

# Staff Report to Council

Planning and Development

FILE: 09-3900-20/23

**REPORT DATE:** November 17, 2023

**MEETING DATE:**

December 05, 2023

**TO:** Mayor and Council

**FROM:** Patrick Ward, Director of Planning and Development

**SUBJECT:** Development Permit Delegation Bylaw

**CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:**



*On behalf of CAO, Mark Roberts*

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## **RECOMMENDATION(S):**

THAT Council:

- A. Grant first, second and third readings to Development Permit Delegation Bylaw No. 2962, 2023 as presented at the December 5, 2023 Council Meeting; OR
- B. Other.

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## **PURPOSE**

For Council to consider a proposed replacement of the Development Permit Delegation Bylaw that delegates to staff the authority to issue and amend additional types of development permits. The new bylaw comes as a result of an overall review of Planning and Development bylaws and policies in order to ensure consistency with the City's new Official Community Plan, adopted in 2022.

☐ Information Report

☒ Decision Report

☐ Direction Report

## **DISCUSSION**

### **Background:**

Currently, the Development Permit Delegation Bylaw delegates to staff the issuance, but not amendment, of development permits for specific forms of infill housing, including duplexes,

garden suites, and up to four single-family houses on small infill lots. Such applications must comply with the criteria outlined in the relevant development permit area guidelines in the Official Community Plan (OCP) before staff can issue the development permit.

The current bylaw also permits staff to consider applications for minor amendments to Council-issued development permits, provided they meet the criteria set out in Schedule “A” of the bylaw. These criteria include ensuring that the amendments comply with all zoning requirements, that the design modifications maintain or enhance the quality of development, and that open space and parking areas are maintained.

The proposed new Development Permit Delegation Bylaw allows the Director of Planning and Development to issue development permits for recently introduced environmental, natural hazard, and farmland protection development permit areas in the OCP, and allows amendments to development permits that were originally issued by the Director, responsibilities that would otherwise fall to Council. Development permit applications that can be issued and amended by the Director must conform to the relevant development permit area guidelines within the Official Community Plan.

#### **Relevant Policy, Bylaw or Legislation:**

The *Community Charter* allows municipal councils to delegate certain powers, duties and functions to officers and employees of the municipality.

The *Local Government Act* provides the authority to designate development permit areas and issue development permits, and includes provisions related to Council reconsideration of the decision of the delegate.

#### **Analysis:**

The new OCP includes four new development permit areas and their associated guidelines (Attachment B). These new development permit areas are:

##### **Development Permit No. 2: Riparian Areas**

The *Riparian Areas Protection Regulation* requires that the City of Pitt Meadows protect riparian areas from adverse effects of residential, commercial and industrial development. The Riparian Areas Development Permit Area is designated to protect riparian areas from development where the areas provide natural features, functions and conditions that support fish life processes. This development area applies to all properties that contain or border watercourses. A commercial, industrial or residential development within a riparian area will first require a development permit before development activities can occur (e.g., land clearing and building construction). This development permit area does not apply to agricultural buildings, activities or uses, but does apply to residential (and other non-agricultural) buildings and uses, including those on agricultural properties.

### Development Permit Area No. 3: Wildfire Hazard

The new OCP expanded the area of the Wildfire Hazard Development Permit Area to include all areas of the City outside of a 10-minute emergency response range. While this includes agricultural areas, agricultural buildings and activities are exempt from the requirements of this development permit area so as not to impede agricultural activities or present undue financial burden to the farming community.

### Development Permit Area No. 4: Slope Hazard

Steep slopes are susceptible to erosion, landslide, water run-off and unstable soils. These areas require more consideration and care when changes are made to the land, to ensure that development does not create hazardous conditions. The Slope Hazard Development Permit Area is designated to minimize risk to people and property from slope hazards.

### Development Permit Area No. 5: Farmland Protection

Agricultural land is, by area, the most prominent land use within Pitt Meadows. Farming is an integral and highly valued component of the City's economy, heritage, and cultural well-being. Non-agricultural development next to properties within the Agricultural Land Reserve can increase the likelihood of land-use conflicts and nuisance complaints towards farm operations. The Farmland Protection Development Permit Area is designated to minimize these conflicts and support the vitality of local agriculture. This DPA applies to non-agricultural land, shown on the Development Permit Area Map Schedule in the OCP, that is adjacent to or within 30 m of land within the Agricultural Land Reserve (ALR).

Staff are proposing that issuance of development permits in these areas, as well as within Development Permit Area 1: Natural Environment, may be considered by the Director of Planning and Development or their delegate. Development Permit Area 1 seeks to broadly protect the natural environment, including sensitive ecosystems, trees and vegetation, animals and birds, soils and other natural features. In these five development permit areas, the application requirements and guidelines are largely technical in nature and focus on:

- submission and compliance with qualified professional assessments;
- site layout to preserve relevant features or buffer uses;
- material selection for environmental or safety considerations; and/or
- other technical requirements.

These requirements and guidelines will be used by staff to assess relevant applications and decide on whether to issue the development permit. If an applicant is dissatisfied by the outcome of their application, they do have the option of applying to Council for reconsideration at no additional cost.

Municipalities that have also delegated environmental and hazard development permits to staff include:

- West Vancouver
- District of North Vancouver
- Surrey
- Port Coquitlam
- Chilliwack
- Port Moody

Given the areas that these development permit areas cover, the guidelines will mostly apply to new single-family home construction. Other types of development will generally require rezoning applications and will, therefore, be considered by Council in advance of DP review and issuance.

The proposed new Development Permit Delegation Bylaw will also permit the Director to amend delegate-issued Development Permits. Finally, the language of the proposed bylaw has been generally updated to more accurately reflect staff roles and responsibilities regarding the processing of applications.

The proposed new bylaw will continue to allow the Director to issue development permits for the issuance of development permits for specific forms of infill housing, including duplexes, garden suites, and up to four single-family houses on small infill lots and consideration of applications for minor amendments to Council-issued development permits, provided they meet the criteria set out in Schedule “A” of the bylaw. No changes are proposed for Schedule “A”.

#### **COUNCIL STRATEGIC PLAN ALIGNMENT**

- ☐ Principled Governance    ☐ Balanced Economic Prosperity    ☐ Infrastructure  
☐ Community Spirit & Wellbeing    ☒ Corporate Pride    ☐ Public Safety  
☐ Not Applicable

**Service Excellence:** Foster a culture that is focused on customer service excellence and accountability.

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#### **WORKPLAN IMPLICATIONS**

- ☒ Already accounted for in department workplan / no adjustments required  
☐ Emergent issue / will require deferral of other priority(ies)  
☐ Other

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#### **FINANCIAL IMPLICATIONS**

- ☒ None    ☐ Budget Previously Approved    ☐ Referral to Business Planning
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☐ Other

There are no financial implications associated with this report.

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**PUBLIC PARTICIPATION**

☒ Inform    ☐ Consult    ☐ Involve    ☐ Collaborate    ☐ Empower

Comment(s): The public will be informed of the minor changes to the City's Development Permit Delegation Bylaw through this report and Council presentation.

**KATZIE FIRST NATION CONSIDERATIONS**

Referral    ☐ Yes    ☒ No    ☐ Other

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**SIGN-OFFS**

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**Reviewed by:**

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Manager of Planning

Patrick Ward,  
Director of Planning and Development

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**ATTACHMENT(S):**

- A. Development Permit Delegation Bylaw No. 2962, 2023
- B. City of Pitt Meadows OCP Development Permit Area Guidelines