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| GUIDE TO DEVELOPMENT APPLICATIONS  <Name of Local Government> |
| This document is provided as a summary guide for public convenience only. It should not be considered by any applicant as a guarantee or right for development approval if the steps outlined are followed. |

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| Thank you for downloading!  This Guide to Development Applications is provided to local governments for their use and adaptation as part of the Adaptable Development Approvals Process Toolkit (the Toolkit).  The purpose of the guide is to provide applicants with a clear description of the process for each type of development application, which will decrease the amount of time spent by planning staff explaining these processes and reduce the potential for misunderstanding. This supports the values of efficiency, collaboration, and transparency and provides a starting point for clear communication going forward.  The purpose of the pink dash-bordered instruction boxes is to provide local governments with instructions on how to adapt the guide. The guide is provided in .docx Word format to facilitate easy adoption and adaptation for local context. Follow these steps:   1. Add local government logo and name on front page and in header, remove VIU logo. 2. Find and replace “Council/Board” with the decision-making body that applies to your community. 3. Review details in the pink dash-bordered instruction boxes. These provide instructions or information for the local government adapting this Guide, including Challenges Identified and Approaches for each type of application.    1. Consider any recommended adjustments to the process. 4. Review diagram content to ensure it accurately represents the local process.    1. Add or remove boxes and arrows as needed.    2. Align text boxes using the “Shape Format” tab.    3. Select and export the diagram as a PNG for use on the website. 5. Review text to ensure it aligns with the local process and the diagram content. 6. Delete all pink dash-bordered instruction boxes. 7. Update Table of Contents. 8. Final review for edits. 9. Export as a PDF. |

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# Table of Contents

[Table of Contents 3](#_Toc182770966)

[Introduction 5](#_Toc182770967)

[Purpose 5](#_Toc182770968)

[Legend 5](#_Toc182770969)

[Approvals Required 6](#_Toc182770970)

[Checklist 6](#_Toc182770971)

[Local Government Bylaws 7](#_Toc182770972)

[Procedures & Contributions 7](#_Toc182770973)

[Common Requirements 8](#_Toc182770974)

[Official Community Plan Amendment 9](#_Toc182770975)

[Process Diagram 9](#_Toc182770976)

[Description 10](#_Toc182770977)

[Considerations 10](#_Toc182770978)

[Challenges Identified 11](#_Toc182770979)

[Approaches 11](#_Toc182770980)

[Zoning Amendment 11](#_Toc182770981)

[Process Diagram 12](#_Toc182770982)

[Description 12](#_Toc182770983)

[Considerations 13](#_Toc182770984)

[Challenges Identified 14](#_Toc182770985)

[Approaches 14](#_Toc182770986)

[Subdivision 15](#_Toc182770987)

[Process Diagram 15](#_Toc182770988)

[Description 16](#_Toc182770989)

[Considerations 16](#_Toc182770990)

[Challenges Identified 16](#_Toc182770991)

[Approaches 16](#_Toc182770992)

[Development Permit 17](#_Toc182770993)

[Process Diagram 17](#_Toc182770994)

[Description 18](#_Toc182770995)

[Considerations 18](#_Toc182770996)

[Challenges Identified 20](#_Toc182770997)

[Approaches 20](#_Toc182770998)

[Development Variance Permit 21](#_Toc182770999)

[Process Diagram 21](#_Toc182771000)

[Description 22](#_Toc182771001)

[Considerations 22](#_Toc182771002)

[Challenges Identified 23](#_Toc182771003)

[Approaches 23](#_Toc182771004)

[Board of Variance 24](#_Toc182771005)

[Process Diagram 24](#_Toc182771006)

[Description 25](#_Toc182771007)

[Considerations 25](#_Toc182771008)

[Challenges Identified 25](#_Toc182771009)

[Approaches 25](#_Toc182771010)

[Information Sheets 26](#_Toc182771011)

[Development Approval Information 26](#_Toc182771012)

[Density Bonuses 26](#_Toc182771013)

[Development Cost Charges 27](#_Toc182771014)

[Community Amenity Contributions 27](#_Toc182771015)

[Works and Services Agreement 28](#_Toc182771016)

[Building Permits 28](#_Toc182771017)

# Introduction

## Purpose

The purpose of the guide is to provide a clear description of the process for each type of development application, including diagrams and considerations.

This is provided so that property owners and applicants all have a solid footing and the same information as they begin the application process.

Many goals of our community, as detailed in our plans and policies, can be achieved through thoughtful development that shows respect and consideration of community needs.

The processes in this guide are designed to promote clear communication going forward. This supports our values of efficiency, collaboration and transparency.

## Legend

|  |  |
| --- | --- |
| Common steps: no outline  Required steps: bold black outline  Optional / May be required depending on the application: dashed black outline  Next step  Yes/Approved  Need more information  No/Denied | Grey box: applicant  Blue box: planning department  White box: Board/Council  Orange box: First Nations engagement  Teal box: External referrals/engagement |

# Approvals Required

## Checklist

Do all proposed measurements (height, setback, siting, etc.) and quantities (parking, landscaping, etc.) conform to the current zoning regulations?

Yes

No: a Development Variance Permit or Board of Variance application is required

Official Community Plan (OCP) Bylaw

Zoning Bylaw

Is the proposed use in alignment with the OCP land use designation?

Yes

No: an OCP Amendment application is required

Does the property or the proposed development fall under a development permit area?

No

Yes: a Development Permit application is required

Does the proposed use and density conform to the current zoning regulations?

Yes

No: a zoning amendment application is required

Would the proposed development require a division of parcels or a change to the lot lines?

No

Yes: a Subdivision application is required

Relevant Document

Is the variance to the zoning regulation proposed because of an *undue hardship* to the applicant?

Yes: an application *may* be made to the Board of Variance

No: a Development Variance Permit is required

Development Procedures Bylaw

Answer the questions by referring to the relevant document. Some approvals can be applied for concurrently – contact the planning department for advice.

## Local Government Bylaws

Official Community Plan

Designates the broad categories of future Land Use Designations such as Residential, Commercial, Industrial, Public Space etc.

Development Permit Areas

Establishes areas of special concern where development must adhere to guidelines protecting the natural or social environment.

Zoning Bylaw

Determines the specific form of development in Zones to regulate use, density, setbacks, height, parking, landscaping, subdivision, etc.

Building Bylaw

Regulates the design and construction of new buildings, alteration, repairs, and demolition through a building permit system, while ensuring compliance with BC Building Code.

## Procedures & Contributions

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Application** | Council Approval | Public Hearing | Development Approval Information | Development Cost Charges | Community Amenity Contribution | Works and Services Agreement | Parkland Dedication |
| OCP Amendment | Four bylaw readings | Yes | No | No | No | No | No |
| Zoning Amendment | Four bylaw readings | Usually | Yes | Yes\* | Yes\* | No | No |
| Subdivision | No | No | No | Yes | No | Yes | Yes – if 4 or more lots |
| Development Permit | One resolution | No | Yes | No | No | No | No |
| Major Development Variance Permit | Two resolutions | No | No | No | No | No | No |
| Minor Development Variance Permit | No | No | No | No | No | No | No |
| Building Permit | No | No | No | \*Paid here | \*Paid here | No | No |

## Common Requirements

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Type of Regulation:** | Environmental Assessment | Tree Management Plan | Geotechnical Study | Civil Infrastructure Assessment | Wildfire Interface Assessment | Archaeological Impact Assessment | Heritage Significance Assessment | Heritage Impact Assessment | Heritage Inspection Permit | Transportation Impact Assessment | Parking Study | Architectural Reports | Shadow Study | Materials Boards | Landscape Plan | Energy Model | Sustainability Strategy |
| Development Permit Areas |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Protect natural environment. | ü | ü | ü |  |  |  |  |  |  |  |  |  |  |  |  |  | ü |
| Protect ecosystems and biodiversity. | ü | ü |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Protect development from hazards. |  |  | ü |  | ü |  |  |  |  |  |  |  |  |  |  |  |  |
| Protect farming. | ü | ü |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Revitalize commercial area. |  |  |  | ü |  |  |  |  |  | ü | ü | ü | ü | ü | ü |  |  |
| Establish form and character. |  |  |  |  |  |  |  |  |  |  |  | ü | ü | ü | ü |  |  |
| Conserve energy. |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | ü | ü |
| Conserve water. |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | ü | ü |
| Reduce Greenhouse Gas emissions. |  |  |  | ü |  |  |  |  |  |  |  |  |  |  |  | ü | ü |
| Development Approval Information | ü | ü | ü | ü |  |  |  |  |  | ü | ü | ü | ü | ü | ü |  |  |
| Heritage Conservation | ü |  |  |  |  | ü | ü | ü | ü |  |  |  |  |  |  |  |  |

# Official Community Plan Amendment

## Process Diagram

Applicant

Local Government

Decision to develop:

Concept development, studies, policy review

Pre-application meeting(s) with planning staff

Complete application submitted

Prior community engagement

Early community engagement

Midpoint community engagement

Review for completeness and policy alignment

Government-to-government engagement with First Nations

Referral to relevant advisory panel(s) or committee(s)

Staff report to advisory bodies, if directed by Council/Board

Denied

Denied

Referral to relevant external governments and organizations

Final Reading by Council/Board

Completion of legal agreements and conditions of enactment

Third Reading by Council/Board

Public Hearing

Notice for Public Hearing

Staff prepare package and report to Council/Board

Second Reading by Council/Board

First Reading by Council/Board

Staff report to Council/Board

Presentation of application to Committee of the Whole

## Description

The Official Community Plan (OCP) is the main guiding land use document for a local government. The OCP is a bylaw that determines future land use designations, which are broad categories of what types of uses should be permitted in each area. An OCP is based on significant technical research and community engagement. The OCP cannot predict every beneficial possibility and therefore is considered a living document which can be amended. However, an OCP Amendment is a serious undertaking with due public process and any proposed amendment should show how it will achieve priorities of the OCP and/or other local government plans and policies.

Be aware that:

* An OCP Amendment must conform with the Regional Context Statement in the OCP, which links an OCP to the Regional Growth Strategy. A Regional Growth Strategy Amendment is required if the amendment is not consistent.
* A zoning amendment application that is not consistent with the future land use designations of the OCP will also require a OCP Amendment application.
* An OCP Amendment will almost always require a zoning amendment.
* An OCP Amendment application may be processed concurrently with a zoning amendment, Development Permit and/or Development Variance Permit application.

## Considerations

Before an application is made, the following should be reviewed:

* The current Official Community Plan
* Zoning regulations pertaining to the subject property
* Subdivision guidelines and bylaw regulations
* Access and engineering servicing standards
* Environmental requirements
* Design guidelines respecting the subject property
* Development covenants registered on title
* Applicable building code requirements

Have you (the applicant) conducted any prior engagement with neighbors or the wider community to ascertain community needs and desires?

Is the current OCP bylaw: out of date, recently adopted, or in the process of update?

If you find that the OCP seems out of date, what has changed in the world, the community, and the market since the current OCP land use designations were adopted?

Does the proposal address a policy priority in the OCP or other, more recently adopted plans and policies? Are policy trade-offs required to support one policy over another?

Is the proposal innovative or cutting edge, addressing policy priorities in a way that the OCP was not able to anticipate?

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| Challenges Identified  * Some OCP Amendment applications do not demonstrate enough respect, consideration or support for the policies of the OCP. * The OCP should be the policy document that is subject to the most extensive public engagement. * Some communities have outdated OCPs which can result in applicants taking on the engagement, studies and policy review that would normally happen for an OCP update one parcel at a time. * Some OCPs do not fully account for the technical requirements or financial realities that would be required to actualize the policies and the land use designations as developed. * Designating land for higher density use in the OCP can increase the value of the parcel(s) which then increases the costs of housing and operating commercial businesses. When all associated costs for development are available and predictable, these affordability impacts can be reduced and can reduce the inflated purchase price/value of the land. Yet, many costs including CACs, DCCs, and others are not sufficiently predictable to be able to mitigate the land value at the purchase and planning stages.  Approaches  * Ensuring that the OCP is updated every 5 years, as recommended in the LGA, with sufficient community engagement to have confidence that the OCP reflects the will of the community. This foundation can support aligning the zoning bylaw to the Land Use designations that were determined. * Viewing an OCP Amendment as an opportunity to update and adapt Land Use designations to reflect the nature and needs of a changing world, especially if the current OCP has not been updated in over 5 years. * An opportunity for the applicant to appear in front of the Council/Board early in the process can be beneficial. This can prevent wasted time and money, especially when the proposal is denied early or needs significant changes upon First Reading. This can be accomplished through an early First Reading or by an appearance at the Committee of the Whole. * Many local governments have adopted procedural rules that prevent an applicant from submitting another application within a set time period after having their application denied. This rule should be removed, because it stifles the opportunity for an applicant to change their application accordingly and reapply before the market and community priorities have changed. * If a more cautious approach is required (due to various possible constraints), review all OCP Amendment applications at once to understand them collectively and contextually, in a 2.5-year interval between 5-year OCP updates. |

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# Zoning Amendment

## Process Diagram

Applicant

Local Government

Decision to develop:

Concept development, studies, policy review

Pre-application meeting(s) with planning staff

Complete application submitted

Prior community engagement

Early community engagement

Midpoint community engagement

Review for completeness and policy alignment

Government-to-government engagement with First Nations

Referral to relevant advisory panel(s) or committee(s)

Staff report to advisory bodies, if directed by Council/Board

Denied

Denied

Referral to relevant external governments and organizations

Final Reading by Council/Board

Completion of legal agreements and conditions of enactment

Third Reading by Council/Board

Public Hearing

Notice for Public Hearing

Staff prepare package and report to Council/Board

Second Reading by Council/Board

First Reading by Council/Board

Presentation of application to Committee of the Whole

Staff report to Council/Board

## Description

The zoning bylaw is a regulatory document that provides specific details of what is permitted on a parcel. This includes the permitted uses, densities, dimensions of a building (height and/or storeys, setbacks), lot coverage, lot size, landscaping and parking. Any use that is not explicitly listed in the zoning bylaw is not permitted. A zoning amendment application is required to change the use or density from what is permitted in the zoning bylaw.

Be aware that:

* A zoning amendment must be consistent with the OCP land use designation, otherwise an OCP Amendment is also required.
* If the property or proposed development falls within a Development Permit Area, a Development Permit is also required.
* A zoning amendment application may be processed concurrently with an OCP Amendment, Development Permit, and/or Development Variance Permit application.
* When any application for a Building Permit is received, the plans are first compared to the regulations of the applicable zone to ensure they conform. If they do, then the plans are reviewed by the building inspector for conformity to the BC Building Code.

## Considerations

When applying for a zoning amendment, seeking and incorporating community input can improve the quality of your proposal and reduce opposition.

* How can you utilize community engagement to strengthen and improve your proposal?
* What aspects of the proposal are flexible and appropriate to ask for public input on?

During the process of a zoning amendment, Community Amenity Contributions (CACs) are often negotiated. This can take the form of providing amenities or cash contributions towards future amenities. Consider how the proposal addresses the relevant local CAC policies.

Zoning amendment applications can have very different levels of complexity. The more complex and impactful an application, the more important is the applicant’s rationale for requesting a change to the bylaw.

A zoning amendment can change the property to a currently existing zone or, if the proposal is more complex or unique, to a custom development zone. In either case, the applicant should provide a table to easily compare the current zone to the proposed zone.

Processing time for a zoning amendment application can vary greatly depending on complexity, legal considerations, and application completeness. The applicant can improve the speed by:

* Providing a complete application, due diligence, and preliminary community input
* Supplying a strong rationale, formatted in a similar way to staff reports to Council/Board

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| Challenges Identified Planners:   * Although the Province has removed the requirement for a Public Hearing on a zoning amendment application, the policy change isn’t really any different than the power that was available before to waive a Public Hearing. * Aligning the zoning bylaw with the OCP could remove the opportunity to negotiate Community Amenity Contributions (CACs), providing significant community benefit.   Developers & Technical Consultants:   * A Public Hearing was required for a zoning amendment before the requirement for communities to have an OCP was brought in. It made sense then but now is redundant to have a Public Hearing for a zoning amendment and the province has made changes to legislation suggesting no Public Hearing as a standard practice. * It would make sense to align the zoning bylaw with the OCP, but this is not done because of CACs. The current legislation and common practices around CACs amount mean that negotiation is not conducted in a transparent or consistent manner. * While a zoning amendment application can be submitted without a concurrent Development Permit application, in practice the applicant is required to have such a level of detail that it amounts to what would be required for a Development Permit. * Required studies including their Terms of Reference are not always clear and many are added at a later date, due to lack of foresight or transparency, at great cost to the applicant and potential detriment to the proposal.  Approaches Consultation   * Removing the requirement for a Public Hearing should be adopted as the default for any applications that conform to the OCP. * Community engagement that is meaningful and appropriate to the scale of the application should replace the Public Hearing.   Detail   * Ensure the required level of detail for a zoning amendment application is clear for applicants and that it is appropriate to the complexity of the application.   CACs   * Make CACs more like DCCs – a set, simple calculation that is predictable and transparent. Not using land lift methodology. * Connect CACs visibly to the funding of a tangible, nearby community amenity.   Pre-zoning   * Pre-zoning land for desired uses that conform to the OCP is a powerful tool for keeping land costs lower and providing certainty to applicants. |

# Subdivision

## Process Diagram

Applicant

Decision to develop:

Concept development, studies, policy review

Pre-application meeting(s) with planning staff

Complete application submitted

Submit building permit application & any other required applications

Subdivision Approving Officer review and site visit

Preliminary Layout Approval

Negotiating changes if needed

Referral to internal local government departments

Construction drawings created and submitted

Bonding and construction of Works and Services

Referral to relevant external governments and organizations

Local Government

Works and Services Agreement

File new parcels with the Land Title and Survey Authority of BC

Final construction review and approval

Design review by Engineering Department

## Description

Subdivision is the process of altering legal property boundaries. It usually involves the dividing of a property into smaller parcels of land, consolidating several parcels into one, creating bare land strata or changing the alignment of an existing property line. Legislation regulating the subdivision process can be found in the *Local Government Act* and *Land Title* Act, which require subdivisions to be approved by the designated Approving Officer. In areas of Regional Districts outside of municipal boundaries, applicants must apply to the Ministry of Transportation and Infrastructure and a Provincial Approving Officer will review the application.

## Considerations

Subdivision is a complex and often highly technical undertaking. If the applicant/property owner is not familiar with the requirements of subdividing land, it is recommended that they employ a professional planner or engineer to act as their agent.

Approving Officer approval is required for:

* Conventional subdivision plans
* Bare land strata plans
* Phased strata plans
* Strata plans of separate parcels
* Shared interest in parcels
* Air space plans
* Registered leases longer than three years

Municipal and Provincial Approving Officers consider a wide range of factors when reviewing a subdivision application, such as:

* Access, land use, lot size and shape
* Physical, social and economic considerations
* Development cost charges and park land
* Works and services
* Approvals from other agencies
* Public interests

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| Challenges Identified There were few challenges identified with the Subdivision process. This type of application and approval is highly structured due to legislated requirements, so there are limited suggestions that can be made to improve it. Approaches The Subdivision approval process is ultimately a technical one, so it should not be politicized. |

# Development Permit

## Process Diagram

Applicant

Decision to develop:

Concept development, studies, policy review

Pre-application meeting(s) with planning staff

Complete application submitted

Submit building permit application & any other required applications

Prior community engagement

Early community engagement

Review for completeness and policy alignment

Referral to relevant advisory panel(s) or committee(s)

All information compiled into a staff report

Referral to relevant external governments and organizations

Local Government

Does the Development Permit meet the criteria for processing by the delegated authority?

Approved

Denied

More information needed

Consideration and decision by Council/Board

Consideration and decision by delegated authority

## Description

A Development Permit is required for any development on properties within Development Permit Areas, which are designated by the Official Community Plan. These are identified based on the potential for negative environmental or social impacts of development. They may be applied to specific geographic areas or to certain types of development. The *Local Government Act* enables municipalities to create Development Permit Areas for the following purposes:

(a) protection of the natural environment, its ecosystems and biological diversity

(b) protection of development from hazardous conditions

(c) protection of farming

(d) revitalization of an area in which a commercial use is permitted

(e) establishment of objectives for the form and character of intensive residential development

(f) establishment of objectives for the form and character of commercial, industrial or multi-family residential development

(g) in relation to an area in a resort region, establishment of objectives for the form and character of development in the resort region

(h) establishment of objectives to promote energy conservation

(i) establishment of objectives to promote water conservation

(j) establishment of objectives to promote the reduction of greenhouse gas emissions.

The *Heritage Conservation Act* and Part 15 (Heritage Conservation) of the *Local Government Act* also come into effect when property is being developed. While not the same as a Development Permit Area, it is important to be aware of the implications and your responsibilities. This legislation protects Archeological Sites and significant Heritage assets in the community. It is the responsibility of the property owner or lease holder to preserve Archaeological sites, both known and unknown.

## Considerations

* The Official Community Plan contains maps and guidelines for each of the Development Permit Areas that have been designated.
* Your property and/or your proposed development may fall under multiple Development Permit Areas. You may use single Development Permit Application to address all the applicable Development Permit Areas.
* You must review the guidelines in the Official Community Plan and provide compelling evidence that your proposal conforms to the guidelines.
* If you require a variance to some aspect of the Development Permit guidelines, you must provide a compelling rationale for why compliance is not possible.

Some Development Permit Areas serve multiple purposes due to the nature of the land in that area, or because they combine protection of the natural environment (e.g. sensitive ecosystems) along with the social environment (e.g. form and character). <Insert name of local government> has designated the following Development Permit Areas in the Official Community Plan. The purpose of each is included with the letter representing the relevant section of the *Local Government Act* above.

|  |  |
| --- | --- |
| Name of Development Permit Area (DPA) | Purpose(s) |
| Environmentally Sensitive Area DPA | (a) |
| Ecological DPA | (a) |
| Aquifer Protection DPA | (a), (i) |
| Slope Hazard DPA | (b) |
| Landslide Hazard DPA | (b) |
| Wildfire Hazard DPA | (b) |
| Floodplain Hazard DPA | (b) |
| Farmland Protection DPA | (c) |
| Agricultural Interface DPA | (c) |
| Downtown Revitalization DPA | (d) |
| Business Improvement Area DPA | (d) |
| Residential Form and Character DPA | (e), (f) |
| Commercial Form and Character DPA | (f) |
| Industrial Form and Character DPA | (f) |
| Energy Conservation DPA | (h) |
| Water Conservation DPA | (i) |
| Greenhouse Gas Emissions Reduction DPA | (j) |

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| **Instructions:** Edit the table above to reflect the DPAs relevant to your local government or remove the table and direct applicants to the OCP for this information. |

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| Challenges Identified It is not always clear what studies are required.  Development Permits can be delegated but there is significant variation in approaches between local governments.  Delegation of a *minor Development Permit* that is based on the dollar value of the project has not kept up with inflation.  Form and character are the most common type of Development Permit that came up during interviews. The difficulty of adhering to interpretable or unrealistic design guidelines was frequently mentioned. Developers were frustrated by guidelines which are treated as if they are regulations or requirements. Planners noted that design preference is subjective and will vary from person to person, even planner to planner, to developer, to community member. Approaches Some types of Development Permit Areas have criteria for approval that are solely based on technical studies performed by qualified experts. These types of development permits are ideal for consideration by a delegated authority, as they are based on technical assessments. Decisions about social impacts are generally based on community values, so they may be more appropriate for Council/Board. However, if the community has a current OCP with robust engagement and a clear set of guidelines to follow, these may also be appropriate for a delegated authority to assess. Guidelines must be clear, consistent and relevant for all types of Development Permit Areas, for the sake of decision-makers, the community and the applicant.  Recommended DPAs for delegation:   * Environmental * Hazardous Conditions * Farmlands * Climate Change * Form & Character   + Provided a clear and robust set of realistic design guidelines has been adopted by Council/Board   Recommended for Council/Board consideration:   * Revitalization * Development Approval Information |

# Development Variance Permit

## Process Diagram

Applicant

Decision to develop:

Concept development, studies, policy review

Pre-application meeting(s) with planning staff

Complete application submitted

Submit building permit application & any other required applications

Prior community engagement

Early community engagement

Review for completeness and policy alignment

Referral to relevant advisory panel(s) or committee(s)

All information compiled into a staff report

Referral to relevant external governments and organizations

Local Government

Does the Development Variance Permit meet the criteria for processing by the delegated authority?

Approved

Denied

More information needed

Opportunity for public input: notices sent 10+ days prior

Public input, consideration and decision by Council/Board

Consideration and decision by delegated authority

## Description

A Development Variance Permit is a land use permit that can be issued to vary regulations in a development bylaw. The following aspects of a development bylaw can be varied, or relaxed, through a Development Variance Permit:

* Building setbacks from property line
* Building height
* Parking requirements
* Signage requirements
* Landscaping requirements
* Works and Services related to a Subdivision or Building Permit
* Any provision of the zoning bylaw **not** related to use and density

A Development Variance Permit **can not** change permitted use or density, as this requires a zoning amendment application. Nor can it vary or a development in a floodplain. A Development Variance Permit is often connected to a Development Permit, though not always.

Council/Board are enabled to delegate decisions about minor variances to a delegated authority. <Insert name of local government> has adopted the following definition of a minor variance: “<insert definition of minor variance>”

Be aware that:

* Issuance of a Development Variance Permit is entirely discretionary, so the applicant should exhaust all options for complying with the bylaw before applying.
* There will likely be a notification sent to surrounding properties, so it is a good idea to speak to your neighbours first about your plans.
* There may be additional costs for advertising the application, such as signage.

## Considerations

Have the impacts of the variance on the environment and/or the public realm be minimized as much as possible?

The threshold for a minor variance has been determined with significant considerations. Is it possible to comply with the definition of a minor variance?

Have you spoken to your neighbours about your plans? Are you in a strata? If so, have you spoken to the strata about your plans?

Can you provide a compelling rationale for requiring a variance? For example:

* Is it physically impossible to comply because of external constraints?
* Do the building code or building bylaw requirements make it difficult or impossible to proceed without a variance?
* Are there significant community benefits that can be obtained through the provision of a variance?

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| Challenges Identified  * In some cases, the restrictions of the zoning bylaw may not allow for the realities of building, such as physical parcel restrictions, financial feasibility, building code regulations, or others. In other cases, significant community benefits may be lost by complying to the restrictions of the zoning bylaw. * Although a development may conform to the zoning bylaw in most respects, a Development Variance Permit application can become politicized and face an undue amount of opposition for a small variance to the dimensions. For this reason, the Province of BC amended the *Local Government Act* to enable delegation of decisions about a minor variance. Local governments must define a minor variance in order to delegate them, and this still requires Council/Board decisions on anything beyond a minor variance.  Approaches Minor variations should be delegated wherever possible. The definition of a minor variance will depend on individual community factors. The following approaches are described with their associated benefits and drawbacks.  **Determined by delegated authority:** it is possible for the delegated authority to make the decision about whether a variance is minor or not, based on an assessment of all available information. The benefit of this is that it allows for a more nuanced understanding of the cumulative effects of the variance(s) in the context of the site. This approach requires significant trust by Council/Board and the community in the ability and experience of the delegated authority. If there is a high level of turnover or less experienced staff, this approach is not ideal. The drawback is that this is not as transparent as a set of criteria and may place political pressure on the delegate if decisions are not understood.  **Percentage calculation:** a minor variance may be calculated anything less than a set percentage above or below the dimension in the zoning bylaw. A larger percentage may be appropriate for a community with larger lots and lower density, while a smaller percentage may be appropriate for smaller lots with greater impacts on higher density surroundings.  **Set value:** in some cases a set value may be included in the definition of minor. For example, a minimum setback may be required for delegation. The benefit of this is that it recognizes the increased impact of a development with small setbacks on the surrounding community. The drawback is that it may disadvantage commercial buildings and design guidelines that call for close street frontages. It is also somewhat arbitrary. |

# Board of Variance

## Process Diagram

Applicant

Decision to develop:

Concept development, studies, policy review

Pre-application meeting to determine the nature of the variance requested

Complete application submitted

Submit building permit application & any other required applications

Consideration and decision by the Board of Variance

All information compiled into a staff report and presented to the Board of Variance

Local Government

Approved

Denied

More information needed

Opportunity for public input: notices sent out 10+ days prior to meeting

Does the variance constitute an *undue hardship*?

Would the variance meet the criteria for a minor variance?

The applicant must apply for a Development Variance Permit

The applicant may apply to the Board of Variance *or* for a Development Variance Permit to Council/Board

The applicant may apply to the Board of Variance *or* for a Development Variance Permit to the delegated authority

## Description

Any local government that has adopted a zoning bylaw is expected to have a Board of Variance, hosted at the municipal or Regional District level. If it would be an undue hardship for a property owner to conform to the regulations of the zoning bylaw, they may apply to the Board of Variance. The Board of Variance makes decisions based on the property owner’s rationale and submissions from neighbours about the impacts of the requested variance. Board members must be volunteers who do not work for the local government.

## Considerations

Can you provide rationale for the variance being based on an undue hardship?

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| Challenges Identified  * In some communities, the Board of Variance serves a useful purpose. In others, the planners identified that it does not serve a useful purpose and has not been used for years. Often this is because of the difficulty of recruiting volunteers with the interest and expertise to serve on the Board of Variance. * Many others identified that an undue hardship is difficult to prove and that the majority of applications to the Board of Variance do not actually constitute a hardship that is undue or unreasonable. Yet, some applicants opt for the Board of Variance because it is cheaper than a Development Variance Permit or it may appear “easier” than going to Council/Board. However, there is no rule that the Board of Variance must be cheaper than a Development Variance Permit - one community has them at the same price which dissuades Board of Variance applications. * The LGA requires that local governments have a Board of Variance but many, in practice, do not have an acting Board of Variance. The law may be archaic in relation to current realities.  Approaches **Collaboration at a regional level:** ideal for communities that find the Board of Variance useful but have difficulty recruiting.  **Minor variance delegation:** It is possible to designate undue hardship variances under the definition of minor variances and delegate them to staff. This is ideal for communities that do not find the Board of Variance useful or have difficulty maintaining one. |

# Information Sheets

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| It is a best practice to provide information sheets that answer the most frequently asked questions about development applications, as it contributes to a clear, transparent process and saves staff time. The sections below provide a high-level overview of common tools used by local governments. The information below is generic, it is highly recommended that more details are added to provide insight to the way each tool is employed in the context of your local government operations. Add sections for other common tools and frequent questions. |

## Development Approval Information

A white line drawing of a car and traffic lights

Description automatically generated with medium confidence

A picture containing symbol, font, graphics, white

Description automatically generatedA white line drawing of a building with a flag on top

Description automatically generated with medium confidence

A white line drawing of a tree and a bench

Description automatically generated with medium confidence

The *Local Government Act* allows local governments to request additional development approval information during the process of evaluating an application for a zoning amendment, a Development Permit, and/or a Temporary Use Permit. The areas and/or circumstances under which this information can be requested must be determined in the Official Community Plan.

Development Approval Information that is requested may include information on the anticipated impact of the proposed development upon:

(a) transportation patterns including traffic flow

(b) local infrastructure

(c) public facilities including schools and parks

(d) community services

(e) the natural environment of the area affected

## Density Bonuses

A white line drawing of a house and a dollar

Description automatically generated with medium confidence

A white line drawing of a house with a wheel chair

Description automatically generated with low confidence

A white line on a black background

Description automatically generated with low confidence

A white line drawing of a tree and a bench

Description automatically generated with medium confidence

Density bonuses can provide an increase in density, beyond what is permitted in the zoning bylaw, in exchange for amenities that are needed by the community. This often includes, but is not limited to, amenities such as affordable housing, supportive housing, seniors’ housing, underground parking, public open space, parks, and other public amenities.

The zoning bylaw provides details on what density bonuses are permitted in each zone under what circumstances <insert link to zoning bylaw>. Density bonuses can also be determined through the process of a zoning amendment and can only be changed through the zoning amendment process. Community Amenity Contributions (CACs) may also be a factor in the determination of density bonuses.

## Development Cost Charges

A white line drawing of a pipe

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A white line drawing of a faucet with a drop of water

Description automatically generated

A white line drawing of a cloud

Description automatically generated with low confidence

A white line drawing of a tree and a bench

Description automatically generated with medium confidence

A white line drawing of a road with a pin on it

Description automatically generated with medium confidence

Local governments levy Development Cost Charges (DCCs) on new developments to upgrade or expand infrastructure that will be needed to support the increase in density and/or intensity of use. DCCs can be used for limited, legislated purposes which only include sewer, water, drainage, parks, and roads.

These improvements can be local or far from the development site (e.g. a sewage treatment plant upgrade). Some DCCs are collected by the local government and others are collected by the Regional District, depending on who administers the services.

<Insert name of local government> calculates Development Cost Charges as per <insert title of the relevant bylaw and provide link to stable URL>. These are a one-time charge collected at the time of Subdivision approval or Building Permit issuance.

A white line drawing of a house and a dollar

Description automatically generated with medium confidence

A white line drawing of a book on a black background

Description automatically generated with low confidenceA white line drawing of a person and a child playing with a ball

Description automatically generated with low confidence

A white line drawing of a slide

Description automatically generated with medium confidence

A white outline of a fire station

Description automatically generated with medium confidence

## Community Amenity Contributions

When a developer initiates the process of a zoning amendment, local governments are enabled to negotiate Community Amenity Contributions (CACs). CACs typically include the provision of amenities, affordable housing and/or financial contributions towards amenities. If the local government decides to adopt the proposed zoning amendment bylaw, the agreed-upon CAC is secured and is obtained at the time of Building Permit approval.

The *Local Government Act* enables the use of CACs to improve, expand or upgrade community amenities that are required to support the increase in density and/or intensity of use. While DCCs are limited to specific infrastructure upgrades, CACs can be used for other community amenities such as libraries, recreation centres, volunteer fire departments, public realm improvements, and other amenities. The amenity should have a tangible connection to the proposed increase in density and provide a benefit to the current and future residents of the community.

It is important to recognize that CACs are not imposed or required but are negotiated to ensure that community livability is not compromised by increasing density. Local government decision-makers, Council/Board, must maintain an open mind and do not approve a zoning amendment based on the provision of CACs but rather on the proposal as a whole.

## Works and Services Agreement

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A white line drawing of a pipe

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A white line drawing of a cloud

Description automatically generated with low confidence

A picture containing graphics, font, symbol, design

Description automatically generatedA white sign with a person walking on it

Description automatically generated with low confidence

A white line drawing of a street light

Description automatically generated with medium confidenceA picture containing graphics, symbol, font, circle

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Works and Services are infrastructure improvements completed by the developer as part of development or construction. This includes water, sanitary sewer, storm utilities, landscaping, sidewalks, street lighting, underground hydro, telephone and cable. The local government may require these improvements as a condition of issuing a Subdivision approval or a Building Permit. This facilitates the improvement and expansion of infrastructure and utilities, generally as a response to growth, while minimizing the financial burden on existing taxpayers.

A Works and Services Agreement is a tool to allow Subdivision approvals and Building Permits to be issued prior to the completion of Works and Services. The developer provides a financial security that is held by the local government until the Works and Services are completed to the necessary standards. This security ensures that the Works and Services meet those standards, and that the local government has the ability to complete the Works and Services in the event of a default. The required security for a Works and Services Agreement can be found in <insert relevant local government bylaw and stable URL>.

There are different types of Works and Services:

1. On-site: installed within the boundaries of a subject property only. Landscaping and utilities are common on-site Works and Services.
2. Adjacent: improvements on that portion of highway immediately adjacent to the site.
3. Off-site: the extension of utilities or other infrastructure that may not be adjacent to the subject property.

## Building Permits

A white outline of a hard hat

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A white line drawing of a truck

Description automatically generated with low confidence

Most development will culminate in the application for a building permit, to allow the applicant to commence construction. Building Permit applications are compared to local government bylaws to ensure conformity, then are evaluated against the current standards of the BC Building Code.

This is the stage at which Development Cost Charges (DCCs) and Community Amenity Contributions (CACs) are collected, unless already collected during the subdivision process. DCCs that were calculated and CACs that were negotiated at the zoning amendment stage will be due at the time of Building Permit approval, whether or not it is the same applicant.