

## THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH

### COUNCIL POLICY

**Effective Date** January 6, 2020

Amendment Date(s): January 22, 2024

**POLICY NO.**  
**01.PLAN**

File No: 0340-50-2020

**SUBJECT:** Development Applications Process

**Category:** Planning

#### PURPOSE:

The purpose of this policy is to outline the major steps in processing of development applications and/or development related approvals, which may or may not require Council approval. This policy should be read in conjunction with Central Saanich Development Application Procedures Bylaw and Central Saanich Public Notice Bylaw.

This policy shall apply to the following:

Applications requiring the adoption of, or amendment to a Bylaw:

- a. Amendments to the Official Community Plan
- b. Amendments to the Land Use Bylaw
- c. Heritage Revitalization Agreement Bylaw
- d. Heritage Designation Bylaw
- e. Amendment or discharge of a Land Use Contract prior to June 30, 2024, after which all land use contracts are terminated under s. 547 of the *Local Government Act*
- f. Phased development agreements
- g. Housing agreements

Applications for the issuance of, or amendment to a Permit:

- h. Development Permits
- i. Development Variance Permits
- j. Temporary Use Permits
- k. Heritage Alteration Permits

Applications requiring approval by the Agricultural Land Commission:

- l. To include land in the Agricultural Land Reserve
- m. To exclude land from the Agricultural Land Reserve
- n. For a non-farm use in the Agricultural Land Reserve
- o. For a non-adhering residential use in the Agricultural Land Reserve
- p. To subdivide land in the Agricultural Land Reserve

Others:

- q. Amendments to or discharge of a covenant or other form of legal encumbrance related to land use and development
- r. An exemption from the minimum highway frontage requirement of the *Local Government Act* for a subdivision
- s. A request to waive or reduce the provision of park land, access to water, or any other requirement at the time of subdivision
- t. A strata conversion of a previously occupied building
- u. Provincial referrals for liquor licences or cannabis retail licences

**APPLICATION:** This policy applies to Council, District staff, and applicants involved in the processing of land use and development applications and/or development related approvals which may or may not require Council approval.

**REFERENCE:** This policy makes reference to the Local Government Act, the Agricultural Land Commission Act, the Transportation Act, the Environmental Management Act, Central Saanich Official Community Plan Bylaw, Central Saanich Land Use Bylaw, Central Saanich Development Application Procedures Bylaw, Central Saanich Delegation of Authority Bylaw, Central Saanich Council Policy – Community Amenity Contributions, ~~and~~ Central Saanich Fees and Charges Bylaw, and Central Saanich Public Notice Bylaw.

**DEFINITIONS:** “**District**” means the Mayor and Councillors of the District.

“**Council**” means the Municipal Council of the District.

“**Director**” means the Director of Planning and Building Services who is the person appointed as such by the Council and includes his or her lawful designate.

“**Lot**” means a parcel of land, including crown land, which is legally defined either by registered plan or description.

“**Owner**” means all of the registered owner(s) of a property as shown on a Land Title Certificate.

“**Public Hearing**” means a Public Hearing of Council pursuant to the *Local Government Act*.

“**Site**” means an area of land consisting of a lot or two or more abutting lots.

## POLICY

The major steps in processing land use applications are outlined below and reflected on the process overview flowchart in Schedule “A” of this policy.

1. Application Received
  - a. Upon receipt of a complete application, including fees in accordance with Central Saanich Fees and Charges Bylaw, administrative staff will create a file and refer the application to other District departments and external agencies as applicable for comment.

- b. External agencies that may receive a referral include but are not limited to: First Nations, School District 63, BC Transit, BC Hydro or other utility companies, various provincial Ministries, or adjacent municipalities.
- c. Where a completed site profile includes a positive response it will be forwarded to the Ministry of Environment for comment and an additional fee may apply. In some circumstances approval of a Land Use Bylaw amendment, or issuance of a Development Permit, a Development Variance Permit or a demolition permit must be withheld until otherwise advised by the Ministry.

## 2. Review

- a. After reviewing the application and receiving referral comments, the Director will provide the preliminary feedback received to the applicant to identify areas of concerns and where the proposal does not comply with bylaws or regulations, and provide comments on how the proposal could align better with applicable guidelines. In accordance with Central Saanich Development Application Procedures Bylaw, the Director may require further information at this stage.
- b. All other relevant District bylaws, policies, or regulations would be considered as part of the review, including the identification of any land dedication requirements.

## 3. Planning Report

- a. Following the review of referral comments and application information, the Director will prepare a Planning Report for Council's consideration, including any draft bylaws or draft permits being considered.
- b. Despite the above, the Director may at this stage determine that the proposal meets the criteria for a permit or approval to be issued in accordance with the Delegation of Authority Bylaw. In such cases the application process will proceed to step 6.

c. The Administration Department shall place the Planning Report on a Council meeting agenda for consideration.

d. The Director may provide the required notification as per the Central Saanich Public Notice Bylaw, Central Saanich Development Application Procedures Bylaw, and the Local Government Act in advance of a Council meeting where a decision on a development application is to be considered by Council.

## 4. Council Consideration

- a. Council options at this stage depend upon the type of application being considered; however, for any type of application Council may do any of the following:
  - i. Require further information in accordance with Central Saanich Development Application Procedures Bylaw,
  - ii. Refer the application to the Advisory Planning Commission for comment,
  - iii. Direct the application be scheduled for meeting of the Committee of the Whole to provide for a more detailed discussion, or
  - iv. Deny the application, or
  - v. Advance the application as outlined below for various application types.
- b. With applications requiring the adoption of bylaws, Council may:
  - i. Where consistent with the Official Community Plan, give the draft bylaw first, second, and

- third reading,
- ~~i.ii.~~ Where a Public Hearing is required, give the draft bylaw First and Second Reading and advance it to a Public Hearing, including notification in accordance with Central Saanich Development Application Procedures Bylaw and Central Saanich Public Notice Bylaw, unless holding of a Public Hearing is otherwise waived,
  - ~~ii.iii.~~ Table the application until further information is provided or identified concerns have been addressed, or
  - ~~iii.iv.~~ Deny the application

- c. With applications for the issuance of, or amendment to, a permit Council may:
  - ~~i.~~ Provide an opportunity for public input where variances are required, including notification in accordance with the Central Saanich Development Application Procedures Bylaw and Central Saanich Public Notice Bylaw,
  - ~~i.ii.~~ Approve issuance of the permit ~~if no variances are required,~~
  - ~~ii.iii.~~ Advance the application to an opportunity for public input if variances are required,
  - ~~iii.iv.~~ Table the application until further information is provided or identified concerns have been addressed, or
  - ~~iv.v.~~ Deny the application, and for Development Permit applications indicate to the applicant which guidelines the proposal does not comply with.
- d. With applications requiring approval of the Agricultural Land Commission, Council may:
  - i. Forward the application to the Agricultural Land Commission for a decision,
  - ii. Forward the application to the Agricultural Land Commission with additional comments from Council to be included, or
  - iii. Deny the application, in which case the application is not forwarded to the Agricultural Land Commission.
- e. With other applications that do not include Bylaws or Permits, generally Council may:
  - ~~i.~~ Provide an opportunity for public input, including notification in accordance with the Central Saanich Development Application Procedures Bylaw and Central Saanich Public Notice Bylaw,
  - ~~i.ii.~~ Approve the application by way of a Council resolution,
  - ~~ii.~~ Advance the application for public input, including notification in accordance with Central Saanich Development Application Procedures Bylaw,
  - iii. Table the application until further information is provided or identified concerns have been addressed, or
  - iv. Deny the application.

5. Council Consideration After Public Input is Received

- a. For those applications requiring a Public Hearing or the opportunity for public input, once Council is satisfied that all comments and information have been received, Council may:
  - i. Adjourn the Public Hearing without further notice if the time and place the hearing will be resumed is announced to those present,
  - ii. Not receive additional information on the application once a Public Hearing is closed, or a second Public Hearing may be required,
  - iii. Consider Third Reading of the Bylaw, which may include revisions to the Bylaw,

- iv. Consider approval of a permit, which may include amendments by Council,
  - v. Make Final Reading (adoption) of a Bylaw or Issuance of Permit subject to conditions or legislated requirements such as waiting one day between Third Reading and adoption.
- b. In some circumstances, a Bylaw is required to be referred to a provincial minister(s) for approval, or be withheld pending written confirmation from a minister(s) that the District may proceed with final approvals. Particularly section 52 of the *Transportation Act* requires the Minister of Transportation approval and section 557 of the *Local Government Act* may require ministerial approval under the *Environmental Management Act*.
- c. Council Conditions  
Following Council's decision on an application, staff will coordinate with the applicant the completion of Council conditions. Council conditions may include, but are not limited to: registration of covenants, rights-of-way, or other legal agreements, or payment of community amenity contributions (refer to Council Community Amenity Contributions Policy for more information). Once all items have been completed to the satisfaction of the Director:
  - The Bylaw will be scheduled for Council to consider Final Reading (adoption) at the next available Council meeting,
  - The Permit will be issued and registered on title,
  - A response from the District to a provincial referral will be completed, or
  - Other forms of approval will be completed as required.

## 6. Closing a File

- a. In the event that:
  - i. a Bylaw has not been given Final Reading by Council one year after the date of Third Reading or the date of the last consideration by Council because outstanding conditions have not been completed, or
  - ii. a Permit has not be issued one year after Council consideration because outstanding conditions have not been completed, or
  - iii. outstanding conditions for other types of approvals have not been completed within one year of Council consideration, or
  - iv. there has been no activity on the file for one year during any point of the application process,

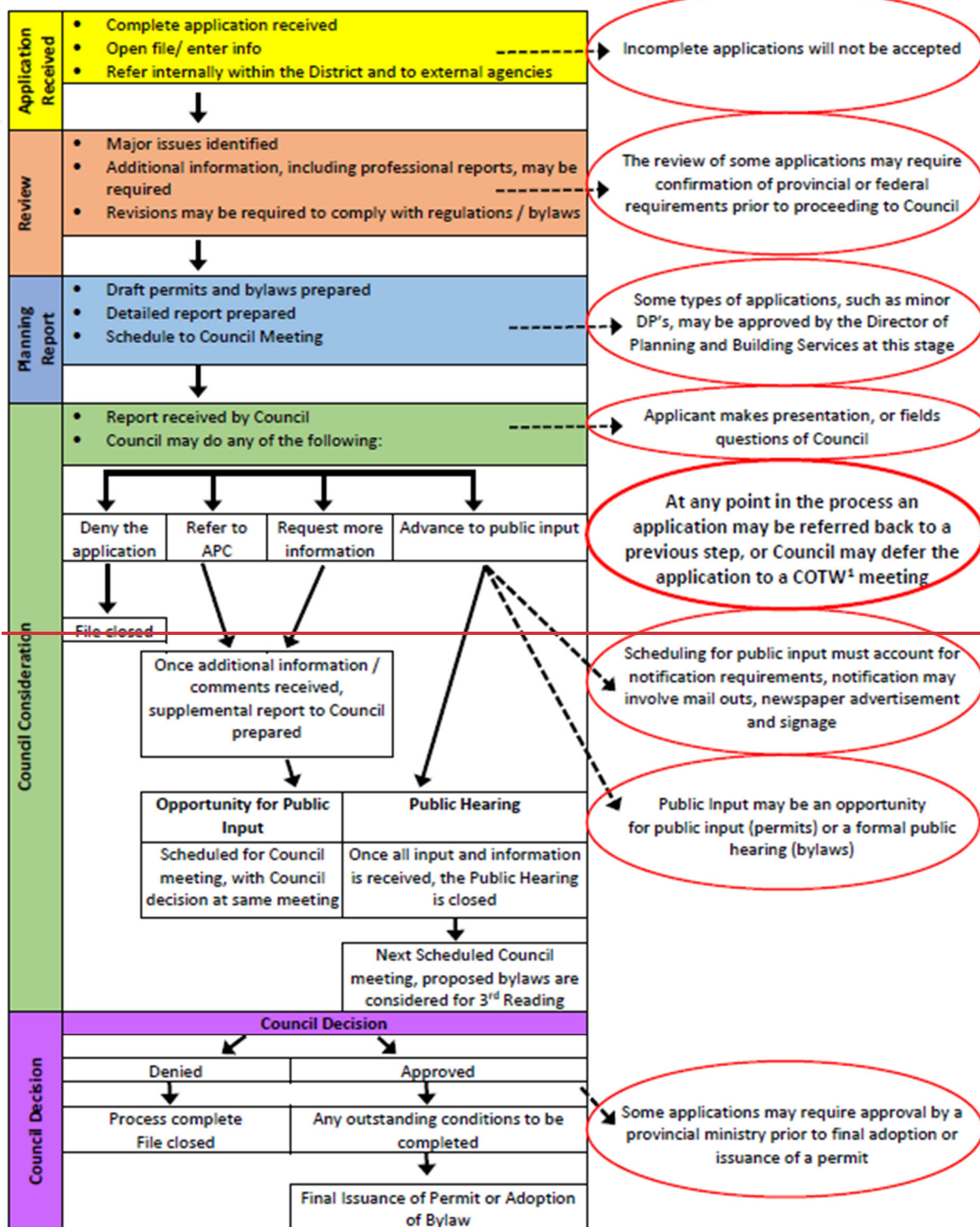
the application will be deemed to be abandoned and will be closed. An applicant who wishes to proceed with their application beyond the one year time frame must provide a written request to the District to extend the one year period for one or more periods of six months.

- b. Where an application has been rejected or refused by Council, the District shall notify the applicant in writing within fifteen days immediately following the date of refusal and the file will be closed.
- c. Where a Bylaw to amend the Official Community Plan or Land Use Bylaw has been adopted, the applicant will be notified within fifteen days of Final Reading that the Bylaw amendment is completed and the file will be closed.
- d. Where a Permit has been issued a notice will be registered on title and a copy of the approved Permit will be provided to the applicant and the file will be closed.

- e. Where a Bylaw related to a development has been adopted, such as a Housing Agreement, Heritage Revitalization Agreement, or a Phased Development Agreement, a notice will be registered on title and the file will be closed.

Schedule "A"

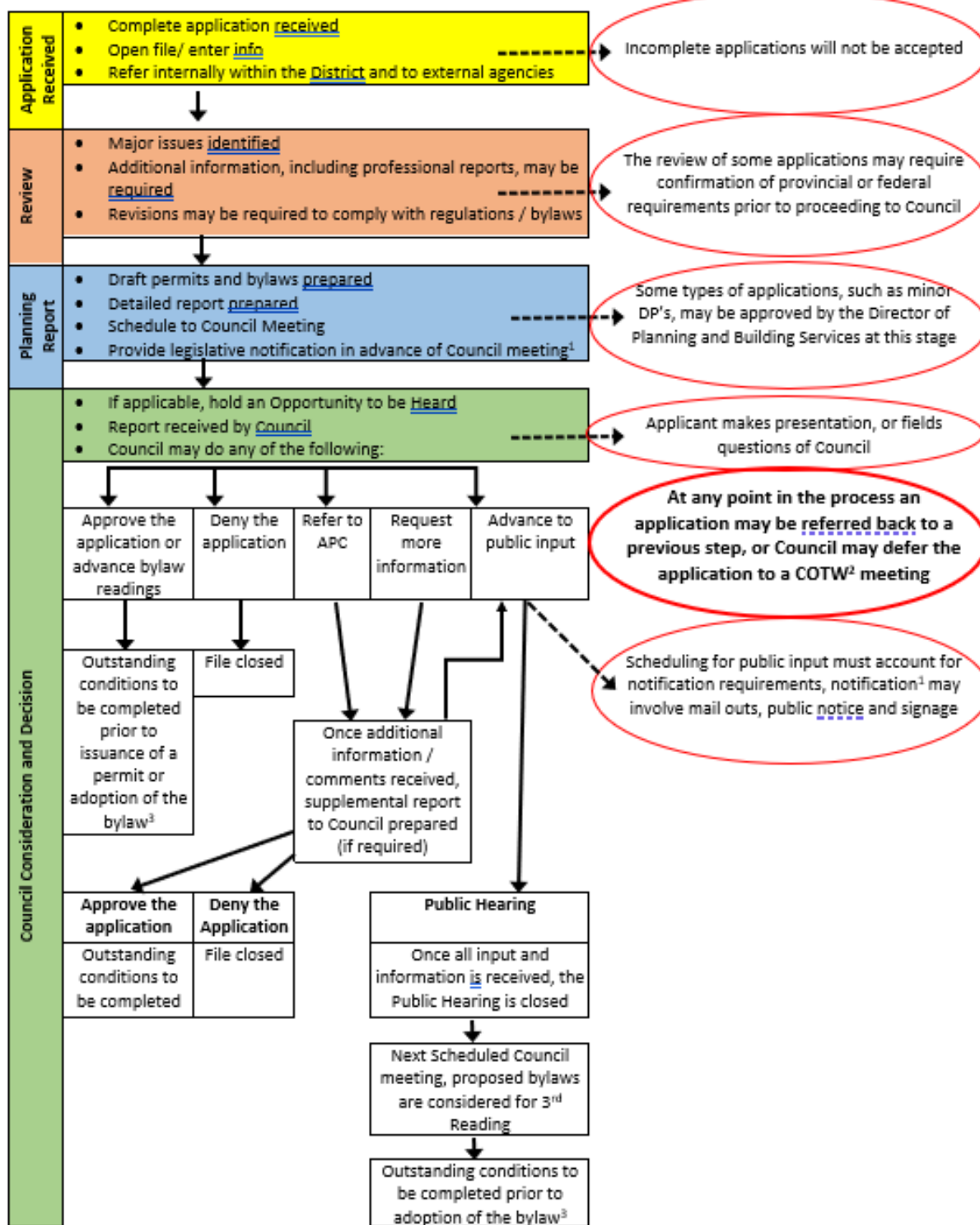
Development Application Process Overview



<sup>1</sup> COTW is Committee of the Whole, or Council members in a less formal meeting structure to allow for a more in-depth discussion



## Development Application Process Overview



<sup>1</sup> Notification as per the Central Saanich Public Notice Bylaw prior to first reading of a bylaw or an Opportunity to be Heard.

<sup>2</sup> COTW is Committee of the Whole, or Council members in a less formal meeting structure to allow for a more in-depth discussion.

<sup>3</sup> Some applications may require approval by a provincial ministry prior to final adoption or issuance of a permit.