



Special Council Agenda
June 14, 2011 – 3:30 p.m.
Conference Room
8645 Stave Lake Street, Mission, BC

1. TOPICS FOR DISCUSSION

- (a) Planning Department Processes: Direction to Planning Staff
Regarding Council's Expectations

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2. ADJOURNMENT



FILE: PRO.PLA.VAG
 Planning Department Process Review

To: Chief Administrative Officer
From: Director of Planning
Date: June 14, 2011
Subject: Direction to Planning Staff Regarding Council's Expectations

Recommendation

Bring forward the following documents for amendments:

- a. the Delegation of Authority Bylaw to define and remove "Infill" form and character Development Permits;
- b. a revised Development File Closure and Extension policy (LAN 13)

Discussion

Over a period of time, a number of issues repeatedly arise related to the following discussion areas:

- Delegation of Authority for Development Permits
- Infill Development Permit expectation and direction
- File closure
- Official Community Plan Designation
- Secondary Suite expectation and direction

In an effort for Council to provide some clarity around these issues, a special Council meeting was held with the following direction:

- **Delegation of Authority for Development Permits**

Resolution: identify which development permits can be delegated and which cannot, and identify a process for reporting out about those development permits dealt with at a staff level. NOTE: no Development Variance Permit decisions can be delegated.

Currently, the following identifies how each type of development permit is handled:

Intensive Residential Development Permits – includes small lot, coach house and carriage homes.

- where the DP application is part of a rezoning and subdivision, the DP comes to Council with only a few examples of house designs. The detailed design review for each individual lot is currently being done by staff with the actual development permit for each lot approved by staff. NOTE that a change in the process and timing for developers/builders to apply for a development permit for form and character is proposed below under "New Issues".
- where a DP application is not accompanied by a re-zoning application, staff review the proposal in-house and approve or deny the application.

Industrial Development Permit

⇒ Development Permits for new industrial developments and renovations to existing industrial buildings are currently reviewed and approved by staff.

Development Permits for Hazard Lands

⇒ Development Permits for geotechnical reports are currently reviewed and approved by staff.

In addition to the process outlined above, Staff may forward any development permit application to Council where:

- there may be political sensitivity,
- the neighbourhood has raised an issue, or
- Council has requested that the application come forward to them for consideration.

Process for reporting development permits

⇒ As part of the annual year-end report on applications, a table will be included listing all development permit applications approved by staff.

- **File closure**

Resolution: clearly identify when files will be considered for closure and/or extension and what can be delegated to staff; when it must come to Council; and how Council will be informed about the details of the closure/extension.

The following process is proposed:

- ⇒ following receipt of a letter from the applicant to close a file or there is no response to the notification letter,
 - if the application has not gone to Council for consideration of any readings, staff will make a note to file regarding the reasons and close the file;
 - if the application has received 1st, 2nd or 3rd readings, staff will forward a report to Council recommending that the readings be rescinded and the file be closed.
- ⇒ As part of the annual year-end report on applications, a table will be included listings all applications closed by staff and Council during that year.

The Development File Closure and Extension policy (LAN.13) has been amended to clarify the process so that requirements and process is clear (Appendix 1).

Remaining Topics

Resolution: to discuss infill development permits, Official Community Plan designations and secondary suites.

- **Infill Development Permit expectation and direction**

Infill development applications for form and character in existing neighbourhoods is often an emotional issue to adjacent property owners who are unsure of the impact

to the properties. In addition, in neighbourhoods south of 7th there are often infill opportunities on existing vacant lots that are very small and that the neighbours assumed were part of the adjacent lot where the dwelling is situated. In the past, this type of infill did not require a Development Permit, only a Building Permit, resulting in surprise and often concerns about the approval process. By defining infill as intensive residential, the Local Government Act allows municipalities to require a Development Permit.

Given the frequent response from the neighbours, it is recommended that:

- ⇒ Development Permits for form and character of Infill developments be removed from the Delegation of Authority Bylaw and Development Permits be forwarded to Council for consideration. This would include both a dwelling being constructed on an existing vacant lot, and coach houses and garden cottages.
- ⇒ All development permit applications for form and character for infill lots will be forwarded to Council with the notification to the neighbourhood being the same as it is for all development permits which includes a public input meeting.

Infill lots are those located in the Urban Infill Area identified on the OCP Map 1a as Urban Compact/Multiple Family

This amendment to the existing Delegation of Authority Bylaw could be revisited in a year. New clearer guidelines for coach houses and garden cottages are currently being drafted and will be forwarded to Council for consideration of adoption into the Development Permit section of the Official Community Plan. Once the new Development Permit Area guidelines for form and character of coach houses and garden cottages, and infill guidelines has been tested further as they relate to infill situations, the Delegation of Authority Bylaw could be revisited.

- **Official Community Plan (OCP) Designation**

The following is one definition of an Official Community Plan:

"An OCP sets out the vision, goals and overarching policies to guide the municipality. Council, staff and citizens use the OCP to help make decisions on things like where we locate housing, what our transportation priorities are, and how we provide recreational and municipal services. An OCP applies to the whole District, and maps out how we want to progress as a community."

The District's OCP was adopted in 2008, which included significant public input. Given that the document is relatively new, staff rely on the OCP as the principle document providing direction for discussions and evaluations for determining future land uses, programs and facilities in Mission. The OCP is a document that has captured the community's interests and goals.

Developers rely on the OCP to give them assurances about what they can do on their land and what is likely to happen next door. The OCP is generally considered to be fairly stable, and therefore reduces their risk for investing in the community. Developers like stability. They want to know Mission's vision for the future.

Does Council wish to revisit specific policies related to land designations, facilities, service levels and programs outlined in the OCP to ensure that they are in line with community's interests and goals? For example:

- ⇒ Have community interests and goals changed since the OCP was adopted?
- ⇒ Do designated land uses in the OCP reflect Council's vision for development in Mission?
- ⇒ Does Council believe that targeted densities (i.e. small lot, secondary dwellings, and urban infill designated area on Map 1a of the OCP) meet recent sustainability initiatives?
- ⇒ Is the balance between streamlining development applications and the requirements under Development Permit Area guidelines appropriate?

- **Neighbourhood Character related to Secondary Dwellings**

Notwithstanding the item on secondary suites (listed below for discussion at a separate workshop, Council asked staff to add the following issue to this upcoming workshop for discussion. Staff provided options to Council as part of a 3rd reading report as a follow-up to the zoning bylaw text amendments for considering secondary dwelling units in the rural areas. Staff proposed three options for Council to consider:

Item #2 in the 3rd reading report — Type of secondary dwelling unit

Council has asked staff to report back on whether there would be an advantage to specifying the type of secondary dwelling unit (garden cottage, coach home, or secondary suite) in rural, rural residential and suburban applications.

The indication from Council is that the form of secondary dwelling proposed on a property has an effect on neighbourhood character in all areas of the community, not just in the urban areas. Indeed, where a coach house or garden cottage is built, another building is present on a property; however this may be no different than placing an additional accessory building such as a shop, or other outbuilding on the property.

Where a secondary dwelling unit is proposed on a property, there is a potential increase in density over what might be considered normal for a single family dwelling. The question for Council consideration rests on the premise of allowing these alternative housing forms within the rural areas.

In this regard staff offer the following options for Council consideration.

Option#1 — Outright allow a secondary suite in all Rural, Rural Residential and Suburban zoned properties.

The premise behind this concept is that where a suite is located within the principal dwelling on the property, there is no change in neighbourhood character that is visible on the property. This gives home owners flexibility when building a new home or renovating an existing home. All BC Building codes must be adhered to, and where available, Council policies would take effect in regards to billing, however, the use itself would be made legal outright in all zones. For example where properties have existing RU80, RU36, RU16, RR7, S36 zoning, a secondary suite would be an option for the homeowner without going through a rezoning application to add an "s" to their zone.

In this concept, only those properties seeking a secondary dwelling unit in the form of a garden cottage or a coach house would need to seek rezoning approval from Council. This would give Council, and the public, the opportunity to scrutinize the proposal in relation to the effects it would have on the neighbourhood — neighbourhood character.

Option #2 — Create a new zone to separate suites from garden cottages and coach houses.

If it was Council's prerogative, they may wish to separate all secondary dwelling type uses into their own zones. For example, for the Rural Residential zoned properties, there would be a zone for a single family dwelling only (RR7), a zone for single family dwelling and a secondary dwelling unit in the form of a secondary suite (RR7ss), a zone for single family dwelling and a secondary dwelling unit in the form of a coach house (RR7sc), and a zone - for single family dwelling and a secondary dwelling unit in the form of a garden cottage (RR7sg). This would be repeated for all RU and S zoned properties.

This concept allows ultimate control over the type of use on a property but takes the flexibility away from the home owner. The challenge is to find a balance so that property owners and applicants don't feel threatened by the process and don't make application at all, thus challenging the enforcement end of the equation.

Option#3 — Status Quo

The third option is to remain with the status quo. As the bylaw sits, all proposed secondary dwelling units must come to Council for approval. For the most part, staff try to discern what type of secondary dwelling unit will be proposed, however, this is not always possible at the subdivision stage where the ultimate end user is not the applicant.

*As an option, **Option #3a**, Council could state, by policy, that no secondary suite applications will be entertained as part of an application where rezoning is to facilitate a subdivision. Any future landowner could make the application on a lot by lot basis. This could become a standard policy for not only rural applications but urban applications as well.*

In summation, there are many possible variables to the above options. For example, is there a threshold for the amount of lots sought within a rezoning application to facilitate a subdivision where Council might consider "s" zoning as part of the application? If Council feels that adding a coach house or garden cottage significantly changes the character of a neighbourhood by adding a slight increase in density to large acreage type properties, staff would recommend moving forward with Option 1 and Option 3.

- **Secondary Suite expectation and direction – THIS ITEM WILL BE ON A FUTURE WORKSHOP AGENDA**

A report is nearly ready to come to Council for a discussion about this very complex topic. A separate meeting with Council is required for this discussion given the number of issues associated with secondary suites. The report will deal with the following topics:

- ⇒ General information about unauthorized secondary suites,
- ⇒ Recommend a secondary suite policy
- ⇒ Identify options that decrease the prevalence of future unauthorized secondary

- suites,
- ⇒ Provided a draft of a new secondary suite policy that combines all existing policies into one document, and
- ⇒ Discussion the rationale for not charging community amenity contributions for secondary dwellings, which includes secondary suites, coach houses and garden cottages.

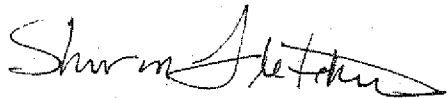
New Issues arising from the discussion and recent Council meetings

- Process for whether and when an application can proceed to Council was discussed but not resolved
 - The current process was initiated in 2009 and is working well.
 - ⇒ Applicant submits an inquiry application and meets with staff to discuss any issues, costs and concerns that may arise during the application process. The applicant can then decide whether to proceed with the application.
 - ⇒ Once all information required for a complete application has been packaged, the applicant submits the application. The package is reviewed by staff and a 1st reading report is prepared for Council.
 - ⇒ Following the consideration at 3rd reading, if there is a subdivision application as part of the development proposal, the Preliminary Letter of Approval (PLA) is given to the application.
 - ⇒ The rezoning application is held at 3rd reading along with any Development Permit and Development Variance Permit applications until the requirements listed in the PLA are near completion. When the subdivision application is near completion, and all outstanding rezoning items have been satisfied, the rezoning and permits are forwarded to Council for final approval and the subdivision is signed.
 - ⇒ Applications that cannot meet the requirements of the zoning or subdivision:
 - such as providing a geotechnical report that states that the property is safe for the use intended, or
 - other requirements listed in the Guide for Land Development LAN 41;
 would be closed at the request of the applicant or forwarded to Council with a recommendation not to proceed or not supported if the applicant asks for the application to go to Council.

- Is there any time when staff would not charge an application for a Development Variance application?
 - ⇒ If a variance is created when staff have requested an amendment to a plan late in the subdivision process that enables a better site design but creates a variance, the Development Variance Permit could proceed to Council at no cost to the applicant. The rationale is that the original plan could be approved but the change which creates the variance would significantly improve the character and function of the neighbourhood. An amendment to the Fees and Charges bylaw would be necessary.

- New process for dealing with Development Permits for form and character
 - ⇒ At time of rezoning and subdivision of an Intensive Residential development proposal, a Development Permit is required. Under a proposed new process, the permit at this stage would be general and deal with streetscape elements and housing design characteristics that make a neighbourhood distinctive such as requiring front porches or designing the dwelling to reduce the prominence of the garage door to the street. The Development Permit would be considered as part of the rezoning process and registered as a s.219 Building Scheme covenant at subdivision stage.
 - ⇒ At the time when a building permit is submitted, a lot specific Development Permit would be required. The benefit of this approach is that the builder is able to apply the elements identified as part of the Development Permit registered as part of the subdivision process to the house they want or that their client wants to build. This would remove the many requests to amend the Development Permit after it has been approved since the original Development Permit refers for elements that they need to apply to their house design. A revised fee structure would need to be considered for this scenario.

A sample subdivision will be presented at the meeting to help demonstrate why staff believe this is a much more efficient approach and why we believe that developers who subdivide and sell lots, and builders who buy lots and build houses will like this approach. Even those developers who subdivide and build the dwellings will benefit since as they build, they often get buyers who want to adjust the design slightly. This will enable staff to make changes to the design or even substitute a new design for a lot, as long as the design meets the elements required under the initial Development Permit for the subdivision.



Sharon Fletcher

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APPENDIX I

LAND USE

DEVELOPMENT FILE CLOSURE AND EXTENSION

LAN.13

POLICY

The following policies affect Rezoning, Subdivision, Development Variance Permit (DVP), Development Permit, Temporary Use Permit and ALC applications.

13.1 General File Closure and File Extension Policies:

- All outstanding or required development application materials must be submitted by the applicant within 3 months from the date of application or within 6 months after initial consideration by Council. The file will be closed if the applicant fails to provide all outstanding or required development application materials within those timeframes.
- Written notification of an impending file closure will be mailed to the applicant thirty (30) days prior to the scheduled file closure date. After thirty (30) day has passed with no response from the applicant, the applicant shall be notified, by mail, that the file may be closed.
- Once a development application file has been closed, a new application and full application fees will be required prior to any further consideration of the development proposal.

13.2 Rezoning Files:

- Rezoning files will be closed 1 year following the date of 3rd reading of the zone amending bylaw. Accordingly, if the applicant fails to satisfy rezoning requirements and obtain 4th and final reading of the zone amending bylaw, the Director of Planning (or designate) may grant a one time only extension for 1 year. The request for extension must be made in writing by the applicant in association with payment of the applicable extension fee. All file extensions granted are subject to bylaw and policy amendments that may affect development application requirements and fees.

13.3 Subdivision Files:

- Subdivision files will be closed 1 year from the issue date of a "Preliminary Layout Approval" (PLA) letter. Accordingly, if the applicant fails to satisfy PLA requirements within that 1 year period, the Director of Planning (or designate) may grant a one time extension for a period no longer than 1 year. The request for extension must be made in writing by the applicant in association with payment of the applicable extension fee. In accordance with the *Local Government Act*, Section 943 (as amended from time to time), all subdivision applications are subject to bylaw and policy amendments that may affect development application requirements and fees. (i.e. development cost charges)

13.4 File Closure Process

- Following receipt of a letter to close a development file by the applicant or delivery of a file closure letter drafted by staff, refunds will be in accordance with the Land Use Application Procedures and Fees Bylaw, as amended from time to time.
- If the application has not been considered by Council for any readings, staff will make a note to file regarding the reasons and close the file; or
- If the application has received 1st, 2nd or 3rd readings, staff will forward a report to Council recommending that the readings be rescinded and the file be closed.
- As part of the annual report on development applications, a table will be included listing all applications closed by staff and Council during that year.