

Report

Date May 15, 2024

File: SPP00045

Subject Development Procedures Bylaw No. 3924 for third reading

PURPOSE

To consider amending the draft Development Procedures Bylaw No. 3924, 2024 by reducing the required timeframe an applicant must wait before resubmitting an unchanged version of a previously submitted application.

BACKGROUND

A. May 1, 2024, Council Meeting

During the Council meeting on May 1, 2024, Development Procedures Bylaw No. 3924, 2024, was brought forward for adoption:

"Purpose: To consider adoption of Development Procedures Bylaw No. 3924, 2024, which received first three readings April 17, 2024. If adopted this bylaw will establish procedures for the processing of land development applications, including amendments to the Official Community Plan and Zoning Bylaws, Permit applications, and Agricultural Land Commission applications.

- *Recommendation:*
THAT Council adopt Development Procedures Bylaw No. 3924, 2024."

B. Section 2.5 Re-Application Timeline Concern

However, one key issue identified was section 2.5.1, which mandates a 12-month waiting period for reapplying with an unchanged application after refusal:

"2.5.1. Subject to s. 460 of the LGA, where an Application made pursuant to this bylaw has been refused by Council or its Delegate, re-application will not be accepted for a 12-month period immediately following the date of refusal."

Concerns were raised about the length of this period, leading to a direction to staff to review the waiting period for different types of applications and potentially recommend adjustments, specifically:

- Review the application period and consider changing the 12 month period to 6 months.
- Review the different application types and determine if staff would like to recommend six months or 12 months for each application type.

DISCUSSION

A. Review of Application Period Across Communities

- *Timelines*

The review of application periods across several B.C. communities confirms that either six months or 12 months are commonplace:

Community	Development Application Procedures Bylaw	Duration for Re-application
CVRD	No. 4379 S. 50	12 months
Nanaimo	No. 3892, S. 12	6 months
Sooke	No. 490, S. 8	12 months
Kelowna	No. 12310, S. 2.14	6 months

- One review period for all application types

The mixed timelines observed are standard practices among these communities and include all application types (e.g., ALR, OCP, Zoning Bylaw, etc.). Prescribing different re-application periods for various application types creates additional complexity for little identifiable benefit; therefore, staff recommend applying a uniform 6-month period.

B. Proposed Changes to Draft Development Procedures Bylaw No. 3924

In response to Council's preference and reflecting practices observed across other municipalities in the province, if Council proceeds with the recommended option, the following administrative amendments will be incorporated into the draft Development Procedures Bylaw:

#	Original Wording	Revised Wording
2.5.1	Subject to s. 460 of the LGA, where an <i>Application</i> made pursuant to this bylaw has been refused by Council or its Delegate, re-application will not be accepted for a 12-month period immediately following the date of refusal.	<i>Subject to s. 460 of the LGA, where an Application made pursuant to this bylaw has been refused by Council or its Delegate, re-application will not be accepted for a 6-month period immediately following the date of refusal.</i>
2.5.3	Despite subsection 2.5.1, where a material bylaw change occurs subsequent to the refusal of an <i>Application</i> and which would be relevant to consideration of the same or similar <i>Application</i> , the Director may accept a re-application within 12 months of the date of refusal.	<i>Despite subsection 2.5.1, where a material bylaw change occurs subsequent to the refusal of an Application and which would be relevant to consideration of the same or similar Application, the Director may accept a re-application within 6 months of the date of refusal.</i>

Note: In addition to the modifications proposed for section 2.5.1 of the Development Procedures Bylaw, section 2.5.3 has also been adjusted in response to Council's directive. This adjustment ensures consistency in the re-application period, reducing it from 12 months to 6 months for both sections.

OPTIONS

- (Recommended Option)** THAT Council:
 - (1) Rescind third reading of Development Procedures Bylaw No. 3924, 2024;
 - (2) Amend Development Procedures Bylaw No. 3924, 2024 by substituting '12' with '6' in Sections 2.5.1 and 2.5.3; and,
 - (3) Give third reading to Development Procedures Bylaw No. 3924, 2024, as amended.
- (Alternative Option)** THAT Council:
 - (1) Rescind third reading of Development Procedures Bylaw No. 3924, 2024;
 - (2) Delete Section 2.5.1 of Development Procedures Bylaw No. 3924, 2024 and replace it with the following:

- "2.5.1. Subject to section 460 of the *Local Government Act*, where an *Application* made pursuant to this bylaw has been refused by *Council* or its *Delegate*, re-applications will not be accepted immediately following the date of refusal for a period based on the following application types:
- (a) For Agricultural Land Commission (ALC) applications, re-application will not be accepted for 6-months immediately following the date of refusal;
 - (b) For Zoning Bylaw applications, re-application will not be accepted for 6 months immediately following the date of refusal;
 - (c) For Official Community Plan (OCP) amendments, re-application will not be accepted for 12 months immediately following the date of refusal; and,
 - (d) For Permits and Council Policy applications, re-application will not be accepted for 12 months immediately following the date of refusal."
- (3) Delete Section 2.5.3 of Development Procedures Bylaw No. 3924, 2024 and replace it with the following:
- "2.5.3 Despite subsection 2.5.1, where a material bylaw change occurs subsequent to the refusal of an application and which would be relevant to consideration of the same or similar application, the Director may accept a re-application within the respective timeframes specified in subsection 2.5.1 for each type of application, from the date of refusal."
- (4) Give third reading to Development Procedures Bylaw No. 3924, 2024, as amended.

IMPLICATIONS

Implications	Concerns or Impacts to North Cowichan
Actions Upon Approval	Staff will present Development Procedures Bylaw No. 3924, 2024, with the approved changes for final adoption.
Actions Upon Denial	Potential reconsideration or further revision of the bylaw based on Council feedback.

RECOMMENDATION

THAT Council:

- (1) Rescind third reading of Development Procedures Bylaw No. 3924, 2024;
- (2) Amend Development Procedures Bylaw No. 3924, 2024 by substituting '12' with '6' in Sections 2.5.1 and 2.5.3; and
- (3) Give third reading to Development Procedures Bylaw No. 3924, 2024, as amended.

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Approved to be forwarded to Council:



Ted Swabey
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Attachment:
(1) Development Procedures Bylaw No. 3924, 2024