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## MEMORANDUM

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**TO:** ADVISORY PLANNING COMMISSION  
**FROM:** JAMES VAN HEMERT, CONSULTING TOWN PLANNER  
**SUBJECT:** DEVELOPMENT APPROVALS  
**DATE:** 2/21/2022

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### Introduction

The Province is undertaking a comprehensive review of local development approval processes. The initiative is in response to an identified need to accelerate construction of affordable housing. Following a year of consultation, the Province released recommendations in a report entitled Development Approvals Process Review: Final Report From a Province-wide Stakeholder Consultation (September 2019). In light of these recommendations local governments are now being invited to respond in a survey to questions related to current and anticipated practices geared to greater efficiency. A copy of this report is provided in your meeting agenda package and is also available online at [dapr\\_2019\\_report.pdf \(gov.bc.ca\)](https://www2.gov.bc.ca/gov2/dapr_2019_report.pdf).

### Town of Lake Cowichan

The Town's Development Approval processes are relatively standard and in line with Provincial Legislation. The Town currently does not practice any legislatively permitted 'short cuts' such as delegation of Development Permit approvals to the staff level or dropping public hearing requirements for rezoning applications that are consistent with the Official Community Plan. Given the Town's lean staffing levels and philosophy of timely and efficient reviews, we are likely at the swift end of review times compared with most other jurisdictions. The following table provides a quick guide to the practice of development approval processes in the Town.

| Process  | Practice   | Comment  |
|--|--|--|
| Subdivision approval   | Preliminary Lot Arrangement and Final approvals granted by the Approving Officer   | Already a very efficient process with no political or community engagement.    |
| Official Community Plan and Zoning Bylaw amendments                  | Public hearing prior to third reading; owners/tenants within 50 metres notified by mail, except not when more than 10 parcels affected | Town always conducts a public hearing, but it occurs very late in the process. |
| Development Permits and Development Variance Permits                 | Approval by Town Council; notification by mail to owners/ tenants within 50 metres   | No delegation to Town staff  |
| Density Bonusing as part of a rezoning process                       | Practiced several times to date  | To date limited to affordable housing and park amenities                       |
| Community Amenity Contributions (CACs) as part of a rezoning process | Not practiced  | CACs may be used for off site contributions                                    |

**Survey**

The survey asks a series of questions related to the current state of affairs and also to anticipated changes that may create higher levels of efficiency and effectiveness. The Town will complete the survey following discussion at the Advisory Planning Commission meeting.

A sample of the survey questions with selected anticipated answers follow.

1. Has your Official Community Plan (OCP) been amended to reflect your most recent Housing Needs Report? *(answer: no)*
2. What percentage of Development Permit (DP) Applications are being delegated to staff? *(answer: none)*
3. Do you plan to delegate Development Variance Permit (DVP) Applications? *(answer: not determined)*
4. Have you applied residential rental tenure zoning (often called “rental zoning”) to any land in your community? *(answer: no)*
5. Does your local government plan to continue using the authority to hold public hearings electronically (e-hearings)?
6. For zoning bylaw amendments (rezonings) that are consistent with the Official Community Plan (OCP), what percentage do you anticipate will proceed without a public hearing over the next year? (i.e. Your local government does not opt-in to holding a public hearing. *(answer: currently none proceed without a public hearing; future percentage not yet determined)*)

7. Are you planning to make any changes to your development approvals processes in 2022? *(answer: to be determined)*
8. Has your local government implemented, or are you planning to implement, broad zoning changes to allow more residential density by-right, sometimes referred to as upzoning? *(answer: most recent zoning bylaw update did allow more residential by-right)*
9. What categories of provisions are you using density bonusing for?
  - a. Active transportation infrastructure provision or improvements (e.g., bike paths, bike parking, pedestrian and cycling linkages, sidewalk improvements, road improvements)
  - b. Alternative transportation infrastructure (e.g., electric vehicle charging stations, car shares)
  - c. Park improvements (e.g., trail expansions or upgrades, signage, facilities, playground equipment, landscaping)
  - d. Housing (e.g. provisions related to affordability, tenure, availability to people with special needs, seniors, etc., often secured through housing agreements)
  - e. Provision or acquisition of parkland beyond statutory requirements
  - f. Environmental protection or improvement (e.g., ecosystem rehabilitation, acquisition and protection of sensitive ecosystems, riparian areas, greenways, and/or view corridors)
  - g. Civic facilities (e.g. Municipal halls, recreation centres, community centres, cultural spaces, museums)
  - h. Childcare centres
  - i. Public realm improvements (e.g., street furniture, landscaping improvements, public plazas, public access/right-of-way, community signage, public art)
  - j. Heritage conservation and protections
  - k. Food and agriculture-related spaces (e.g., community gardens, farmland acquisition, farmers' markets)
  - l. Energy efficient/green design standards (e.g, LEED-certified building, low-impact design, green roofs)
  - m. Fire and emergency services
  - n. Police or RCMP services

*(answer: town has used density bonusing for affordable housing and park amenities)*

10. What categories of amenities are you using Community Amenity Contributions (CACs) for? (same categories as listed under Density Bonusing, above.)

***SPECIAL NOTE:*** *The Province does not legislatively define CACs, yet this is widely practiced on an ad hoc negotiated basis. The Town of Lake Cowichan does not use CACs.*

## **Discussion and questions for consideration**

Frequently greater efficiency in the development approvals process limits public engagement. Public engagement may unduly slow approval process down. Some questions to consider:

1. When is it OK to waive a public hearing for a rezoning application?
2. Should minor Development Variance Permits be handled at the staff level without a public hearing and the only public engagement is notification to adjacent owners/tenants?
3. Should all Development Permits be handled at the staff level?
4. Should the Town update the OCP and Zoning Bylaw to increase the number of housing units, including affordable housing, by right (no private rezoning application required).