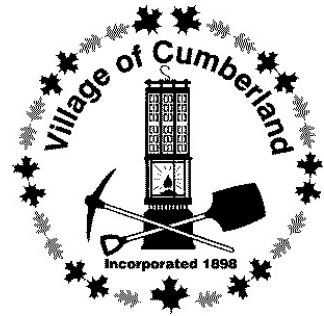


PUBLIC HEARING PACKAGE



Public Hearing: September 26, 2022 at 7 p.m.

Topic: Streamlining Accessory Dwelling Unit Approval Process

Bylaw(s): Official Community Plan Amendment Bylaw No. 1174, 2022
Zoning Amendment Bylaw No. 1175, 2022

Purpose: To amend the Official Community Plan Bylaw and the Zoning Bylaw to Remove the Requirement for a Development Permit from Development Permit Area 6 – Residential Infill, for an Accessory Dwelling Unit (ADU) and to add requirements for ADU's to the Zoning Bylaw that were previously found in Development Permit Area 6.

Contents	Page
1. Public Hearing Notice	1
2. Proposed Bylaws	
(a) Official Community Plan Amendment Bylaw No. 1174, 2022	2
(b) Zoning Amendment Bylaw No. 1175, 2022	3
3. Staff Reports and Meeting Minutes	
(a) March 22, 2021, Council Meeting	6
(b) May 30, 2022, Committee of the Whole	17
(c) July 11, 2022, Council Meeting	21
(d) July 14, 2022, Advisory Planning Commission	36
(e) July 18, 2022, Accessibility and Inclusion Committee	82
(f) August 8, 2022, Council Meeting	100
4. Public Hearing Submissions	
None received up to September 13, 2022	

Supplemental information packages may be published before the public hearing. Please check the Village website at cumberland.ca/meetings and at the Village office.

Published Date: September 13, 2022



Village of Cumberland Public Hearing Notice

BYLAWS:

Official Community Plan Amendment Bylaw No. 1174, 2022 Zoning Amendment Bylaw No. 1175, 2022

In general terms, the purpose of Bylaw 1174 is to remove the requirement for a development permit from Development Permit Area 6 – Residential infill, for an accessory dwelling unit.

In general terms, the purpose of Bylaw 1175 is to add requirements for accessory dwelling units to the Zoning Bylaw that were previously found in Development Permit Area 6 – Residential Infill (in the Official Community Plan). In addition, the following requirements for accessory dwelling units are added or adjusted from the current Development Permit Area:

- One shade tree shall be provided per accessory dwelling unit.
- A solid screen of fence or hedge shall be provided where an ADU is located within 4.5 metres of a parcel boundary.
- An ADU shall not include any balconies, roof top decks, or above ground patios facing the rear or side yard immediately adjacent to a neighbouring property.
- In the R1-A zone, transparent surfaces on external second story ADU walls, adjacent to an interior side or rear lot line, shall be limited to 20% of the total wall area where the setback from the lot line is less than 2.0 metres.
- For uphill sloping lots, with slopes greater than 20%, no portion of the roof of an ADU shall be higher than the peak of the roof of the principal detached dwelling on the same parcel.

Get More Information

Copies of the bylaws and related documents may inspected at the website cumberland.ca/meetings and at the Village Office at 2673 Dunsmuir Avenue, Monday to Friday, 9 a.m. to noon and 1 p.m. to 4 p.m.

PUBLIC HEARING:

SEPTEMBER 26, 2022 AT 7 P.M.

COUNCIL CHAMBER, 2675 DUNSMUIR AVENUE

All persons who believe their interest in property is affected by the proposed bylaw will be afforded an opportunity to be heard at the public hearing or to present written submissions. Please note that this public hearing is being held in-person only and video conferencing will not be available.

Written Submissions may be presented at the public hearing OR submitted by 2 p.m. on September 26, 2022 by email to planning@cumberland.ca or to the Village Office at 2673 Dunsmuir Avenue, Box 340, Cumberland BC V0R 1S0. All submissions will become part of the public record and will be made available on the internet.

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1174

A bylaw to amend the Official Community Plan Bylaw.

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts as follows:

1. This Bylaw shall be cited as “Official Community Plan Amendment Bylaw No. 1174, 2022”.
2. Part D, Section 10.6.1 of the Village of Cumberland Official Community Plan, Bylaw No. 990, 2014 is amended by removing the following:
‘Single Family with accessory dwelling unit (garage apartment, coach house, laneway house)’
3. Part D, Section 10.6.3 of the Village of Cumberland Official Community Plan, Bylaw No. 990, 2014 is amended by adding point (q) under subsection (1) which states:
‘q. For construction, alteration, renovation, addition, or demolition of an accessory dwelling unit.’
4. Part D, Section 10.6.6 of the Village of Cumberland Official Community Plan Bylaw No. 990, 2014 is repealed in its entirety.
5. At its meeting on August 8, 2022, Council considered and passed a resolution with respect to opportunities for consultation on this Bylaw with persons, organization, and authorities it considered to be affected, as per sections 475 and 476 of the *Local Government Act*.

READ A FIRST & SECOND TIME THIS 8th DAY OF August 2022.

PUBLIC HEARING HELD THIS XX DAY OF [month] 2022.

READ A THIRD TIME THIS XX DAY OF [month] 2022.

ADOPTED THIS XX DAY OF [month] 2022.

Mayor

Corporate Officer

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1175

A Bylaw to amend Zoning Bylaw No. 1027, 2016

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts as follows:

1. This Bylaw shall be cited as “Zoning Amendment Bylaw No. 1175, 2022”.

Zoning Amendments

2. The Zoning Bylaw No. 1027, 2016 is amended in Part 2, Section 2.2 by **inserting** the following definitions:

Accessory Dwelling Unit	means a separated secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit on a fee simple lot.
--------------------------------	--

3. The Zoning Bylaw No. 1027, 2016 is amended in Part 4, by **repealing** section 4.2 and **substituting** the following:

4.2 Accessory Dwelling Units

- d) Where an *accessory dwelling unit* (ADU) is permitted, the following regulations shall apply:
 - i) an ADU shall not be located in a *front yard*;
 - ii) the ADU must be fully detached from (and with no breezeway to) any *single family dwelling* on the subject *lot*;
 - iii) the gross floor area of the ADU:
 - 1) must not exceed 90.0 square metres (968.8 square feet); and
 - 2) must be less than 75% of the *GFA* of the *single family dwelling*.
- e) The Height of an ADU must not exceed:
 - i) if one *storey*, 6.5 metres (21.3feet); or
 - ii) if two *storeys*, 7.5 metres (24.6feet).
- c) Notwithstanding the *setback* regulations for the Zone:
 - i) *lots* with interior side yards less than 1.5 metres (4.9feet); and
 - ii) with a rear *lane* less than 6.0 metres (19.7feet) wide or a *lane* which is greater than 6.0 metres but is not accessible year-round;must provide no less than 1.5 metres (4.9feet) in width from the entrance of the ADU, past the principal *building* for emergency access from the *frontage*.

If a fence is installed within the 1.5 metres (4.9feet) clearance area, a gate, accessible at all times and no less than 1.5 metres in width, needs to be provided.

- f) An ADU shall not be subdivided from the parent property under the Strata Property Act.
- g) The landscaping and screening for an ADU shall:
 - i) Include one shade tree per ADU.
 - ii) Follow the Village of Cumberland's Urban Forest Management Plan for tree spacing and species type.
 - iii) All required landscaping shall be watered by a fully automatic irrigation system that meets or exceeds IIABC standards. Run-off onto sidewalks, streets, or parking areas shall not be permitted.
 - iv) Notwithstanding Section 4.2 (e) (iii), existing areas of undisturbed native vegetation which have been accepted as a landscape buffer or shade tree are exempt from requiring a fully automatic irrigation system.
 - v) A solid screen shall be provided and maintained where an ADU is located within 4.5 metres of a parcel boundary, consisting of either fencing or a hedge with a minimum height at maturity of 2.0 metres, along rear and interior side parcel boundaries adjacent to the ADU and its outdoor amenity space.
 - vi) Include an unobstructed, hard-surfaced lighted pathway at least 1.2 metres wide from either a street or lane, to the entrance of the ADU.
- h) Outdoor lighting for any development shall meet current dark skies guidelines and be located and arranged so that no direct rays of light are directed at any adjoining properties.
- i) An outside amenity area shall be provided in the form of a deck, dedicated yard, garden, or similar feature. A parking area does not qualify as an outside amenity area.
 - i) The amenity area shall have a minimum width of 2.5 metres and must not be less than 10.0 square metres (107 square feet) in area.
 - ii) Amenity areas shall be provided along the rear property line or internal to the lot.
- j) An ADU shall not include any balconies, roof top decks, or above ground patios facing the rear or side yard immediately adjacent to a neighbouring property.
- k) In the R1-A Zone, transparent surfaces on external second storey ADU walls, adjacent to an interior side or rear lot line, shall be limited to 20% of the total wall area where the setback from the interior and rear lot lines is less than 2.0 metres.
- l) For uphill sloping lots, with slopes greater than 20%, no portion of the roof of an ADU shall be higher than the peak of the roof of the principal detached dwelling on the same parcel.
- m) Garages shall not protrude beyond the front entrance of a unit.
- n) ADU's shall provide energized outlets capable for Level 2 electric vehicle charging.
- o) ADU's shall be designed to be solar ready and include the technical components to facilitate the use of solar panels.

- p) Waste disposal and recycling bins provided for the ADU shall be screened from adjacent properties.

Severability

- 4. If any section or subsection of this Bylaw is found to be invalid by a court of competent jurisdiction, the section or subsection may be severed from the Bylaw without affecting the validity of the remainder of the Bylaw.

READ A FIRST & SECOND TIME THIS	8th	DAY OF	August	2022.
PUBLIC HEARING HELD THIS	XX	DAY OF	[month]	2022.
READ A THIRD TIME THIS	XX	DAY OF	[month]	2022.
ADOPTED THIS	XX	DAY OF	[month]	2022.

Mayor

Corporate Officer

Motion 21-114

Sullivan/Brown

THAT Council direct staff to submit an application to the Union of BC Municipalities Local Government Development Approvals Program, for funding to review and update the Village of Cumberland's development approvals processes including information technology to support it, and that the Village of Cumberland provide overall grant management.

Carried Unanimously

6.2 Coal Hills BMX, Licence of Occupation
The item was removed from the agenda.

6.3 Procurement Results for Wastewater Lagoon Upgrade Project
Motion 21-115

Brown/Sproule

THAT Council receive the Procurement Results for Wastewater Upgrade Report.

Carried Unanimously

Motion 21-116

Sullivan/Brown

THAT Council accept the proposal from Colliers Project Leaders to be the Project Manager for the Wastewater Upgrade Project and authorize staff to enter into negotiations for a contract with an initial value not to exceed \$235,000 (excluding GST); and

THAT Council accept the proposal from Integrated Sustainability Consultants Ltd to be the Project Engineer for the Wastewater Upgrade Project, and authorize staff and the Project Manager to enter into negotiations for a contract with initial value not to exceed \$1,026,467.69 (excluding GST); and

THAT Council accept the proposal from Maple Reinders Constructors Ltd to be the Construction Manager for the Wastewater Upgrade Project, and authorize staff and the Project Manager to enter into negotiations for a contract with an initial value not to exceed \$1,500,000.00 (excluding GST).

Carried Unanimously

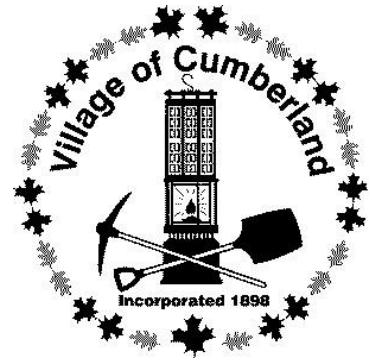
7. **Bylaws**
None

8. **New Business**
None

9. **Notices, Motions and Announcements**
None

10. **Question Period**

COUNCIL REPORT



REPORT DATE: 3/11/2021
MEETING DATE: 3/22/2021

File No. 3010

TO: Mayor and Councillors
FROM: Courtney Simpson, Manager of Development Services
SUBJECT: Local Government Development Approvals Program Funding

RECOMMENDATION

- i. THAT Council receive the Local Government Development Approvals Program Funding report.
- ii. THAT Council direct staff to submit an application to the Union of BC Municipalities Local Government Development Approvals Program, for funding to review and update the Village of Cumberland's development approvals processes including information technology to support it, with a maximum project value of \$500,000.

PURPOSE

The purpose of this report is to seek Council direction to submit an application for funding under the Union of British Columbia Municipalities (UBCM) Local Government Development Approvals Program in support of a review and modernization of the Village's development approvals processes. Reviewing and updating communication materials, the application process, internal data management and the approval process will result in savings in staff time, improved service delivery, and will contribute to economic development.

If Council provides direction to make the application, a detailed project scope and budget will be prepared, and the amount requested may be less than the \$500,000 maximum. If the Village receives funding, a subsequent staff report will be provided to recommend addition of the funds to the Financial Plan.

BACKGROUND

The Local Government Development Approvals Program

The development approvals process refers to all operational steps and decision making in relation to a local government's consideration of approving development, from the pre-application phase to the issuance of the permits and approvals. These include amendments to the Official Community Plan or Zoning Bylaw, development permits, development variance permits, heritage alteration permits, and building permits. The local government's review process ensures that proposed development conform to policies, plans, and regulations for building and development.

In 2019, the Ministry of Municipal Affairs initiated the Development Approvals Process Review (DAPR). The Ministry engaged local governments and a broad range of stakeholders to discuss the challenges of current development approvals processes in B.C., to identify opportunities for addressing those challenges, and to develop an informed list of ideas about how to improve the efficiency and effectiveness of processes. Funding available to local governments through the UBCM Local Government Development Approvals Program is a component of the Canada-BC Safe Restart Agreement and is one element in addressing the DAPR Report findings.

The intent of the UBCM Local Government Development Approvals Program is to support the implementation of established best practices and to test innovative approaches to improve development approvals processes while meeting local government planning and policy objectives.

The Program can contribute a maximum of 100% of the cost of eligible activities – to a suggested maximum of \$500,000. Applications must be received by May 7, 2021 and successful applicants will be notified by early August, 2021.

Preliminary Scope of Funding Application

The following is a list of anticipated components of the proposed project. Cost estimates and timelines for these activities will be developed for the application, and most activities will be undertaken by a consultant or consultants:

- Internal review of the current development approvals process to identify opportunities for greater efficiency and effectiveness that may include:
 - Updating internal approvals procedures
 - Updating Village bylaws related to development procedures
 - Updating development permit area guidelines to improve clarity
 - Drafting amendments to the Zoning Bylaw to reduce the need for commonly-requested variances or improve clarity
- Creating public communication materials about the development approval process and updating the Village website with these materials in an easy to access format
- Improving information technology to facilitate development application processing to include:
 - Undertaking an assessment of available digital application management and permitting software suitable for the Village
 - Purchase and implement new software
 - Train staff on software and process changes required for implementation

ALTERNATIVES

1. THAT Council direct Staff not proceed with any action at this time.

STRATEGIC OBJECTIVE

- Healthy Community
- Quality Infrastructure Planning and Development
- Comprehensive Community Planning

Economic Development

FINANCIAL IMPLICATIONS

The program can contribute up to 100% of the cost of eligible activities. The project application will be designed to have 100% of costs covered by the program and to minimize staff time required. Eligible costs include consultant costs and staff and administration costs (such as creating a new position or adding responsibilities to an existing position).

OPERATIONAL IMPLICATIONS

With the current economic climate and related volume of applications, along with meeting Council's strategic priorities, this type of review does not fit within the current work plans and/or capacity of Development Services staff. This funding would allow the Village to engage a consultant undertake this work.

Once completed, there will be a savings in planning staff time and improved service delivery. This will enable the Village to better manage the current application volume, and be prepared for higher future volumes or more complex applications as future development lands are developed.

ATTACHMENTS

1. Local Government Development Approvals Program 2021 Program & Application Guide

CONCURRENCE

Rachel Parker, Corporate Officer **RP**

Kaelin Chambers, Economic Development Officer **KC**

Respectfully submitted,

Courtney Simpson

Courtney Simpson
Manager of Development Services

Clayton Postings

Clayton Postings
Chief Administrative Officer

Local Government Development Approvals Program

2021 Program & Application Guide

1. Introduction

In 2019, the Ministry of Municipal Affairs initiated the Development Approvals Process Review (DAPR). The Ministry engaged local governments and a broad range of stakeholders to discuss the challenges of current development approvals processes in B.C., to identify opportunities for addressing those challenges, and to develop an informed list of ideas about how to improve the efficiency and effectiveness of processes. A [summary report](#) of engagement findings identified several key themes. The Ministry intends to move forward on initiatives that draw upon these, which may include work on development finance tools, public input processes and provincial referrals, in collaboration with local governments, the development sector and other stakeholders.

The Local Government Development Approvals Program, a component of the Canada-BC Safe Restart Agreement, is one element in addressing the DAPR Report findings.

Local Government Development Approvals Program

The development approvals process refers to all operational steps and decision making in relation to a local government's consideration of approving development, from the pre-application phase to the issuance of the building permit. The local government's review process ensures that development applications conform to policies, plans, and regulations for building and development.

The intent of the Local Government Development Approvals Program is to support the implementation of established best practices and to test innovative approaches to improve development approvals processes while meeting local government planning and policy objectives.

The Local Government Development Approvals Program is not intended to support projects where proposed deliverables require or are directly focused on provincial legislative changes.

The Ministry of Municipal Affairs has provided \$15 million in funding and UBCM is administering the program.

2. Eligible Applicants

All local governments (municipalities, regional districts, and the Islands Trust) in BC are eligible to apply. Eligible applicants can submit one application per intake.

3. Grant Maximum

The Program can contribute a maximum of 100% of the cost of eligible activities – to a suggested maximum of \$500,000.

Funding permitting, applications for projects that exceed the suggested maximum may be considered for funding provided that applicants are able to provide rationale for the request. If the total funding request

exceeds the available funding, applicants that have requested additional funds may be asked to reduce their funding request.

In order to ensure transparency and accountability in the expenditure of public funds, all other contributions for eligible portions of the project must be declared and, depending on the total value, may decrease the value of the funding. This includes any other grant funding and any revenue that is generated from activities that are funded by the Local Government Development Approvals Program.

4. Eligible Projects

To be eligible for funding, applications must demonstrate that proposed activities will meet the intent of the program and:

- Include new activities or represent a new phase of an existing project (retroactive funding is not available).
- Be capable of completion by the applicant within two years of the date of grant approval.
- For projects that are dependent on external partnerships, provide evidence that external partners (e.g. development community, provincial Ministry, other local governments) are willing to participate

5. Requirements for Funding

As part of the approval agreement, approved projects must meet the following requirements for funding:

- Any in-person activities, meetings, or events meet physical distancing and other public health guidance in relation to COVID-19.
- Activities must comply with all applicable privacy legislation under the *Freedom of Information and Protection of Privacy Act* in relation to the collection, use, or disclosure of personal information while conducting funded activities. Personal information is any recorded information about an identifiable individual other than their business contact information. This includes information that can be used to identify an individual through association or inference.

6. Eligible & Ineligible Costs & Activities

Eligible costs are direct costs that are approved for funding, properly and reasonably incurred, and paid by the applicant to carry out eligible activities. Eligible costs can only be incurred from the date of application submission until the final report is submitted.

Table 1 identifies examples of activities that are eligible for funding. Please note that an internal review of current development approvals may be valuable before undertaking specific projects but is not a pre-requisite for funding. However, evidence of readiness and/or rationale to undertake proposed activities is required in the application form and may contribute to higher application scores.

It is expected that proposed activities may involve internal or external partnerships. Please refer to Section 4 for funding requirements for working with external partners. Eligible activities must be cost-effective.

Table 1: Activities Eligible for Funding

- A. Conducting internal reviews of current development approvals processes to identify opportunities for greater efficiency and effectiveness.
- B. Updating or creating specific internal approvals procedures that will result in more effective and efficient development approvals processes. Examples include but are not limited to:
- Creating or updating a development approvals process guide for use by staff
 - Updating the development approval procedures bylaw(s) to clarify or improve the process for applicants to apply for amendments to a bylaw or request the issuance of a permit (for consideration by Council or Board)
- C. Supporting efficient and effective decision making in order to further local government planning and development objectives. Examples include but are not limited to:
- Developing policies to determine the types of bylaw amendments for which the local government would or would not waive the public hearing (for consideration by Councils and Boards),
 - Updating development permit guidelines to specify clear decision-making parameters to support delegation of such decisions to staff (for consideration by Council and Board).
 - Developing amendments to a zoning bylaw to reduce the need for commonly requested variances (for consideration of adoption by Council and Board)
- D. Facilitating collaboration or coordination with external partners (e.g. development community, provincial Ministry, other local governments). Examples include but are not limited to:
- Developing guidelines that clarify to applicants the requirements that an application must meet to be accepted by staff and expectations of local government-applicant interaction throughout the application process.
 - Establishing a pre-application process, including, for example, pre-application developer meetings.
 - Development of enhanced communication materials/training for subdivision
 - Review and development of guidelines/processes to improve provincial referrals and enhanced communications of provincial regulatory requirements
- E. Improving information technology to facilitate development application processing. Examples include but are not limited to:
- Undertaking assessments to support future implementation of digital application platform or digital permitting software.
 - Purchasing and implementing new or upgraded digital platforms or software
 - Training staff on software or platform, or on process changes required to adopt software or platform
- F. Training and capacity building for staff, elected officials (e.g. change management training), or external partners (e.g. application processes) in order to support the project.
- G. Other activities that support the improvement of the local government development approval process and that meet the intent of the program may be considered for funding.

Additional Eligible Costs & Activities

In addition to the activities identified in Table 1, the following expenditures are also eligible provided they relate directly to eligible activities:

- Incremental applicant staff and administration costs (i.e. creating a new position or adding new responsibilities to an existing position)
- Consultant costs (e.g. change management consultant, software consultant)
- Public information costs (e.g. FAQs for the public, guidance on how to participate in the public process, role of the decision-maker in the process)

Ineligible Costs & Activities

Any activity that is not outlined in Table 1 or is not directly connected to activities approved in the application is not eligible for grant funding. This includes:

- Development of funding application package
- Development of architectural, engineering, or other design drawings for the construction or renovation of facilities
- Routine or ongoing operating and/or planning costs or activities, including service subscriptions, or membership fees
- Capital costs (including computer hardware)
- Legal, audit, or interest fees or fees to incorporate a society
- Fundraising, lobbying, or sponsorship campaigns
- Regular salaries and/or benefits of applicant staff or partners
- Project-related fees payable to the eligible applicant(s) (e.g. permit fees, community amenity contribution, etc.)
- Purchase of promotional items, door/raffle prizes, give-away items, and/or gifts for community members.
- Costs being claimed under any other government programs

7. Application Requirements & Process

Application Deadline

The application deadline is May 7, 2021. Applicants will be advised of the status of their applications within 90 days of the application deadline.

Required Application Contents

All applicants are required to submit an electronic copy of the complete application, including:

- Completed Application Form with all required attachments.
- Detailed budget that indicates the proposed expenditures from Local Government Development Approvals Program funding and that aligns with the proposed activities outlined in the application form. Although additional funding or support is not required, any other grant funding or in-kind contributions must be identified.
- Council, Board or Local Trust Committee resolution indicating support for the current proposed activities and willingness to provide overall grant management.

- For projects with external partners: written confirmation from the external partner confirming their role and willingness to participate.

Submission of Applications

Applications should be submitted as Word, Excel or PDF files. Total file size for email attachments cannot exceed 20 MB.

All applications should be submitted to:

Local Government Program Services, Union of BC Municipalities

E-mail: lgps@ubcm.ca

Review of Applications

UBCM will perform a preliminary review of all applications to ensure the required application contents have been submitted and to ensure that eligibility criteria have been met.

Following this, an Evaluation Committee will assess and score all eligible applications. Higher application review scores will be given to projects that:

- Demonstrate alignment with intent of the Local Government Development Approvals Program
- Are outcome-based and include performance measures
- Provide evidence of readiness to undertake proposed activities
- Include internal local government cross-departmental collaboration and/or collaboration with one or more external partners (e.g. development community, provincial Ministry, other local governments, etc.)
- Demonstrate cost-effectiveness

Point values and weighting have been established within each of these scoring criteria. Only those applications that meet a minimum threshold point value will be considered for funding.

The Evaluation Committee will consider the population and provincial, regional, and urban/rural distribution of proposed projects. Recommendations will be made on a priority basis and preference may be given to local governments with growth rates higher than 1% (2016 Census, Statistics Canada) between 2011 and 2016. All funding decisions will be made by UBCM.

All application materials will be shared with the Province of BC.

8. Grant Management & Applicant Responsibilities

Grants are awarded to eligible applicants only and, as such, the applicant is responsible for completion of the project as approved and for meeting reporting requirements.

Applicants are also responsible for proper fiscal management, including maintaining acceptable accounting records for the project. UBCM reserves the right to audit these records.

Notice of Funding Decision & Payments

All applicants will receive written notice of funding decisions. Approved applicants will receive an Approval Agreement, which will include the terms and conditions of any grant that is awarded, and that is required to be signed and returned to UBCM.

Grants are awarded in two payments: 50% at the approval of the project and when the signed Approval Agreement has been returned to UBCM and 50% when the project is complete and UBCM has received and approved the required final report and a financial summary.

Please note that in cases where revisions are required to an application, or an application has been approved in principle only, the applicant has 30 days from the date of the written notice of the status of the application to complete the application requirements. Applications that are not completed within 30 days may be closed.

Progress Payments

To request a progress payment, approved applicants are required to submit:

- Description of activities completed to date
- Description of funds expended to date
- Written rationale for receiving a progress payment

Changes to Approved Projects

Approved grants are specific to the project as identified in the application, and grant funds are not transferable to other projects. Approval from UBCM will be required for any significant variation from the approved project.

To propose changes to an approved project, applicants are required to submit:

- Amended application package, including updated, signed application form, updated budget, and an updated Council, Board, or Local Trust Committee resolution.
- Written rationale for proposed changes to activities and/or expenditures

Applicants are responsible for any costs above the approved grant unless a revised application is submitted and approved prior to work being undertaken.

Extensions to Project End Date

All approved activities are required to be completed within the time frame identified in the approval agreement and all extensions beyond this date must be requested in writing and be approved by UBCM. Extensions will not exceed six months.

9. Final Report Requirements & Process

Final reports are required to be submitted within 30 days of completion of the project. Applicants are required to submit an electronic copy of the complete final report, including the following:

- Completed Final Report Form with all required attachments
- Detailed financial summary that indicates the actual expenditures from the Local Government Development Approvals Program funding and other sources (if applicable) and that aligns with the actual activities outlined in the final report form
- Copies of any materials that were produced with grant funding (e.g. guidance material, reports on results of performance measurement)
- Optional: any photos or media related to the funded project

Submission of Final Reports

Final reports should be submitted as Word, Excel or PDF files. Total file size for email attachments cannot exceed 20 MB.

All final reports should be submitted to:

Local Government Program Services, Union of BC Municipalities

E-mail: lgps@ubcm.ca

Review of Final Reports

UBCM will perform a preliminary review of all final reports to ensure the required report elements have been submitted.

All final report materials will be shared with the Province of BC.

10. Additional Information

For enquiries about the application process or general questions regarding the program, please contact UBCM at lgps@ubcm.ca or (250) 356-0930.

3.1. Recreation, Arts and Culture Plan: Interim Report

Brown/Ketler

THAT the Committee receive the Recreation, Arts and Culture Plan: Interim Report.

Carried Unanimously

Discussion took place on:

- Engagement phases and project timelines
- Where we are now: Interim reporting → Council Check in → Develop RAC plan
- Consultation methods included Survey Monkey, interview, and meetings with 35 key community stakeholders and Village staff, and an in person public engagement on March 16.
- Key themes: Foundational, setting the context, services, and infrastructure

3.2. Development Approval Process Modernization

Ketler/Brown

THAT the Committee receive the Development Approvals Process Modernization Summary Report for information.

Carried Unanimously

Brown/Ketler

THAT the Committee receive a presentation from project consultant Nancy Henderson of Urban Systems.

Carried Unanimously

Discussion took place on

- Notice provisions for signs for land use changes
- Development permits, transparency and criteria to determine small v. large developments
- Acceleration of construction on affordable housing and supply issue
- Integrate with official community plan updates and development cost charges review, and a new website
- Delegation of development permits for accessory dwelling units to staff, incentivizing accessory dwelling units as long term rentals and affordable
- Appreciation for pre-zoning and concern for losing ability to negotiate value
- Include climate mitigation through requiring alternate energy/electric ready development
- Non-market affordable housing
- Use of third party consultants for larger development projects and affordable housing fast tracking and have applicant fund those costs

COMMITTEE OF THE WHOLE REPORT



REPORT DATE: 5/20/2022
MEETING DATE: 5/30/2022

File No. 3010

TO: Mayor and Councillors
FROM: Courtney Simpson, Manager of Development Services
SUBJECT: Development Approvals Process Modernization

RECOMMENDATION

- i. THAT the Committee receive the Development Approvals Process Modernization Summary Report for information.
- ii. THAT the Committee receive a presentation from project consultant, Nancy Henderson of Urban Systems.

PURPOSE

The purpose of this report is to provide background information and a high-level summary about the attached report and process.

PREVIOUS COUNCIL DIRECTION

Date	Resolution
November 8, 2021	THAT Council receive the Amendments to Local Government Legislation Proposed in Bill 26 report for information.
May 22, 2021	THAT Council direct staff to submit an application to the Union of BC Municipalities Local Government Development Approvals Program, for funding to review and update the Village of Cumberland's development approvals processes including information technology to support it, and that the Village of Cumberland provide overall grant management.

BACKGROUND

Province of BC Development Approvals Process Review

In 2019, the Ministry of Municipal Affairs and Housing (MAH) completed the third stage of the Development Approvals Process Review (DAPR). The DAPR was initiated to better understand the challenges facing development approvals across British Columbia as part of a broader effort to identify barriers to affordable housing in the province. Consultation with rural, suburban, and urban local governments, and various non-government stakeholders provided a cross-section of the diverse challenges facing the development approvals process. This engagement allowed MAH to assess the common challenges in the province's development application process, outline the

qualities of effective and efficient processes, and identify opportunities to develop these attributes across the province.

Bill 26

Bill 26: Municipal Statutes Amendment Act (No. 2) 2021, was given Royal Assent on November 25th, 2021. Of relevance to Cumberland’s Development Application Review, the Bill proposes amendments to various sections in the Local Government Act and Community Charter including:

- Removal of the default requirement to hold public hearings for zoning bylaw amendments that are consistent with the official community plan;
- Allowing for delegation of decisions on “minor” development variance permits;
- Enabling local governments to determine specific notice methods for public notice requirements.

Changes regarding public hearings, delegation of development variance permits, and public notice as applicable to development applications are considered as part of this review. Adoption of a public notice bylaw will be optional under the proposed legislation and includes notice relating to a variety of financial and procedural bylaws.

Project Background

The review assesses the Village’s current development application review process, including identifying additional opportunities for streamlining, clarity in communication, and reducing the need for amendments and variances. An improved process will help to accommodate projected development pressures and ultimately eliminate barriers to create affordable housing as guided through policies in the Village’s Official Community Plan Bylaw and Zoning Bylaw regulations.

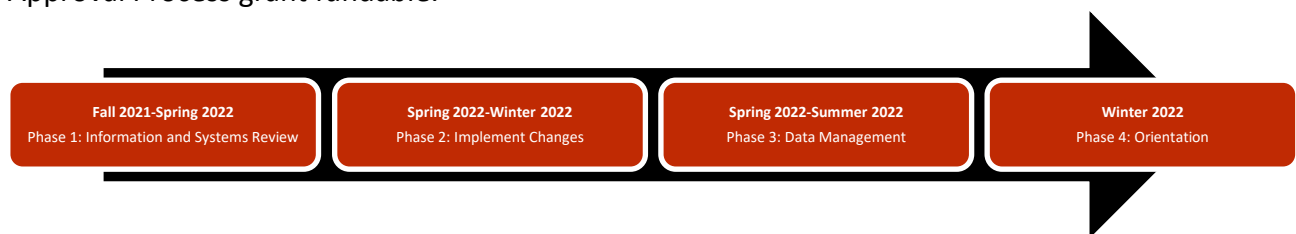
The attached report is a summary of phase 1 of the project. It includes a review of existing processes, consultation with stakeholders, and recommendations for process improvements, streamlining opportunities, establishing benchmarks, milestones and targets based on desired level of service, provide options and recommendations to consider implementing a fast-track application stream. The review also identifies opportunities to improve processes and records management using software and information technology.

Stakeholder Engagement

To better understand the current development approvals process, a series of solution-oriented interviews were conducted with community stakeholders to gain a better understanding of where the process can be streamlined from their perspective. These stakeholders included members of the Village Council, staff, and individuals from the development community. In addition to the interviews, an online survey was created and sent out to local developers as an alternative means to provide input.

Next Steps

To prioritize and implement the recommendations in the report that are UBCM Development Approval Process grant fundable.



ALTERNATIVES

1. Alternate recommendation/action in the form of a Council resolution. Include explanation or details of that alternative.
2. Not proceed with any action at this time.

STRATEGIC OBJECTIVE

- Healthy Community
- Quality Infrastructure Planning and Development
- Comprehensive Community Planning
- Economic Development
- Reconciliation

FINANCIAL IMPLICATIONS

This project is fully funded by the Provincial government through a grant program administered by UBCM.

OPERATIONAL IMPLICATIONS

The goal of the project is to identify opportunities to increase the efficiency and effectiveness of the Village's development approvals processes. The Summary Report [Attachment 1] identifies the recommended actions that are within the scope of the grant and will be completed with consultant support. The project budget also includes funds for temporary staff to assist support this work so that there is minimal impact on regular operations of the Development Services Department.

ATTACHMENTS

1. Development Approvals Process Modernization Summary Report

CONCURRENCE

Rachel Parker, Corporate Officer *RP*

Respectfully submitted,

C. Simpson

Courtney Simpson
Manager of Development Services

M. Mason

Michelle Mason
Interim Chief Administrative Officer

Regular Council Meeting Minutes, July 11, 2022

7. Reports

7.1 Accessory Dwelling Unit Regulations

Motion 22-458

Moved by: Brown

Seconded by: Ketler

THAT Council receive the Streamlining Accessory Dwelling Unit Approval Process report and a presentation from the consultants.

Carried Unanimously

Motion 22-459

Moved by: Ketler

Seconded by: Brown

THAT Council refer the Streamlining Accessory Dwelling Unit Approval Process report to the Advisory Planning Commission, the Homelessness and Affordable Housing Committee, and the Accessibility and Inclusion Committee.

Carried Unanimously

Motion 22-460

Moved by: Ketler

Seconded by: Sproule

THAT Council direct staff to draft bylaws to amend the development approval procedures to streamline the approval process for Accessory Dwelling Units.

Carried Unanimously

7.2 Proposed Changes to Recreation Financial Assistance Programs

Motion 22-461

Moved by: Brown

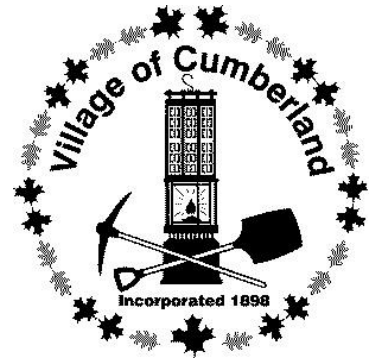
Seconded by: Ketler

THAT Council receive the Proposed Changes to Recreation Financial Assistance Programs report.

Carried Unanimously

Motion 22-462

COUNCIL REPORT



REPORT DATE: 6/30/2022
MEETING DATE: 7/11/2022

File No. 3010

TO: Mayor and Councillors
FROM: Courtney Simpson, Manager of Development Services
SUBJECT: Streamlining Accessory Dwelling Unit Approval Process

RECOMMENDATION

- i. THAT Council receive the Streamlining Accessory Dwelling Unit Approval Process report.
- ii. THAT Council refer the Streamlining Accessory Dwelling Unit Approval Process report to the Advisory Planning Commission and the Homelessness and Affordable Housing Committee.
- iii. THAT Council direct staff to draft bylaws to amend the development approval procedures to streamline the approval process for Accessory Dwelling Units.

PURPOSE

The purpose of this report is to outline steps to streamline the Accessory Dwelling Unit approval process as recommended in the Development Approvals Process Modernization Summary Report, May 25, 2022.

PREVIOUS COUNCIL DIRECTION

Date	Resolution
May 22, 2021	THAT Council direct staff to submit an application to the Union of BC Municipalities Local Government Development Approvals Program, for funding to review and update the Village of Cumberland's development approvals processes including information technology to support it, and that the Village of Cumberland provide overall grant management.

BACKGROUND

Project Background

The Village of Cumberland received funding from the Union of BC Municipalities Local Government Development Approvals Program to undertake the Development Approvals Process Modernization project. This project is intended to streamline the development approval process and lead to positive outcomes related to the provision of affordable housing and other community priorities as outlined within the Official Community Plan (OCP) and other bylaws.

Accessory Dwelling Unit (ADU) approvals were reviewed as a part of this process and several recommendations were identified to streamline and provide clarity in communication. Since they were first permitted in 2017, there have been 55 ADUs either converted from existing accessory buildings or new-builds.

Accessory Dwelling Unit Regulation

The OCP contains a growth management strategy that prioritizes development that makes efficient use of existing infrastructure, increases access to affordable housing, promotes walkable neighbourhoods, and reinforces the Village core. The OCP identifies ADUs as a preferred approach to achieving these goals.

It is expected that continued ADU uptake will contribute to supporting the 415 existing rental households and especially the 41% that spend more than 30% of their household income on rental shelter costs.

Challenges

The current challenges that exist in relation to ADU uptake and the approvals process include:

- The cost of a development permit. The application fee is \$1,200. Additional costs related to development permit requirements are a stormwater management plan and landscape plan, for an estimated additional cost of \$2,000.
- A relatively small planning department with significant portion of the department's staff resources dedicated to development permits associated with ADUs.
- The development permit process is helpful because it allows more fine-grained control over issues such as dwelling unit design, but it adds several months to the approval time.

Recommendations

The following recommendations were developed as a part of this project and a review of best practices specific to ADUs:

- An OCP amendment to exempt ADUs from the development permit process.
- A Zoning Bylaw amendment to add specific requirements for ADUs (Attachment 1 – ADU Zoning Regulation Recommendations).
- Updated application guides and brochures to clearly outline entire application process and components of the process that often lead to staff inquiries for clarification. This includes outlining a requirement for a pre-application meeting.
- Use of guides and communication to encourage the use of certain materials and design elements for ADUs.
- Provide simplified check-lists specific to the ADU process.

ANALYSIS

Removing the requirement for a development permit for an ADU will reduce cost and time to the applicant, and free up a significant amount of staff time. ADUs have been permitted for 5 years, and lessons learned from the development permit process in Cumberland as well as best practices from other jurisdictions lead to this recommendation. If these recommendations are implemented, a building permit would be the only approval from the Village needed for an ADU,

as long as it complies with the Zoning Bylaw.

Many existing requirements for ADUs will be translated from the development permit area to the Zoning Bylaw including screening, pathway and clearance to the street, and the amenity area. A requirement for tree planting is proposed to be added to the Zoning Bylaw. Form and character DPA guidelines such as those related to visual interest in design and use of building materials that reflect the character of the principal dwelling unit will be promoted through the new website and brochure that will include sample images and design suggestions.

No changes are proposed to the gross floor area, parking requirements, height or setbacks that are already specified in the Zoning Bylaw. Any proposed changes to these requirements will continue to require a development variance permit.

PUBLIC NOTIFICATION AND CONSULTATION

Following discussion of these recommendations, the project team will follow up with further engagement and communication about the changes. This includes:

- Meeting with Advisory Planning Commission and the Homelessness and Affordable Housing Committee
- Preparation of a public news release
- Preparation of website information communicating changes
- Bring amending Bylaws to Council for 1st and 2nd readings
- Public Hearing
- 3rd reading and bylaw adoption
- Amend ADU application information
- Create website information, brochures and guides about adopted ADU process

The new ADU application information include website info, brochures and guides will be drafted and ready for release after bylaw amendments are adopted.

ALTERNATIVES

1. That Council provide alternate direction

STRATEGIC OBJECTIVE

- Healthy Community
- Quality Infrastructure Planning and Development
- Comprehensive Community Planning
- Economic Development

FINANCIAL IMPLICATIONS

Preparation of new website and brochure materials, and bylaw amendments are funded by the UBCM grant.

OPERATIONAL IMPLICATIONS

Implementation of the changes as recommended will reduce staff time spent on ADU approvals.

CLIMATE CHANGE IMPLICATIONS

Removing barriers to ADU uptake promotes increased density in the Village core. A compact development pattern is one of the most significant ways of reducing greenhouse gas emissions.

ATTACHMENTS

1. ADU Zoning Regulation Recommendations

Respectfully submitted,

C. Simpson

Courtney Simpson
Manager of Development Services

M. Mason

Michelle Mason
Interim Chief Administrative Officer

ATTACHMENT 1 - ADU Zoning Regulation Recommendations

Regulation	Existing DP Guideline	Proposed Zoning / Implementation Options
<i>OCP section 10.6.6 Specific Guidelines for Coach Houses</i>		
Landscaping and Screening	<p>1) A landscape plan should be prepared, with the broad objectives of providing:</p> <ul style="list-style-type: none"> a. Vegetative screening on private lots to protect the privacy and to mitigate noise between occupants of adjacent properties b. Low height vegetation between adjacent driveways on private lots to mitigate the visual impact of paved surfaces 	<p>One tree per 50 m² of ADU floor area</p> <p>Tree spacing and species type shall follow the Village of Cumberland’s Urban Forest Management Plan</p> <p>Where a carriage house or amenity area is located within 4.5m of a parcel boundary, a solid screen, consisting of either fencing or a hedge with a minimum height at maturity of 2.0m, must be provided and maintained along rear and interior side parcel boundaries adjacent to the ADU and its outdoor amenity space only.</p>

Access	7) Each dwelling unit should have a dedicated, unobstructed, hard surfaced path, not be less than 1.2 metres in width that links the unit to a public street or lane.	An unobstructed, hard-surfaced lighted pathway at least 1.5 m wide is required from the front lot line to the entrance of the ADU. (note that the 1.5 m width is to be consistent with the 1.5 m clearance requirement for emergency services)
Non-residential Parking	2) Parking areas for all recreational vehicles, trailers and boats, including commercial or industrial vehicles (if permitted by bylaw), should be located behind the front face of the primary dwelling unit. "Temporary" storage or parking areas are not permitted.	Required residential parking for the ADU is already addressed in the Zoning Bylaw Specific requirements for location of RV, trailer and boat parking in relation to a new ADU not transferred to Zoning Bylaw.
Amenity Areas	3) An outside amenity area should be provided in the form of a deck, dedicated yard, garden or similar feature. A parking area does not qualify as an outside amenity area.	Maintain the current regulation.
Amenity Areas	4) The amenity area should not be narrower than 2.5 metres and must not be less than 10.0 square metres in area.	Maintain current regulation.

Decks and Balconies	5) Minimize impacts of decks and balconies on adjacent properties.	An accessory dwelling unit must not include any balconies or above ground patios facing the rear or side yard, , or roof top decks.
Urban Design	8) New Buildings should: <ul style="list-style-type: none"> a. Create visual interest by providing variations in height, rooflines and massing b. Avoid building plans that are repetitive 	Promote new website and guide that includes sample images to encourage desired design elements
Urban Design	9) Large blank walls should not dominate the buildings and where windows/dormers/bays are not possible; landscaping should be used to mitigate the blank walls.	Promote new website and guide that includes sample images to encourage desired design elements.
Urban Design	13) The design and siting of buildings should: <ul style="list-style-type: none"> a. Be sensitive to the scale, mass and form of adjacent buildings b. Use building materials that reflect the character of the principal dwelling unit c. Not overlook and shadow adjacent properties d. Utilize all habitable space opportunities such as building into the truss system of the unit 	For uphill sloping lots, with slopes greater than 20%, no portion of the roof of an ADU shall be higher than the peak of the roof of the principal detached dwelling on the same parcel.

Urban Design	10) The garage should not be visually prominent, mitigated through the use of staggered setbacks, and varied orientation, materials, scale, and finishes.	Garages shall not protrude beyond the front entrance of a unit.
Urban Design	11) The use of vinyl siding is discouraged.	Promote new website and guide that includes sample images to encourage desired design
Addressing	6) The civic addressing must be visible from the primary street frontage.	Already required in Zoning Bylaw section 3.12.
Privacy	12) Large windows should not face directly onto adjacent properties.	Screening requirements for ground floor windows. Website and brochure to encourage design that respects privacy related to second storey windows.
<p><i>OCP Section 10.6.5 Guidelines for Ground Oriented Housing</i></p> <p><i>Note: The guidelines in this section have been applied to ADUs with some difficulty as many appear to be better suited for multi-family buildings and where an entire site is being redeveloped.</i></p>		
Site Design	<p>1)</p> <ul style="list-style-type: none"> a. The Village will work with the principles of Crime Prevention Through Environmental Design (CPTED) in the consideration site design and landscaping b. Site Design should consider the preservation of natural site features c. Site design should consider the preservation and enhancement of view corridors to open areas and viewsapes 	Promote new website and guide that includes sample images to encourage desired design

	d. The use of rear lane access to garages and surface parking is encouraged	
Landscaping	<p>2)</p> <p>a. All landscaping should be irrigated by means of an automated system</p> <p>b. All waste disposal and recycling bins shall be screened on three sides within a solid walled animal-proof enclosure</p> <p>c. Building footprints should be located to create opportunities for courtyards, or garden patio areas with appropriate site furniture and lighting</p> <p>d. The appearance of the both the buildings and the site landscaping should have a strong emphasis toward public street views, incorporating a concept that emphasizes the public realm</p> <p>e. Landscape plans will be provided at the developer's expense, which have been prepared by landscape professional utilizing plants appropriate to the growing conditions. The plan shall include a complete plant list and cost estimate. A performance security will be required before the Permit is issued</p> <p>f. A landscape plan should be prepared, with the broad objectives of providing:</p> <p>i. Vegetative screening on private lots to protect the privacy and to mitigate</p> <p>ii. noise between occupants of adjacent properties</p> <p>iii. ii. Effective vegetation between adjacent driveways on private lots to mitigate the</p> <p>iv. visual impact of paved surfaces</p>	A landscape plan, automatic irrigation and a landscape security would not be required.

<p>Accessibility</p>	<p>3)</p> <ul style="list-style-type: none"> a. Accessibility features shall be integrated into the overall design concept and identified on the site plans b. Accessible travel routes shall be provided from adjacent roadways and parking areas to the main building entry and shall incorporate barrier-free universal design principles c. Accessible travel routes shall be of a hard, slip-resistant surface with a minimum width per requirements of the most current edition of the British Columbia Building Code (BCBC) d. Accessible travel routes shall conform to the requirements of the most current edition of the BCBC 	<p>Requirements of the BC Building Code will continue to apply. Accessible travel routes on the site to be accommodated through 1.5m path requirement. On sloping lots, DPs issued to date have not required wheelchair accessible adaptations to remove stairs or reduce grade of path. Many ADUs will have accessible travel routes due to many lots in the Village being flat.</p>
<p>Building Form and Character</p>	<p>4)</p> <ul style="list-style-type: none"> a. Buildings shall be sited to ensure that any adjacent residential properties have visual privacy, as well as protection from site illumination and noise b. All buildings and expansions thereto, storage, and parking shall be designed to be compatible with surrounding land uses and the major roads fronting the property c. The use of smooth surfaced, wood, concrete board, acrylic stucco, brick, baked enamelfinished metal siding, or metal panels are encouraged d. The use of untreated or unfinished concrete, metal, vinyl siding as a final building finish is prohibited 	<p>Most of these guidelines are better suited for multi-family buildings and where an entire site is being redeveloped.</p> <p>1.2 m path and addressing from the street will be required in the Zoning Bylaw.</p> <p>Other form and character elements related to ADUs will be promoted through website and guide.</p>

	<ul style="list-style-type: none"> e. Rooftop mechanical equipment shall be hidden behind screens or parapets designed as an integral part of a building to conceal such equipment f. Building design should include a variety of architectural design treatments, including articulated building footprints to reduce massing and to promote architectural definition and interest g. Building massing shall consider the preservation or enhancement of view corridors to open areas and mountain vistas h. Building massing should respond to a human scale with materials and details that are proportionate to human height and provide visual interest at the street and sidewalk level i. Minimize impacts of decks and balconies on adjacent properties j. The civic addressing must be visible from the primary street frontage k. Each dwelling unit should have a dedicated, unobstructed, hard surfaced path, not be less than 1.2metres in width that links the unit to a public street or lane l. New Buildings should: <ul style="list-style-type: none"> i. Create visual interest by providing variations in height, rooflines and massing ii. Avoid building plans that are repetitive m. Large blank walls should not dominate the buildings and where windows/dormers/bays are 	
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	<p>not possible; landscaping should be used to mitigate the blank walls</p> <ul style="list-style-type: none"> n. The garage should not be visually prominent, mitigated through the use of staggered setbacks, and varied orientation, materials, scale, and finishes o. Large windows should not face directly onto adjacent properties p. Main entrances for all dwellings shall be located at ground level and should be prominent to the street 	
<p>Lighting</p>	<p>5) Natural cycles of day and night lighting are important for human health, the natural environment, astrophysical endeavors, and the conservation of energy. To minimize these impacts, outdoor lighting should be regulated to control both the quantity and quality of night lighting.</p> <ul style="list-style-type: none"> a. All site lighting installations should be fully shielded (full cutoff) b. Light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter c. Security and other lighting should be placed so as not to shine directly into residential properties or to reduce the separation effectiveness of any landscaped buffer d. Exterior building lighting should generally be concealed in soffits or other similar architectural features 	<p>Most of these guidelines are better suited for multi-family buildings and where an entire site is being redeveloped.</p>

	<ul style="list-style-type: none"> e. Lamp poles and luminaries used for site area lighting should be complementary to the form and character of adjacent sites and Village streetlighting standards f. There should be sufficient on-site illumination for pedestrian/vehicle safety. g. Illumination should not encroach onto adjacent properties h. Adhering to the principles of Crime Prevention through Environmental Design Principles (CPTED), lighting for pedestrian pathways, building entrances and parking areas should be designed at a human scale (i.e., low level bollards) and address pedestrian safety 	
Access, parking and amenity areas	6)	Guidelines not copied here are they are either clearly for a multi family development or addressed in other guidelines.
Energy Conservation & Reduction of Greenhouse Gas Emissions	<p>7)</p> <ul style="list-style-type: none"> a. Building design should include passive heating, lighting and cooling design features b. Landscaping and building design should consider the incorporation of natural daylight and seasonal shade needs c. Building orientation should, where practical, be designed to optimize the benefits of solar orientation d. Building design should incorporate solar ready features e. Sheltered and secure bicycle parking shall be provided to a level that is consistent with 	Require solar ready and energized outlets capable of Level 2 charging stations.

	<p>the proposed use</p> <p>f. Electric Vehicle Plug-ins should be provided for new developments</p> <p>g. All buildings shall be designed and engineered to be solar ready</p> <p>h. Adaptive reuse of buildings and on-site materials is encouraged, where permitted within the BC Building Code and under relevant legislation</p>	
Water Conservation	8)	Guidelines not copied here are they are either clearly for a multi family development or addressed in other guidelines.
Stormwater	<p>9)</p> <p>A stormwater management plan shall be required as prepared by a registered professional engineer that has as its goal the maintenance of post-development flows equivalent to those of pre-development flow patterns and volumes over the entire wet weather season</p> <p>b. Stormwater management shall follow source control (on-site) principles and practices and minimize the use of conventional pipe and pond techniques, and avoid direct discharges to streams and other water-bodies</p> <p>c. Stormwater management shall take advantage of on-site opportunities to recycle water to absorbent soils, wetlands, and forests</p>	A stormwater management plan would no longer be required for an ADU. ADUs would be required to connect to municipal stormwater system where available.



Village of Cumberland

Advisory Planning Commission

Minutes

The meeting of the APC was held on Thursday July 14, 2022 at Village of Cumberland Council Chambers, commencing at 4:00pm.

PRESENT:	Nick Ward, Chair Janet Bonaguro, Secretary Jaye Mathieu	Troy Therrien Neil Borecky
ABSENT:	Debbie Bowman	
GUESTS \ STAFF:	Karin Albert, Senior Planner Courtney Simpson, Manager of Development Services Andrew McLean (proponent item 4a) Nancy Henderson, Urban Systems (consultant item 4b) Sydney Rankmore, Urban Systems (consultant item 4b)	
OBSERVERS:	N/A	

1. CALL TO ORDER

The meeting of the APC was held on Thursday July 14, 2022 at Village of Cumberland Council Chambers, commencing at 4:00pm. We are honoured to gather on the unceded traditional territory of the K'ómoks First Nation.

2. APPROVAL OF AGENDA

Bonaguro / Borecky: THAT the agenda be approved as presented/with the addition of item 4.3 Streamlining Accessory Dwelling Unit Approval Process.

CARRIED UNANIMOUSLY

3. APPROVAL OF MINUTES

Bonaguro / Mathieu: THAT the minutes of the meeting held June 9, 2022 be approved with the adjustment of item 3 removing the word "and" at the end of the motion.

CARRIED UNANIMOUSLY

4. REFERRALS FROM COUNCIL

a) Request for Comment on Rezoning Concept Plan – Lot A, Ulverston Avenue

Borecky / Therrien: THAT the Advisory Planning Commission receive the staff report titled "Request for Comment on Rezoning Concept Plan – Lot A, Ulverston Avenue".

CARRIED UNANIMOUSLY

DISCUSSION

1. Staff introduced the report
 - This is a concept plan, not a proposal for subdivision or rezoning yet.
2. Andrew McLean, developer, was present to respond to questions.
3. APC Discussion
 - a. Financial
 - a. APC members are interested in understanding how much of the resulting market value increase of the land will be once subdivided and rezoned so that the Village might consider how much of that increase in value the Village is capturing through its negotiations with the developer regarding community amenity contributions (e.g. affordable housing, infrastructure improvements, parkland). Research by one APC member indicated that leading practice is 25-75% of the increase in market value of the land.
 - b. Concept Plan
 - a. Key elements of the concept plan that the APC aligns on include:
 - i. Single family dwellings (SFDs) not fronting Ulverston
 - ii. Greenspace pathway connections as outlined in the concept plan
 - iii. Roadway alignment as outlined in the concept plan
 - iv. Multi-family units backing onto parkland / green space
 - v. Live/work fronting Ulverston
 - c. Zoning
 - a. New zone being proposed will be specified in the zoning amendment bylaw. The level of detail in the amendment bylaw for this specific site is under development.
 - b. Rezoning is the one point in the development process where the Village can negotiate for amenities.
 - c. Staff clarified that key elements of the concept plan will be part of the new zone such as location of the SFDs and greenway, and alignment of roadway. This will ensure those elements of the concept plan are retained if developer/landowner changes.
 - d. Per staff, an Affordable Home Ownership (AHOP) Partnering Agreement that specifies details around the 22 AHOP units will be a condition of included in the rezoning. Parties to the agreement will be the developer, BC Housing, and the Village. but will be addressed separately with the Village.
 - d. Uses
 - a. Staff clarified that the exact location and number of buildings within each of the specified lots will not be defined in zoning (this happens later in the development process), but maximum density will be included in the zone, such as through units per hectare or floor area ratio.

- b. The multi-family dwelling area is proposed to include a portion of rental housing in order to ensure a larger amount of rental housing, rather than having more single-family dwellings in addition to the 22 proposed AHOP units. A rental-only use may be considered for those units.
- c. Suggestion for Village staff to consider allowing or disallowing suites being placed into basements of the SFDs (i.e. craft the new zone to either allow or deny secondary suites). While the lots are likely too small, and parking is too limited for secondary suites to be possible, the marketplace may change making secondary suites desirable.
- d. Consider input from Cumberland Business Association regarding alignment with their overall goals and VCMU-1 zone.
- e. Fitness centre use has resulted in conflict with adjacent residents in other areas of the Comox Valley due to loud /bass music into the evening hours.
- f. Consider parking requirements prior to rezoning to understand the potential lot coverage requirements based on proposed uses.
- e. Advice for the Developer
 - a. The developer may wish to consider increasing the mixed use at ground level to have “work” type uses across the street from each other at ground level (rather than having light industrial/commercial frontage open to MFD residential frontage across the lane).
 - b. The developer may wish to consider if the current concept plan provides enough commercial/industrial space in the proposed live/work mixed use (“industrial-minor”) area to draw enough traffic (needs depend on the nature of the uses of these spaces) to be commercially viable in the long term, especially not being in the commercial core or attracting foot traffic from nearby land uses.
- f. Infrastructure
 - a. Staff clarified that paving of Ulverston would be a requirement of subdivision.

Bonaguro / Mathieu: That the APC supports of the application and concept plan for a proposed new zone on Lot A at Ulverston Avenue (2022-03-RZ). In alignment with the comments in these minutes.

CARRIED UNANIMOUSLY

b) Development Approvals Process Modernization

Bonaguro / Borecky: THAT the Advisory Planning Commission receive the staff reports titled “Development Approvals Process Modernization” and “Streamlining Accessory Dwelling Unit Approval Process”.

CARRIED UNANIMOUSLY

DISCUSSION

1. Staff introduced the reports
2. Nancy Henderson and Sydney Rankmore, consultants, Urban Systems, presented an overview of the recommendations and responded to questions.
3. APC Discussion
 - a. Community Representation
 - a. The role of Council and the APC is to represent the community regarding development in the community.
 - b. P13 of report identifies consultation with the development community, Council, and staff. Consultation with citizens and committees representing citizens has not been undertaken up to now.
 - c. A developer's role is to create return for shareholders, while Council's role is to get as much of that benefit for the community as possible. This process should more directly consider the Village's interests in terms of capturing value for the community, vs. streamlining the process to help developers get more out of the process (which implies that the Village would capture less value).
 - d. The implied goal of the Province through this exercise is to decrease the time for approvals to help address the housing crisis. While the streamlined process may be desired by developers, restricting the forums for citizens to provide input is not necessarily suitable for a community the size of Cumberland (small population) with a strong set of values around development. While some applications could be streamlined (e.g. straightforward ADU development permits), there is still value in debating a variance on an ADU in light of the OCP, bylaws and public input. The Village would be remiss in rushing the democratic process by reducing the review of individual cases that are important to residents as well as those that vary from bylaw.
 - b. APC Role
 - a. The APC and other committees are sober second voice that represents the community.
 - b. APC can also be used to address strategic topics going forward given the level of knowledge that's developed over time within the APC.
 - c. Strong desire to keep the APC in some form as it's a valuable voice given the values of the Cumberland community.
 - d. The APC is in favour of reviewing the APC bylaw to include strategic topics in addition to its exiting scope of work but understanding that the opportunity should always exist for Council to refer any application to the APC at any point, if it desires.
 - e. The APC could adopt a more formal onboarding process to learn about legislation and processes in order to develop background knowledge more efficiently for all members.
 - c. Streamlining Processes
 - a. The APC is very much in favour of streamlining the development application and review process and systems with the aim of making the

Village processes more efficient and transparent to citizens and developers.

- b. The Village could identify trigger points for development and variance applications where files are considered for referral to the APC (i.e. not automatic referral to APC).
- d. Official Community Plan (OCP)
 - a. OCP is the key document to inform decision making at all levels within the municipality. The OCP would benefit from an update to more clearly reflect a set of community values that better inform decision making as Cumberland continues to change and grow. Clarity at this level will create stronger clarity on what the Village will support in terms of development.
- e. Development Variance Permits
 - a. The proposal to develop a set of criteria for “common variances” to delegate to staff is unclear and we look forward to an opportunity in the future to better understand this as the project continues.
 - b. Concerned that having a set of “common variances” delegated to staff for decision may be viewed as the Village selectively applying bylaws which could potentially result in the Village appearing to be less transparent.
 - c. We would like more information on savings to staff time to better understand this proposed benefit.

c) Streamlining Accessory Dwelling Unit Approval Process

DISCUSSION

1. APC Discussion

- Design Website and Guide
 - Recommend there is a process to obtain public input on the guide.
 - A certain threshold should be defined in order for the Village to feel that the Guide has been followed.
 - Conversely, the APC doesn't want to see the Village or the APC be too controlling over design to allow for creativity and innovation and the changing styles of development and preferences of landowners.
- ADU Size and Type
 - The Village may wish to consider enabling all lots of a certain size or greater to allow the maximum size ADU. This may decrease developer and staff effort to calculate the maximum size of an ADU given lot coverage and the size of the primary dwelling.
 - Along with this change, staff and Council may wish to consider including Tiny Homes as valid forms of ADUs (if hooked up to Village services).
- Stormwater Management Plan
 - Many ADU applications have no stormwater management concerns, yet a Stormwater Management report is required per the bylaw. It

makes sense to remove this requirement and address any needs at the Building Permit stage instead. This will reduce the time and cost to applicant and the time spent by staff to review and incorporate findings in the development permit report.

Bonaguro / Borecky: THAT the APC supports the concept of streamlining the Accessory Dwelling Unit Approval Process in alignment with the comments made in these minutes and awaits further information from Council and staff on recommendations sought from the APC.

CARRIED UNANIMOUSLY

5. NEXT MEETING

The next APC meeting is Thursday July 21, 2022 at 4:00pm.

6. TERMINATION:

Borecky / Mathieu: THAT the meeting terminate.

Time: 6:04pm

Certified Correct:	Confirmed:
<hr/>	<hr/>
Chair	Deputy Corporate Officer

MEMO

ADVISORY PLANNING COMMISSION



REPORT DATE: 7/6/2022
MEETING DATE: 7/14/2022

File No. 3010

TO: Advisory Planning Commission
FROM: Courtney Simpson, Manager of Development Services
SUBJECT: Development Approvals Process Modernization

The Committee of the Whole received a presentation and initial report (“Summary Report”) on the Development Approvals Process Modernization project at their May 30, 2022 meeting. The APC is requested to review the report and participate in a workshop with the consultant, Nancy Henderson of Urban Systems.

A recording of the presentation can be viewed at the Village You Tube Channel, beginning at 1:10:15 <https://www.youtube.com/watch?v=bPxZl40ax1o>.

ATTACHMENTS

1. May 30, 2022 Committee of the Whole Report

Respectfully submitted,

Courtney Simpson
Manager of Development Services

COMMITTEE OF THE WHOLE REPORT



REPORT DATE: 5/20/2022
 MEETING DATE: 5/30/2022

File No. 3010

TO: Mayor and Councillors
 FROM: Courtney Simpson, Manager of Development Services
 SUBJECT: Development Approvals Process Modernization

RECOMMENDATION

- i. THAT the Committee receive the Development Approvals Process Modernization Summary Report for information.
- ii. THAT the Committee receive a presentation from project consultant, Nancy Henderson of Urban Systems.

PURPOSE

The purpose of this report is to provide background information and a high-level summary about the attached report and process.

PREVIOUS COUNCIL DIRECTION

Date	Resolution
November 8, 2021	THAT Council receive the Amendments to Local Government Legislation Proposed in Bill 26 report for information.
May 22, 2021	THAT Council direct staff to submit an application to the Union of BC Municipalities Local Government Development Approvals Program, for funding to review and update the Village of Cumberland’s development approvals processes including information technology to support it, and that the Village of Cumberland provide overall grant management.

BACKGROUND

Province of BC Development Approvals Process Review

In 2019, the Ministry of Municipal Affairs and Housing (MAH) completed the third stage of the Development Approvals Process Review (DAPR). The DAPR was initiated to better understand the challenges facing development approvals across British Columbia as part of a broader effort to identify barriers to affordable housing in the province. Consultation with rural, suburban, and urban local governments, and various non-government stakeholders provided a cross-section of the diverse challenges facing the development approvals process. This engagement allowed MAH to assess the common challenges in the province’s development application process, outline the

qualities of effective and efficient processes, and identify opportunities to develop these attributes across the province.

Bill 26

Bill 26: Municipal Statutes Amendment Act (No. 2) 2021, was given Royal Assent on November 25th, 2021. Of relevance to Cumberland’s Development Application Review, the Bill proposes amendments to various sections in the Local Government Act and Community Charter including:

- Removal of the default requirement to hold public hearings for zoning bylaw amendments that are consistent with the official community plan;
- Allowing for delegation of decisions on “minor” development variance permits;
- Enabling local governments to determine specific notice methods for public notice requirements.

Changes regarding public hearings, delegation of development variance permits, and public notice as applicable to development applications are considered as part of this review. Adoption of a public notice bylaw will be optional under the proposed legislation and includes notice relating to a variety of financial and procedural bylaws.

Project Background

The review assesses the Village’s current development application review process, including identifying additional opportunities for streamlining, clarity in communication, and reducing the need for amendments and variances. An improved process will help to accommodate projected development pressures and ultimately eliminate barriers to create affordable housing as guided through policies in the Village’s Official Community Plan Bylaw and Zoning Bylaw regulations.

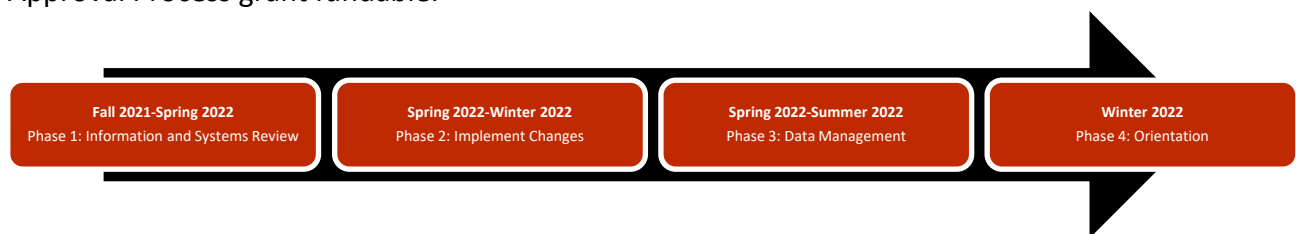
The attached report is a summary of phase 1 of the project. It includes a review of existing processes, consultation with stakeholders, and recommendations for process improvements, streamlining opportunities, establishing benchmarks, milestones and targets based on desired level of service, provide options and recommendations to consider implementing a fast-track application stream. The review also identifies opportunities to improve processes and records management using software and information technology.

Stakeholder Engagement

To better understand the current development approvals process, a series of solution-oriented interviews were conducted with community stakeholders to gain a better understanding of where the process can be streamlined from their perspective. These stakeholders included members of the Village Council, staff, and individuals from the development community. In addition to the interviews, an online survey was created and sent out to local developers as an alternative means to provide input.

Next Steps

To prioritize and implement the recommendations in the report that are UBCM Development Approval Process grant fundable.



ALTERNATIVES

1. Alternate recommendation/action in the form of a Council resolution. Include explanation or details of that alternative.
2. Not proceed with any action at this time.

STRATEGIC OBJECTIVE

- Healthy Community
- Quality Infrastructure Planning and Development
- Comprehensive Community Planning
- Economic Development
- Reconciliation

FINANCIAL IMPLICATIONS

This project is fully funded by the Provincial government through a grant program administered by UBCM.

OPERATIONAL IMPLICATIONS

The goal of the project is to identify opportunities to increase the efficiency and effectiveness of the Village's development approvals processes. The Summary Report [Attachment 1] identifies the recommended actions that are within the scope of the grant and will be completed with consultant support. The project budget also includes funds for temporary staff to assist support this work so that there is minimal impact on regular operations of the Development Services Department.

ATTACHMENTS

1. Development Approvals Process Modernization Summary Report

CONCURRENCE

Rachel Parker, Corporate Officer **RP**

Respectfully submitted,

C. Simpson

Courtney Simpson
Manager of Development Services

M. Mason

Michelle Mason
Interim Chief Administrative Officer

VILLAGE OF CUMBERLAND

DEVELOPMENT APPROVALS PROCESS MODERNIZATION

SUMMARY REPORT

May 25, 2022





PREPARED FOR:

The Village of Cumberland
2673 Dunsmuir Ave
Cumberland, BC V0R 1S0

URBAN
S Y S T E M S

304 - 1353 Ellis Street, Kelowna, BC V1Y 1Z9 | T: 250.762.2517

File: 3332.0013.01

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Contents

Project Overview	1
Goal and Purpose.....	2
Our Approach.....	2
Provincial Context.....	4
Local Context.....	6
Planning and Regulatory Framework.....	9
Staffing.....	11
What We Heard.....	13
Discussion and Analysis.....	15
Strengths.....	15
Challenges and Opportunities	18
Summary of Recommendations for Improvement	29

Table of Figures

Figure 1: Cumberland Population Growth 2001 to 2021.....	6
Figure 2: Development in Cumberland 2016 to 2021.....	9
Figure 3: Development Services Organizational Chart	12

List of Tables

Table 1: Significant Development Applications in Progress (2022)	8
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Project Overview







The Village of Cumberland is at an exciting stage of growth and is quickly becoming one of the most attractive places to live on Vancouver Island. The Village has experienced an impressive influx of new residents, with a third of the population being new to the area.¹ The rapid growth of the area has resulted in a significant development boom that is expected to continue into the coming years.

As such, the Village has received funding from the Union of BC Municipalities Local Government Development Approvals Program to conduct the Development Approvals Process Modernization project.

The Development Approvals Process Modernization project is intended to streamline the development approval process and lead to positive outcomes related to the provision of affordable housing and other community priorities as outlined within the Official Community Plan (OCP) and other bylaws.

When a development approval process has clarity of purpose, runs efficiently, and focuses on client and community needs, it costs less to administer and helps assure compliance with local government regulations and policy. Conversely, an inefficient system with jurisdictional overlaps, ad hoc requirements, and unclear mandates can create confusion, generate delays, and can add to the cost in planning, design, and construction, which and may discourage development.

The guiding principles behind the UBCM funding program and this project are:

 Achieves Outcomes in the Public Interest	The approvals process is set up to support development that is strategically aligned with adopted community plans, supports community values, is strategically aligned with the public interest and results in high-quality built environments.
 Certainty	The requirements, timeframes and costs of development approvals are clearly outlined and communicated in advance or as early as possible in the application process.
 Transparent	Decisions during the approval process are documented and communicated in a clear and timely manner.
 Collaborative	Local governments and applicants work collaboratively to achieve desired outcomes. Where public involvement is appropriate, the process seeks public input early in the process and in an informed manner.
 Flexible	The process achieves consistency while providing some flexibility to respond to unique opportunities and encourages innovation.
 Timeliness	The development approval process occurs on timeframes that are appropriate to the level of complexity of the application and that all parties acknowledge their responsibility to provide required information in a timely manner.

¹ Village of Cumberland Economic Profile

GOAL AND PURPOSE

The goal of the project is to identify opportunities to increase the efficiency and effectiveness of the Village’s development approvals processes while meeting the objectives set out in the Official Community Plan and other strategic planning documents.

The review assesses the current development application review process, including identifying additional opportunities for streamlining, clarity in communication, and reducing the need for amendments and variances. An improved process will help to accommodate future projected development pressures and ultimately eliminate barriers to create affordable housing.

The process aims to identify and create efficiencies in the processes and determine specifically how the departments coordinate and communicate at various stages in the processes. The goal of the initiative is to establish benchmarks for pivotal milestones within each application process.

WHO IS THIS WORK FOR?

Ultimately the work being undertaken aims to increase housing availability to support a community that will grow in alignment with the OCP and therefore serves the needs of the entire community. The work is being undertaken to improve the development process and identify opportunities to reduce the administrative burden on the Village by identifying opportunities to create efficiency in the process.

HOW WILL THIS WORK BE USED?

This work will be used to inform the next phases in the project which will implement several regulatory and process refinements that will improve the development approvals process and therefore facilitate a streamlined process for the types of development that are most in line with the community’s goals.

Our Approach

This process review is Phase 1 of a multiple phased project that has been provided funding from the Union of BC Municipalities.

PHASE 1

Information and Systems Review

Review existing processes, consult with stakeholders, and prepare summary document with recommendations for process improvements streamlining opportunities, establishing benchmarks, milestones and targets based on desired level of service, provide options and recommendations to consider implementing a fast-track application stream.

PHASE 2

Implement Changes

Amend Procedures Bylaw, Zoning Bylaw, and Subdivision Servicing Bylaw to reduce common variances and implement process efficiency recommendations in the Phase 1 Report. Update communication material to assist applicants in understanding the development approvals process, regulations, and requirements with the intent to reduce inquiries and ensure a clear process.

PHASE 3

Data Management

Based on needs identified in previous phases, select and implement software and data management practices that support the changes to the approvals process. Identified solutions will integrate into daily operations to streamline the process and improve workflow.

PHASE 4

Orientation

Conduct orientation and training for staff and new councillors of new systems and all changes made through the process. Orientation will take place following the municipal election in October 2022.



Review and Research

The consulting team reviewed the Village’s current development processes, forms, brochures, and bylaws. The team reviewed some development application files and Village correspondence with applicants and referral agencies to better understand the needs. Information regarding the number of applications and processing times for the past several years was also examined.

The consulting team also conducted comparative research with other similar sized local and regional municipalities to understand industry best practices.

Interviews and Online Survey

The consultants conducted various interviews with Village staff to get a sense of application intake, processing, and staff capacity. This included the economic development officer, finance staff, engineering and operations, bylaw enforcement, parks, the corporate officer and the planning and development services team. In addition, the project team contacted 38 development stakeholders to request interviews and/or the completion of a detailed online survey. A total of 12 completed surveys were collected and 2 interviews were conducted.

Provincial Context

Homes for BC: A Government’s 30 Point Plan for Housing Affordability

In this report, the Province noted that local governments are a strategic partner in delivering affordable housing and that municipalities are on the front lines of the housing crisis. The Province of BC is committed to empowering and supporting local governments’ efforts to accelerate the construction of the housing that communities need. While the development approval process plays an important role in ensuring that the vision of the community is realized, and that local interests are met including an adequate supply of safe, well-serviced and aesthetically-pleasing development, approval processes can also result in timelines that significantly impact the provision of housing.

Development Approvals Process Review

In 2019, the Ministry of Municipal Affairs and Housing (MAH) completed the third stage of the Development Approvals Process Review (DAPR). The DAPR was initiated to better understand the challenges facing development approvals across British Columbia as part of a broader effort to identify barriers to affordable housing in the province. Consultation with rural, suburban, and urban local governments, and various non-government stakeholders provided a cross-section of the diverse challenges facing the development approvals process. This engagement allowed MAH to assess the common challenges in the province’s development application process, outline the qualities of effective and efficient processes, and identify opportunities to develop these attributes across the province.

The DAPR identified a number of internal issues that local governments face in their application processes including:

- Incomplete or poor-quality submissions by proponents;
- Increased complexity of requirements;
- Inconsistent development permit guidelines; and,
- Contradictory advice from different departments.

Other application process challenges identified by the development industry include:

- Lack of transparency on the status of development applications; and,
- Lack of consistency of requirements between adjacent local governments.

This Development Approvals Framework review will assess these issues in Cumberland and will seek to develop solutions to facilitate development process improvements.

Bill 26 – Municipal Statutes Amendment Act (No.2) 2021

Bill 26: Municipal Statutes Amendment Act (No. 2) 2021, was given Royal Assent on November 25th, 2021. Of relevance to Cumberland’s Development Application Review, the Bill proposes amendments to various sections in the Local Government Act and Community Charter including:

- Removal of the default requirement to hold public hearings for zoning bylaw amendments that are consistent with the official community plan;
- Allowing for delegation of decisions on “minor” development variance permits; and,
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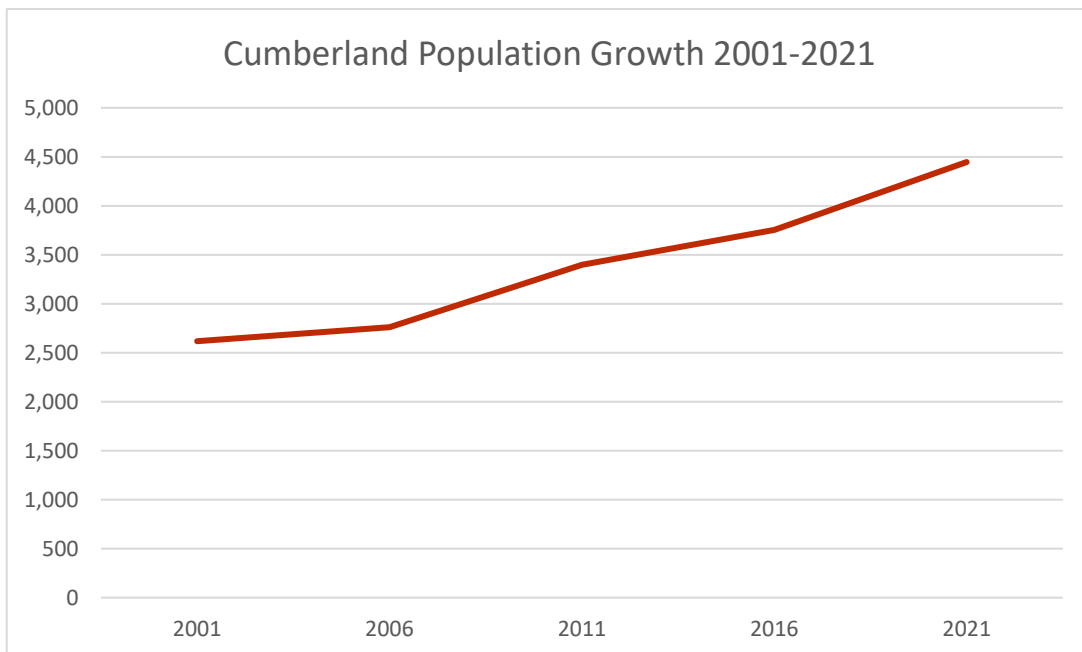
Changes regarding public hearings, delegation of development variance permits, and public notice as applicable to development applications are considered as part of this review. Adoption of a public notice bylaw will be optional under the proposed legislation and includes notice relating to a variety of financial and procedural bylaws.

Local Context



Cumberland is quickly becoming one of the most desirable places to live on Vancouver Island, and therefore experiencing growth that is rapidly outpacing the rest of the region. Between the 2016 and 2021 Census, the Village of Cumberland grew 18%, making it one of the biggest changes in population in the province of British Columbia. Most of the new residents are between the ages of 25 and 40, contributing to a much younger median age (39.2) than the Comox Valley Regional District (58.0).

Figure 1: Cumberland Population Growth 2001 to 2021



Issues regarding the development application review process must be considered in context of the rapid growth and the resulting development boom. The following factors have shaped the development environment in Cumberland today. These include:

- Increasing complexity of development applications with changing regulation (i.e. Official Community Plan update and Zoning Bylaw update)
- Increase in development activity
- Increased housing costs and lack of affordable housing
- First-time or inexperienced applicants
- Rapidly rising costs of infrastructure requirements
- Demand for additional services, community amenities and institutional development

This rapid influx of new residents has resulted in significant amount of new development in the past 5 years. Currently, the majority of the development is being done by individual property owners looking to build single-family homes. Application volume peaked in 2017 with a 72% increase from the previous year and has remained consistently around 50% higher than 2016 volumes. In numbers, there were 78 development applications in 2016, 152 applications in 2017, and 128 applications in 2020.

Changes to Village policies, procedures, and bylaws during the last 5 years, including a new Official Community Plan in 2014 and Zoning Bylaw in 2017 also significantly increased growth and density opportunities. This has added to the development boom but also added complexity and time to the process through designation of new development permit areas, for example. At the same time, several advisory committees were established, creating a new referral step in the process for approving many development applications. The Village GIS and Building Inspection services are provided through contract with the Comox Valley Regional District. Information technology support is provided through a third-party contractor

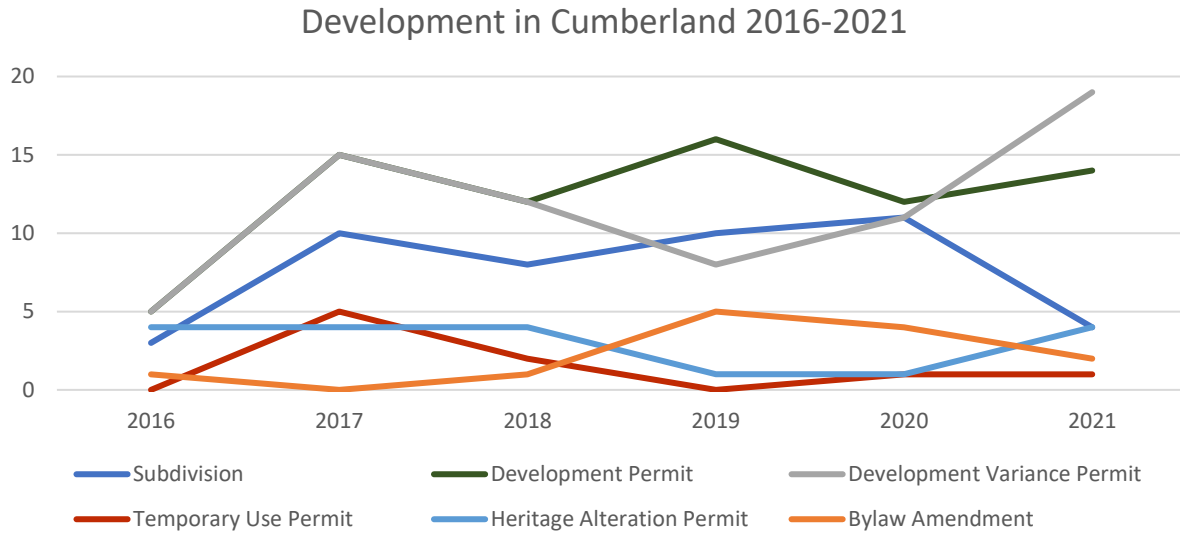
The increased interest and development demand, combined with development challenges and community priorities indicates a strong local economy and desirable community. However, these forces may also stretch the capacity of the Planning & Development Services department, which, in turn, results in added pressure to other departments. Subsequently, pressure comes from the development community which seeks certainty with respect to timelines and outcomes.

Table 1: Significant Development Applications in Progress (2022)

Address	Details	Application Type
Bevan Road Industrial Area	Six new industrial lots and new Tree Island Yogurt facility.	Subdivision Development Permit
Comox Lake Road/ Horbury Road		OCP and Zoning amendment for 25 historic cabins
Maple Street	24 new residential lots located on the extension of Maple Street, behind the new Fire Hall.	Subdivision
Penrith Avenue extension	Coal Valley Estates Phase 11 for 64 residential lots, 1 commercial and 5 multi-family lots.	Subdivision Development Permit
Royston Road, 3025	Construction of a 56 unit manufactured home park.	Manufactured Home Park Permit, Development Permit, Development Variance Permit
Second Street 3339, 3341, 3345	Non-Market Rental Housing Project for 23 units	Official Community Plan and Zoning amendment

The following graph and corresponding table outline trends in development application completion and permit issuance between the years of 2016 to 2021.

Figure 2: Development in Cumberland 2016 to 2021



Year	Bylaw Amendments	Development Permits	Development Variance Permits	Subdivision Applications	Heritage Alteration Permit	Temporary Use Permit
2016	1	5	5	3	4	0
2017	0	15	15	10	4	5
2018	1	12	12	8	4	2
2019	5	16	8	10	1	0
2020	4	12	11	11	1	1
2021	3	14	19	4	4	1

PLANNING AND REGULATORY FRAMEWORK

To understand the policy and regulatory context of the review, the team reviewed key Village of Cumberland documents that influence the development applications process. Documents reviewed included relevant strategic documents, bylaws, policies, internal procedures, and communication materials.

Village of Cumberland's Strategic Priorities 2020-2023

The Village of Cumberland Strategic Priorities guide corporate management and decision-making. The purpose of the priorities is to focus and coordinate resources.

Strategic priorities relevant to the Development Approvals Process Modernization are as follows. :

1. Attainable Housing
2. Quality Administration through Accountability and Transparency
3. Maintaining Village Character and Retaining Heritage

Official Community Plan (2014)

The Village of Cumberland completed an update of their Official Community Plan (OCP) in 2014. The plan provides a framework of goals, objectives, and policies to guide decisions on future planning and land management.

The OCP vision statement has been condensed below to highlight sections specific to the Development Approvals Process Modernization project:

"...The Village of the future is well-managed in a sustainable and orderly fashion with full public participation, and a thriving, resilient and diversified economy based on tourism and other industries and businesses that are compatible with community values. Citizens recognize that residential growth must be balanced by revenues from successful businesses with the objective of making jobs available for Cumberland residents."

The vision for the Village was built upon the following principles:

- Improvement and expansion of infrastructure to accommodate measured growth
- Attainable housing
- Village Centre rejuvenation
- Promotion of the Village for local and regional businesses
- Recreation and tourism
- A healthy, active, and engaged citizenry of all ages and walks of life
- Accountability and transparency
- Protection and enhancement of natural features and functions

The OCP envisions Cumberland in 2030 as a community that has successfully developed and nurtured key assets and features of the area to retain residents and attract visitors alike. It envisions a strengthened community with enough land for businesses, agriculture, parks, environmental areas, community amenities and housing. The OCP demonstrates a strong commitment to the natural environment and a collective commitment to preserving the natural surroundings of forests and wetlands.

Land use policy encourages new development in close proximity to or within the Village Centre and support for residential infill development. The OCP demonstrates support for development that provides a benefit to the community as a whole and guides evaluation of the development applications on this basis. With this in mind, many have indicated that what is the Village is looking for in terms of

development is not completely clear. With an OCP update on the horizon, the Village may consider strengthening policy surrounding development that provides a community benefit to provide clear expectations for the development community and guide decision making.

Other Planning or Regulatory Documents

In addition to the documents listed above, a number of relevant bylaws and planning documents were reviewed. They are as follows:

- 1) Zoning Bylaw No. 1027, 2016
- 2) Subdivision and Development Bylaw No. 948, 2012
- 3) Development Procedures and Fees Bylaw 1073, 2018
- 4) Development Approval Information Bylaw No. 809, 2005
- 5) Advisory Planning Commission Bylaw No. 999, 2014
- 6) Development Guides and Communication Material
- 7) Housing Needs Report (2020)
- 8) Economic Development Strategy 2018-2023

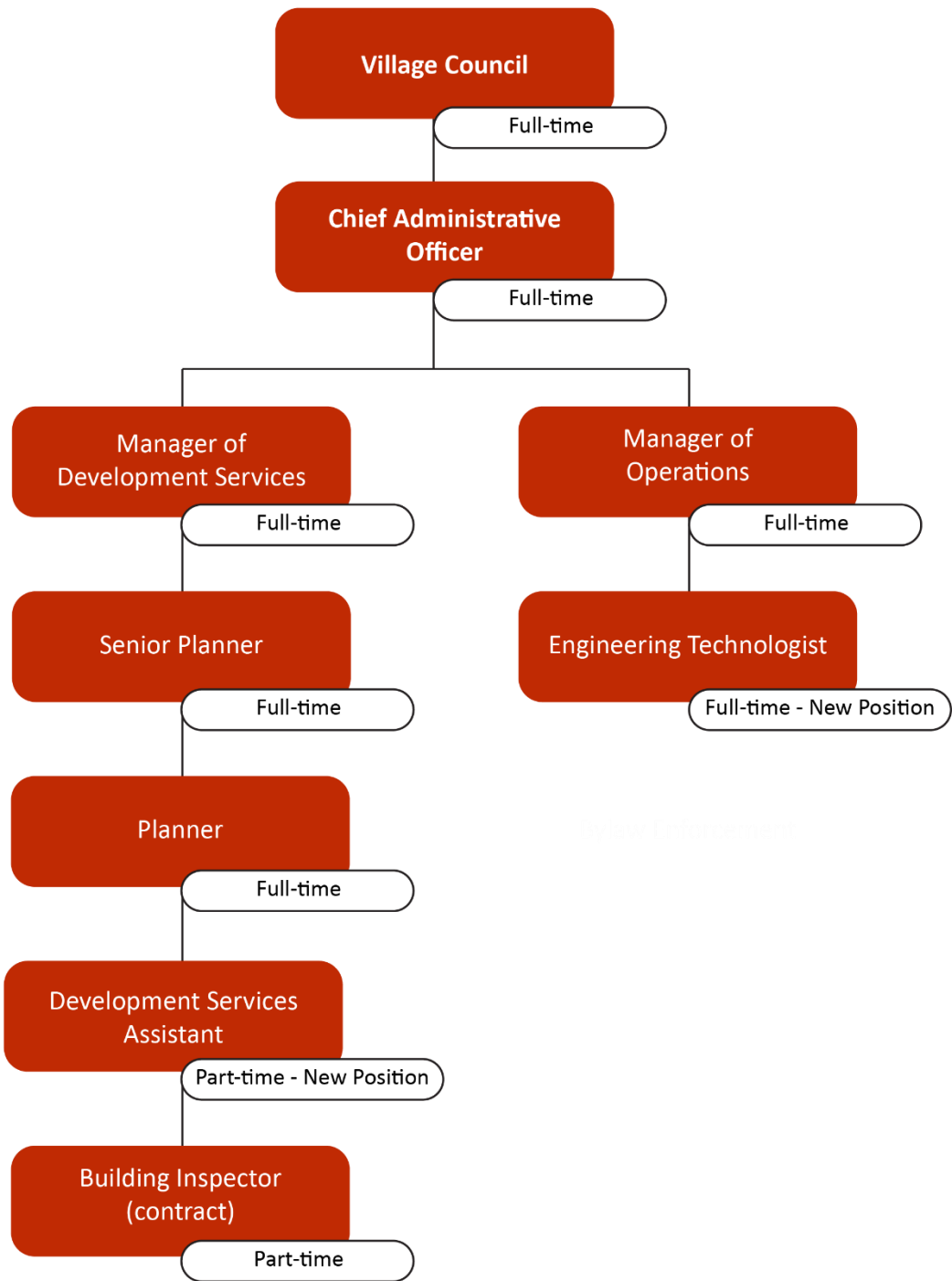
STAFFING

The Village of Cumberland has experienced staff turnover and the creation of new positions within the organization in the past 5 years. With the increasing population growth, staff have been stretched to capacity to handle the increase in demand. New positions have included a new Part-time Development Services Assistant and an Engineering Technologist among others.

The Development Services department has experienced a complete staff turnover including the Manager of Development Services over the last three years. While the additional staff has contributed to increased capacity, new staff require training and onboarding. It was noted that previous Development Services staff had individual approaches to processing applications developed through years in the position but processes were not formalized into a systematic approach or consistent among staff. This informal approach together with increased application volumes has led to the need and desire to create a consistent, systematic approach to application process that is clear and predictable across the department and easily transitioned to new staff.

In addition to the three Development Services staff, building inspection is contracted from the Comox Valley Regional District and is available two days a week. This can be challenging for timing and processing of applications. As the Village continues to grow and demand increases, it may be worth considering increasing the scope of the RDCO contract and/or creating a permanent position for a building inspector.

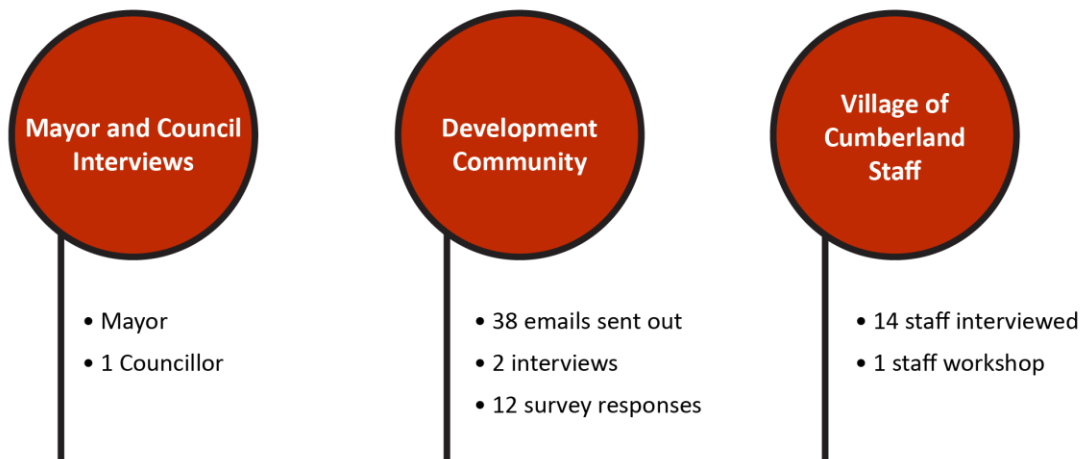
Figure 3: Development Services Organizational Chart



What We Heard

To better understand the current development approvals process, a series of solution-oriented interviews were conducted with community stakeholders to gain a better understanding of where the process can be streamlined from their perspective. These stakeholders included members of the Village Council, staff, and individuals from the development community. In addition to the interviews, an online survey was created and sent out to local developers as an alternative means to provide input.

Input from stakeholders who interact with the development approvals process on a regular basis included:



The engagement process provided valuable insight into experiences regarding the development application process. Discussions covered the development review and approval process from application submissions through to public hearings, approvals, permitting, and ongoing financial tracking.

Key takeaways from the engagement include:

Process

- The desire for additional consistency and clarity of approval timelines. Application timeframes and associated benchmarks are also desired.
- The desire for guidance on required documents to be submitted early on in the process
- Pre-application meetings with staff to review the application process, requirements, timeline, and fees are helpful at guiding them through the requirements and processes. Additional guidance and “heads up” comments from staff would be appreciated by the applicants.
- Concerns about the development permit application forms as they are not straightforward and intuitive. Some applicants felt that the format of the application can lead to confusion and result in unintentionally incomplete applications. Adjustments and/or reformatting of the application forms may result in a more straightforward start to the development process and avoid scheduling delays/lost time.
- Desire for online tracking showing current applications in queue and status.

Communications

- Desire for additional and clearer guides, brochures and website information about the application process, fees and application requirements.
- Desire for more clearly communicated anticipated processing times and application expectations.
- Desire to keep the small-town, personalized approach to customer service versus a highly automated IT approach; however, some IT efficiencies should be explored.
- The importance of trust and strong relationships between developers, their agents, and Village staff to implement an efficient process.
- Survey respondents had either a very clear or somewhat clear understanding of the required documents to be submitted early in the development application process.
- Staff was friendly and polite and applicants felt they received great customer service.

Policy and Regulations

- Concerns for clarity of development vision in the OCP, not sure what staff and Council is looking for.
- Public information meetings for Zoning Amendments that align with the OCP are not considered a necessary step by some members of Council and the development industry.
- Explore the opportunities provided by Bill 26 to delegate minor development variance permit applications to staff and waive public hearings for Zoning Amendment applications that align with the OCP land use designations.
- Concerns for clarity and ease of understanding of Village bylaws and regulations.
- Concerns for the Development Permit requirements for Accessory Dwelling Units being cost and time prohibitive.
- Concerns for parking and bicycle parking regulations being too onerous.

Internal Procedures

- High demands for staff resources coupled with a small number of staff results in insufficient capacity to meet the desired level of service with respect to application processing timeframes and response to inquiries. Staff seem “overworked” and “overwhelmed” by current volumes.
- Delegate minor applications to staff to allow Council’s to focus on governance, rezoning, and land use applications that don’t conform to the OCP.
- When Council requests “special project” reports from the planning department, it must be recognized that it impacts resources otherwise utilized for development application processing.
- Find procedural efficiencies and create systems to track information such as security, application conditions, legal agreements, and records to reduce staff time finding information.
- Part time building official staff was identified process inefficiency making timelines run longer due to staff capacity and availability.

Software

- Paper and folder-based records management is time consuming and prevents staff from easily getting a high level overview.
- Find ways to better leverage under utilized software such as GIS and Sharepoint in order to make more efficient use of existing systems.
- Consider the creation of a file management policy to guide staff in consistently and efficiently handling development application information.
- Enable “self serve” online applications, guides, and reporting for higher capacity stakeholders to free up staff time for applicants in need of a more hands on approach.

What We Heard – Key Themes (at a glance)

<ul style="list-style-type: none"> ▪ Application Volumes 	<ul style="list-style-type: none"> ▪ Opportunities to Delegate
<ul style="list-style-type: none"> ▪ Benchmarks, Monitoring, Tracking and Reporting 	<ul style="list-style-type: none"> ▪ Communications Materials and Responsiveness
<ul style="list-style-type: none"> ▪ Training and Onboarding 	<ul style="list-style-type: none"> ▪ Accessory Dwelling Units – Resource Implication
<ul style="list-style-type: none"> ▪ Development Permit Guidelines 	<ul style="list-style-type: none"> ▪ File Management
<ul style="list-style-type: none"> ▪ Bylaws and Document Updates 	<ul style="list-style-type: none"> ▪ Incomplete Applications
<ul style="list-style-type: none"> ▪ Public Information Meetings and Public Hearings 	<ul style="list-style-type: none"> ▪ Pre-application Meetings

Discussion and Analysis

STRENGTHS

During the review of Cumberland’s development application processes, numerous aspects of the process were highlighted as being strengths by the development community. For example, the Village’s personable approach to customer service plays a positive role in applicant experience despite processing delays and staffing limitations. While there are many elements of the development application process that can be streamlined and improved, there are multiple effective attributes that should be mentioned. The following section outlines some of the positive elements of Cumberland’s development application process expressed by survey respondents, and members of the development community.

Policy and Regulatory Framework

The Village has a good foundation of both policy and regulations to guide the development process comparative to many municipalities of similar size. This framework, coupled with a strong understanding of infrastructure capacity and upgrades to accommodate growth, puts the Village in a strong position to implement development application process improvements.

Single File Manager

Many in the development community were used to larger centres where an application may not have a dedicated planner processing their application and noted that they appreciated the consistency of this approach; however, this approach has been challenging over the last couple years due to several staff changes which force applications to be transitioned to a different staff member. Since the department has been fully staffed the implementation of a single file manager approach improves consistency and efficiency and has been identified as a recent improvement

The Village's current practice reflects best practice which is when an applicant would like to escalate a concern to senior management, the file manager be included in the conversations to maintain a sense of ownership, understanding and responsibility. Involving technical staff in resolving issues tends to increase departmental capacity and overtime usually reduces the amount of time senior management gets pulled into technical issues. It is recommended that the Village continues with this approach.

Inter-departmental Collaboration (Development Review Team)

Cumberland staff have a high level of inter-departmental communication which provides frequent opportunity to collaborate on ongoing development applications. Office culture plays a strong role in the Cumberland Village Hall and contributes to an atmosphere that encourages discussion of varied opinions and group problem solving. Municipalities can often work in "silo" environments which can be detrimental to inter-departmental communication, which is not the case in Cumberland. The Operations Department plays a significant role in the review of development applications with respect to infrastructure servicing. The new Engineering Technologist position appears to be assisting timely reviews and referral responses. The Village has also recently implemented a more formal approach to their Development Review Team (DRT) meetings with agendas and the completion of meeting notes. These meeting could be further strengthened by expanding invitations to additional departments for review of more complex applications.

In addition to agendas and meeting notes, recommended best practices would be for attendees to have their referral responses prepared and be ready for discussion. DRT meetings are shown to resolve issues and conflicting direction from different departments as well as identify non-negotiable issues versus concerns that may have a variety of solutions or are less important. For complex applications with identified staff concerns, it is also be recommended that the applicant be invited to the meeting to answer questions and discuss the applications as this often leads to solution identification and open lines of communication. It is also recommended that staff send a comprehensive review letter to the applicant within one or two weeks of the DRT meeting.

Comprehensive Preliminary Lot Review (PLR) Letters

A revised template for Comprehensive PLR letters has recently been implemented by the Manager of Development Services. The PLR letter details the requirement of subdivision, and any future requirements that could be relevant to the applicant at later stages in the approval process. This allows the applicant to have the full picture of what to expect in as the application proceeds.

Staff Dedicated to Continuous Improvement

Staff were also keen to identify how the development process could be modernized to reflect best practices and were engaged in the review process and genuinely excited about the opportunity the subject grant funding provided to improve processes and improve level of service.

Friendly Customer Service

Engagement with the development community identified that development services staff were recognized to be professional and polite in guiding applicants through the development process. Most applicants feel that staff are welcoming and responsive when they contact the Village for assistance. An emphasis on strong customer service and responsiveness to inquiries acts as a fundamental element for encouraging investment in Cumberland; however, prioritizing responsiveness to inquiries and guiding inexperienced applicants can often be a time-consuming task for staff and can divert many hours per week away from application processing workloads. Cumberland should strive for a balance between the two goals and look for digital solutions to provide answers to frequently asked questions such as guides, brochures, and website content.

Council Reports

Comprehensive and well-prepared Council reports are the foundation of decision making for elected officials. Staff recognize the importance of Council Reports and spend the time required to assemble and analyze technical information in order to provide a recommendation and the supporting information for Council to provide required direction and make decisions. Based on current workloads, a large portion of staff time each month is spent preparing Council Reports and presentations.

Supportive Council

Building on the previous section that references the ability to attract and retain good staff, Cumberland's Council plays an instrumental role in providing a supportive environment. Staff support is often expressed publicly during public hearings and Council meetings, and Council does not tolerate criticism of staff. Celebration of staff successes for a job well done can send a message to residents and applicants.

When speaking with other municipalities regarding development application processing, one of the consistent messages was that processing development applications is easier for staff in jurisdictions when the staff review process and subsequent recommendations are routinely approved and supported by Council. In many municipalities, if applicants know they do not have the support of staff, they will opt not to proceed to Council (and thereby allowing staff to focus on applications that align with the municipalities vision and policy). In other communities, applicants want to proceed to a Council meeting anyway, knowing that Council may be willing to deviate from the municipality's policy framework, and may approve the development regardless of the staff recommendation. It is therefore useful to remember that if a Council does not publicly support staff—not only staff recommendations that come to Council, but also the role of staff members, their expertise, and ability to process applications—this can have impacts on the propensity for applicants to listen to staff advice during the process.

CHALLENGES AND OPPORTUNITIES

Staffing Levels

All applicants that were interviewed and members of Council recognized that the recent spike in development inquiries, and applications have overwhelmed staff, and that these volumes were further exacerbated by active files that have been open for two or more years and had to transition to new staff. The Village of Cumberland has a small complement of staff in general which creates challenges such as little to no redundancy and a high loss of organizational knowledge as a result of any staff turnover. The planning division is in the process of rebuilding a strong team of qualified and capable staff.

The addition of a designated part-time position at 0.60 full-time equivalent (FTE) for administrative support has been a recent, much needed, addition to the Development Services Department. The addition has greatly assisted in the functioning of the department, especially with respect to checking for application completeness, collecting fees, and ensuring adequate records management. Administrative support will lead to both application processing efficiencies and provide much needed resources to improve systems and procedures. The recommendations in this review identify several additional duties that could be assigned to the Development Services Administrative Assistant which could lead to requiring this position at a 0.8 or 1.0 FTE.

The Village contracts CVRD for plan checking and building inspection services. In many ways the CVRD contract provides Cumberland with redundancy and vacation coverage that many small towns of similar size do not have with only 1 building inspector on staff. The CVRD inspections staff is scheduled to be in Cumberland 2 days a week, some applicants did not feel that this was enough and feel the current level of service has resulted in project delays.

The Village is already aware of the challenges in finding and retaining good planning and building staff in today's market. Although the Village has the benefit of being a vibrant destination community, and is a desirable place to live, the recent surge in the cost of housing in the Comox Valley coupled with high demand for qualified local government staff and availability of jobs, makes it even more challenging to find and retain staff. Many local governments are working hard to create a positive culture and great work environment as incentives to supplement collective agreement compensation and holiday time. While not reviewed as part of this process, it is worth noting that other local governments, in recognizing the challenge to recruit and retain good staff, have initiated strategies to:

- Review pay and benefits to ensure competitive advantage (compare pay scale, holidays, training opportunities, etc.);
- Ensure staff have the tools to do their job well (equipment, software, training, etc.);
- Create a positive work environment through a supportive culture, opportunities for advancement, and the celebration of staff successes; and,
- Maintain and build a supportive relationship between staff and Council so that staff feel supported by Council and motivated to achieve Council priorities.

High demand for planners and building inspectors has made it difficult to engage qualified, mid-career staff with strong experience. Best practices suggest the organization can foster long-term leadership and

retention of staff by aligning their values to “grow their own”. By continuing to invest in staff training, the Village can empower existing staff to improve their knowledge and grow their skills.

Current planning staff levels are in line with those of comparable municipalities with similar populations and development pressures; however, the current systems at the Village are more labour intensive and as a result put a high demand on existing resources. The recommendation of this report will aim to create efficiencies that will in turn result in the ability to improve levels of service with the current staff compliment. Other similar sized municipalities with significant growth pressures all had in house inspection staff that were at times shared with another municipality or there were service agreements to contract staff during vacations and other absences. Attracting and retaining staff, maintaining the level of service expectations, and meeting the legislative requirements for complex buildings was a challenge in all of the communities reviewed.

External Review Option

The Village may want to consider providing applicants with an option in certain situations for an external application review to “fast track” applications by retaining consultants to assist with application processing that are retained by the Village and in turn billed to the applicant at actual cost. The Village could provide applicants with the ability to utilize this option if they are targeting a quick turnaround and willing to pay additional costs or if an application is overly complex and would require an abundance of staff time. Other jurisdictions that utilize this approach have noted faster processing times as a result. Applicants have noted that “time is money” and that they would be willing to pay additional fees that result in faster processing timelines.

Contracts with external engineering and planning firms are used to conduct the review, this often involves working in conjunction with staff to coordinate communication, inter-departmental meetings, and council reports. The option for external review would require an amendment to the Development Procedures & Fees Bylaw and ensuring that there is clear policy and procedures to guide how and when a fast tracked external review is an option to applicants is recommended.

Pre-application Meetings

Only 45 percent of applicants engaged in this review indicated that they had a pre-application meeting with staff. It is recommended that pre-application meetings are required and that the process could be further improved by providing the applicant with a pre-application checklist or summary letter that clearly outlines the application requirements applicable to the scope of the subject application as well as some advisory comments for consideration. While providing advisory comments at this early stage of the process can be challenging as a complete application has yet to be submitted, providing strategic direction and policy insights at this stage in the process can save significant time for both staff and applicants later in the review process.

It is recommended that there is a clear distinction in the expected level of information provided between a request for a pre-application meeting and a response to a development inquiry. Many municipalities charge a fee for pre-application meetings, while others provide one complimentary pre-application meeting and charge applicants for subsequent meetings. The Village may want to explore pre-application fees further as part of future development application fee reviews.

Guides, Brochures, and Checklists

Only 18 percent of survey respondents agreed that the Village provides useful guides, brochures, or website information and 64 percent of respondents thought that improved communication materials would be beneficial. Nonetheless, these materials help to give broad context and decrease the amount of staff time dedicated to process-related inquiries. There are adjustments that can be made to improve these materials and revisions will be required to reflect recommended process amendments. During engagement the consensus was that the guides, brochures, and checklists which cover a variety of planning and development topics are helpful to give context to development processes. Guides outlining the process and requirements for accessory dwelling units are a priority as staff spend a great deal of time assisting applicants with these applications.

Incomplete Applications and Application Intake

The submission of incomplete applications has become a more pressing issue for the planning department with the influx of development applications over the past 2 years. In discussion with the development community, it was expressed that applications could be submitted, and upon staff review, be returned to the applicant to resubmit with additional information. The timing between submission and staff review has increased due to the increased number of applications, resulting in the perception of lost time by the development community while waiting for news on their application submission.

To reduce the number of incomplete applications, a pre-application meeting is recommended prior to the submission of a development application. To avoid applicants dropping into the Village Office expecting an “on the spot” pre-application meeting, an appointment should be scheduled unless the application is minor. It is recommended the planning application forms and website clearly outlines a requirement for a pre-application meeting to prevent the submission of incomplete applications.

To further reduce incomplete submissions, it is recommended that a pre-application letter and/or checklist be provided to the applicant subsequent to a pre-application meeting and that the Village apply additional rigor to the application intake process. The application should be reviewed against the pre-application requirements checklist prior to accepting the application at the front counter.

The newly created Development Services Assistant position could be responsible for the application intake process for most straightforward application submissions. In the case of complex applications, the pre-application letter should also require that an appointment be made with the planner assigned to the file to review the application at the time of submission. This recommended best practice will save a great deal of staff resources that are spent chasing outstanding development and building permit information.

If the application is incomplete, it is recommended that the application not be received by the Village until it is complete. This practice becomes critical should the Village implement level of service benchmarks and timelines. While the applicant with the incomplete submission may not be in favour of this practice, more experienced developers in Cumberland and throughout the province acknowledge this as a best practice and recognize the inefficiencies associated with incomplete applications.

Application Statistics and Status Tracking

To support application status tracking, monitoring application targets, and the volume of applications, it is recommended that the Village improve tracking procedures by refining the application statistics process in a way which automates and easily updates application statistics and reporting. This information could be used to better define and monitor service targets, enabling a more fulsome understanding of timelines

and capacity. In addition to highlighting problems and enabling the establishment of a big picture, it is recommended that the Village also use this information as a communication tool. It is also recommended that the current quarterly updates to Council would include additional application statistics and benchmark monitoring. A simplified and curated version of this information should be made as this was identified as desired by the development community. These and other reporting needs can be met through shifting the application process into existing software tools and following information management best practices.

Systems and Tools

To address the challenges identified in this report, it is recommended that the Village adapt and update its information systems to enable alignment updating processes. The current development landscape at the Village is largely a manual and labour-intensive process. An opportunity exists to leverage existing tools to enable efficiencies with some improvement and standardization. As the development application process is modernized, it is recommended that the tools used by the Village are adapted as well. It is recommended that Cumberland consider a software use and integration model similar to the figure below.

Figure 5: Tools and use cases

Website

Used for:

- Communication materials
- Application guides
- Application submissions
- Self serve status updates
- Public reporting

Sharepoint/Office 365

Used for:

- Internal process tracking
- Communication
- File storage
- Collaboration
- Automations
- Reporting

GIS

Used for:

- Internal and public servicing and zoning reference
- Lot information
- Spatial reporting
- Dashboards

Single Point of Contact Requirement for Applicants

To simplify communication between the Village and the applicant or their agent, a recommended best practice is to require a single point of contact representing the property owner(s) for each application. It is recommended that the Village put the onus on one owner or their agent to communicate or forward information to a variety of stakeholders and consultants. Communications can get very complex if there are numerous players representing an application, and as a result, place a demand on staff resources that could be better used elsewhere in the process. It is recommended that the application and agency forms be amended to outline and strengthen the expectations of this approach and include acknowledgement by the owner and their agent.

Comprehensive Letters

Comprehensive letters are provided to applicants following application with the intent of relaying the impact of Cumberland bylaws and policies on the specific elements of a proposal. The letter details outstanding requirements, anticipated conditions and issues that may arise at future stages of the development approval process. This allows the applicant to have the full picture of what to expect in the development process to avoid unexpected changes in project budgets or proformas. Cumberland has recently developed a comprehensive Preliminary Layout Review letter template as part of the subdivision approval process; however, much of the correspondence related to development permits and variances is via email and provided in a way that lends itself to a significant amount of back and forth correspondence with applicants. Staff have identified the need for additional templates, such as acknowledging receipt of a complete application and providing file manager information, and are in the process of implementing additional forms of standardized communication improvements.

It is recommended the Village provides applicants with a comprehensive letter subsequent to the staff and agency review and referral process that provides the applicants with a list of concerns or additional requirements as well as “heads up” comments for additional requirements that may be required as the development progresses to future stages in the development permit process such as development or building permit.

Development Permit (DP) Process

Accessory Dwelling Unit

The Village has very comprehensive development permit guidelines and DP areas that cover much of the Village. DPA 6 - Residential Infill area’s justification is intended to promote a high standard of design in ground oriented medium density housing projects. Single detached dwellings with suites and duplexes are exempt; however, the construction of a coach house requires a DP. With the rapidly increasing cost of housing, many homeowners are looking to build accessory dwelling units (ADU) to subsidize housing costs and/or providing housing for family members. Application inquiries, obtaining complete applications presenting DP applications to the APC and Council require a significant amount of staff time.

Development Permits for ADUs were commonplace early on in the evolution of zoning bylaws to include ADUs as a permitted use. Over the last several years, many municipalities have streamlined the process by no longer requiring DPs and incorporating regulations in the zoning bylaw, resulting in ADUs requiring to meet zoning criteria and obtain a building permit in zones that allow ADUs as a permitted use. If the Village remains concerned about the form of ADUs, there are zoning bylaw regulations that can be a requirement to protect the interest of the Village including, landscaping and screening requirements, locations of decks and patios to mitigate privacy concerns and height restrictions that reflect lot grading.

Should an applicant not meet the zoning regulations, they could apply to Council for a Development Variance Permit.

It is recommended that the Village exempt ADUs from DPA 6 and amend the zoning bylaw to incorporate additional regulations that would provide the Village with the assurance that ADU will be constructed as desired.

Public Process for DPs

Cumberland's DP process outlined in Development and Procedures Bylaw No. 1073, 2018 is not in alignment with Provincial legislation as it may require a neighbourhood public meeting and notification as part of the DP approval process. Best practice is not to require public notice or public meetings as part of the development permit approval process as this approach gives the public a false sense that they can influence DP approvals. In the case of the DP approval processes, both the municipality and the applicant are bound by the DP guidelines that are adopted by bylaw. While the public do not have a role in the DP approval process, community engagement is an important component in the establishment of DP guidelines during the drafting of Cumberland's OCP.

Case law (e.g. *Yearsley v. White Rock (City)*[2009]) has illustrated that local government that bring in public opinion into consideration that is outside of the applicable DP guidelines exceeds municipal jurisdiction. By considering irrelevant and/or extraneous criteria outside of the bylaws and DP guidelines in refusing to issue the development permit. Reliance on public opinion was not a relevant consideration if it was not linked to legitimate factors within the zoning bylaw or the OCP. City Council acted to refuse the application because of unspecified, vague concerns that were not referenced in the OCP, including implied concerns about height, regardless that the proposed building was within the height requirements of zoning and OCP guidelines.

It is recommended that the Village amend Development and Procedures Bylaw No. 1073 to remove the requirement for neighbourhood public meetings and notice provisions for DP applications.

Exemptions

As part of the next phase of the Development Modernization Process it is recommended that staff and the consultant review the existing DP exemptions listing in the OCP and consider additional exemptions, for example, waiving some DP application requirements at building permit for applications that satisfied the current DP conditions at time of subdivision.

Clarify DP Guidelines

Cumberland's DP guidelines are quite wordy and include unnecessary repetition of Provincial legislation. It is recommended that the next OCP review include a comprehensive review of the DP guidelines to strengthen certain guidelines, reduce redundancy, provide additional clarity and focus. It is also recommended that guides be created to assist applicants with navigating the DP process as part of the next phase of the modernization process.

Delegated Authority

Delegation of DPs

Delegating development application approval authority to staff typically reduces the timing of the application approval process by one month or more depending on application volumes and the number of items on Council agendas. It is recommended that the Village consider amending Bylaw No. 1073 to outline the scope of DPs that Council would consider delegating to staff. Delegated DPs often include form

and character DPs based on limitations deemed reasonable by Council. When considering increasing the scope of development permits delegated to staff it is recommended that the Village also consider strengthening any DP guidelines that the Village deems to be too vague.

Currently, the Development Procedures and Fees Bylaw No. 1073, 2018 does not have any provisions to delegate duties and powers of Council with respect to development applications. Best practices for streamlining DP applications are to delegate technical development permits (DPs) related to Environmental Protection, Groundwater Protection, Farmland Protection, and Wildfire Urban Interface. Council could also consider a measured approach and delegate minor technical DPs to staff and set parameters that would trigger more significant or major technical DPs to go to Council for consideration of approval.

Municipalities have varying of levels of delegation with respect to form and character and infill housing DPs. It is recommended that Council provide direction on the level of delegation that they would be comfortable delegating to staff. Delegating powers to staff can also be phased in over time to ensure that both Council and staff have a policy and regulatory framework in place to guide decision making.

Delegation of Minor Development Variance Permit Applications

With the Local Government Act (LGA) now giving authority for Council to delegate minor variances related to:

- siting, size, and dimensions of buildings, structures and other permitted uses
- off street parking and loading spaces
- signs
- landscaping to screen or for natural environmental benefits

It is recommended that the Village consider establishing criteria for determining when variances are minor in nature and delegating minor variances to staff as part of the implementation of this review. Development Procedures and Fees Bylaw No. 1073, 2018 as well as Village documentation such as application forms, guides and checklists should reflect this recommended change.

Council Committees

The Village has more advisory committees than comparable communities. Many communities have found that advisory committees consume a large portion of staff resources to prepare reports, agendas, and meeting minutes. In particular, many municipalities are eliminating Advisory Planning Commission (APC) or establishing a terms of reference that focuses on long range planning versus the review development applications that are in alignment with the OCP. The desire to streamline the application process and the recognition that the establishment of a strong regulatory and policy framework is sufficient to protect the community's interest. This is also a trend toward the establishment of task forces for specific initiatives to gather community and stakeholder input during policy and plan development that are later disbanded after the completion of a plan or strategy.

During the interviews, there seemed to be a desire to maintain advisory committees in Cumberland as they maintain the small-town, community-driven approach to planning that attracts people to Cumberland. However, there was an interest in revising the mandate of the APC to focus on long range planning and major applications. It is recommended that the Advisory Planning Commission Bylaw No. 999, 2014 be amended to include only OCP and Zoning bylaw amendments not aligned with the

community vision as set out in the OCP and long-range planning documents. This would limit the APC's involvement in small applications such as development permits, temporary use permits, and development variance permits which would streamline the development application processing time and save staff time.

There is general support for the Heritage Committee amongst staff and Council. The clear mandate and terms of reference work well to promote the community-driven approach to heritage conservation. It is recommended that the Heritage Committee's Terms of Reference be reviewed to determine if the committee's scope is appropriate and if there are any opportunities to reduce staff time dedicated to the functioning of the committee.

Other Council committees were not identified through this process as they typically have a smaller scope specific to one project. Other Council committees include:

- Accessibility Committee
- Economic Development Steering Committee
- Homelessness and Affordable Housing Committee

Zoning Amendments - Public Information Meetings and Public Hearings

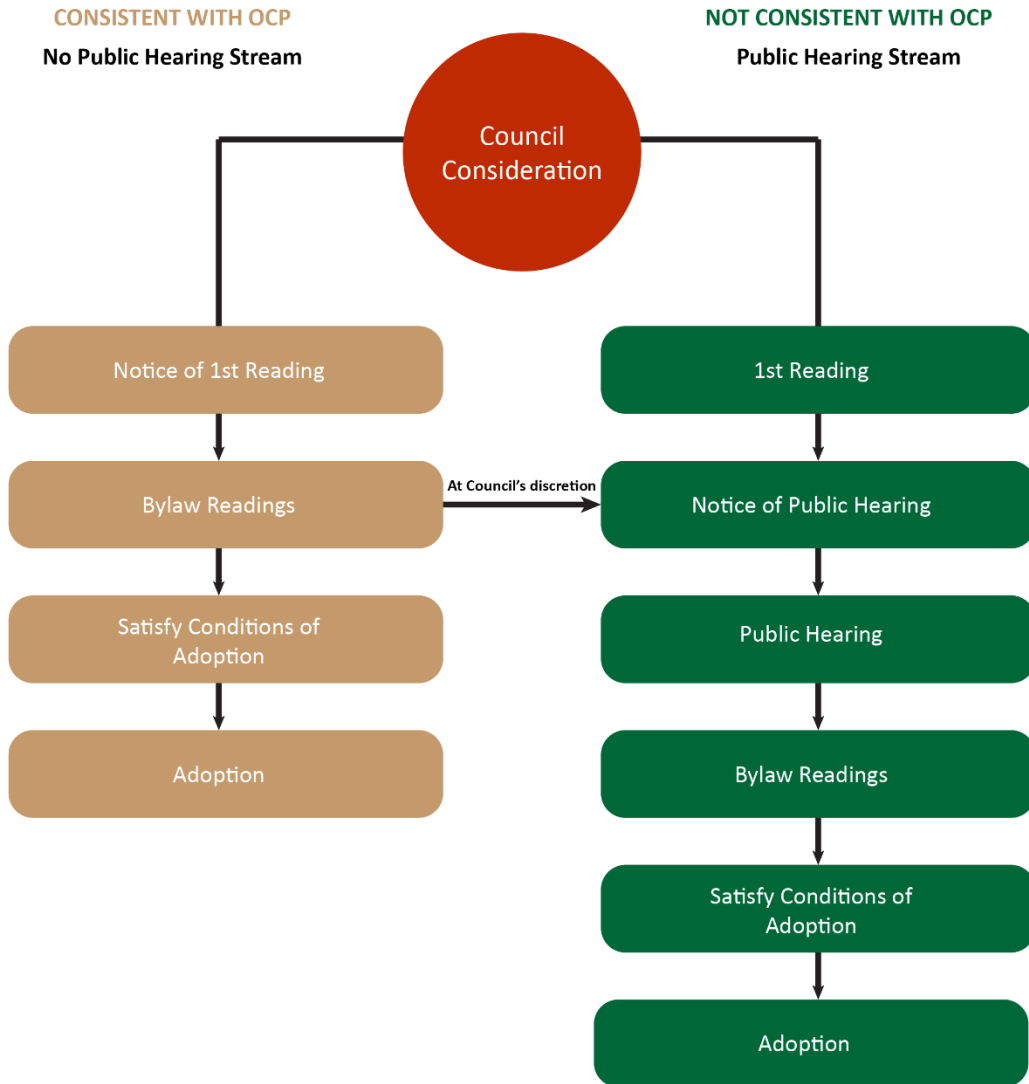
Cumberland Zoning Amendment approval processes provides considerable opportunity—greater than what is required by statute—for public review of and comment on development proposals. The Village includes a requirement for a Public Information Meeting for Zoning Amendment applications prior to the application being considered by Council. A review of applications identifies that significant weight is placed on the importance of resolving issues raised by the community during this early consultation. While such meetings can serve to raise community concerns early in the process and provide an opportunity to resolve community concerns prior to a public hearing, many applicants see the public information meeting as an unnecessary step in the Zoning Amendment process.

Bill 26 – Municipal Statutes Amendment Act (No.2) 2021 was recently enacted by the Province of BC which removes the default requirement to hold public hearings for Zoning Bylaw Amendments that are consistent with the OCP. The proposed change was intended to provide the authority for local governments to streamline their processes and help develop housing that aligns with the community's vision. To ensure transparency, the proposed amendment for public hearings requires local governments to provide public notice of the rezoning bylaw before the bylaw is considered at first reading by Council.

Cumberland may consider utilizing this newly available approach to reduce the timelines and workload associated with public hearings. Staff time is required to coordinate and organize the public hearing with the applicant and Council, prepare a public hearing Council report, attend the public hearing, and summarize comments from the public and elected officials. These steps add up to a significant amount of staff time that may not provide value to a Zoning Bylaw Amendment application process if the application is already in alignment with the OCP.

It is recommended that Council consider amending the Development Procedures and Fees Bylaw No. 1073, 2018 to reflect this legislative amendment and remove the default requirement for public hearings for zoning amendments that are aligned with the OCP and instead provide for Council the ability to require a Public Hearing if deemed necessary at 1st reading. Council may wish to retain the Public Information Meeting requirement. Additional direction will be requested from Council regarding implementation options respecting this new legislation.

Figure 6: Streams for Rezoning



Zoning Bylaw Amendments

There are opportunities for the Village to consider amending several bylaws to streamline the development review process and reduce the demand on staff resources for commonly requested variances that have a high rate of Council approval. Examples of commonly requested variances include amending the maximum 90 metre² size of secondary suites that has recently been removed the BC Building Code.

Council may wish to consider pre-zoning some properties to align with the desired future land use in the OCP to incent development or redevelopment in accordance with the OCP vision and Council priorities. Pre-zoning lands with the desired land use would reduce risk associated with land use applications for the developer and would reduce approval timelines, costs, and simplify the development process. The Village would want to carefully consider which lands (or permitted uses to add) to pre-zone based on desired

land use and existing infrastructure. It should also be noted that pre-zoning would eliminate the ability for the Village to negotiate zoning conditions such as community amenities (which also add to timelines and developer uncertainty). Should Council want to maintain opportunities for new development to contribute to community amenities, density bonusing provisions could be incorporated into the zones.

An example that the Village may want to consider is the desired redevelopment of downtown including additional affordable housing opportunities such as purpose-built rental housing or small-unit, entry level apartments that would provide entry level housing ownership opportunities. Council may also wish to pre-zone for increased density in specific multifamily zones to incent higher densities in “smart growth” areas. It would be up to the Village to define and determine the type of uses that they would like to incorporate into the Downtown as part of the pre-zoning process. The Village should aim to understand the barriers to redevelopment and determine if those barriers could be reduced by way of revisions to the Zoning Bylaw.

Approval Timeline Targets

Establishing clear benchmarks or targeted processing timelines and level of service expectations for applicants is considered a best practice for streamlining the development application process.

There are many factors that contribute to approval timelines and many of these factors are not within the control of the Village. Application timelines are also greatly impacted by applicant responsiveness for additional information, or the time required to satisfy conditions of approval and secure project financing.

When establishing targets for key development application milestones, is important to identify benchmarks in the process that are within the Village’s control and recognize that outside of these key benchmarks, processing timeframes are largely dependant on actions undertaken by applicants. Examples of timeline targets that could be considered could include the following benchmarks for a Zoning Amendment Application:

- 1) provide applicant a summary of application requirements after a pre-application meeting;
- 2) timeline to send out agency referral comments from date of complete application submission;
- 3) schedule date for application review team meeting form end of referral period;
- 4) timeline to provide application comprehensive review letter; and,
- 5) target to get application before Council for consideration.

It is recommended that the Village establish timeline targets for key milestones in the development review process and monitor the success of reaching these targets. As monitoring targets requires staff resources, it is recommended that target monitoring gives consideration to limited staff resources and an alternative means of automating the tracking and monitoring of targets is considered a priority in the selection process of any technology solution.

It should be recognized that Cumberland has reviewed a few large scale, complex applications that have unique circumstances and conditions. These cases represented multi-faceted applications, with multiple approvals, involvement of more than one department, and where key infrastructure decisions are required. While it is still important to track and learn from these applications and experiences, and review them to determine what could be improved, it is useful to recognize that there will always be some applications that represent unique challenges that are difficult to anticipate as part of the process. These applications often represent outliers and are not necessarily indicative of larger process issues; further, the capacity required over a long period of time to process multi-phased developments must be

recognized. It is acknowledged that these multi-phased, complex applications would fall outside of the typical benchmarks and approval timelines.

Industry Relationships

While staff maintains good relationships with the development community on an application basis, it is recommended that the Village continue to utilize the engagement process for bylaw and policy amendments to engage the growing development community and seek their feedback on the development application process improvements when time and resources allow. Engaging the development community is a component of this grant funded project will be an avenue to strengthen development industry relationships with the assistance of consultants when seeking feedback from the industry and/or communicating regulatory or policy changes.

Subdivision Requirement – Street Trees

During our interview and engagement session the current system requiring and of collecting bonding for the installation of street trees for low density residential subdivisions was identified as a very labour-intensive process. It is recommended that options for revising the current system be investigated and that the current process is amended to create efficiencies. Streamlining these processes will free up staff time to work on development applications, improving systems and procedures, and further strategic initiatives.

Building Permit – Construction Cost Valuation

Cumberland’s building fees are based on project valuation, the fees in the bylaw are significantly below current construction costs and should be revised to reflect current conditions. The Village may wish to consider more frequent construction cost amendments to reflect market conditions or implementing an alternate approach to determining project valuation that reflects current market conditions, such as using Marshall Swift construction cost data.







Advocacy for Expanding Applicable DCC Projects

Over the years there have been several UBCM resolutions requesting the province to review DCC and Community Amenity Contribution legislation to increase the scope of DCC eligible projects or obtaining addition options for financing community amenities required to service growth. The Provincial DAPR report also identified the need to complete a “Provincial comprehensive policy review of both development cost charges and community amenity contributions for infrastructure and community amenities to be funded, in part, by development.” It is recommended that the Village advocate for the expansion of DCC funding eligible projects to include civic facilities such as fire department equipment, civic facilities, and recreation amenities required to accommodate a growing community. The resulting changes to Provincial legislation would also facilitate local governments to pre-zone land that would typically negotiate amenities through the zoning amendment process which would in turn streamline development approval processes and increase the housing supply.








Summary of Recommendations for Improvement

Based on the review above, a variety of recommended action items have been identified as priorities for the Village of Cumberland. Many of the actions are fundable through the UBCM grant funding awarded to the Village. The grant funded projects are considered “short-term” should take priority as the deadline to complete these projects is August 2023. The improvements are grouped into the following sections:

- Process
- Communications
- Policy and Regulations
- Internal Procedures
- IT Solutions and Record Management

Section	Action	Grant Funding Eligible	Timeframe
Process			
Based on conversations with staff, Council and the development community, best practices in streamlining the application intake and review process have been identified as most relevant to Cumberland’s context. Process improvements could be made in steps involving the pre-application meeting, the intake of applications, public engagement, and application referrals.			
P.1	Establish, track and monitor application processing benchmark targets.		Short-Term
P.2	Clarify opportunities to fast-track applications that align with strategic priorities or the provision of affordable housing utilizing the “external review” option or a prioritized processing queue.		Short-Term
P.3	Remove the public information meeting requirement for Zoning Amendment applications that align with the OCP land use designations.		Short-Term
P.4	Remove the requirement for neighbourhood public meetings and notice provisions for DP applications.		Medium-Term
P.5	Require mandatory pre-application meetings and provide applicants with an application requirement checklist that they must comply with in order to qualify as a complete application submission at time of application intake.		Short-Term
P.6	Establish clear distinctions in the expected level of information provided between a request for a pre-application meeting and a response to a development inquiry.		Short-Term

Section	Action	Grant Funding Eligible	Timeframe
P.7	Focus on improving application intake procedures to reduce incomplete applications and the identification of missing information later in the process.	<input checked="" type="checkbox"/>	Short-Term
P.8	Review the existing DP exemptions listing in the OCP and consider additional expansions: <ul style="list-style-type: none"> Waiving some requirements at building permit for applications that satisfied the current DP conditions at time of subdivision 	<input checked="" type="checkbox"/>	Short-Term
P.9	Review Heritage Committee’s Terms of Reference to determine if there are any opportunities to reduce staff time dedicated to the functioning of the committee.	<input checked="" type="checkbox"/>	Short-Term
<p>Communications</p> <p>Effective communication is key to a streamlined development approvals process. Communication includes materials such as guides and application forms, internal and external communication, and mid-stream application updates. Improvements to communication will help to clarify application requirements, improve the quality of applications submitted to the Village and save staff resources.</p>			
C.1	Update the application guides and brochures to clearly outline entire application process and components of the process that often lead to staff inquiries for clarification. This includes outlining a requirement for a pre-application meeting.	<input checked="" type="checkbox"/>	Short-Term
C.2	Advocate for a Comprehensive Review of Provincial legislation respecting development cost charges and community amenity contributions.	<input type="checkbox"/>	Short-term
C.3	Provided simplified checklists	<input checked="" type="checkbox"/>	Short-Term
C.4	Provide information about expected processing timelines at the pre-application stage.	<input type="checkbox"/>	Ongoing
C.5	Create a centralized online location where applicants can track their application status	<input checked="" type="checkbox"/>	Short-term
C.6	Clearly state on all application forms and guides that only complete applications will be accepted	<input checked="" type="checkbox"/>	Short-Term
C.7	Place development application material in an easily accessible and searchable online location	<input checked="" type="checkbox"/>	Short-Term
C.8	Continue to engage with the development community about policy, regulation, processes, and procedures to foster positive industry relationships outside of specific development applications.	<input type="checkbox"/>	Ongoing

Section	Action	Grant Funding Eligible	Timeframe
C.9	Create a pre-application checklist and memo template to communicate requirements to applicants.		Short-Term
C.10	Provide applicants with an application requirement letter or checklist subsequent to the pre-application meeting that is submitted at the time of application submission to apply additional rigor to the application intake process.		Short-Term
C.11	Provide applicants with a pre-application meeting summary letter that clearly outlines the application requirements applicable to the scope of the subject application as well as advisory comments.		Short-Term
C.12	Update application and agency forms to require a single point of contact and place onus on owner or agent to communicate or forward application information to a variety of stakeholders and/or consultants to make better use of staff resources.		Short-term
<p>Policy and Regulation</p> <p>Bylaw amendments to streamline the process will create clarity for applicants. Additional transparency on external review procedures may also help to encourage use of the process and alleviate pressure on current internal processes.</p>			
R.1	<p>Official Community Plan Development Permit Guidelines</p> <ul style="list-style-type: none"> Exempt ADUs from DPA 6 		Short Term
R.2	<p>Zoning Bylaw No. 1027, 2016</p> <ul style="list-style-type: none"> Incorporate any additional regulations that would provide the Village with the assurance that ADU will be constructed as desired. 		Short term
R.3	<p>Development Procedures and Fees Bylaw 1073, 2018</p> <ul style="list-style-type: none"> Expand delegated authority for DPs and minor variances Revise the public hearing requirements to reflect recent changes to the <i>Local Government Act</i> Establishing criteria for determining when variances are minor in nature and delegate minor variances to staff. Expand the scope of DPs delegated to staff to include form and character DPs based on limitations deemed reasonable by Council. Remove the default requirement for public hearings and instead provide for Council the 		Short term

Section	Action	Grant Funding Eligible	Timeframe
	ability to require a Public Hearing if deemed necessary at 1 st reading.		
R.4	Subdivision and Development Servicing Bylaw No. 948, 2012 <ul style="list-style-type: none"> Amend to reduce the need for commonly requested variances or time consuming and cumbersome processes such as the system for collecting and releasing street tree bonding. 	<input checked="" type="checkbox"/>	Short-Term
R.5	Advisory Planning Commission Bylaw No. 999, 2014 <ul style="list-style-type: none"> Amend to include only OCP and Zoning bylaw amendments and long-range planning projects. 	<input checked="" type="checkbox"/>	Short-Term
R.6	Consider revising building permit construction valuation fees to reflect current market conditions.	<input checked="" type="checkbox"/>	Short-Term
R.7	Consider in the next OCP review include a comprehensive review of the DP guidelines to strengthen certain guidelines, reduce redundancy, provide additional clarity and focus.	<input type="checkbox"/>	Medium Term
Internal Procedures			
During engagement, staff capacity and turnover was identified as a potential streamlining issue. Consistent internal organizational practices will help to reduce information lost to staff turnover, create clear onboarding procedures and ultimately streamline the processing time. Succession and redundancy planning is needed for all roles to ensure that there are no major gaps when a staff member is absent.			
I.1	Create internal policy, procedures, templates, and application checklists to ensure consistency of approach and improve effectiveness of onboarding new staff and third-party consultants.	<input checked="" type="checkbox"/>	Short-term
I.2	Improve procedural flowcharts and formalized onboarding practices and materials for staff that are entering a new role.	<input checked="" type="checkbox"/>	Short-term
I.3	Invest in staff training to improve internal knowledge and keep up to date with best practices in development.	<input type="checkbox"/>	Ongoing
I.4	Improve financial tracking process, documentation procedure, and establish clear roles and responsibilities.	<input checked="" type="checkbox"/>	Short-term
I.5	Establish file close-out procedures that clearly outline conditions of approval and tracks and requirements and consideration for subsequent approvals.	<input checked="" type="checkbox"/>	Short-term

Section	Action	Grant Funding Eligible	Timeframe
I.6	Improve tracking procedures by enhancing the application process through automation and include additional application statistics and benchmark monitoring in quarterly updates to Council.		Short-term
I.7	Establish approval timeline targets for key aspects in the development review process and monitor the success of reaching these targets.		Short-term
I.8	Investigate options to improve and streamline the street tree requirement and bonding process.		Short-term
IT Solutions and Record Management			
Software solutions and record management policy will help to provide a technical solution to adapt and update information systems to enable alignment updating processes.			
IT.1	Set up a web portal for development application submissions.		Short-term
IT.2	Create simple application guides for hosting on the Village's website.		Short-term
IT.3	Deploy self serve application status and reporting for applicants.		Short-term
IT.4	Establish and implement a file management policy that includes retention, storage, naming, and access.		Short-term
IT.5	Expand the use of SharePoint/O365 to include internal process tracking, communication logging, centralized file storage, document integration and automation.		Short-term
IT.6	Improve the use and integration of GIS in the review process.		Short-term
IT.7	Utilize dashboards and summary reporting to communicate with Council, Directors, and the public.		Short-term

**The Corporation of the Village of Cumberland
Accessibility and Inclusion Select Committee Minutes**



**July 18, 2022 at 3 p.m.
Council Chamber, 2675 Dunsmuir Avenue**

Members Present:

Judy Norbury, chair
Suzanna Wong
Brenda Lenahan (by video)
Vickey Brown, Councillor (by video)

Regrets: Rhianna Walz, Jaye Mathieu

Staff:

Rachel Parker, Corporate Officer
Karin Albert, Senior Planner
Nancy Henderson, Planner, Urban Systems

Ms. Norbury called the meeting to order at 3:08 pm.

1. Approval of Agenda

Norbury/Wong: THAT the agenda be approved with the addition of Anti-Racial Discrimination and Anti-Racism Policy.

Carried

2. New Business

2.1 Streamlining Accessory Dwelling Unit Approval Process

Discussion took place on policy on pathway material, lighting requirements, and that form and character requirements cannot be transferred from the development permit requirement to land use in a zoning bylaw. Discussion further took place on the use of the proposed homeowner guide on accessory dwelling units to strongly encourage accessible and aging in place features, and benefits of barrier free universal design, such as step free access, and the use of the Saferhome standards.

Norbury/Lenahan

That the Accessibility and Inclusion Committee provide the following comments on the proposed changes to the Accessory Dwelling Unit Approvals Process:

- to encourage universal design and incorporate accessible recommendations in the companion guide for ADUs, such as step free access and Saferhome Standards,

and that the draft companion guide for Accessory Dwelling Units be referred to the Accessibility and Inclusion Committee when available.

Carried

2.2 Anti-Racial Discrimination and Anti-Racism Policy

Members provided general support of the policy, and discussion took place on the use of the BC Human Rights Code, brings awareness to everyone and good to show what local government aligned with, and the opportunity to discuss discrimination in all forms by use of equity and inclusion language, and to support the policy and to request that the law company update the policy to address equity for everyone.

Norbury/Wong:

That the Accessibility and Inclusion Committee recommend that Council adopt the Anti-Racial Discrimination and Anti-Racism Policy as presented with reference to the BC Human Rights Code; and recommend that Council request that Lidstone and Company Law Corporation broaden the scope of what is considered discrimination for general equity and anti-discrimination to include all forms of discrimination.

Carried

3. Reports from committee members

- The Social Planning Society has hired and administrative coordinator for the Comox Valley Accessibility Committee
- Comox Valley accessibility event at end of September
- Demonstration beach mat at Westwood Lake in Nanaimo
- Question on Accessibility Plan and parking standards for Cumberland
- Discussion on regular meeting day and time

4. Upcoming meetings: Third Monday every second month.

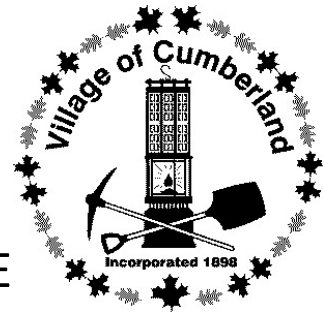
- August 15, 2022 at 3 p.m.

5. Adjournment

The meeting was adjourned at 4:34 p.m.

MEMO

HOMELESSNESS AND AFFORDABLE HOUSING COMMITTEE, ACCESSIBILITY AND INCLUSION COMMITTEE



REPORT DATE: 7/14/2022

File No. 3010

TO: Commission and Committee Members

FROM: Courtney Simpson, Manager of Development Services

SUBJECT: Streamlining Accessory Dwelling Unit Approval Process

Council has referred a report on streamlining the Accessory Dwelling Unit Approval process to committees. This initiative is part of a larger project to streamline the development approval process and lead to positive outcomes related to the provision of affordable housing and other community priorities.

For further background on the Development Approvals Process Modernization Project, a Summary Report was presented to the Committee of the Whole on May 30, 2022. The report and recording of the presentation can be accessed here: cumberland.ca/meetings/14-2022-r/

Committees are requested to provide feedback on the proposed changes to Accessory Dwelling Unit approvals as outlined in the June 30 Council report (Attachment 1).

Following are possible resolutions for convenience:

- i. That the _____ *Commission/Committee* provide the following comments on the proposed changes to the Accessory Dwelling Unit Approvals Process
 - comment
 - comment
 - etc.

ATTACHMENTS

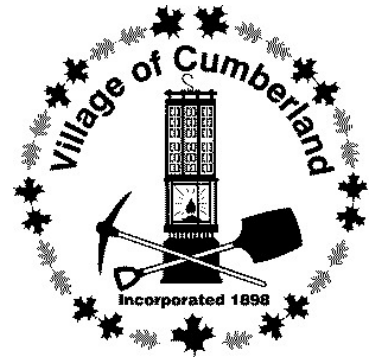
1. June 30, 2022 Council Report

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Simpson", is written over a horizontal line.

Courtney Simpson
Manager of Development Services

COUNCIL REPORT



REPORT DATE: 6/30/2022
MEETING DATE: 7/11/2022

File No. 3010

TO: Mayor and Councillors
FROM: Courtney Simpson, Manager of Development Services
SUBJECT: Streamlining Accessory Dwelling Unit Approval Process

RECOMMENDATION

- i. THAT Council receive the Streamlining Accessory Dwelling Unit Approval Process report.
- ii. THAT Council refer the Streamlining Accessory Dwelling Unit Approval Process report to the Advisory Planning Commission and the Homelessness and Affordable Housing Committee.
- iii. THAT Council direct staff to draft bylaws to amend the development approval procedures to streamline the approval process for Accessory Dwelling Units.

PURPOSE

The purpose of this report is to outline steps to streamline the Accessory Dwelling Unit approval process as recommended in the Development Approvals Process Modernization Summary Report, May 25, 2022.

PREVIOUS COUNCIL DIRECTION

Date	Resolution
May 22, 2021	THAT Council direct staff to submit an application to the Union of BC Municipalities Local Government Development Approvals Program, for funding to review and update the Village of Cumberland's development approvals processes including information technology to support it, and that the Village of Cumberland provide overall grant management.

BACKGROUND

Project Background

The Village of Cumberland received funding from the Union of BC Municipalities Local Government Development Approvals Program to undertake the Development Approvals Process Modernization project. This project is intended to streamline the development approval process and lead to positive outcomes related to the provision of affordable housing and other community priorities as outlined within the Official Community Plan (OCP) and other bylaws.

Accessory Dwelling Unit (ADU) approvals were reviewed as a part of this process and several recommendations were identified to streamline and provide clarity in communication. Since they were first permitted in 2017, there have been 55 ADUs either converted from existing accessory buildings or new-builds.

Accessory Dwelling Unit Regulation

The OCP contains a growth management strategy that prioritizes development that makes efficient use of existing infrastructure, increases access to affordable housing, promotes walkable neighbourhoods, and reinforces the Village core. The OCP identifies ADUs as a preferred approach to achieving these goals.

It is expected that continued ADU uptake will contribute to supporting the 415 existing rental households and especially the 41% that spend more than 30% of their household income on rental shelter costs.

Challenges

The current challenges that exist in relation to ADU uptake and the approvals process include:

- The cost of a development permit. The application fee is \$1,200. Additional costs related to development permit requirements are a stormwater management plan and landscape plan, for an estimated additional cost of \$2,000.
- A relatively small planning department with significant portion of the department's staff resources dedicated to development permits associated with ADUs.
- The development permit process is helpful because it allows more fine-grained control over issues such as dwelling unit design, but it adds several months to the approval time.

Recommendations

The following recommendations were developed as a part of this project and a review of best practices specific to ADUs:

- An OCP amendment to exempt ADUs from the development permit process.
- A Zoning Bylaw amendment to add specific requirements for ADUs (Attachment 1 – ADU Zoning Regulation Recommendations).
- Updated application guides and brochures to clearly outline entire application process and components of the process that often lead to staff inquiries for clarification. This includes outlining a requirement for a pre-application meeting.
- Use of guides and communication to encourage the use of certain materials and design elements for ADUs.
- Provide simplified check-lists specific to the ADU process.

ANALYSIS

Removing the requirement for a development permit for an ADU will reduce cost and time to the applicant, and free up a significant amount of staff time. ADUs have been permitted for 5 years, and lessons learned from the development permit process in Cumberland as well as best practices from other jurisdictions lead to this recommendation. If these recommendations are implemented, a building permit would be the only approval from the Village needed for an ADU,

as long as it complies with the Zoning Bylaw.

Many existing requirements for ADUs will be translated from the development permit area to the Zoning Bylaw including screening, pathway and clearance to the street, and the amenity area. A requirement for tree planting is proposed to be added to the Zoning Bylaw. Form and character DPA guidelines such as those related to visual interest in design and use of building materials that reflect the character of the principal dwelling unit will be promoted through the new website and brochure that will include sample images and design suggestions.

No changes are proposed to the gross floor area, parking requirements, height or setbacks that are already specified in the Zoning Bylaw. Any proposed changes to these requirements will continue to require a development variance permit.

PUBLIC NOTIFICATION AND CONSULTATION

Following discussion of these recommendations, the project team will follow up with further engagement and communication about the changes. This includes:

- Meeting with Advisory Planning Commission and the Homelessness and Affordable Housing Committee
- Preparation of a public news release
- Preparation of website information communicating changes
- Bring amending Bylaws to Council for 1st and 2nd readings
- Public Hearing
- 3rd reading and bylaw adoption
- Amend ADU application information
- Create website information, brochures and guides about adopted ADU process

The new ADU application information include website info, brochures and guides will be drafted and ready for release after bylaw amendments are adopted.

ALTERNATIVES

1. That Council provide alternate direction

STRATEGIC OBJECTIVE

- Healthy Community
- Quality Infrastructure Planning and Development
- Comprehensive Community Planning
- Economic Development

FINANCIAL IMPLICATIONS

Preparation of new website and brochure materials, and bylaw amendments are funded by the UBCM grant.

OPERATIONAL IMPLICATIONS

Implementation of the changes as recommended will reduce staff time spent on ADU approvals.

CLIMATE CHANGE IMPLICATIONS

Removing barriers to ADU uptake promotes increased density in the Village core. A compact development pattern is one of the most significant ways of reducing greenhouse gas emissions.

ATTACHMENTS

1. ADU Zoning Regulation Recommendations

Respectfully submitted,

C. Simpson

Courtney Simpson
Manager of Development Services

M. Mason

Michelle Mason
Interim Chief Administrative Officer

ATTACHMENT 1 - ADU Zoning Regulation Recommendations

Regulation	Existing DP Guideline	Proposed Zoning / Implementation Options
<i>OCP section 10.6.6 Specific Guidelines for Coach Houses</i>		
Landscaping and Screening	<p>1) A landscape plan should be prepared, with the broad objectives of providing:</p> <ul style="list-style-type: none"> a. Vegetative screening on private lots to protect the privacy and to mitigate noise between occupants of adjacent properties b. Low height vegetation between adjacent driveways on private lots to mitigate the visual impact of paved surfaces 	<p>One tree per 50 m² of ADU floor area</p> <p>Tree spacing and species type shall follow the Village of Cumberland’s Urban Forest Management Plan</p> <p>Where a carriage house or amenity area is located within 4.5m of a parcel boundary, a solid screen, consisting of either fencing or a hedge with a minimum height at maturity of 2.0m, must be provided and maintained along rear and interior side parcel boundaries adjacent to the ADU and its outdoor amenity space only.</p>

Access	7) Each dwelling unit should have a dedicated, unobstructed, hard surfaced path, not be less than 1.2 metres in width that links the unit to a public street or lane.	An unobstructed, hard-surfaced lighted pathway at least 1.5 m wide is required from the front lot line to the entrance of the ADU. (note that the 1.5 m width is to be consistent with the 1.5 m clearance requirement for emergency services)
Non-residential Parking	2) Parking areas for all recreational vehicles, trailers and boats, including commercial or industrial vehicles (if permitted by bylaw), should be located behind the front face of the primary dwelling unit. "Temporary" storage or parking areas are not permitted.	Required residential parking for the ADU is already addressed in the Zoning Bylaw Specific requirements for location of RV, trailer and boat parking in relation to a new ADU not transferred to Zoning Bylaw.
Amenity Areas	3) An outside amenity area should be provided in the form of a deck, dedicated yard, garden or similar feature. A parking area does not qualify as an outside amenity area.	Maintain the current regulation.
Amenity Areas	4) The amenity area should not be narrower than 2.5 metres and must not be less than 10.0 square metres in area.	Maintain current regulation.

Decks and Balconies	5) Minimize impacts of decks and balconies on adjacent properties.	An accessory dwelling unit must not include any balconies or above ground patios facing the rear or side yard, , or roof top decks.
Urban Design	8) New Buildings should: <ul style="list-style-type: none"> a. Create visual interest by providing variations in height, rooflines and massing b. Avoid building plans that are repetitive 	Promote new website and guide that includes sample images to encourage desired design elements
Urban Design	9) Large blank walls should not dominate the buildings and where windows/dormers/bays are not possible; landscaping should be used to mitigate the blank walls.	Promote new website and guide that includes sample images to encourage desired design elements.
Urban Design	13) The design and siting of buildings should: <ul style="list-style-type: none"> a. Be sensitive to the scale, mass and form of adjacent buildings b. Use building materials that reflect the character of the principal dwelling unit c. Not overlook and shadow adjacent properties d. Utilize all habitable space opportunities such as building into the truss system of the unit 	For uphill sloping lots, with slopes greater than 20%, no portion of the roof of an ADU shall be higher than the peak of the roof of the principal detached dwelling on the same parcel.

Urban Design	10) The garage should not be visually prominent, mitigated through the use of staggered setbacks, and varied orientation, materials, scale, and finishes.	Garages shall not protrude beyond the front entrance of a unit.
Urban Design	11) The use of vinyl siding is discouraged.	Promote new website and guide that includes sample images to encourage desired design
Addressing	6) The civic addressing must be visible from the primary street frontage.	Already required in Zoning Bylaw section 3.12.
Privacy	12) Large windows should not face directly onto adjacent properties.	Screening requirements for ground floor windows. Website and brochure to encourage design that respects privacy related to second storey windows.
<p><i>OCP Section 10.6.5 Guidelines for Ground Oriented Housing</i></p> <p><i>Note: The guidelines in this section have been applied to ADUs with some difficulty as many appear to be better suited for multi-family buildings and where an entire site is being redeveloped.</i></p>		
Site Design	<p>1)</p> <ul style="list-style-type: none"> a. The Village will work with the principles of Crime Prevention Through Environmental Design (CPTED) in the consideration site design and landscaping b. Site Design should consider the preservation of natural site features c. Site design should consider the preservation and enhancement of view corridors to open areas and viewsapes 	Promote new website and guide that includes sample images to encourage desired design

	d. The use of rear lane access to garages and surface parking is encouraged	
Landscaping	<p>2)</p> <p>a. All landscaping should be irrigated by means of an automated system</p> <p>b. All waste disposal and recycling bins shall be screened on three sides within a solid walled animal-proof enclosure</p> <p>c. Building footprints should be located to create opportunities for courtyards, or garden patio areas with appropriate site furniture and lighting</p> <p>d. The appearance of the both the buildings and the site landscaping should have a strong emphasis toward public street views, incorporating a concept that emphasizes the public realm</p> <p>e. Landscape plans will be provided at the developer's expense, which have been prepared by landscape professional utilizing plants appropriate to the growing conditions. The plan shall include a complete plant list and cost estimate. A performance security will be required before the Permit is issued</p> <p>f. A landscape plan should be prepared, with the broad objectives of providing:</p> <p>i. Vegetative screening on private lots to protect the privacy and to mitigate</p> <p>ii. noise between occupants of adjacent properties</p> <p>iii. ii. Effective vegetation between adjacent driveways on private lots to mitigate the</p> <p>iv. visual impact of paved surfaces</p>	A landscape plan, automatic irrigation and a landscape security would not be required.

<p>Accessibility</p>	<p>3)</p> <ul style="list-style-type: none"> a. Accessibility features shall be integrated into the overall design concept and identified on the site plans b. Accessible travel routes shall be provided from adjacent roadways and parking areas to the main building entry and shall incorporate barrier-free universal design principles c. Accessible travel routes shall be of a hard, slip-resistant surface with a minimum width per requirements of the most current edition of the British Columbia Building Code (BCBC) d. Accessible travel routes shall conform to the requirements of the most current edition of the BCBC 	<p>Requirements of the BC Building Code will continue to apply. Accessible travel routes on the site to be accommodated through 1.5m path requirement. On sloping lots, DPs issued to date have not required wheelchair accessible adaptations to remove stairs or reduce grade of path. Many ADUs will have accessible travel routes due to many lots in the Village being flat.</p>
<p>Building Form and Character</p>	<p>4)</p> <ul style="list-style-type: none"> a. Buildings shall be sited to ensure that any adjacent residential properties have visual privacy, as well as protection from site illumination and noise b. All buildings and expansions thereto, storage, and parking shall be designed to be compatible with surrounding land uses and the major roads fronting the property c. The use of smooth surfaced, wood, concrete board, acrylic stucco, brick, baked enamelfinished metal siding, or metal panels are encouraged d. The use of untreated or unfinished concrete, metal, vinyl siding as a final building finish is prohibited 	<p>Most of these guidelines are better suited for multi-family buildings and where an entire site is being redeveloped.</p> <p>1.2 m path and addressing from the street will be required in the Zoning Bylaw.</p> <p>Other form and character elements related to ADUs will be promoted through website and guide.</p>

	<ul style="list-style-type: none"> e. Rooftop mechanical equipment shall be hidden behind screens or parapets designed as an integral part of a building to conceal such equipment f. Building design should include a variety of architectural design treatments, including articulated building footprints to reduce massing and to promote architectural definition and interest g. Building massing shall consider the preservation or enhancement of view corridors to open areas and mountain vistas h. Building massing should respond to a human scale with materials and details that are proportionate to human height and provide visual interest at the street and sidewalk level i. Minimize impacts of decks and balconies on adjacent properties j. The civic addressing must be visible from the primary street frontage k. Each dwelling unit should have a dedicated, unobstructed, hard surfaced path, not be less than 1.2metres in width that links the unit to a public street or lane l. New Buildings should: <ul style="list-style-type: none"> i. Create visual interest by providing variations in height, rooflines and massing ii. Avoid building plans that are repetitive m. Large blank walls should not dominate the buildings and where windows/dormers/bays are 	
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	<p>not possible; landscaping should be used to mitigate the blank walls</p> <ul style="list-style-type: none"> n. The garage should not be visually prominent, mitigated through the use of staggered setbacks, and varied orientation, materials, scale, and finishes o. Large windows should not face directly onto adjacent properties p. Main entrances for all dwellings shall be located at ground level and should be prominent to the street 	
<p>Lighting</p>	<p>5) Natural cycles of day and night lighting are important for human health, the natural environment, astrophysical endeavors, and the conservation of energy. To minimize these impacts, outdoor lighting should be regulated to control both the quantity and quality of night lighting.</p> <ul style="list-style-type: none"> a. All site lighting installations should be fully shielded (full cutoff) b. Light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter c. Security and other lighting should be placed so as not to shine directly into residential properties or to reduce the separation effectiveness of any landscaped buffer d. Exterior building lighting should generally be concealed in soffits or other similar architectural features 	<p>Most of these guidelines are better suited for multi-family buildings and where an entire site is being redeveloped.</p>

	<ul style="list-style-type: none"> e. Lamp poles and luminaries used for site area lighting should be complementary to the form and character of adjacent sites and Village streetlighting standards f. There should be sufficient on-site illumination for pedestrian/vehicle safety. g. Illumination should not encroach onto adjacent properties h. Adhering to the principles of Crime Prevention through Environmental Design Principles (CPTED), lighting for pedestrian pathways, building entrances and parking areas should be designed at a human scale (i.e., low level bollards) and address pedestrian safety 	
Access, parking and amenity areas	6)	Guidelines not copied here are they are either clearly for a multi family development or addressed in other guidelines.
Energy Conservation & Reduction of Greenhouse Gas Emissions	<p>7)</p> <ul style="list-style-type: none"> a. Building design should include passive heating, lighting and cooling design features b. Landscaping and building design should consider the incorporation of natural daylight and seasonal shade needs c. Building orientation should, where practical, be designed to optimize the benefits of solar orientation d. Building design should incorporate solar ready features e. Sheltered and secure bicycle parking shall be provided to a level that is consistent with 	Require solar ready and energized outlets capable of Level 2 charging stations.

	<p>the proposed use</p> <p>f. Electric Vehicle Plug-ins should be provided for new developments</p> <p>g. All buildings shall be designed and engineered to be solar ready</p> <p>h. Adaptive reuse of buildings and on-site materials is encouraged, where permitted within the BC Building Code and under relevant legislation</p>	
Water Conservation	8)	Guidelines not copied here are they are either clearly for a multi family development or addressed in other guidelines.
Stormwater	<p>9)</p> <p>A stormwater management plan shall be required as prepared by a registered professional engineer that has as its goal the maintenance of post-development flows equivalent to those of pre-development flow patterns and volumes over the entire wet weather season</p> <p>b. Stormwater management shall follow source control (on-site) principles and practices and minimize the use of conventional pipe and pond techniques, and avoid direct discharges to streams and other water-bodies</p> <p>c. Stormwater management shall take advantage of on-site opportunities to recycle water to absorbent soils, wetlands, and forests</p>	A stormwater management plan would no longer be required for an ADU. ADUs would be required to connect to municipal stormwater system where available.

Motion 22-504

Moved by: Brown

Seconded by: Sproule

THAT Council receive the Mayor and Council monthly reports for July 2022.

Carried Unanimously

8. Bylaws

8.1 Vacation Rentals Regulations – Amendment Bylaws

Motion 22-505

Moved by: Sullivan

Seconded by: Ketler

THAT Council receive the July 22, 2022 report “Vacation Rental Regulations – Amendment Bylaws” report.

Carried Unanimously

Motion 22-506

Moved by: Brown

Seconded by: Sullivan

THAT Council amend Bylaw 1170, 2022 by:

striking “for whom” from the definition for residential use under section 2 (b) following “means occupancy and use by a person or persons”

THAT Council give third reading and adopt the thus amended Bylaw 1170, 2022, cited as “Zoning Amendment Bylaw No. 1170, 2022”.

THAT Council give third reading to Bylaw 1171, cited as “Business Licence Amendment Bylaw No. 1171, 2022”.

THAT Council direct staff to enforce the vacation rental regulations in the Zoning Bylaw on a proactive basis.

Carried Unanimously

8.2 Streamlining Accessory Dwelling Unit Approval Process

Motion 22-507

Moved by: Sproule

Seconded by: Sullivan

THAT Council receive the Streamlining Accessory Dwelling Unit Approval Process report.

Carried Unanimously

Motion 22-508

Moved by: Sullivan

Seconded by: Brown

THAT Council give first and second reading to Official Community Plan Amendment Bylaw No. 1174, 2022;

THAT Council give first and second reading to Zoning Amendment Bylaw No. 1175, 2022;

THAT Council refer the Streamlining Accessory Dwelling Unit Approval Process report, draft amending bylaws, and draft application guide to the Advisory Planning Commission, Accessibility and Inclusion Committee, and the Homelessness and Affordable Housing Committee; and

THAT Council direct staff to schedule a Public Hearing.

Carried Unanimously

8.3 Development Cost Charges (DCC) Update Bylaw No. 1173, 2022

Motion 22-509

Moved by: Brown

Seconded by: Ketler

THAT Council receive the Development Cost Charges Bylaw No. 1173, 2022 Report.

Carried Unanimously

Motion 22-510

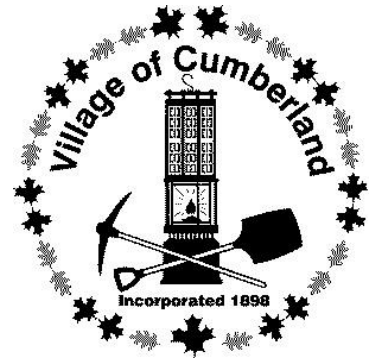
Moved by: Sproule

Seconded by: Brown

THAT Council give 1st, 2nd and 3rd readings to "Development Cost Charges Bylaw No. 1173, 2022";

THAT Council direct staff to refer the DCC Background Report by Urban Systems dated July 21 2022 to the Ministry of Municipal Affairs for approval by the Inspector of Municipalities.

COUNCIL REPORT



REPORT DATE: 8/1/2022
MEETING DATE: 8/8/2022

File No. 3010

TO: Mayor and Councillors
FROM: Courtney Simpson, Manager of Development Services
SUBJECT: Streamlining Accessory Dwelling Unit Approval Process

RECOMMENDATION

- i. THAT Council receive the Streamlining Accessory Dwelling Unit Approval Process report;
- ii. THAT Council give first and second reading to Official Community Plan Amendment Bylaw No. 1174, 2022;
- iii. THAT Council give first and second reading to Zoning Amendment Bylaw No. 1175, 2022;
- iv. THAT Council refer the Streamlining Accessory Dwelling Unit Approval Process report, draft amending bylaws, and draft application guide to the Advisory Planning Commission, Accessibility and Inclusion Committee, and the Homelessness and Affordable Housing Committee; and
- v. THAT Council direct staff to schedule a Public Hearing.

PURPOSE

The purpose of this report is to present draft bylaw amendments for first and second reading aimed at streamlining the Accessory Dwelling Unit (ADU) approval process as recommended in the Development Approvals Process Modernization Summary Report, May 25, 2022.

PREVIOUS COUNCIL DIRECTION

Date	Resolution
July 11, 2022	<p>THAT Council refer the Streamlining Accessory Dwelling Unit Approval Process report to the Advisory Planning Commission, the Homelessness and Affordable Housing Committee, and the Accessibility and Inclusion Committee.</p> <p>THAT Council direct staff to draft bylaws to amend development approval procedures to streamline the approval process for Accessory Dwelling Units.</p>
May 22, 2021	<p>THAT Council direct staff to submit an application to the Union of BC Municipalities Local Government Development Approvals Program, for funding to review and update the Village of Cumberland's development approvals processes including information technology to support it, and that the Village of Cumberland provide overall grant management.</p>

BACKGROUND

Project Background

The ADU approval process has been reviewed as a part of the Development Approvals Process Modernization project. Several recommendations were identified to streamline, provide clarity in communication, and reduce the need for amendments and variances in the future. The summary report identified that the Village's approval process for ADUs is more onerous than the recommended best practices by BC Housing and other municipal jurisdictions. This has created in a lengthy development approval process and consumes more staff time that could be better utilized on improving the level of service on more significant development applications, policy development and other priority projects.

The OCP contains a growth management strategy that prioritizes development that makes efficient use of existing infrastructure, increases access to affordable housing, promotes walkable neighbourhoods, and reinforces the Village core. The OCP identifies ADUs as a preferred approach to achieving these goals.

It is expected that continued ADU uptake will contribute to supporting the 415 existing rental households, and especially the 41% of households that spend more than 30% of their income on rental shelter costs.

Following direction from Council, bylaws have been drafted to further streamline the process as follows:

- An Official Community Plan amendment to exempt ADUs from the development permit process (Attachment 1 – Draft OCP Amendment No. 1174).
- A Zoning Bylaw amendment to add specific requirements for ADUs (Attachment 2 – Draft Zoning Bylaw Amendment No. 1175)

ANALYSIS

The draft bylaw amendments convert most development permit area guidelines to regulations in Zoning Bylaw 1027, 2016, that then become requirements before a building permit for an ADU can be issued.

No changes are proposed to the gross floor area, parking requirements, height (other than on uphill sloping lots) or setbacks that are already specified in the Zoning Bylaw. Any proposed changes to these requirements will continue to require a development variance permit.

Below is a discussion of several key elements of ADU approvals and how they are addressed.

Landscaping, Screening and Privacy

Zoning Bylaw requirements are proposed for privacy screening, irrigation, and the inclusion of an outdoor amenity area for the ADU. A requirement for a tree to be planted is also proposed to reflect the Village's Urban Forestry goals.

Based on concerns about maintaining privacy and overlook onto adjacent properties, ADUs may not include any balconies, roof top decks, or above ground patios (over 60 cm above grade) facing the rear or side yard immediately adjacent to a neighbouring property. Additionally, transparent

surfaces on external second storey ADU walls are limited to 20% of the total wall area where the setback from the interior and rear lot lines is less than 2.0 metres.

Lighting

Outdoor lighting for the pathway connection and ADU shall meet current dark skies guidelines and be located and arranged so that no direct rays of light are directed at any adjoining properties.

Stormwater Management

Municipal Stormwater System Regulation and Fees Bylaw No. 1024, 2015 requires infiltration galleries for new development, and must be designed and certified by a Professional Engineer. Further, the Bylaw states that there shall only be one connection per lot. Under the proposed Official Community Plan and Zoning Bylaw amendments, stormwater management will be addressed at the building permit stage pursuant to Bylaw 1024.

Accessibility

A 1.2 metre hard surfaced pathway is required to the front entrance of the ADU to a highway; a highway would include a lane, road, or boulevard, but not a private right of way or a linear parkway.

It is recommended that additional recommendations regarding designing for accessibility and inclusion would be included in the ADU application guide such as barrier-free access and design provisions that would facilitate aging in place and improve accessibility.

Form and Character

Regulation to restrict ADUs from being developed in front yards has been maintained and a provision has been added to ensure that garages do not protrude beyond the front entrance of a unit.

Form and Character Development Permit Area guidelines such as those related to visual interest in design and use of building materials that reflect the character of the principal dwelling unit can not be required by a Zoning Bylaw; however, will be encouraged through the new website and brochure that will include sample images and design recommendations.

Sloped Lots

To reduce situations where ADUs are taller than the principal dwelling on uphill sloping lots, the bylaw amendment proposes that the roof of an ADU shall not be higher than the peak of the roof of the principal dwelling, for lots with slopes greater than 20%.

PUBLIC ENGAGEMENT AND CONSULTATION

The project team presented the proposed amendments to the Advisory Planning Commission, Accessibility and Inclusion Committee, and Homelessness and Affordable Housing Committee. All the respective committees indicated support for the proposed concept of streamlining with some concerns and indicated that they would like the opportunity to review the draft bylaws and associated ADU application guide once drafted.

The Advisory Planning Commission passed the following resolution:

THAT the APC supports the concept of streamlining the Accessory Dwelling Unit Approval Process in alignment with the comments made in these minutes and awaits further information from Council and staff on recommendations sought from the APC.

Accessibility and Inclusion Committee passed the following resolution:

That the Accessibility and Inclusion Committee provide the following comments on the proposed changes to the Accessory Dwelling Unit Approvals Process:

- *to encourage universal design and incorporate accessible recommendations in the companion guide for ADUs, such as step free access and Saferhome Standards*
- *and that the draft companion guide for Accessory Dwelling Units be referred to the Accessibility and Inclusion Committee when available.*

The Homelessness and Affordable Housing Committee provided comments that are included in the minutes but did not make a specific resolution.

One email was received from the public expressing general support for the project and making some specific comments (Attachment 3 – Public Submission). Should Council give the subject bylaws first and second reading and direct staff to prepare the associated application guide, the application guide will be drafted and placed on the Village website along with background information and the amending bylaws for public review. A press release is proposed to be drafted to notify the community of this opportunity to comment on the draft bylaws in advance of the public hearing. The public hearing is anticipated to be held in mid-September.

ALTERNATIVES

1. That Council provide alternate direction.

STRATEGIC OBJECTIVE

- Healthy Community
- Quality Infrastructure Planning and Development
- Comprehensive Community Planning
- Economic Development

FINANCIAL IMPLICATIONS

The cost in staff time of processing ADU development permit applications is not fully recovered by the application fee of \$1,200. Removing the requirement for a development permit will have a positive financial impact.

OPERATIONAL IMPLICATIONS

Staff spend a considerable amount of time on ADU inquiries and applications as many of the applicants are not experienced developers and find the approval requirements onerous. The Village has a very high approval rate associated with ADU Development Permit Applications. As staff resources are limited, the intent of streamlining and improving communications materials is not only to improve the process for the applicant, but also to free up staff time currently utilized

for ADU inquiries and processing ADU development permits for processing other development applications to improve the overall level of service as well as Council priority initiatives.

CLIMATE CHANGE IMPLICATIONS

Current DPA guidelines for ADUs such as requiring that ADUs be solar ready and provide an energized outlet for Level 2 electric vehicle charging are included in the draft Zoning Bylaw amendment. Further building efficiency requirements will be addressed through adoption of the BC Energy Step Code.

ATTACHMENTS

1. Draft OCP Amendment No. 1174
2. Draft Zoning Bylaw Amendment No. 1175
3. Public Submission

Respectfully submitted,

C. Simpson

Courtney Simpson
Manager of Development Services

M. Mason

Michelle Mason
Interim Chief Administrative Officer

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1174

A bylaw to amend the Official Community Plan Bylaw.

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts as follows:

1. This Bylaw shall be cited as “Official Community Plan Amendment Bylaw No. 1174, 2022”.
2. Part D, Section 10.6.1 of the Village of Cumberland Official Community Plan, Bylaw No. 990, 2014 is amended by removing the following:
‘Single Family with accessory dwelling unit (garage apartment, coach house, laneway house)’
3. Part D, Section 10.6.3 of the Village of Cumberland Official Community Plan, Bylaw No. 990, 2014 is amended by adding point (q) under subsection (1) which states:
‘q. For construction, alteration, renovation, addition, or demolition of an accessory dwelling unit.’
4. Part D, Section 10.6.6 of the Village of Cumberland Official Community Plan Bylaw No. 990, 2014 is repealed in its entirety.
5. At its meeting on August 8, 2022, Council considered and passed a resolution with respect to opportunities for consultation on this Bylaw with persons, organization, and authorities it considered to be affected, as per sections 475 and 476 of the *Local Government Act*.

READ A FIRST & SECOND TIME THIS XX DAY OF [month] 2022.

PUBLIC HEARING HELD THIS XX DAY OF [month] 2022.

READ A THIRD TIME THIS XX DAY OF [month] 2022.

ADOPTED THIS XX DAY OF [month] 2022.

Mayor

Corporate Officer

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1175

A Bylaw to amend Zoning Bylaw No. 1027, 2016

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts as follows:

1. This Bylaw shall be cited as “Zoning Amendment Bylaw No. 1175, 2022”.

Zoning Amendments

2. The Zoning Bylaw No. 1027, 2016 is amended in Part 2, Section 2.2 by **inserting** the following definitions:

Accessory Dwelling Unit	means a separated secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit on a fee simple lot.
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3. The Zoning Bylaw No. 1027, 2016 is amended in Part 4, by **repealing** section 4.2 and **substituting** the following:

4.2 Accessory Dwelling Units

- d) Where an *accessory dwelling unit (ADU)* is permitted, the following regulations shall apply:
 - i) an ADU shall not be located in a *front yard*;
 - ii) the ADU must be fully detached from (and with no breezeway to) any *single family dwelling* on the subject lot;
 - iii) the gross floor area of the ADU:
 - 1) must not exceed 90.0 square metres (968.8 square feet); and
 - 2) must be less than 75% of the *GFA* of the *single family dwelling*.
- e) The Height of an ADU must not exceed:
 - i) if one *storey*, 6.5 metres (21.3feet); or
 - ii) if two *storeys*, 7.5 metres (24.6feet).
- c) Notwithstanding the *setback* regulations for the Zone:
 - i) *lots* with interior side yards less than 1.5 metres (4.9feet); and
 - ii) with a rear *lane* less than 6.0 metres (19.7feet) wide or a *lane* which is greater than 6.0 metres but is not accessible year-round;must provide no less than 1.5 metres (4.9feet) in width from the entrance of the ADU, past the principal *building* for emergency access from the *frontage*.

If a fence is installed within the 1.5 metres (4.9feet) clearance area, a gate, accessible at all times and no less than 1.5 metres in width, needs to be provided.

- f) An ADU shall not be subdivided from the parent property under the Strata Property Act.
- g) The landscaping and screening for an ADU shall:
 - i) Include one shade tree per ADU.
 - ii) Follow the Village of Cumberland's Urban Forest Management Plan for tree spacing and species type.
 - iii) All required landscaping shall be watered by a fully automatic irrigation system that meets or exceeds IIABC standards. Run-off onto sidewalks, streets, or parking areas shall not be permitted.
 - iv) Notwithstanding Section 4.2 (e) (iii), existing areas of undisturbed native vegetation which have been accepted as a landscape buffer or shade tree are exempt from requiring a fully automatic irrigation system.
 - v) A solid screen shall be provided and maintained where an ADU is located within 4.5 metres of a parcel boundary, consisting of either fencing or a hedge with a minimum height at maturity of 2.0 metres, along rear and interior side parcel boundaries adjacent to the ADU and its outdoor amenity space.
 - vi) Include an unobstructed, hard-surfaced lighted pathway at least 1.2 metres wide from either a street or lane, to the entrance of the ADU.
- h) Outdoor lighting for any development shall meet current dark skies guidelines and be located and arranged so that no direct rays of light are directed at any adjoining properties.
- i) An outside amenity area shall be provided in the form of a deck, dedicated yard, garden, or similar feature. A parking area does not qualify as an outside amenity area.
 - i) The amenity area shall have a minimum width of 2.5 metres and must not be less than 10.0 square metres (107 square feet) in area.
 - ii) Amenity areas shall be provided along the rear property line or internal to the lot.
- j) An ADU shall not include any balconies, roof top decks, or above ground patios facing the rear or side yard immediately adjacent to a neighbouring property.
- k) In the R1-A Zone, transparent surfaces on external second storey ADU walls, adjacent to an interior side or rear lot line, shall be limited to 20% of the total wall area where the setback from the interior and rear lot lines is less than 2.0 metres.
- l) For uphill sloping lots, with slopes greater than 20%, no portion of the roof of an ADU shall be higher than the peak of the roof of the principal detached dwelling on the same parcel.
- m) Garages shall not protrude beyond the front entrance of a unit.
- n) ADU's shall provide energized outlets capable for Level 2 electric vehicle charging.
- o) ADU's shall be designed to be solar ready and include the technical components to facilitate the use of solar panels.

- p) Waste disposal and recycling bins provided for the ADU shall be screened from adjacent properties.

Severability

- 4. If any section or subsection of this Bylaw is found to be invalid by a court of competent jurisdiction, the section or subsection may be severed from the Bylaw without affecting the validity of the remainder of the Bylaw.

READ A FIRST & SECOND TIME THIS	XX	DAY OF	[month]	2022.
PUBLIC HEARING HELD THIS	XX	DAY OF	[month]	2022.
READ A THIRD TIME THIS	XX	DAY OF	[month]	2022.
ADOPTED THIS	XX	DAY OF	[month]	2022.

Mayor

Corporate Officer

From: [REDACTED]
To: [Courtney Simpson](#)
Subject: Re: questions/comments on proposed ADU changes
Date: July 12, 2022 9:18:57 AM

Hi Courtney,

Certainly if you feel it's helpful to share my email then go for it :)

Also thanks for your comments on my comments.

Regarding the roof height. I just feel there should at least be a way in the bylaws that allows for the construction of some form of ADU on a rear sloping lot without requiring a variance. Maybe more restrictive rules but the current idea of not allowing them taller than the existing house would prohibit their construction on some lots all together. It could also result in an undesirable side effect of unsightly additions to homes just to make them taller, and therefore meet the bylaw requirements for the ADU.

I do still think though that in most cases requiring a hard surface pathway from the ADU in the backyard to the street is not needed. Especially when a lot of properties would required stairs in said pathway and wheelchair access isn't possible anyway. I would strongly suggest dropping the need for hard surface and changing the wording to allow permeable surfaces. There is also talk of reducing costs to the developer as a reason to drop the DP process. A 5' wide concrete pathway to an ADU in a backyard could easily run a cost of \$5000-\$10000. That cost could be greatly reduced if gravel paths were allowed for example.

Thanks again for you time.

[REDACTED]

On Tue, Jul 12, 2022 at 8:40 AM Courtney Simpson <CSimpson@cumberland.ca> wrote:

Hi [REDACTED],

Thank you for your email and your words of support. Would you like your email to be shared with Council?

Regarding the height limits for an ADU on sloping properties, someone can always apply for a development variance permit to vary the requirements in the Zoning Bylaw. This what we have in mind for a lot that has such a slope, if it can't practically meet height requirements we are proposing. This means that Council can review the specific proposal in this case, and if they support the height variance the ADU can be built. If we can come up with better Zoning Bylaw language to reduce the number of variance applications and still retain that neighbourhood fit, that is a good thing. We will have a close look at your suggestion.

For the 1.5m hard surface path, this is already required (although it is 1.2m now). Formally, all ADUs must have pedestrian access from the street (not the lane), and if they can also have access from the lane, ideally having parking off the lane also, that is best. Because lanes are in such a variety of condition we could not at this time require access from the lane only. The reason for the hard surface is accessibility. We will have a close look at your suggestion on this one as well.

Step Code, yes, is on our list of projects to tackle.

Thanks again for taking the time to comment.

Courtney

Courtney Simpson, RPP MCIP

Manager of Development Services

Village of Cumberland | Box 340, [2673 Dunsmuir | Cumberland, BC | V0R 1S0](#)

[Office 250.336.3019](#) | Cell 250.897-8031 | e: csimpson@cumberland.ca

I would like to acknowledge that we are on the Unceded traditional territory of the K'ómoks First Nation.

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From: [REDACTED]
Sent: July 11, 2022 3:00 PM

To: Planning <Planning@cumberland.ca>; Karin Albert <kalbert@cumberland.ca>
Subject: questions/comments on proposed ADU changes

Hi there,

First off, kudos for looking at eliminating the development permit process for ADUs. I have long thought that this was a barrier to development that didn't need to be there. Very excited to see how this affects development going forward.

I recently read through the list of proposed changes to the bylaws pertaining to ADUs and had a few questions/comments. See below:

- Urban Design Item (13) talks about properties with an uphill slope of more than 20% being required to have no rooflines rising higher than the principal dwelling. While I see why this is being looked at, I think it would be unfortunate to limit certain properties from having an ADU because their lot backs into a hill. I know that the recently finished ADU on camp road is likely why this is being discussed. I think it was shown that with thoughtful design, even an ADU that is higher than the principal dwelling can fit into the neighborhood. I would suggest rather than limit the roof height to be no higher than the principal dwelling, a different approach like limiting it to a single story or perhaps restricting the ADU to be not higher than "x" above any point on the surrounding grade. This would force the roof design to follow the slope of the grade and create a building that is by nature less obtrusive.

- Access (7) mentions requiring a 1.5M wide, hard surfaced, lighted pathway from the front lot line to the ADU door. Most ADU's are at the back of the property and many are only accessed from the laneway. It doesn't seem practical to require a 1.5M wide sidewalk that runs almost the entire length of the property when an ADU doesn't have any access other than the lane. Concrete and other hard surfaces contribute greatly to climate change and limiting their use seems like a good plan.

- Then just a comment about requiring solar ready and car charging capabilities. I think this is a great ask, but could the village go further in requiring all new construction adhere to a certain level of the step code? In a village that cares so deeply about climate change, it is odd that we haven't yet made this a requirement. Currently most areas around the Comox Valley are requiring Step 3, I would suggest that Cumberland be bold and require Step 4 while also requiring solar ready and charging stations.

Thanks for your time, I look forward to following along as these changes are developed.

Thanks,

