Energy Conservation and Greenhouse Gas Reduction, or Water Conservation Development Permit</i>	<i>\$250</i>
<i>Hazardous Conditions</i>	<i>\$250</i>

- (c) *adding two rows to the end of the table, containing the following:*

<i>Mail out for Neighbourhood Consultation Meeting</i>	<i>\$1.50 per envelope</i>
<i>Other approvals requiring a Council Resolution (e.g. Cemetery endorsement)</i>	<i>\$250</i>

The first two amendments to Schedule “B” reflect changes in the new Official Community Plan. The “Gorge Waterway Development Permit Area” no longer exists as it was replaced by much more robust set of development permit areas that cover the entire Township. Fees for development permit applications in these areas have been added as has a fee for a development permit application subject to Hazardous Conditions.

The third amendment to Schedule “B” allows the Township to recover the costs for sending out invitations to Community Consultation meetings on behalf of applicants. It is much easier for the Township to do this than the applicant. In addition, a \$250.00 fee is added for “other approvals requiring a Council Resolution (e.g. Cemetery endorsement)”.

Finally, the fourth amendment to the Bylaw amends Schedule “C” of the Bylaw, being the list of delegated development permit powers, by adding the words, “windows, doors, and” before garage doors in Section 1(g). The purpose of this amendment is to streamline the development permit process in cases where an owner of a multi-unit residential building wants to replace windows or doors. This amendment means that the application would no longer have to come to Council for review and a decision, rather the decision would be made by the Director of Development Services. It should be noted that an applicant is entitled to have Council reconsider a decision of the Director of Development Services.

ISSUES:

1. Rationale for Selected Option

The proposed amendments to the Development Application Procedures and Fees Bylaw represent either an initiative to make the processing of applications more efficient or are in response to the new Official Community Plan.

2. Organizational Implications

In respect to those amendments that will make application processing more efficient, those efficiencies will be reflected within the organization.

3. Financial Implications

By not having to upfront costs associated with buying rezoning signs and then receiving the money, fewer financial transactions have to be made within the Township's financial system. The proposed amendments do not represent a significant financial implication but rather a more efficient way of doing business.

4. Sustainability & Environmental Implications

There are no significant sustainability or environmental implications associated with the proposed amendments.

5. Communication & Engagement

There are no statutory communication or engagement requirements associated with the proposed amendments.

ALTERNATIVES:

- 1) That Council give first, second and third readings to Bylaw No. 2936 attached as Appendix "A" to Staff Report DEV-18-086.
- 2) That Council not give first, second and third readings to Bylaw No. 2936.