



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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Legislation Text

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REQUEST FOR DECISION

DATE: August 12, 2016

Report No. DEV-16-055

TO: Laurie Hurst, Chief Administrative Officer

FROM: Bill Brown, Director of Development Services

SUBJECT:

Planning Processes Review and Efficiencies Initiative - First, Second, and Third Readings for Bylaw No. 2868, 2016 (Schedule A) being a bylaw to amend the Development Application Procedures and Fees Bylaw No. 2791, 2012 (Schedule B) as outlined in staff report DEV-16-055.

RECOMMENDATION:

That Council gives first, second, and third readings to Bylaw No. 2868, 2016 being a bylaw to amend the Development Application Procedures and Fees Bylaw No. 2791, 2012.

RELEVANT POLICY:

Strategic Priorities 2015 - 2019

STRATEGIC RELEVANCE:

One of the Council's strategic priorities is to, "Ensure processes for business and development are clear and consistent". Council has ascribed the following action to this priority: "Review Township policies and bylaws to ensure efficient processes; amend and update as necessary".

BACKGROUND:

In the Mayor's year end address on December 14, 2015, she identified a "review of planning processes" as a priority for Council. The purpose of the review is to look for efficiencies that may help speed up the review process for certain development permit and development variance permit applications.

At its January 11, 2016 Committee of the Whole meeting, staff presented a series of proposed amendments to the Development Application Procedures and Fees Bylaw to Council designed to improve the efficiency, in particular processing times, for various types of planning and development

applications. In response to that report, Council passed the following motion:

Moved by Councillor Hundleby, seconded by Councillor Brame: That the COTW receive Staff Report DEV-16-003 for information, provide any additional direction to staff as the COTW considers advisable, and direct staff to prepare a report for Council consideration. Carried Unanimously.

Staff has now prepared a bylaw that will amend the Development Application Procedures and Fees Bylaw No. 2791, 2012. The proposed amendments, which are outlined in the table below, are designed to increase the efficiency of the approval process for certain types of applications. In addition to the amendments related to improving application processing efficiency, the bylaw will also be amended to bring it into conformance with the recent revisions to the Local Government Act.

Proposed Amendment	Comments
Updating references to the Local Government Act The Development Application Procedures and Fees Bylaw No. 2791, 2012 currently requires the Director of Development Services to refer almost all permit applications to the Advisory Planning Commission (APC). Staff is proposing that for certain types of applications, they proceed directly to Council for a decision. These would include the following: - Variances to maximum fence heights of less than 25%; - Variances to maximum building heights of less than 25%; - Variances to maximum setbacks of less than 25%; - Variances to minimum parking requirements of less than 30%; - Variances to site coverage less than 25%; - Variances to minimum lot width less than 25%; - Variance to minimum parcel area less than 25%; and - All variances to sign areas, heights, and numbers.	On January 1, 2016, revisions to the Local Government Act came into force. These revisions resulted in renumbering of many sections of the Act. In order to make the Development Application Procedures and Fees Bylaw consistent with the revisions to the Act it is necessary to amend all of the references to the Act in the Bylaw. Referrals to the APC can add up to one month of additional processing time. By sending applications that have potentially minor impacts on neighbours directly to Council the processing time can be reduced by almost half. Neighbours will still receive a notice and will still have an opportunity to address Council. In addition, Council still retains the authority to send any application for a development permit or development variance permit to the Advisory Planning Commission for review.
Staff are proposing that all subdivision development permits proceed directly to Council	There are very few design guidelines related to subdivision development permits, therefore, these applications tend to lack substance. In addition, through the review of the Official Community Plan staff may recommend that development permits for subdivision be exempt from requiring a development permit except in hazardous areas.

Reduce the fees for a development permit for a sign from "\$100" to "\$50."	If Council delegates the authority to issue development permits for signs to the Director of Development Services, the cost of processing the application will go down and the fees should be reduced accordingly.
Exclude signs from the fees for development permits with variances.	The current fee is \$500.00 per variance in addition to the basic development permit fee. This far exceeds the value of the work associated with processing development permit applications fees for signs with variances. A separate fee will be established for development permits for signs with variances (see below).
Create a separate fee for development permits for signs with variances. The proposed fee is \$100 per variance in addition to the basic development permit fee for a sign.	A fee of \$100 per variance for a sign is a more accurate reflection of the amount of work involved in processing a development permit for a sign with a variance.
Exclude signs from the fee schedule for a Development Variance Permit	The current fee for a Development Variance Permit is \$500. This fee reflects the amount of work on more complicated variances.
Create a new fee for a Development Variance Permit for a sign. The proposed fee is \$200.	The proposed \$200 fee is more reflective of the work involved in processing a Development Variance Permit for a sign than the previous \$500.00.
Create a \$500 fee for the one-time renewal of a Temporary Use Permit.	The fee for a Temporary Use Permit application is \$1000. The renewal process requires less work so a \$500 renewal fee is proposed.
Add "amendment" to the list of fees associated with covenants or other legal documents.	Currently there is a fee for the "execution" or "discharge" of a covenant or other legal document but no fee for the amendment of a covenant or other legal document. Because staff spend time processing amendments to these documents it is prudent to include "amendments" in the fee schedule.
Add a \$100 fee for the removal of notices from a land title.	Currently there is no fee associated with the removal of a notice from a land title. Given the amount of staff time and resources involved, a \$100 fee is reasonable.

Add a "cost recovery" fee to cover the cost of advertising and public notification.	Rezoning and variance applications require the municipality to send notices to all owners and occupiers of land within certain distances of the subject property. This can involve the mailing of hundreds of notices. Currently, costs such as postage are absorbed by the Development Services Department. This is a cost more appropriately borne by the applicant.
Schedule "C" of the Development Application Procedures and Fees Bylaw provides a list of development permit applications that Council has delegated the approval authority to the Director of Development Services. It is suggested that development permit applications for the following developments be added to the list: - All signs not requiring variances; - All accessory buildings not requiring variances; and - All "Single Family Residential Dwelling Units" not requiring variances.	The proposed additional types of development permit applications to be added to the list in Schedule "C" would help speed up the processing of some basic forms of development. Adding "Single Family Residential Dwelling Units" in particular will allow developers to start their projects sooner following the rezoning process and save valuable staff time.

In addition to the above, the Development Services Department believes that additional efficiencies in planning and development application processes will result from the review of the Official Community Plan. In particular, subdivisions will probably be exempted from requiring a development permit. On the other hand, additional development permit areas may be added related to the protection of the natural environment, reduction of greenhouse gasses, conservation of energy, and water conservation. During the Official Community Plan review process, the public will have an opportunity to discuss the pros and cons of incorporating additional development permit areas into the Official Community Plan. The ultimate decision of course will rest with Council.

ISSUES:

1. Rationale for Selected Option

[The proposed amendments will help increase the efficiency of the application review process.]

2. Organizational Implications

[The proposed amendments will reduce the amount of time that staff have to spend on certain applications thereby freeing up time to spend on more complex applications.]

3. Financial Implications

[Proposed revisions to the Schedule of Fees may result in a very small increase in revenues.]

4. Sustainability & Environmental Implications

[There are no significant sustainability or environmental implications.]

5. Communication & Engagement

[The proposed amendments are a response to concerns from the development and business community that application processing times are too long. Due to the administrative nature of the proposed amendments there has been no formal public engagement process.]

ALTERNATIVES:

That Council give first, second, and third readings to Bylaw No. 2868, 2016 being a bylaw to amend the Development Application Procedures and Fees Bylaw No. 2791, 2012.

That Council not give first, second, and third readings to Bylaw No. 2868, 2016 being a bylaw to amend the Development Application Procedures and Fees Bylaw No. 2791, 2012.