



The Corporation of the City of Courtenay

Staff Report

To: Council

File No.: 6410-00

From: Acting Director of Development Services

Date: December 10, 2025

Subject: Request for Approval of Development Procedures Bylaw No. 3202

PURPOSE:

To request Council consider first, second, and third readings of “Development Procedures Bylaw No. 3202” (Bylaw No. 3202). This bylaw provides updated information for clarity and to streamline processes. If approved, Bylaw No. 3202 will repeal and replace “Development Procedures Bylaw No. 3106, 2023”.

BACKGROUND:

Section 460 of the *Local Government Act* requires municipalities to adopt, by a bylaw, procedures for receiving and reviewing development applications. In 2021, this legislation was updated to enable elected officials to delegate approval of minor development variances to senior staff and no longer require a public hearing for zoning amendments that were consistent with the Official Community Plan (OCP). These provisions, along with adjustments to engagement, cost recovery, reconsideration and clarification of development application processes, were incorporated into the “Development Procedures Bylaw No. 3106, 2023”, adopted by Council on December 6, 2023. As adopted, the definition of minor development variance means a development variance permit for a variance to the Zoning Bylaw that meets one or more criteria; not exceeding a variance of 25%.

Through the implementation of Bylaw No. 3106, staff have identified text and sections of the bylaw that would benefit from an administrative or ‘housekeeping’ update to optimize efficiencies for planning processes and permitting. As proposed this update is consistent with the applicable legislation and aligns with Council’s strategic priorities to streamline procedures for both the public and development community, ensuring consistency, transparency, and improved customer service.

DISCUSSION:

The proposed “Development Procedures Bylaw No. 3202” clarifies language, addresses inconsistencies and information gaps, and is intended to streamline processes, particularly for minor development variance permits. Additionally, it has been re-formatted to meet current communication and accessibility standards. Adoption of this bylaw will repeal and replace “Development Procedures Bylaw No. 3106, 2023”. Key changes are summarized below.

1. Definitions (Part 1, Section 1.2)

Definitions are one of the most important parts of any bylaw because they create a foundation for clear, consistent interpretation and implementation. To achieve this, many existing definitions have been refined and strengthened, and the following new definitions have been added:

- Complete Application
- Development Permit
- Development Variance Permit
- Encroachment Agreement
- Latecomer Agreement

- Phased Development Agreement
- Sign Bylaw

2. Delegated Minor Development Variance Permit (Section 2.3)

Benefits of delegated minor development permits include reduced approval timelines because staff report to Council is no longer needed, more transparent criteria for applicants due to the criteria for approval set out in the Development Procedure Bylaw and continued professional oversight.

A review of the minor variance criteria used by other municipalities revealed a level of diversity in terms of what's included and variance range from 10% to 50%. To reduce permitting timelines, and in alignment with Development Services' efforts to improve application and procedural efficiencies, staff propose the criteria be further refined for delegated minor variance by increasing from 25% to 40% for certain zoning requirements and including lot depth, signs and fences. This would continue to reflect variance considered minor in nature, due to hardship.

Revised 40% threshold applies to:

- Minimum parking and loading space requirements for vehicles and bicycles;
- Off street parking and loading design standards, including dimensions, siting and access;
- Dimension and siting of garbage and recycling storage facilities;
- Building setbacks, lot frontage, lot depth and useable open space;
- Dimension of patios and decks;
- Landscaping and screening (excluding fence height); and
- In relation to the *Sign Bylaw*, size, number and/or placement of signs.

Retain 25% threshold applies to:

- Lot coverage, permeable surface and building height, provided there is no increase in density;
- Projections into a required setback; and
- Fence height.

In addition to the above criteria, the existing bylaw requires the Delegate to consider three factors in deciding whether to issue a minor development variance permit (Schedule E, 1.9). In situations where multiple minor variances are requested simultaneously, the Delegate will evaluate whether their aggregate impact surpasses the threshold of minor. If it does, staff recommend that the application be forwarded to Council for a decision, as follows:

“In the case of multiple minor development variances, the Delegate will consider the cumulative impact and may determine the application is a not a minor development permit variance application and may refer the application to the Council approval process”.

3. Encroachment Agreement (Section 2.4)

This new section addresses an information gap by adding a process and guidelines for Encroachment Agreements.

4. Application Requirements (Part 3 and Part 6)

The revised Incomplete Application section further clarifies the procedures for incomplete and inactive applications and how these are to be managed prior to any action taken, including but not limited to closing the application.

5. Security Deposits (Part 5)

The Security Deposits section outlines how and when the City may collect, adjust, and release securities to ensure applicants meet their permit obligations. This ensures that all approved works are completed as intended, that the City is protected from risk, and that applicants understand how security funds are managed throughout the process.

This section is generally unchanged except for language to promote clarify and reflect current practices.

This process update is further supported by new public facing webpage and printable guide to better facilitate the security process (deposits and returns), located at: www.courtenay.ca/landscaping

6. Public Notice Requirements (Part 8)

Clarified methods of notification and a provision to forego notice by mail in the event of a Canada Post service disruption. Should this occur, comments will be taken online (through city website) or in-person at City offices.

7. Schedule B: Preparation of Housing Agreements

For completeness, added the following to the list of minimum information included in a Housing Agreement:

- Site Specific Information – Information specific to the owner or management information, as well as project details such as number and type of units etc.
- Monitoring and Management – Clearly outline how the housing will be managed and maintained and how the management and maintenance will be monitored.

OTHER CONSIDERATIONS:

At the Council meeting held on May 7, 2025, after examining the report titled “Liquor Licence Application and Process Policy – DS -03,” Council directed staff to investigate potential delegated authorities for different categories of liquor licence application, by passing the following resolution:

THAT Council direct staff to prepare a report on proposed delegation for Council’s consideration in 2026.

This item has been incorporated into Current Planning’s 2026 Work Plan and is anticipated to be presented to Council in Q1 2026.

POLICY ANALYSIS:

The following policies in the City’s Official Community Plan support the proposed bylaw:

- Affordable Housing Objective 6: Development application approval processes are streamlined, transparent, and easy to understand.
- Local Economy Policy 14: Liaise with senior governments, neighbouring jurisdictions, and the business community to identify barriers, improve business infrastructure, and streamline application processes.
- The Official Community Plan identifies streamlining as an implementation priority.

FINANCIAL IMPLICATIONS:

There is no direct financial impacts related to adopting “Development Procedures Bylaw No. 3202”.

ADMINISTRATIVE IMPLICATIONS:

Processing development applications and periodically updating related bylaws is a statutory duty of the Development Services Department. Work to date has been completed by staff with initial support from a planning consultant.

STRATEGIC PRIORITIES REFERENCE:

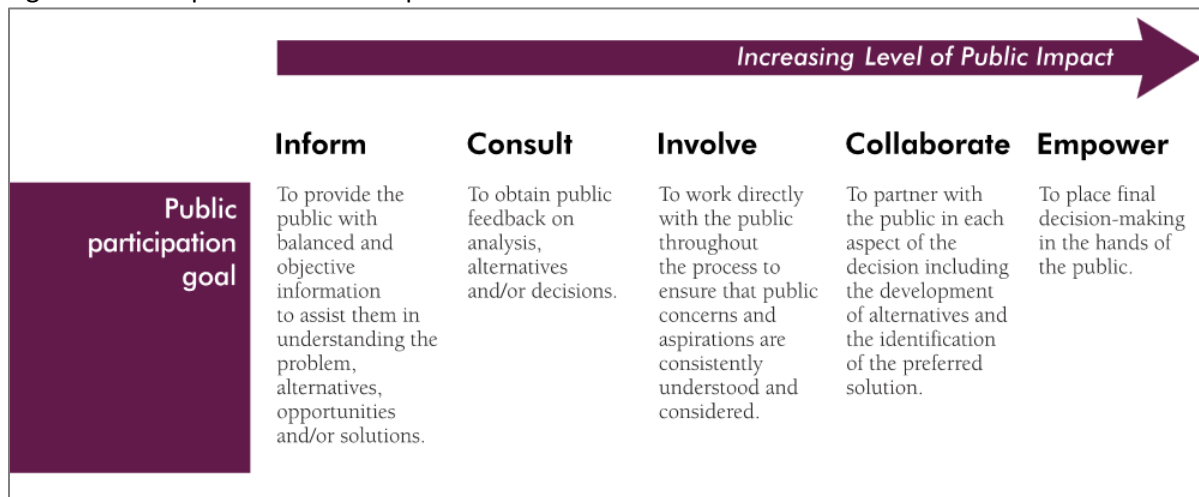
This initiative addresses the following strategic priorities:

- Buildings and Landscape - Review and update land use regulations and bylaws for consistency with OCP
- Good Governance - Review and streamline development process and set targets for application processing times
- Buildings and Landscape - Review and update land use regulations and bylaws for consistency with OCP

PUBLIC ENGAGEMENT:

There is no legislative requirement for public engagement for amending or adopting a development procedures bylaw. In accordance with the IAP2 spectrum of participation, the City will inform the public via this report, the project webpage, and the bylaw approvals process.

Figure 1: IAP2 Spectrum of Participation



OPTIONS:

1. THAT Council give first, second, and third reading to “Development Procedures Bylaw No. 3202”.
2. THAT Council provide alternative direction to staff.

ATTACHMENT:

1. City of Courtenay Development Procedures Bylaw No. 3202

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