



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JANUARY 19, 2016**

SUBJECT **Amend Bylaw No. 3166, A Bylaw to Establish the Juan de Fuca Land Use Committee**

ISSUE

The purpose of this report is to consider amending Bylaw No. 3166 to include minor housekeeping changes, and to reinstate the delegation of referrals for amendments to an official community plan (OCP) and amendments to a land use bylaw (rezoning applications) from the Capital Regional District (CRD) Board to the Juan de Fuca Land Use Committee (LUC).

BACKGROUND

The CRD Board, at its meeting on November 14, 2012, adopted amendment Bylaw No. 3826, which eliminated the referral delegation to the LUC.

Planning staff have worked with this revised process for the last three years and have determined that the CRD Board has not requested a revision to a specific referral list for OCP amendments or amendments to Land Use Bylaws. However, staff have noted that the requirement for the LUC to recommend to the CRD Board which agencies and groups should be referred these amendments, has added at least two months to the amendment application review process.

During this review it was noted that minor housekeeping amendments were required to clean up some definitions, to acknowledge the role of the Alternate Electoral Area Director, to rename temporary use permits, and to include in the LUC role making recommendations regarding floodplain and frontage exemptions and to soil permits, and to change the citation to reference Juan de Fuca.

Staff recommend that amending Bylaw No. 4037 (Appendix A), which proposes housekeeping amendments and reinstates the referral delegation from the CRD Board to the LUC, proceed for approval.

ALTERNATIVES

That the Juan de Fuca Land Use Committee recommends to the CRD Board:

1. a) That Bylaw No. 4037, "Capital Regional District Land Use Committee, Bylaw No. 1, 2004, Amendment Bylaw No. 7, 2016", be introduced and read a first and second time;
b) That Bylaw No. 4037 be read a third time; and
c) That Bylaw No. 4037 be adopted.
2. That Bylaw No. 4037 not proceed.

PUBLIC CONSULTATION IMPLICATIONS

This is an administrative bylaw and therefore does not require public consultation. However, the public has the opportunity to provide comments on the proposed bylaw amendment at the LUC and related CRD Board meetings.

PLANNING IMPLICATIONS

As noted above, Bylaw No. 3166 was amended in 2012 to remove the delegation to the LUC of issuing referrals. The removal of the referral delegation was proposed, in part, to ensure that all OCP amendments and rezoning applications in the Rural Resource Lands were referred to the full Board for a determination of consistency with the Regional Growth Strategy (RGS). However, the CRD Board concurrently adopted amendment Bylaw No. 3664 which amended Bylaw No. 3110, Juan de Fuca Development Procedures Bylaw, to specifically require all OCP amendments and amendments to the Rural Resource Lands, Land Use Bylaw, Bylaw No. 3602, be referred to the full CRD Board for a determination of consistency with the RGS. In addition, to further ensure that these amendments are referred to the CRD Board, items 4.3 and 4.4 in the proposed bylaw repeat this requirement.

When the LUC was previously delegated referral authority, staff would prepare a staff report outlining the proposed referral agencies and request direction from the LUC to proceed. As this report did not proceed

to the CRD Board, the report involved a two week internal review process. Staff could then forward the referral immediately after the LUC meeting to agencies and the community.

Following the current bylaw process, with the referral delegation to the LUC removed, staff prepare reports such that they outline the proposed referral agencies and request that the LUC recommend to the CRD Board that it proceed with referrals. This recommendation is considered at the next CRD Board meeting, which occurs three weeks later. Staff forward the referral immediately after the CRD Board meeting to agencies and the community.

However, staff have noted that the requirement for CRD Board approval of referrals has added at least two months to the amendment application review process. The increase in processing time is due to the internal review process for Board reports, as well as the impact of the timing of both the CRD Board and LUC meetings on the 20 working day referral period. Often, the close of the referral period occurs after the date that LUC reports need to be finalized, which delays the application being considered at the next month's LUC meeting.

Planning staff have worked with this revised process for the last three years and have determined that the CRD Board has not requested a revision to a specific referral list for OCP amendments or amendments to Land Use Bylaws. Should referrals be delegated back to the LUC, this does not limit the CRD Board from requiring additional referrals. The CRD Board, in accordance with Section 879 (1) of the *Local Government Act (LGA)*, and as specified in Section 6.0 (5) of Bylaw No. 3110, may at any time, provide additional opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.

Furthermore, items 4.3 and 4.4 of the proposed amending bylaw require all OCP amendments and amendments to the Rural Resource Lands, Land Use Bylaw, Bylaw No. 3602, which affect use or density, be referred to the full Board for a determination of consistency with the RGS.

Therefore, staff recommend that the LUC be able to establish the referral list of agencies and directly refer the amendment applications.

During this review several housekeeping issues arose and the proposed bylaw addresses the following:

- The definition of Part 26 Services be deleted as this references the previous LUC structure that was not consistent with the *LGA*, Capital Regional District Regulation (Reg 65/90);
- Adding a new item 2.12 to Section 2.0 Establishment, Appointment and Term of the Committee, which clarifies that in the absence of the Electoral Area Director, the Alternate Director takes the place of the Director as a member of the Committee but does not assume the role of Chair, in accordance with the CRD Procedures Bylaw, Bylaw No. 3828;
- In Section 4.0 Powers of the Committee, proposed amendments include:
 - Changing the name of “temporary commercial and industrial use permits” to “temporary use permits” to reflect the terminology used in the *LGA*;
 - Acknowledging the LUC role for making recommendations for floodplain exemptions and frontage exemptions;
 - Adding a new role in making recommendations regarding soil permits in accordance with the Juan de Fuca Soil Removal or Deposit Bylaw, Bylaw No. 3941.
- In Section 6.0 Title change the citation to “Juan de Fuca Land Use Committee Bylaw No. 1, 2004”.

Staff recommend that proposed Bylaw No. 4037 proceed for adoption.

SUMMARY/CONCLUSIONS

As noted above, Bylaw No. 3166 was amended in 2012 to remove the LUC’s delegated authority to refer amendment applications. The removal of the referral delegation was proposed, in part, to ensure that all OCP amendments and rezoning applications in the Rural Resource Lands were referred to the full CRD Board for a determination of consistency with the RGS. However, an amendment to the Juan de Fuca Development Procedures Bylaw, Bylaw No. 3110 ensures all OCP amendments and amendments to the Rural Resource Lands, Land Use Bylaw, Bylaw No. 3602 be referred to the full Board for a determination of consistency with the RGS.

The change in the process has provided additional oversight of referrals, but has not resulted in any changes to referral lists over the past three years. The change in process has, however, resulted in an increase in the overall amendment application processing time.

Therefore, staff recommend that the LUC be able to establish the referral list of agencies and directly refer amendment applications. However, it should be noted that the CRD Board will continue to retain the authority to provide additional opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.

In addition, several minor housekeeping amendments are also included in the proposed amending bylaw, which clarify definitions, the role of Alternate Director and the role of the LUC with respect to recommendations regarding exemptions and permits.

Staff also recommend that proposed amending Bylaw No. 4037 proceed for adoption.

RECOMMENDATION

That the Juan de Fuca Land Use Committee recommends to the CRD Board:

- a) That Bylaw No. 4037, “Capital Regional District Land Use Committee, Bylaw No. 1, 2004, Amendment Bylaw No. 7, 2016”, be introduced and read a first and second time;
- b) That Bylaw No. 4037 be read a third time; and
- c) That Bylaw No. 4037 be adopted.

Submitted by:	June Klassen, MCIP, RPP, Manager Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, Acting Chief Administrative Officer

JK:wm

Appendix A: Proposed Bylaw No. 4037

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4037**

**A BYLAW TO AMEND
JUAN DE FUCA LAND USE COMMITTEE BYLAW, BYLAW NO. 3166**

The Regional Board of the Capital Regional District, in open meeting assembled, enacts as follows:

1. Bylaw No. 3166 being the "Capital Regional District Land Use Committee Bylaw No. 1, 2004" is hereby amended:
 - (a) Section 1.0 DEFINITIONS
 - (i) By deleting the definition of "**Part 26 Services**" in its entirety;
 - (b) Section 2.0 ESTABLISHMENT, APPOINTMENT AND TERM OF THE COMMITTEE
 - (i) By inserting an new item 2.12 which states:

"2.12 In the absence of the Electoral Area Director, the Alternate Director shall take his or her place as a committee member, but does not assume the role of Chair."
 - (c) 4.0 POWERS OF THE COMMITTEE
 - (i) By amending Section 4.1(c) by deleting the words "commercial or industrial";
 - (ii) By deleting Section 4.1(e) in its entirety and replacing with the following words:

"(e) the granting or refusal of a floodplain exemption under the *Local Government Act*."
 - (iii) By adding a new section 4.1(f) as follows:

"(f) the granting or refusal of a frontage exemption under the *Local Government Act*."
 - (iv) By adding a new section 4.1(g) as follows:

"(g) the issuance or refusal of a soil deposit or removal permit pursuant to the Juan de Fuca Soil Removal or Deposit Bylaw, Bylaw No. 3941, as amended."
 - (v) By adding a new Section 4.2 which states:

"4.2 The responsibilities include making recommendations:
 - (a) regarding who will be consulted on the preparation, adoption, amendment or repeal of an official community plan bylaw, and
 - (b) regarding who will be consulted on the preparation, adoption, amendment, or repeal of a land use bylaw."
 - (vi) By adding a new Section 4.3 as follows:

"With the exception of minor housekeeping amendments, all official community plan bylaw amendments that alter the use or density of a designated parcel will be referred to the full CRD Board for a determination of consistency with the Regional Growth Strategy."
 - (vii) By adding a new Section 4.4 as follows:

"With the exception of minor housekeeping amendments, all amendments to the zoning bylaw for the Rural Resource Lands that alter the use or density of a designated parcel will be referred to the full CRD Board for a determination of consistency with the Regional Growth Strategy."

(d) 6.0 TITLE

(i) In Section 6.1 delete the words “Capital Regional District” and replace with the words “Juan de Fuca”.

2. This Bylaw may be cited as Bylaw No. 4037, “Capital Regional District Land Use Committee Bylaw No. 1, 2004, Amendment Bylaw No. 7, 2016”.

READ A FIRST TIME	THIS	DAY OF	2016
READ A SECOND TIME	THIS	DAY OF	2016
READ A THIRD TIME	THIS	DAY OF	2016
ADOPTED	THIS	DAY OF	2016

CHAIR

CORPORATE OFFICER