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## Purpose

Two matters for discussion - related to the Land Use Procedures Bylaw and development processes:

1. Updates to the Land Use Procedures Bylaw (LUPB)
  - Public hearing procedure changes
  - Rezoning applications for housing developments consistent with Official Community Plan
2. Comprehensive review of LUPB
  - Simplify and streamline development processes in phases
  - Align with provincial legislation
  - Holistic review to evaluate current ways of doing things

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## Background: Bill 44 – Housing Statutes Amendment Act, 2023

- Recent legislative changes:
  - Bill 44 (November 2023)
  - Updated LGA
  - Streamlined development approvals process
  - Stops local governments from holding public hearings
    - Residential rezoning applications consistent with the OCP



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### Updates to LUPB:

- Following bylaw amendments intended to align with legislation

#### 1) SECTION 29 - PUBLIC HEARING

clarify when a public hearing must be held, is not permitted to be held, or is optional.

#### 2) SECTION 30 - RIGHT TO WAIVE A PUBLIC HEARING

further clarify when Council may waive the holding of a public hearing.

#### 3) SECTION 32 - NOTICE OF PUBLIC HEARING

clarifies that notification distance is 100m for zoning bylaw amendment applications and this still applies when public hearing has been waived or not permitted



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# Additional Review of Land Use Procedures Bylaw

- General objectives:
  - Update and simplify wording
  - Review and change processes
  - Align with legislation



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**LAND USE PROCEDURES BYLAW**  
**BYLAW NO. 16-028**

This consolidation is a copy of a bylaw consolidated under the authority of section 139 of the *Community Charter*. (Consolidated on October 5, 2023 up to Bylaw No. 23-085)


This bylaw is printed under and by authority of the Corporate Administrator of the Corporation of the City of Victoria.

## Background: Land Use Procedures Bylaw

- Adopted in 2016
- Bylaw has been amended 19 times
- Non-statutory requirements specific to the City
  - Pre-application consultation
  - Community Association Land Use Committees (CALUC) processes
  - Opportunities for Public Comment
  - Varied notification distances for different application types



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## Phased Approach to the Bylaw Review

- **Phase 1:** Immediate Changes - Public Hearings
- **Phase 2 and 3:** Additional Review Options
- Some aspects can be updated quickly, others require more research and engagement




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## Phase 1 - Procedural Public Hearing Changes



 Changes proposed today

 Procedural Public Hearing Changes (Bill 44)



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## Phase 2 – Simple Modernization Changes

- Technical review - minimal research and external engagement
  - Simplify wording and processes
  - Consistency across the bylaw
  - Flexibility and clarity - for applicants and the public
- Areas of consideration:
  - Notification distances
  - Refund and sign posting sections
  - Opportunity for Public Comment
  - TBD - other sections of the bylaw

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## Phase 3 – Additional Complex Changes

- Holistic review of other sections
- Evaluate how things are done:
  - Pre-application process, adjust application fees, and update delegations
- Recommend seeking focused input from the UDI and the CALUC
- Longer term project
  - Report back on scoping, timing, and resource implications

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## Development Process Review



Ongoing project underway to review rezoning, development, and building permitting processes

Aimed at improving efficiency

Strong customer service focus

New tools and software to support application intake and review

Intended to speed up housing development and aligns with HAF

Will help identify additional updates to bylaw (Phase 2)

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## Guiding Values and Objectives

- Bylaw review process will strive to promote cooperation, responsibility, and efficiency
- Guiding values to steer the evaluation:
  1. Alignment with Legislation
  2. Innovation
  3. Consistency and Clarity
  4. Efficiency
  5. Inclusivity
  6. Transparency
- Values come from:
  - 2023-2026 Strategic Plan
  - Official Community Plan (2012)
  - Governance Review

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## Recommendation

### Option 1:

- Amend LUPB as proposed
- Initiate Phase 2 bylaw amendments
- Direct staff to report back on Phase 3 scope of work

### Benefits:

- Further procedural changes and bylaw updates
- Dovetails with OCP review, and Zoning Modernization
- Alignment with Local Government Act
- No anticipated impact to the Financial Plan

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Phases	Bylaw Section	Objective	Rationale	Guiding Values
Phase 1 – Immediate Procedural Public Hearing Changes	29 Public Hearing	Modify to clarify when a public hearing must be held, is not permitted to be held, or is optional so that public hearings will only be conducted when required under the <i>Local Government Act</i> .	Changes required to update bylaw to be consistent with the <i>Local Government Act</i> .	Alignment with Legislation
	30 Right to Waive Public Hearing	Clarify that Council may only waive the holding of a public hearing for zoning amendment bylaw applications that are consistent with the Official Community Plan and where the hearing is not already prohibited (housing specific developments).	Changes required to update bylaw to be consistent with the <i>Local Government Act</i> .	Alignment with Legislation
	32 Notice of Public Hearing	Clarify the notification distance when the public hearing has been waived or for when a public hearing must not be held.	Changes required to update bylaw to be consistent with the <i>Local Government Act</i> .	Alignment with Legislation



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Phases	Bylaw Section	Objective	Rationale	Guiding Values
Phase 2 – Additional Simple Modernization Changes  (Staff anticipate that these changes could be completed without additional resources)	33 Notice of opportunity for public comment	Assess section 33. Notification/mailling requirements are set out in legislation and outline the steps local governments must follow.	Authority is already outlined in the <i>Local Government Act</i> .	Alignment with Legislation
	12, 13, and 14 Receipt of applications, Incomplete applications Notification of Incomplete Applications	Consider introducing new wording to identify application submission requirements, and what would be deemed an incomplete application.	To establish standardization where possible, while also retaining flexibility to give staff the ability to request information that relates to the site/application specific circumstances.	Innovation Consistency and Clarity
	Schedule A Application Fees	Clarify the Development Permit fees for duplexes within Development Permit Area 15F- Missing Middle Housing. Increase the fees for new Garden Suite applications from \$1,000 to \$2,000.	Consistent with Council direction given May 2022. Align with Missing Middle policy and regulations and clarify fee structure within Schedule A and Schedule D. More reflective of staff resource requirements.	Consistency and Clarity Efficiency Transparency
	New Section Application Review Timelines	Consider the operational and planning impacts of introducing new wording/sections that would identify timelines for processing land use applications. Review and reflect best practices.	Timelines would provide certainty for applicants, but staff have concerns about impacts of dictating process timelines given the nature of the planning process.	Innovation Efficiency Consistency and Clarity
	7 Notification Distance	Notification distances currently range between 100-200 metres based on application type. Could establish a consistent public notification distance and ensure purpose of notification achieves intended objective.	Varying notification distances can be confusing. With changes to public hearings and delegations, reviewing purpose of notification will provide greater clarity to applicants and the public.	Alignment with Legislation Consistency and Clarity
	21 Refund	Modify wording about refunds to be more user friendly and identify clear timelines.	Simplify wording and clarify intent of the Bylaw.	Consistency and Clarity
	27 and 28 Application Sign Posting Requirements – Other applications	Simplify complex wording in section 28 by removing subsections (a) and (b) and ending the section with "City-initiated amendments" to indicate the application sign posting requirements (section 27) do not apply to city-initiated projects.	Simplify wording and clarify intent of the Bylaw.	Consistency and Clarity Efficiency Transparency
31 Opportunity for public comment	The opportunity for public comment on DVPs, DPs, HAPs, and TUPs are set out in legislation and outline the steps local governments must follow.	Authority is already outlined in the <i>Local Government Act</i> .	Alignment with Legislation Efficiency	



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Phases	Bylaw Section	Objective	Rationale	Guiding Values
<b>Phase 3 - Additional Complex Changes</b>  (Staff anticipate that additional resources may be required to support review and updates to these sections to support necessary research and consultation)	<b>6 and 8</b> Pre-application requirements and Waiving Pre-application Requirement	Review sections and modernize/simplify wording in the bylaw to reconsider the pre-application process, community meetings, and the role of CALUCs in development application review process.	Review and reflect best practices for pre-application consultation and community engagement.  The <i>Local Government Act</i> does not set out pre-application processes, and only specifies requirements for notification and public hearings.	Alignment with Legislation  Efficiency  Inclusivity  Transparency
	<b>11</b> Evidence of Participation in a Community Meeting	Update wording to provide greater flexibility and allow for more diverse forms of pre-application consultation based on the specific land use proposal.	The <i>Local Government Act</i> does not currently outline pre-application consultation requirements. Providing greater flexibility could be of value to applicants and the broader community.	Alignment with Legislation  Innovation  Efficiency
	<b>Schedule A – Application Fees</b>	Conduct a full fee review and modify Schedule A to make it more user-friendly, reduce fees if appropriate. May also want to establish new fees for resubmitted applications.	To modernize and simplify fees where possible, and to review and reflect best practices.	Best Practices  Efficiency  Transparency
	<b>Part 3 – Delegation and Reconsideration</b>  <b>Schedule D - Delegated Approvals</b>	Conduct a full review of Part 3 – Delegation and Reconsideration to further simplify the table in Schedule D to make it more user friendly. Also bring forward additional opportunities for delegation.	Changes would allow staff to further simplify processes, update information to reflect best practices, and assess the status of ongoing changes to the <i>Local Government Act</i> .	Innovation  Consistency and Clarity  Alignment with Legislation

