

AGENDA ITEM NO: 7.13.

MEETING DATE: September 6, 2022

STAFF REPORT – COVER SHEET

SUBJECT:	<u>Delegation Authority Bylaw & Development Application Fee Bylaw Amendments</u>	DATE:	<u>August 18, 2022</u>
DEPARTMENT:	<u>Planning Department</u>	PREPARED BY:	<u>Madelaine Peters / Adam Roberts / tr</u>

1. SUMMARY OF ISSUE:

Amendments are proposed to the Delegation Authority Bylaw to delegate minor Development Variance Permit (DVP) applications to Staff for approval, instead of Council. For background, the *Local Government Act* (LGA) was recently amended, enabling local governments to delegate DVP decisions to Staff if the proposed variance is considered minor and pertains to criteria outlined in the LGA. The proposed amendments to the Delegation Authority Bylaw will establish a streamlined variance application process that will consider minor DVP applications on a case-by-case basis. When a DVP application is considered through the streamlined process, it will benefit from a reduced application fee and timeline. In conjunction with the proposed amendments to the Delegation Authority Bylaw, amendments are also proposed to the Development Application Fee Bylaw to establish a reduced application fee rate for minor variance applications.

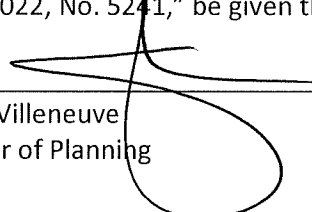
2. RECOMMENDATION:

That "Delegation Authority Bylaw Amendment Bylaw 2022, No. 5240," be given first and second reading;

That "Delegation Authority Bylaw Amendment Bylaw 2022, No. 5240," be given third reading;


That "Development Application Fee Bylaw Amendment Bylaw 2022, No. 5241," be given first and second reading; and

That "Development Application Fee Bylaw Amendment Bylaw 2022, No. 5241," be given third reading.



Gillian Villeneuve
Director of Planning

**3. CHIEF ADMINISTRATIVE OFFICER'S
RECOMMENDATION/COMMENTS:**
Supports recommendation.



Chris Crosman
Chief Administrative Officer

STAFF REPORT ON
Amendments to Delegation Authority Bylaw and Development Application Fee Bylaw

PREPARED BY:	Madelaine Peters / Adam Roberts	DATE:	August 18, 2022
POSITION:	Senior Planner – Long Range / Planner II	DEPARTMENT:	Planning Department

1. DEFINITION OF ISSUE:

Amendments are proposed to the Delegation Authority Bylaw to delegate minor Development Variance Permit (DVP) applications to Staff for approval, instead of Council. For background, the *Local Government Act* (LGA) was recently amended, enabling local governments to delegate DVP decisions to Staff if the proposed variance is considered minor and pertains to criteria outlined in the LGA. The proposed amendments to the Delegation Authority Bylaw will establish a streamlined variance application process that will consider minor DVP applications on a case-by-case basis. When a DVP application is considered through the streamlined process, it will benefit from a reduced application fee and timeline. In conjunction with the proposed amendments to the Delegation Authority Bylaw, amendments are also proposed to the Development Application Fee Bylaw to establish a reduced application fee rate for minor variance applications.

2. BACKGROUND:

2.1 Bill 26 – 2021: Municipal Affairs Statutes Amendment Act (No. 2), 2021 recently amended the *Local Government Act* (LGA), enabling local governments to delegate development variance permit (DVP) decisions to Staff if the proposed variance is considered minor and pertains to the following:

- zoning bylaws respecting siting, size and dimensions of buildings, structures and permitted uses;
- off-street parking and loading space requirements;
- regulation of signs;
- screening and landscaping to mask or separate uses or to preserve, protect, restore and enhance natural environment; and,
- other provisions prescribed by regulation by the Province.

2.2 A local government wishing to delegate this power must do this by way of bylaw and include the following:

- Criteria for determining whether a proposed variance is minor; and,
- Guidelines that the delegate must consider in deciding whether to issue a DVP.
- The bylaw may also include any terms and conditions the local government considers appropriate.

- 2.3 The proposed amendments to the Delegation Authority Bylaw establish a streamlined variance application process that considers minor DVP application requests. For more detail, the proposed regulation changes within each Bylaw are detailed in the respective sections below.

3. PROPOSED AMENDMENTS TO THE DELEGATION AUTHORITY BYLAW:

- 3.1 The Planning Department conducted a review of routine variance requests that aligned with the LGA criteria stated above. As a result of this review, ten minor variances were included within the proposed Schedule “B” with specific criteria for the delegate to consider when deciding to issue each of the variances. These variances were chosen based on their frequency and were determined to have a low likelihood of negatively impacting adjacent/nearby properties.
- 3.2 In addition, the proposed amendments include establishing minor DVP application requests for residential development in the “Yarrow Neighbourhood”. This application process has been prepared to ensure future growth occurs within existing service capacity limits of Yarrow, allowing Staff a clear understanding of servicing capacity prior to approval of residential development in the neighbourhood.
- 3.3 Minor housekeeping changes to the Delegation Authority Bylaw are also proposed, reflecting fee changes and recent changes to officer positions.
- 3.4 Figure 1, below, details the typical minor DVP review process under delegated approval:

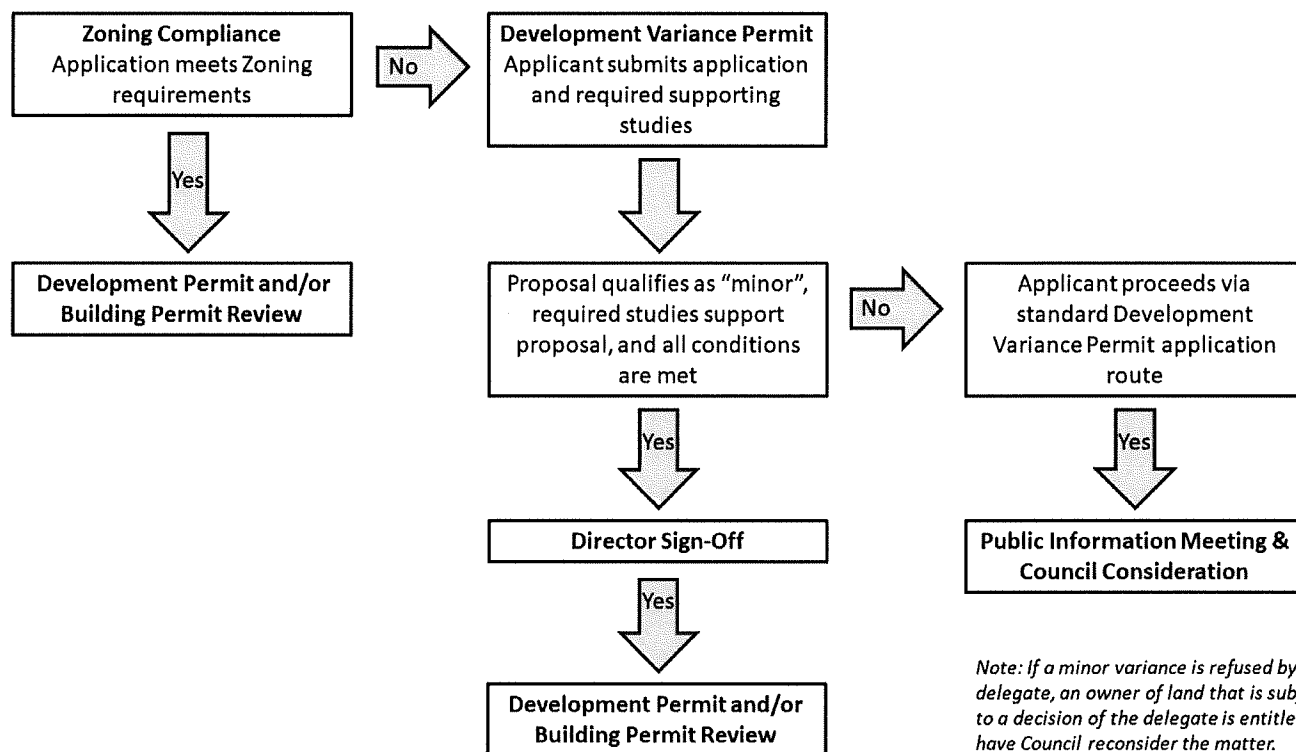


Figure 1: Typical Review Process for “Minor Variance”

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- 3.5 When considering whether to issue a minor variance, the proposed text amendments also include guidelines that the delegate must consider, and any terms and conditions the delegate may consider appropriate, as required by the LGA. This decision-making criteria allows for an appropriate level of professional judgement based on a range of engineering and land use planning considerations and site characteristics. A copy of the proposed Amendment Bylaw further detailing these criteria is attached.
- 3.6 The LGA does not require a DVP delegated to staff to be advertised to surrounding residents and property owners. As such, to ensure streamlined process and reduce potential delays associated with Public Information Meeting procedures, such minor variances will not involve a Public Information Meeting or Council consideration. Despite this streamlined process, the delegate will not be obligated to approve a qualified minor variance and will retain the discretion to hold a Public Information Meeting and forward to Council for consideration (i.e., any minor variance application that seems potentially controversial and/or may have a significant negative impact on the use of the immediately adjacent/nearby properties).
- 3.7 If a minor variance permit is refused by the delegate, the property owner impacted by that decision is entitled to have Council reconsider the matter, as required by the LGA.
- 4. PROPOSED AMENDMENTS TO THE DEVELOPMENT APPLICATION FEE BYLAW:**
- 4.1 In conjunction with the proposed amendments to the Delegation Authority Bylaw, amendments are also proposed to the Development Application Fee Bylaw to establish a reduced application fee rate for minor variances.
- 4.2 A \$250 fee is proposed for all DVP applications that qualify as minor variances as outlined in above proposed Delegation Authority Bylaw amendments. These fees align with similar streamlined Director Sign Off Development Permit (DP) application fee/route.
- 4.3 In addition, amendments are proposed to increase the maximum construction value for a Director Sign Off DP application from \$100,000 to \$150,000. If approved, DPs with a construction value of \$150,000 or less will benefit from a reduced application fee, timeline and will be considered by Staff instead of Council. Text changes to the Delegation Authority Bylaw have been updated to align with this fee change.
- 4.4 A copy of the proposed Amendment Bylaw further detailing the above changes is attached.

5. RECOMMENDATION & SUBSTANTIATION:

Recommendation:

That “Delegation Authority Bylaw Amendment Bylaw 2022, No. 5240,” be given first and second reading;

That “Delegation Authority Bylaw Amendment Bylaw 2022, No. 5240,” be given third reading;

That “Development Application Fee Bylaw Amendment Bylaw 2022, No. 5241,” be given first and second reading;

That “Development Application Fee Bylaw Amendment Bylaw 2022, No. 5241,” be given third reading.

Substantiation:

The amendment of the LGA to allow for delegated DVPs is viewed as a positive innovation with the potential to reduce application processing times as well as the volume of development and land use applications that Council must consider. The proposed amendments to the Delegation Authority and Development Application Fee Bylaws, as presented, have been designed to support a streamlined approach for routine applications.

6. SOURCES OF INFORMATION:

- Rezoning Application (RZ001635) – R1-A (Urban Residential) Zone Text Amendments
- Yarrow Neighbourhood Plan (OCP00043) – adopted June 21, 2022
- Development Application Review Team (DART) Minutes – May 19, 2022 & July 28, 2022
- Bill 26 – 2021: Municipal Affairs Statutes Amendment Act (No. 2), 2021

City of Chilliwack

Bylaw No. 2677

A bylaw to authorize the Delegation of Local Government Authorities

WHEREAS Council may, pursuant to Section 229(1) of the Local Government Act, delegate its powers, duties and functions to its officers, employees, committees, members or to other bodies established by the City;

AND WHEREAS Council's authority to delegate its powers, duties and functions is limited as set out in Section 229(2) of the Local Government Act;

AND WHEREAS Council may, pursuant to Section 154 of the *Community Charter*, delegate its powers, duties and functions to its officers, employees, committees, members or to other bodies established by the City;

AND WHEREAS Council's authority to delegate its powers, duties and functions is limited as set out in Section 154(2) of the *Community Charter*;

THEREFORE, Council of the City of Chilliwack in open meeting assembled, enacts as follows:

1. This bylaw may be cited as **"Delegation Authority Bylaw 2000, No. 2677"**.

INTERPRETATION

2. In this bylaw

"City" means the City of Chilliwack;

"Council" means the Council of the City of Chilliwack;

"Mayor" means the Mayor of the City of Chilliwack; and,

"Officer" means a designated Municipal Officer holding a position with the City which has been designated by bylaw as an officer position in accordance with the Community Charter.

DELEGATION OF AUTHORITIES

3. Council hereby delegates to the Mayor and to the Officers set out in ~~Schedule~~ Schedules "A" and "B" to this bylaw, the powers, duties and functions of Council as set out opposite to the Mayor or specified Officer, subject to any limitations on that delegated authority.

DELEGATION TO PERSONS HOLDING POSITION

Corporate Officer and Director of Corporate Services Authority to acknowledge Taxi Cost Index notices regarding tariff increases by posting a notice on the City's website and official Notice Board

Authority to provide comment on:

- Annual temporary changes to liquor licences, up to a maximum of 6 per year;
- Temporary change in hours of sale of alcohol for a limited period;
- Approval of catered community events and for events with extended hours (outdoor events after 10:00 pm or indoor events after 2:00 am on New Years Eve);
- Approval of private events involving alcohol, where necessary.

Chief Administrative Officer and Director of Finance and Risk Manager

Authority to enter into settlement agreements for claims to a limit of the insurance deductible

Director of Finance

Authority to approve Community Development Initiatives funding requests under Community Development Initiatives Funding Policy No. C-13 to organizations hosting special events for related liability insurance and traffic control requirements.

~~**Director of Planning and Engineering**~~

~~Authority to issue Transit Bus Passes at no charge for community purposes or on compassionate grounds.~~

~~Authority to issue Heritage Alteration Permits, having a construction value of \$50,000.00 or less~~

~~Authority to issue development permits, having a construction value of \$100,000.00 or less for~~

- ~~• Development Permit Area No. 4 — Downtown, Form and Character~~
- ~~• Development Permit Area No. 5 — Urban Corridor, Form and Character~~
- ~~• Development Permit Area No. 6 — Infill Development, Form and Character~~
- ~~• Development Permit Area No. 7 — Industrial Area, Form and Character~~
- ~~• Development Permit Area No. 8 — Hillside Development~~

Director of Planning and Engineering (continued) Authority to issue amendments to approved and issued Development Permits for:

- Development Permit Area No. 4 — Downtown, Form and Character
- Development Permit Area No. 5 — Urban Corridor, Form and Character
- Development Permit Area No. 6 — Infill Development, Form and Character
- Development Permit Area No. 7 — Industrial Area, Form and Character
- Development Permit Area No. 8 — Hillside Development
- Development Permit Area No. 9 — Farm Home Plate

Authority to issue Development Permits for:

- Development Permit Area No. 1 — Municipal Watersheds and Aquifers for Drinking Water
- Development Permit Area No. 9 — Farm Home Plate
- Development Permit Area No. 10 — Coach Houses or Garden Suites

Authority to issue a statement of concurrence or non-concurrence for telecommunication antenna structure applications.

Director of Engineering Authority to issue Transit Bus Passes at no charge for community purposes or on compassionate grounds.

Authority to issue Development Permits for:

- Development Permit Area No. 1 — Municipal Watersheds and Aquifers for Drinking Water

Authority to issue a minor Development Variance Permit as set out in Schedule "B".

Director of Planning Authority to issue Heritage Alteration Permits, having a construction value of \$50,000.00 or less

Authority to issue development permits, having a construction value of \$150,000.00 or less for:

- Development Permit Area No. 4 — Downtown, Form and Character
- Development Permit Area No. 5 — Urban Corridor,

Form and Character

- Development Permit Area No. 6 – Infill Development, Form and Character
- Development Permit Area No. 7 – Industrial Area, Form and Character

Authority to issue amendments to approved and issued Development Permits for:

- Development Permit Area No. 4 – Downtown, Form and Character
- Development Permit Area No. 5 – Urban Corridor, Form and Character
- Development Permit Area No. 6 – Infill Development, Form and Character
- Development Permit Area No. 7 – Industrial Area, Form and Character
- Development Permit Area No. 9 – Farm Home Plate
- Development Permit Area No. 10 – Coach Houses or Garden Suites

Authority to issue Development Permits for:

- Development Permit Area No. 9 – Farm Home Plate
- Development Permit Area No. 10 – Coach Houses or Garden Suites

Authority to issue a minor Development Variance Permit as set out in Schedule “B”.

Authority to issue a statement of concurrence or non-concurrence for telecommunication antenna structure applications.

Director of Development and Regulatory Enforcement Services

Authority to issue development permits for Development Permit Area No. 3 – Riparian Areas

Authority to exempt single family dwellings from the “Solar Hot Water Ready” regulation

Authority to revoke a business licence or refuse to issue a business licence for a Gathering for an Event in the Agricultural Land Reserve.

Authority to issue or refuse a Temporary Use Permit application as per “Temporary Permission for Second

Dwelling in the Agricultural Land Reserve Bylaw
2019, No. 4726”, as amended.

Authority to issue development permits for:

Development Area 2 – Hillside and Upland Areas

[Development Permit Area No. 8 – Hillside
Development](#)

Schedule “B”

<u>The following criteria determines whether a proposed variance is minor:</u>	<u>Guidelines the delegate must consider in deciding whether to issue a minor development variance permit:</u>	<u>Terms and conditions, as may be considered appropriate:</u>	<u>Delegate:</u>
(a) <u>An increase to the maximum total gross floor area of all buildings and structures for residential use for a property within the Yarrow Neighbourhood.</u>	(a) <u>The hydrogeological assessment of the land and all neighbouring properties, prepared by a Professional (as submitted by the applicant), demonstrates the proposed septic system:</u> i. <u>complies with all applicable legislation; and,</u> ii. <u>can support the increased loading caused by the proposed development without causing an environmental or public health hazard and without causing positive groundwater mounding at the property line.</u> (b) <u>Notwithstanding the above, if the proposed variance involves a renovation or addition that does not exceed the building size exemptions of the City’s “Floodplain Regulation Bylaw”, as amended, a hydrogeological assessment is not required.</u>	(a) <u>A covenant is placed against the Certificate of Title to the land limiting any further increase in gross floor area of all buildings and structures for residential use.</u>	<u>Director of Engineering</u>
(b) <u>Waive the requirement to provide a hydrogeological assessment to facilitate the construction of an Accessory Dwelling Unit for a property within the Yarrow Neighbourhood.</u>	(a) <u>The subject property is a minimum 0.3 hectares in area, subject to a satisfactory percolation test (submitted by the applicant).</u>	(a) <u>A covenant is placed against the Certificate of Title to the land limiting any further increase in gross floor area of all buildings and structures for residential use.</u>	<u>Director of Engineering</u>
(c) <u>A reduction to the minimum</u>	(a) <u>A minimum of one space must be provided;</u>	(a) <u>That the development be in</u>	<u>Director of</u>

<u>number of off-street loading spaces for a property in a commercial or institutional zone.</u>	<u>and,</u> <u>(b) If off-street loading, maneuvering, access and egress is accommodated entirely within the subject property without encroaching into City right of way.;</u>	<u>accordance with the plans found in Schedule “A” of the Development Variance Permit.</u>	<u>Planning</u>
<u>(d) A reduction to the minimum number of off-street loading spaces for an apartment.</u>	<u>(a) All of the following is met:</u> <u>(1) on-street parking is available for 100m in each direction of the property and on the same side of the street as the subject property; and,</u> <u>(2) road is classified as local.</u>	<u>(a) That the development be in accordance with the plans found in Schedule “A” of the Development Variance Permit.</u>	<u>Director of Planning</u>
<u>(e) A reduction to setbacks to resolve siting errors for an agricultural use, single detached dwelling, accessory dwelling unit, duplex, rural or urban ancillary use.</u>	<u>(a) To a maximum dimension of 0.2m; and,</u> <u>(b) The variance shall not apply to any structures, additions or projections which do not meet the requirements of the BC Building Code.</u>	<u>(a) That the development be in accordance with the plans found in Schedule “A” of the Development Variance Permit.</u>	<u>Director of Planning</u>
<u>(f) An increase to maximum building height for rooftop infrastructure.</u>	<u>(a) To accommodate stairwells and elevator shafts only; and,</u> <u>(b) The placement of the infrastructure is central to the roof of the building.</u>	<u>(a) That the development be in accordance with the plans found in Schedule “A” of the Development Variance Permit.</u>	<u>Director of Planning</u>
<u>(g) A reduction to the front lot line setback for commercial and industrial uses.</u>	<u>(a) A minimum of 3.0m must be provided; and,</u> <u>(b) If supported by the Design Review Advisory Committee (e.g., to enhance street activation).</u>	<u>(a) That the development be in accordance with the plans found in Schedule “A” of the Development Variance Permit.</u>	<u>Director of Planning</u>
<u>(h) A reduction to the minimum off-street parking space length to accommodate a Short-Term Rental or Accessory Dwelling Unit.</u>	<u>(a) When associated with an existing paved area currently used for parking;</u> <u>(b) No further frontage improvements, road dedication or supplementary setbacks are required; and,</u> <u>(c) The additional driveway length, to meet minimum Zoning Bylaw parking space dimensions, is provided within the City Right-of-Way without encroaching into the sidewalk, street or impacting sightlines.</u>	<u>(a) That the development be in accordance with the plans found in Schedule “A” of the Development Variance Permit.</u>	<u>Director of Planning</u>
<u>(i) To waive the requirement</u>	<u>(a) When materials exceed 2.5m in height; and,</u>	<u>(a) That the development be in</u>	<u>Director of</u>

<u>that materials in open storage shall not exceed the height of screening provided.</u>	<u>(b) When located to the rear of the property and screened from the street by a building.</u>	<u>accordance with the plans found in Schedule “A” of the Development Variance Permit.</u>	<u>Planning</u>
<u>(j) To vary the Sign Bylaw to reduce the distance a business premises sign must be sited from a lot line.</u>	<u>(a) To accommodate a supplementary setback;</u> <u>(b) The supplementary setback must not be reduced; and,</u> <u>(c) If sightlines are not obstructed.</u>	<u>(a) That the development be in accordance with the plans found in Schedule “A” of the Development Variance Permit.</u>	<u>Director of Planning</u>

- If a minor development variance permit is refused by the delegate, an owner of land that is subject to a decision of the delegate is entitled to have Council reconsider the matter.
- The obligation to give notice does not apply if a delegate exercises the power to issue a minor development variance permit.
- At the discretion of the delegate, any minor development variance included in Schedule “B” may be forwarded to Council for consideration.

<u>Application Type</u>	<u>Basic Fee</u>	<u>Incremental Fee</u>
3. Development Variance Permit		
(a) Cost per variance, no pre-construction	\$ 1,100.00	More than 2 variances: \$150 per additional variance.
(b) Incremental cost per variance for constructing without building permit	\$ 500.00	Nil
<u>(c) Cost per minor variance</u>	<u>\$ 250.00</u>	<u>Nil</u>
4. Development Permit		
(a) One/two family residential	\$ 500.00	\$100 per ha of site area up to \$800
(b) Multi-family residential	\$ 700.00	\$100 per ha of site area
(c) Commercial, Mixed-use (Commercial & Residential), Industrial and Institutional	\$ 900.00	\$100 per ha of site area
(d) Coach Houses or Garden Suites	\$ 250.00	Nil
(e) Commercial, Industrial and Institutional applications in Development Permit Area 4, 5, 6, <u>and 7, and 8</u> with a construction value <u>less than \$100,000.00 of \$150,000.00 or less</u>	\$	250.00 Nil
(f) Amendment to issued and approved Development Permits for: One/two family residential, Multi-family residential, Commercial, Industrial and Institutional as approved by Director of Planning and Engineering	\$ 250.00	Nil
g) Residential Uses in Development Permit Area No. 9 – Farm Home Plate <u>and Development Permit Area No. 10 – Coach Houses or Garden Suites</u>		
(i) as approved by the Director of Planning and Engineering	\$ 250.00	Nil

<u>Application Type</u>	<u>Basic Fee</u>	<u>Incremental Fee</u>
(h) <i>Telecommunication Antenna Structures Application:</i>		
(i) <i>as approved by the Director of Planning and Engineering</i>	\$ 250.00	Nil
(ii) <i>that require Council approval</i>	\$ 500.00	Nil
(*) <i>A refund of \$325.00 shall be made if application does not proceed to a public hearing.</i>		
(**) <i>A refund may be credited against Servicing Agreement Administrative Fees, subject to the Subdivision and Land Development Bylaw in force from time to time.</i>		
(***) <i>Payable at the time that the application is acknowledged. This fee will be refunded if Council declines comment on the application.</i>		

(AB#5051)

City of Chilliwack

Bylaw No. 5240

A bylaw to amend the “Development Authority Bylaw 2000, No. 2677”

The Council of the City of Chilliwack in open meeting assembled enacts as follows:

1. This bylaw may be cited as **“Delegation Authority Bylaw Amendment Bylaw 2022, No. 5240”**.
2. “Development Authority Bylaw 2000, No. 2677” is hereby further amended in Section 3 DELEGATION OF AUTHORITIES, by deleting the word “Schedule” and substituting with the word “Schedules” after the words “out in” and before the initial “A”; and further, by inserting the words “and ‘B’” after the initial “A” and before the words “to this bylaw”.
3. Said Bylaw is hereby further amended in Schedule “A”, by deleting “Director of Planning and Engineering” in its entirety, and substituting with new Sections, as follows:

“Director of Engineering Authority to issue Transit Bus Passes at no charge for community purposes or on compassionate grounds.

Authority to issue Development Permits for:

- Development Permit Area No. 1 – Municipal Watersheds and Aquifers for Drinking Water

Authority to issue a minor Development Variance Permit as set out in Schedule “B”.

Director of Planning Authority to issue Heritage Alteration Permits, having a construction value of \$50,000.00 or less

Authority to issue development permits, having a construction value of \$150,000.00 or less for:

- Development Permit Area No. 4 – Downtown, Form and Character
- Development Permit Area No. 5 – Urban Corridor, Form and Character
- Development Permit Area No. 6 – Infill Development, Form and Character
- Development Permit Area No. 7 – Industrial Area, Form and Character

Authority to issue amendments to approved and issued Development Permits for:

- Development Permit Area No. 4 – Downtown, Form and Character
- Development Permit Area No. 5 – Urban Corridor, Form and Character
- Development Permit Area No. 6 – Infill Development, Form and Character
- Development Permit Area No. 7 – Industrial Area, Form and Character
- Development Permit Area No. 9 – Farm Home Plate
- Development Permit Area No. 10 – Coach Houses or Garden Suites

Authority to issue Development Permits for:

- Development Permit Area No. 9 – Farm Home Plate
- Development Permit Area No. 10 – Coach Houses or Garden Suites

Authority to issue a minor Development Variance Permit as set out in Schedule “B”.

Authority to issue a statement of concurrence or non-concurrence for telecommunication antenna structure applications.

4. Said Bylaw is hereby further amended in Schedule “A”, Director of Development and Regulatory Enforcement Services, by adding the following authority to issue:
 - Development Permit Area No. 8 – Hillside Development.
5. Said Bylaw is hereby further amended by adding a new Schedule “B”, attached hereto, and forming part of this bylaw.

Received first and second reading on the
Public hearing held on the
Received third reading on the
Received adoption on the

Mayor

Corporate Officer

Schedule “B”

The following criteria determines whether a proposed variance is minor:	Guidelines the delegate must consider in deciding whether to issue a minor development variance permit:	Terms and conditions, as may be considered appropriate:	Delegate:
(a) An increase to the maximum total gross floor area of all buildings and structures for residential use for a property within the Yarrow Neighbourhood.	(a) The hydrogeological assessment of the land and all neighbouring properties, prepared by a Professional (as submitted by the applicant), demonstrates the proposed septic system: (1) complies with all applicable legislation; and, (2) can support the increased loading caused by the proposed development without causing an environmental or public health hazard and without causing positive groundwater mounding at the property line. (b) Notwithstanding the above, if the proposed variance involves a renovation or addition that does not exceed the building size exemptions of the City’s “Floodplain Regulation Bylaw”, as amended, a hydrogeological assessment is not required.	(a) A covenant is placed against the Certificate of Title to the land limiting any further increase in gross floor area of all buildings and structures for residential use.	Director of Engineering
(b) Waive the requirement to provide a hydrogeological assessment to facilitate the construction of an Accessory Dwelling Unit for a property within the Yarrow Neighbourhood.	(a) The subject property is a minimum 0.3 hectares in area, subject to a satisfactory percolation test (as submitted by the applicant).	(a) A covenant is placed against the Certificate of Title to the land limiting any further increase in gross floor area of all buildings and structures for residential use.	Director of Engineering

Schedule “B” (continued)

The following criteria determines whether a proposed variance is minor:	Guidelines the delegate must consider in deciding whether to issue a minor development variance permit:	Terms and conditions, as may be considered appropriate:	Delegate:
(c) A reduction to the minimum number of off-street loading spaces for a property in a commercial or institutional zone.	(a) A minimum of one space must be provided; and, (b) If off-street loading, maneuvering, access and egress is accommodated entirely within the subject property without encroaching into the City right of way.	(a) That the development be in accordance with the plans found in Schedule “A” of the Development Variance Permit.	Director of Planning
(d) A reduction to the minimum number of off-street loading spaces for an apartment.	(a) All of the following is met: (1) on-street parking is available for 100m in each direction of the property and on the same side of the street as the subject property; and, (2) road is classified as local.	(a) That the development be in accordance with the plans found in Schedule “A” of the Development Variance Permit.	Director of Planning
(e) A reduction to setbacks to resolve siting errors for an agricultural use, single detached dwelling, accessory dwelling unit, duplex, rural or urban ancillary use.	(a) To a maximum dimension of 0.2m; and, (b) The variance shall not apply to any structures, additions or projections which do not meet the requirements of the BC Building Code.	(a) That the development be in accordance with the plans found in Schedule “A” of the Development Variance Permit.	Director of Planning
(f) An increase to maximum building height for rooftop infrastructure.	(a) To accommodate stairwells and elevator shafts only; and, (b) The placement of the infrastructure is central to the roof of the building.	(a) That the development be in accordance with the plans found in Schedule “A” of the Development Variance Permit.	Director of Planning

Schedule “B” (continued)

The following criteria determines whether a proposed variance is minor:	Guidelines the delegate must consider in deciding whether to issue a minor development variance permit:	Terms and conditions, as may be considered appropriate:	Delegate:
(g) A reduction to the front lot line setback for commercial and industrial uses.	(a) A minimum of 3.0m must be provided; and, (b) If supported by the Design Review Advisory Committee (e.g., to enhance street activation).	(a) That the development be in accordance with the plans found in Schedule “A” of the Development Variance Permit.	Director of Planning
(h) A reduction to the minimum off-street parking space length to accommodate a Short-Term Rental or Accessory Dwelling Unit.	(a) When associated with an existing paved area currently used for parking; (b) No further frontage improvements, road dedication or supplementary setbacks are required; and, (c) The additional driveway length, to meet minimum Zoning Bylaw parking space dimensions, is provided within the City Right-of-Way without encroaching into the sidewalk, street or impacting sightlines.	(a) That the development be in accordance with the plans found in Schedule “A” of the Development Variance Permit.	Director of Planning
(i) To waive the requirement that materials in open storage shall not exceed the height of screening provided.	(a) When materials exceed 2.5m in height; and, (b) When located to the rear of the property and screened from the street by a building.	(a) That the development be in accordance with the plans found in Schedule “A” of the Development Variance Permit.	Director of Planning
(j) To vary the Sign Bylaw to reduce the distance a business premises sign must be sited from a lot line.	(a) To accommodate a supplementary setback; (b) The supplementary setback must not be reduced; and, (c) If sightlines are not obstructed.	(a) That the development be in accordance with the plans found in Schedule “A” of the Development Variance Permit.	Director of Planning

- If a minor development variance permit is refused by the delegate, an owner of land that is subject to a decision of the delegate is entitled to have Council reconsider the matter.
- The obligation to give notice does not apply if a delegate exercises the power to issue a minor development variance permit.
- At the discretion of the delegate, any minor development variance included in Schedule “B” may be forwarded to Council for consideration

City of Chilliwack

Bylaw No. 5241

A bylaw to amend the “Development Application Fee Bylaw 1998, No. 2554”

The Council of the City of Chilliwack in open meeting assembled enacts as follows:

1. This bylaw may be cited as “**Development Application Fee Bylaw Amendment Bylaw 2022, No. 5241**”.
2. “Development Application Fee Bylaw 1998, No. 2554” is hereby further amended in Schedule “A”, Section 3. Development Variance Permit, by adding a new Subsection, as follows:

	<u>Application Type</u>	<u>Basic Fee</u>	<u>Incremental Fee</u>
“(c)”	Cost per minor variance	\$ 250.00	Nil”

3. Said Bylaw is hereby further amended in Schedule “A”, Section 4. Development Permit, by deleting Subsection (d) in its entirety, and renumbering the existing Subsections accordingly.
4. Said Bylaw is hereby further amended in Schedule “A”, Section 4. Development Permit, by deleting Subsection (e), under the column Application Type, in its entirety and substituting with a new Subsection (e), under the column Application Type, as follows:

“(e) Commercial, Industrial and Institutional applications in Development Permit Area 4, 5, 6 and 7 with a construction value of \$150,000.00 or less”
5. Said Bylaw is hereby further amended in Schedule “A”, Section 4. Development Permit, in Subsection (f) by deleting the words “and Engineering” after the words “Director of Planning”.
6. Said Bylaw is hereby further amended in Schedule “A”, Section 4. Development Permit, Subsection (g), by adding the words “and Development Permit Area No. 10 – Coach Houses or Garden Suites:” after the words “Farm Home Plate”; and further, in paragraph (i), by deleting the words “and Engineering” after the words “Director of Planning”.
7. Said Bylaw is hereby further amended in Schedule “A”, Section 12. Miscellaneous, Subsection (h) Paragraph (i), by deleting the words “and Engineering” after the words “Director of Planning”.

Received first and second reading on the
Public hearing held on the
Received third reading on the
Received adoption on the

Mayor

Corporate Officer