

| THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH               |                                     |
|--|-------------------------------------|
| COUNCIL POLICY   |                                     |
| <b>Effective Date</b><br>Amendment Date(s):                      | <b>POLICY NO.</b><br><b>03.PLAN</b> |
|  | File No:                            |
| <b>SUBJECT: Public Input for Development Applications Policy</b> |                                     |
| <b>Category: Planning</b>  |                                     |

- PURPOSE:** The purpose of this policy is to inform Council, District staff and Central Saanich residents of the legislated and supplementary public input requirements for development applications.
- APPLICATION:** This policy applies to Council, District staff and residents of Central Saanich.
- REFERENCE:** This policy refers to the *Local Government Act*, Central Saanich Official Community Plan Bylaw, Central Saanich Zoning Bylaw, Central Saanich Development Application Procedures Bylaw, Central Saanich Delegation of Authority Bylaw, Central Saanich Public Notice Bylaw, Central Saanich Council Procedures Bylaw, Central Saanich Council Correspondence Policy.

#### 4. DEFINITIONS:

**“Development Permit”** a permit approved by Council pursuant to Section 490 of the *Local Government Act*.

**“Development Variance Permit”** a permit approved by Council pursuant to Section 498 of the *Local Government Act*.

**“District”** means the District of Central Saanich.

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

**“Official Community Plan”** means the Central Saanich Official Community Plan (OCP) Bylaw as amended from time to time.

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

**“Public Input”** means input on development applications provided in writing by email, mail, or in person to the District Hall or in person to Council at a Public Hearing or an Opportunity to be Heard and is considered a part of the public record.

**“Public Notification Period”** means the required time period to provide notification to the public for a development application being considered by Council in the District of Central Saanich Development Applications Procedures Bylaw or the *Local Government Act*.

**“Opportunity to be Heard”** means an in-person public input opportunity for a development application at a Council meeting as advertised in the Council Agenda.

**“Temporary Use Permit”** a permit approved by Council pursuant to Section pursuant to the *Local Government Act*.

**“Zoning Bylaw”** means the Central Saanich Zoning Bylaw as amended from time to time.

## 5. POLICY

**5.1.** The District of Central Saanich recognizes the importance of providing residents with the chance to shape the community they live in by providing an opportunity for public input on land use planning and development. This policy supports the District’s goals to be transparent and open in decision-making for land use planning and development projects and proposals by enabling the opportunity for public input that considers:

- Residents who feel they are affected by a decision having a right to provide input into the decision-making process; and
- Residents being provided with the information they need to participate in a meaningful way.

**5.2.** The District of Central Saanich must provide opportunities for public input a when considering development applications as per the *Local Government Act*. For development applications, public input is limited for certain types of applications as approvals are dependent on existing municipal planning policy and provincial direction. The amendments made to the *Local Government Act* by Bill 44 (2023) have changed the requirements for public hearings.





































**5.3.** The intent of this policy is to provide clarity on the legislated public input requirements for development applications. The policy outlines the form of public input for each type of development application, the public hearing requirements, and how public input received by the District is provided to Council and included in the public record.

### Public Input

**5.4.** Public input considers both written and in-person feedback provided to Council. The District will provide the legislated notification period to advise residents of the opportunity to provide input or

to notify when Council is considering a development application as per the *Local Government Act*. The District will provide the opportunity for formal in-person public input during a Council meeting for specific types of development applications. The applicable format of public input for each type of development application is shown in Table 1.

Table 1: Public Input Requirements by Development Application Type

| Application Type  |  | Notification Required as per the Local Government Act                               | Public Input  |   |   |
|---|--|---|---|---|---|
|   |  |   | Written Input   | In-Person Input   |   |
|   |  |   |   | Opportunity to be Heard   | Public Hearing  |
| OCP Amendment   |  |    |    | N/A   |    |
| Zoning Amendment  | Public Hearing Required  |    |    | N/A   |    |
|   | Public Hearing Not Held or Prohibited  |    |    | N/A   |    |
| Development Permit  |  |  |  |  |  |
| Development Permit with Variances   |  |  |  |  | N/A   |
| Development Variance Permit   |  |  |  |  | N/A   |
| Temporary Use Permit  |  |  |  |  | N/A   |
| Heritage Designation Bylaw  |  |  |  | N/A   |  |
| Heritage Alteration Permit  |  |  |  |  |  |
| Frontage Exemption  |  |  |  |  |  |
|  | Public Input Required as per the <i>Local Government Act</i> .   |   |   |   |   |
|  | Public Input Opportunity – District Enabled Opportunity (not a legislative requirement).   |   |   |   |   |
|  | Public input is not required as per the <i>Local Government Act</i> . The District will not provide notification as the decision whether to approve the application must not be based on public input. |   |   |   |   |

## 6. Requirements for Holding a Public Hearing:

The *Local Government Act* PROHIBITS public hearings specifically for residential development and for implementation of Small-Scale, Multi-Unit Housing (SSMUH) where the proposal aligns with the Official Community Plan. When a proposal does not align with the Official Community Plan, a public hearing is REQUIRED and cannot be waived. For all other bylaw amendments that are non-residential or where the proposal is not primarily for residential use (less than 50% of the gross floor area of all the buildings in the proposal is for residential use), then a public hearing is NOT REQUIRED. The District will default to requiring a public hearing be held for proposals where a public hearing is NOT REQUIRED. Council will have the option to waive the public hearing as per section 7 of this policy. Staff will determine whether a Public Hearing is required following review of a development application in accordance with Table 2.

Table 2: Legislative Requirements for Public Hearing

| Public Hearing Criteria ( <i>Local Government Act</i> ) | Required  | Not Required   | Prohibited   |
|---|---|--|--|
|   | <p>1. When <u>application is not consistent</u> with the Official Community Plan.</p> <p><i>Clarification Notes:</i></p> <ul style="list-style-type: none"><li>• An Official Community Plan amendment is typically required.</li><li>• The public hearing cannot be waived.</li></ul> | <p>1. a) When the Bylaw <u>is consistent</u> with the Official Community Plan; and</p> <p>b) When the application is non-residential (eg. commercial or industrial) or when the residential component of the development accounts for less than half of the gross floor area of all buildings and structures proposed as part of the development.</p> <p><i>Clarification Notes:</i></p> <ul style="list-style-type: none"><li>• Council can decide to waive the public hearing.</li></ul> | <p>1. a) The Bylaw <u>is consistent</u> with the Official Community Plan. The <u>sole purpose</u> of the bylaw is to permit a development that is in whole or in part a residential development.</p> <p>b) The residential component of the development accounts for at least half of the gross floor area of all buildings and structures proposed as part of the development.</p> <p>2. <u>Sole purpose</u> of the bylaw is to comply with section 481.3 of the LGA (Small Scale, Multi-Unit Housing).</p> |

## 7. Waiving a Public Hearing:

When a Public Hearing is NOT REQUIRED, the staff report will recommend a Public Hearing. Council may choose to waive a Public Hearing for an amendment bylaw when it is NOT REQUIRED. When waiving the Public Hearing, Council will delay consideration of first reading of the amendment bylaw to allow for the public notification period. Following notification of first reading of the amendment bylaw, the amendment bylaw will be scheduled on the next Council agenda for consideration and may include first, second, and/or third reading at the same Council meeting.

## 8. District Enabled Opportunity to be Heard (OTBH):

The *Local Government Act* requires that the public is notified when Council is to consider a Temporary Use Permit, Development Permit with Variances, or a Development Variance Permit and is provided the

opportunity to submit comments in writing to the District. The legislation does not provide requirements for in person opportunities to speak to Council regarding these types of development applications; however, the District will hold an Opportunity to be Heard to provide residents who feel they are affected by the proposal to provide input in person at a Council meeting as per Table 1 of this policy.

## **9. When Public Input is not Required:**

### **9.1. *Development Permit***

Legislated public input requirements do not apply to Development Permit applications as development proposals must demonstrate consistency with the Design Guidelines which were adopted by the District with public input. If a development proposal meets the Design Guidelines as set out in the Official Community Plan a developer is entitled to a Development Permit. A Development Permit cannot be refused based on public concerns; it can only be refused if the development does not comply with the design guidelines. The District will not provide an opportunity for public input as per Table 1 of this policy for consistency with the legislation. However, any written correspondence received will be provided to Council and appended to the Agenda in the same manner as correspondence received for an Opportunity to be Heard in Table 5.

### **9.2. *Frontage Exemption***

A frontage exemption is specifically permitted in Section 512 of the *Local Government Act*. Council, by resolution, may approve a frontage exemption where the proposal does not meet the 10% of the lot perimeter *Local Government Act*. The legislated requirements do not consider public input. The District will not provide an opportunity for public input as per Table 1 of this policy for consistency with the legislation. However, any written correspondence received will be provided to Council and appended to the Agenda in the same manner as correspondence received for an Opportunity to be Heard as per Table 5.

### **9.3. *Heritage Alteration Permits***

The *Local Government Act* does not mandate public input for a Heritage Alteration Permit (HAP). A HAP may include variances to the Zoning Bylaw. Where the variances are greater than defined in the Delegation of Authority Bylaw then the public input requirements must meet the parameters for a Development Variance Permit in this policy.

## **10. Written Correspondence to the District**

- 10.1. Residents may address Council in writing for any reason by submitting input to Municipal Hall and/or Council. The District will manage this correspondence by sharing this information with Council and appending the correspondence to the earliest available Council meeting as per the Council Correspondence Policy.
- 10.2. The District will ensure that any correspondence received during the public notice period is appended to the public record for the item or application being considered by Council. The District considers any correspondence received related to a development application a part of the public record and to be considered by Council. The following tables confirm the timing of correspondence received and the corresponding action taken by District staff for inclusions into the public record by public input type.

Table 3: Public Hearing Written Correspondence – When a Public Hearing IS held

| Timing of Correspondence  | Actions  |
|---|--|
| Received prior to the application being filed, or prior to the application or bylaw being considered by Council | <ul style="list-style-type: none"> <li>Retained in the Public Correspondence File</li> <li>Following receipt of the complete application, appended to the next regular agenda under 'for information' as it is received and added to the Council Correspondence Portal</li> <li>Forms part of the Public Hearing Record</li> </ul>   |
| Received after consideration of the application or bylaw (ie. Introduction and/or First Reading)                | <ul style="list-style-type: none"> <li>Retained in the Public Correspondence File</li> <li>Circulated to the Council Correspondence Portal</li> <li>Appended to the next regular agenda under 'for information' or compiled and made ready for public review at the Public Hearing, along with correspondence received prior to First Reading</li> <li>Appended to the Agenda under written submissions with the application</li> <li>Forms part of the Public Hearing Record</li> </ul> |
| Received after agenda publication and prior to 12:00 on the day of the Public Hearing                           | <ul style="list-style-type: none"> <li>Retained in the Public Correspondence File</li> <li>Circulated to the Council Correspondence Portal</li> <li>Appended to the agenda under 'written submissions' with the application</li> <li>Forms part of the Public Hearing Record</li> </ul>  |
| Correspondence received after 12:00 the day of the Public Hearing   | <ul style="list-style-type: none"> <li><u>DOES NOT</u> form part of the Public Hearing record unless content is presented at the Public Hearing</li> </ul>   |
| Correspondence received after the close of Public Hearing*  | <ul style="list-style-type: none"> <li>Retained on file</li> <li>Not circulated to Council</li> <li><u>DOES NOT</u> form part of the Public Hearing record</li> </ul>  |

\*When a Public Hearing is closed the procedural requirements in S.470 of the Local Government Act will be followed. Accordingly, Council will not consider new information or submissions.

NOTE: If information presented after a public hearing warrants council consideration, then staff may forward the information to Council and hold a second Public Hearing.

Table 4: Public Hearing Written Correspondence – When a Public Hearing is NOT Held

| Timing of Correspondence   | Actions  |
|--|--|
| Received prior to the application being filed, or prior to the application or bylaw being considered by Council              | <ul style="list-style-type: none"> <li>Retained in the Public Correspondence File</li> <li>Following receipt of the complete application, appended to the agenda under 'for information' as it is received and added to the Council Correspondence Portal</li> </ul>   |
| Received after consideration of the application or bylaw (Introduction and/or First Reading) and up to adoption of the bylaw | <ul style="list-style-type: none"> <li>Retained in the Public Correspondence File</li> <li>Circulated to the Council Correspondence Portal</li> <li>Compiled and appended to the next available agenda considering the bylaw under 'written submissions' with the application</li> <li>Retained on file</li> </ul> |
| Correspondence received after the bylaw is adopted   | <ul style="list-style-type: none"> <li>Retained on file</li> <li>Not circulated to Council</li> <li><u>DOES NOT</u> form part of the public record</li> </ul>  |

*Table 5: Opportunity to be Heard Correspondence*

| Timing of Correspondence   | Actions  |
|--|--|
| Received prior to the application being filed, or prior to the application or bylaw being considered by Council    | <ul style="list-style-type: none"><li>• Retained in the Public Correspondence File</li><li>•</li><li>• Following receipt of the complete application, appended to the agenda under 'for information' as it is received and added to the Council Correspondence Portal</li></ul>  |
| Received after agenda publication and prior to 12:00 on the day of the Council meeting considering the application | <ul style="list-style-type: none"><li>• Retained in the Public Correspondence File</li><li>• Circulated to the Council Correspondence Portal</li><li>• Appended to the agenda under 'item/application'</li><li>• Circulated to Council prior to the Council meeting</li></ul>  |
| Correspondence received after 12:00 the day of the Council meeting   | <ul style="list-style-type: none"><li>• <b>DOES NOT</b> form part of the agenda unless content is presented at the Opportunity to be Heard</li><li>• Retained in the Public Correspondence File</li><li>• Circulated to the Council Correspondence Portal</li><li>• Compiled and appended to the next available agenda considering the application under 'written submissions' with the item/application</li></ul> |
| Correspondence received after the application is considered by Council   | <ul style="list-style-type: none"><li>• Retained on file</li><li>• Not circulated to Council</li><li>• <b>DOES NOT</b> form part of the public record</li></ul>  |