

# THE CORPORATION OF THE DISTRICT OF SAANICH

## BYLAW NO. 10215

### TO ESTABLISH LAND USE PROCEDURES

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The Municipal Council of The Corporation of the District of Saanich enacts as follows:

#### **PART 1: DEFINITIONS AND SCOPE**

##### **Definitions**

1. In this Bylaw, unless the context otherwise requires:
  - (a) "ALC" means the Agricultural Land Commission.
  - (b) "ALC Use or Subdivision Application" means an application for permission to carry out a use or subdivision within the Agricultural Land Reserve which requires, pursuant to the *Agricultural Land Commission Act*, a referral or approval of the District, but excludes an ALR Application.
  - (c) "ALR Inclusion/Exclusion Application" means an application to Council for the purposes of including or excluding land within the Agricultural Land Reserve.
  - (d) "Approving Officer" means the person appointed by Council to be the approving officer, and includes the deputy approving officer.
  - (e) "Board of Variance" means the Board of Variance as established by the District's Board of Variance Bylaw, 2004, No. 8599, as amended or replaced from time to time.
  - (f) "Building Inspector" means the building inspector employed by the District, and includes any employee authorized to act on their behalf.
  - (g) "Corporate Officer" means the Corporate Officer employed by the District and includes any employee authorized to act on their behalf.
  - (h) "Council" means the elected council of the District.
  - (i) "Delegate" means the staff member delegated by Council through Section 56 of this Bylaw.
  - (j) "Delegated Permit Application" means a permit or approval for which the authority to approve or reject has been delegated by Council to specified staff through Section 56 and Schedule "A" of this Bylaw.
  - (k) "Director" means the Director of Planning employed by the District.

- (l) “District” means the Corporation of the District of Saanich.
- (m) “LCRB” means the Liquor and Cannabis Regulation Branch established by the *Liquor Control and Licensing Act*.
- (n) “Official Community Plan Bylaw” or “OCP Bylaw” means the District’s Official Community Plan Bylaw, 2024, No. 10000, as amended or replaced from time to time.
- (o) “Preapplication” means an informal review and comment by the District of preliminary application materials, which will support a future formal application.
- (p) “Zoning Bylaw” means the District’s Zoning Bylaw, 2003, No. 8200, as amended or replaced from time to time.

## Scope

- 2. This Bylaw applies to the following applications:
  - (a) Bylaw applications to:
    - i. Amend the OCP Bylaw;
    - ii. Amend the Zoning Bylaw;
    - iii. Secure or amend a Phased Development Agreement through bylaw;
    - iv. Secure or amend a Heritage Designation through bylaw;
    - v. Remove a Heritage Designation through bylaw;
    - vi. Secure or amend a Heritage Revitalization Agreement through bylaw.
  - (b) Permit applications to:
    - i. Issue, amend, or discharge a development permit;
    - ii. Issue, amend or discharge a development variance permit;
    - iii. Issue, amend, discharge or extend a temporary use permit;
    - iv. Issue, amend or discharge a heritage alteration permit.
  - (c) Delegated Permit Applications
  - (d) Applications for Provincial Referrals for:
    - i. ALR Inclusion/Exclusion Applications;
    - ii. ALC Use or Subdivision Applications;
    - iii. Issuance or amendments to Liquor, Cannabis Licensing Applications.
  - (e) Miscellaneous Applications for:
    - i. Strata conversion of a previously occupied building;
    - ii. Inclusion in, or removal from, the heritage register;

- iii. Amendment or discharge of a covenant;
  - iv. Antenna applications.
- (f) Board of Variance Applications for:
- i. Application for variance;
  - ii. Application for time extension.
- (g) Information Applications:
- i. Zoning Comfort Letters
  - ii. Preapplications.

## **PART 2: APPLICATION PROCESS**

### **General Application Requirements**

3. Each application described in Section 2 of this Bylaw shall be made to the Director, and shall be:
  - (a) Signed by the owner of the lands involved or by a person authorized in writing by the owner to act as their agent;
  - (b) Submitted in a format prescribed by the Director;
  - (c) Accompanied by the information required by the Director; and
  - (d) Accompanied by the applicable application fee as set out in Section 22.
4. Notwithstanding Section 3, any person may apply for a Zoning Comfort Letter which will be processed and provided by the Director once the application fee is paid.

### **Incomplete Applications**

5. If an incomplete application is submitted, the application shall not be considered accepted until the Director has received all required information to process the application. Incomplete applications will not be referred and circulated until they have been deemed complete by the Director.

### **General Application Process**

6. Every complete application described in Section 3 of this Bylaw shall be processed by the Director, as follows:
  - (a) If Council approval is required, present a report to Council for its consideration;

- (b) Forward all Delegated Permit Applications to the Delegate in accordance with Section 56 of this Bylaw;
- (c) Forward all Board of Variance Applications to the Board of Variance; and
- (d) Refer any covenant modification or discharge to the decision maker who authorized the original covenant, which may include the Building Inspector, Council, or Approving Officer.

### **Application Lapse for Failure to Provide Information**

- 7. In the event that the applicant fails to submit outstanding information for an application file for any six (6) month period commencing on the date the request for information was made, then the applicant shall be notified in writing that their application will be deemed abandoned if no written response is received within thirty (30) days.
- 8. When an applicant receives a notice pursuant to Section 7 of this Bylaw, the applicant may preserve the application by responding to and providing the outstanding information within thirty (30) days.
- 9. The Director may, in their sole discretion, grant an extension to the applicant if all of the following requirements are met:
  - (a) The applicant has requested an extension prior to the date that the application file is deemed to be abandoned in accordance with Section 7;
  - (b) The applicant has provided reasonable and sufficient reasons for requiring the extension; and
  - (c) The applicant has demonstrated that they are in good faith working to respond to the outstanding information on their application file.
- 10. Failure by the applicant to respond under Section 8 of this Bylaw or secure an extension under Section 9 of this Bylaw will result in the application being deemed abandoned and the application file will be closed.
- 11. At the end of the extension granted in accordance with Section 9, if there is still outstanding information, notice will be provided in accordance with Section 7. If the applicant does not provide the information within thirty (30) days, the application will be deemed abandoned.

### **Application Lapse for Failure to Secure Bylaw Adoption**

12. In the event that the applicant fails to secure adoption of any bylaws listed in Subsection 2(a) of this Bylaw within one year after the date of Council third reading, then the applicant shall be notified in writing that their application will be deemed abandoned if no written response is received within thirty (30) days:
13. When an applicant receives a notice pursuant to Section 12 of this Bylaw, the applicant may preserve the application by responding to and providing the outstanding information necessary to move the file forward within thirty (30) days.
14. The Director may, in their sole discretion, grant an extension to the applicant if all of the following requirements are met:
  - (a) The applicant has requested an extension prior to the date that the application file is deemed to be abandoned in accordance with Section 12;
  - (b) The applicant has provided reasonable and sufficient reasons for requiring the extension; and
  - (c) The applicant has demonstrated that they are in good faith working to secure bylaw adoption for their application file.
15. Failure by the applicant to respond under Section 13 of this Bylaw or secure an extension under Section 14 of this Bylaw will result in the application being deemed abandoned, and the application file will be closed.
16. At the end of the extension granted in accordance with Section 14, if there is still outstanding information, notice will be provided in accordance with Section 12. If the applicant does not provide the information within thirty (30) days, the application will be deemed abandoned.

### **Reapplication**

17. If an application is deemed abandoned and cancelled, the applicant can resubmit a new application.
18. If the content of an active application has changed significantly respecting proposed use or density, the Director may require submission of a new application.
19. If an application under Section 2 has been rejected by Council, a person must not submit the same or substantially similar application within six months immediately following the date of refusal.
20. Notwithstanding Section 19, Council may amend the six-month window for reapplications for Zoning Bylaw amendments or OCP Bylaw amendments, through an affirmative vote of at least 2/3 of Council members.

21. In any event of reapplication, all applicable fees must be paid.

### **PART 3: FEES**

#### **Application Fees**

22. At the time of application, the applicant must pay any applicable application fees as set out in the Fees and Charges Bylaw, 2025, No. 10229.
23. Despite Section 22, all application fees under Schedule “A” are waived for municipal projects conducted by or on behalf of the District, on property owned or managed by the District.
24. Where an application to secure a bylaw, bylaw amendment, or temporary use permit is withdrawn prior to its publication on a Council agenda, 50% of the application fee shall be refunded.
25. Except as permitted in Section 24, hereof, no application fees paid shall be refunded, irrespective of the result of the application.
26. All fees established under this Bylaw shall increase by 3% annually for five years, rounded down to the nearest \$5.00, commencing on January 1, 2027, with the final increase occurring on January 1, 2031.

#### **Advertising Fees**

27. Where an application requires notice to be published, the applicant must pay the advertising fee as set out in the Fees and Charges Bylaw, 2025, No. 10229.
28. The advertising fee must be paid before notice of the application is published in the newspaper.
29. Despite Section 27:
  - (a) the advertising fee is reduced to five hundred (\$500.00) dollars for applications for Temporary Use Permits for sale of home-grown and value-added fruits, flowers, vegetables, and homemade crafts at roadside stands.
  - (b) the advertising fee is waived for municipal projects conducted by or on behalf of the District, on property owned or managed by the District.

30. For greater certainty, if Council forwards a Zoning Bylaw amendment to public hearing pursuant to Section 49(a) of this Bylaw, the applicant will be responsible for payment of the advertising fees for both first reading and public hearing.

#### **PART 4: PUBLIC NOTIFICATION**

##### **Bylaw Notifications by District**

31. In accordance with the *Local Government Act*, the District will mail or otherwise deliver individual notices for applications under Subsection 2(a) of this Bylaw to all owners and tenants of the subject property for which an application is being made, and all owners and tenants of properties that are within a 90-metre radius to which the application pertains, advising of:
  - (a) A public hearing; or
  - (b) A scheduled Council meeting for first reading if a public hearing is not required or prohibited under the *Local Government Act*.
32. Notices will be mailed or otherwise delivered not less than ten days prior to the date of Council consideration at first reading or public hearing, as applicable.
33. Section 31 does not apply if 10 or more parcels owned by 10 or more persons are subject of the bylaw alteration.
34. Notice for applications under Subsection 2(a) of this Bylaw shall be published in not less than 2 consecutive issues of a newspaper, the last publication to appear not less than 3 and not more than 10 days before the first reading or public hearing, as applicable.
35. Where an application is submitted under Subsection 2(a) of this Bylaw, the applicant shall prepare and post notification signs on the lands involved, and shall:
  - (a) Erect one sign on each street frontage of the proposed development, where the sign can be safely installed and where the sign can be seen from the street, within five weeks of the application being submitted;
  - (b) Prepare and post the signs in accordance with the sign specifications prescribed by the Director and provide written and visual confirmation to the satisfaction of the director that the signs have been erected;
  - (c) Maintain and/or replace the signs as necessary; and
  - (d) Remove the signs within one week of the application being refused or approved by the delegate or council, or within one week of the application being withdrawn by the applicant.

36. Failure to post the required signs in accordance with this Bylaw will result in the postponement of consideration of the application by Council or the Delegate. All costs incurred by the District for public notification as a result of such postponement will be the responsibility of the applicant.
37. If the applicant fails to remove the signs in accordance with Subsection 35(d) of this Bylaw, the District may enter upon the land(s) to remove the signage at the expense of the applicant, with an additional administrative cost of 20% of the expense incurred.

### **Permit Notifications by District**

38. The District will mail or otherwise deliver individual notices for applications for issuance of permits under Subsection 2(b) of this Bylaw to all owners and tenants of the subject property, and all owners and tenants of properties that are within a 50 metre radius to which the application pertains, advising of a scheduled Council meeting.
39. Notices will be mailed or otherwise delivered not less than ten days prior to the date of Council consideration.
40. As additional notification for temporary use permits:
  - (a) Notices for issuance of temporary use permits shall be published in a newspaper not less than 3 and not more than 14 days before the adoption of the resolution to issue the permit.
  - (b) The applicable radius for the notice requirements under Section 38 of this Bylaw is increased to 90 metres.
41. As additional notification for Delegated Permit Applications for Non-Market Housing, the sign posting requirements under Sections 35-37 of this Bylaw shall apply.
42. Where the issuance of a permit under Subsection 2(b) of this Bylaw is being considered alongside an OCP Bylaw amendment or Zoning Bylaw amendment requiring a public hearing, the notice required under Section 38 of this Bylaw may be incorporated into the public hearing notice.
43. For greater certainty, the notice requirements set out above do not apply to:
  - (a) Amendment or discharge of permits under Subsection 2(b) of this Bylaw; or
  - (b) Delegated Permit Applications, however, the Delegate may, if they determine it is in the public interest, notify by mailout, delivery or any other means, the owners and tenants of the subject property, and any adjacent property owners up to within a 50-metre radius of the application, to invite written comments on the Delegated Permit Applications.

## **PART 5: REFERRAL**

### **Application Referral**

44. When processing an application, the Director may refer the application to other agencies, associations, Advisory Committees and District staff.

### **Referral- Advisory Design Panel**

45. Without limiting the generality of the above section, the Director or Council may refer plans submitted in support of an application to rezone lands or for the issuance of a development permit to the Advisory Design Panel for review.
46. Following its review of the application, the Advisory Design Panel will vote on the application by recommending, in the form of a resolution based on the information presented, one of the following to the referring authority:
- (a) Approval;
  - (b) Approval with considerations; or
  - (c) Rejection of the proposed design plans and/or development permit.
47. By way of additional resolution, the Advisory Design Panel may make any other recommendations or comments to the referring authority.

## **PART 6: COUNCIL AND DELEGATE CONSIDERATION**

### **Applications under Section 2(a) [Bylaw Applications]**

48. Subject to Section 49, a public hearing shall be held before Council for all applications under Subsection 2(a) of this Bylaw.
49. As an exception to Section 48:
- (a) When an application to a Zoning Bylaw amendment is consistent with the Official Community Plan, a public hearing shall not be held, unless otherwise directed by Council.
  - (b) When an application to a Zoning Bylaw amendment meets all of the following criteria, a public hearing is prohibited:
    - i. The bylaw is consistent with the OCP;

- ii. The sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development; and
  - iii. The residential component of the development accounts for at least half of the gross floor area of all buildings and other structures as part of the development;
- (c) When an application to a Zoning Bylaw amendment is for the sole purpose of complying with Section 481.3 of the *Local Government Act*, a public hearing is prohibited.
- (d) When an application is for a heritage revitalization agreement bylaw, and the scope of the agreement will not affect use, density, or residential tenure, a public hearing shall not be held, unless otherwise directed by Council.
50. Subject to Section 49, every application under Subsection 2(a) of this Bylaw shall be considered at a Council meeting at which time Council may:
- (a) Forward the application to a Public Hearing;
  - (b) Amend and then forward the application to a Public Hearing; or
  - (c) Reject the application.
51. Where there are multiple applications under Subsection 2(a) of this Bylaw, all applications will be considered at the same public hearing.
52. After considering an application under Subsection 2(a) of this Bylaw, and following any required public hearing, Council may:
- (a) Adopt the bylaw;
  - (b) Subject to Section 470(1)(b) of the *local government act*, alter and then adopt the bylaw; or
  - (c) Defeat the bylaw.
53. Council may adopt the Zoning Bylaw amendment bylaw or Official Community Plan Bylaw amendment bylaw, or Phased Development Agreement Bylaw at the same Council meeting at which third reading was given, providing all outstanding conditions relevant to the adoption of the bylaw have been met.

### **Applications under Section 2(b) [Permit Applications]**

54. Every application under Subsection 2(b) of this Bylaw shall be considered at a Council meeting or a public hearing at which time Council may:
- (a) Authorize the issuance of a permit;
  - (b) Authorize the issuance of a permit as amended by council in its resolution; or
  - (c) Refuse to authorize the issuance of a permit.
55. Where an application for issuance of a permit requires a bylaw amendment, the application for the issuance for a permit will be considered concurrent with the required bylaw amendment.

### **Applications under Section 2(c) [Delegated Permit Applications]**

56. Council delegates to the staff member named in Column 1 of Tables 1, 2 and 3 of Schedule "A" the authority to issue the types of permits and approvals listed in Tables 1, 2 and 3 of Schedule "A", in accordance with the powers and restrictions scoped within those tables.
57. The Delegate may, in their sole discretion, make any of the following decisions, all of which must be communicated to the owner who applied for the Delegated Permit Applications:
- (a) Approval of the Delegated Permit Application;
  - (b) Referral to Council for Council's consideration, if the Delegate determines that it would be in the public interest to do so ("Delegate Referral"); or
  - (c) Rejection of the Delegated Permit Application. If the Delegate refuses to issue the permit, the Delegate must provide reasons in writing to the applicant.
58. If the Delegate opts for a Delegate Referral under Subsection 57(b) of this Bylaw, then the Delegate will provide the Corporate Officer with the original application within ten (10) days of their decision to refer.
59. If the Delegate rejects the Delegated Permit Application under Subsection 57(c) of this Bylaw, then the applicant may apply to have the decision reconsidered by Council by applying in writing to the Corporate Officer within ten (10) days after the decision of the Delegate has been communicated in writing to the Applicant (the "Reconsideration Application"). The applicant must include the following information in its Reconsideration Application:
- (a) The permit application as it appeared before the Delegate;

- (b) A copy of the reasons for permit refusal provided by the Delegate;
  - (c) The reasons why the applicant wishes Council to reconsider the decision; and
  - (d) The new decision the applicant requests Council to make, with brief reasons to support the new decision.
60. When the Corporate Officer receives either a Delegate Referral or Reconsideration Application, the Corporate Officer must:
- (a) Schedule the item on the agenda of a Regular Meeting of Council in accordance with Section 62; and
  - (b) Deliver to each Council member a copy of the information that was provided under Sections 57 and 59 above.
61. For both the Delegate Referral and Reconsideration Application:
- (a) the Applicant is not required to pay an additional fee to have the item appear before Council;
  - (b) Waiver of notice for delegated development variance permits under Section 499(1.1) of the *Local Government Act* and Section 43(b) of this Bylaw does not apply, and the municipality is required to follow the notice requirements for development variance permits as set out under Section 499.1 of the *Local Government Act*.
62. Council must hear the Delegate Referral or Reconsideration Application within ten (10) weeks after the date of delivery to the Corporate Officer.

#### **Applications under section 2(d) [Referrals]**

63. The following process is followed for an ALR Inclusion/Exclusion Application:
- (a) Upon receipt of a complete ALR Inclusion/Exclusion Application, the application may be referred by the Director to the Peninsula and Area Agricultural Commission (“PAAC”) for review. PAAC shall make a recommendation to the Director for approval or rejection of the ALR Inclusion/Exclusion Application and may make any other recommendations or comments they consider advisable.
  - (b) The Director will forward the ALR Inclusion/Exclusion Application, Report, and any recommendation from PAAC to Council, who will consider the report and may pass a resolution to:
    - i. Reject the ALR Inclusion/Exclusion Application; or

- ii. Direct the ALR Inclusion/Exclusion Application proceed to a public hearing.
- (c) After considering at a public hearing an ALR Inclusion/Exclusion Application, Council may pass a resolution to:
- i. Submit an ALR Inclusion/Exclusion Application to the ALC on behalf of the applicant; or
  - ii. Not submit an ALR Inclusion/Exclusion Application to the ALC.
- (a) Where Council resolves to support the submission of an ALR Inclusion/Exclusion Application under Subsection 63(c)(i) of this Bylaw, the applicant must pay the additional ALR Application fee.
- (b) The District shall notify the applicant of the ALC decision regarding the ALR Inclusion/Exclusion Application once a decision by the ALC has been reached.

64. The following process is followed for an ALC Use or Subdivision Application:

- (a) Upon receipt of a complete ALC Use or Subdivision Application, the application may be referred by the Director to the Peninsula and Area Agricultural Commission (“PAAC”) for review. The PAAC shall make a recommendation to the Director for approval or rejection of the ALC Use or Subdivision Application, and may make any other recommendations or comments they consider advisable.
- (b) The Director will forward the ALC Use or Subdivision Application Report, and any recommendation from PAAC to Council who will consider the Report and may pass a resolution to:
  - i. Authorize the application to proceed to the ALC; or
  - ii. Not authorize the application to proceed to the ALC.

65. The following process is followed for a liquor or cannabis licence application:

- (a) The application shall be processed in accordance with the *Liquor Control and Licensing Act* and the *Cannabis Control and Licensing Act*, as may be amended or replaced from time to time.
- (b) Upon receipt of a report from the Director respecting an application for liquor and cannabis licence or amendment, Council may:

- i. Forward the application to the LCRB with comments;
- ii. Not forward the application to the LCRB.

### **Applications under Section 2(e) [Miscellaneous Applications]**

66. Every application under Subsection 2(e) of this Bylaw shall be considered at a Council meeting or a public hearing at which time Council may, by resolution:
- (a) Approve the application; or
  - (b) Reject the application.
67. Where an application under Subsection 2(e) of this Bylaw requires a bylaw amendment, the application will be considered concurrent with the required bylaw amendment.

## **PART 7: GENERAL**

### **Suspension**

68. Any one or more of the procedures in this Bylaw, except those that are governed by statutory provisions, may be temporarily suspended by unanimous vote of the Council present.

### **Commencement**

69. This Bylaw comes into force on January 2, 2026.

### **Repeal and citation**

70. Bylaw No. 9650, being the “Land Use and Development Procedures Bylaw, 2020”, including all amendments, is hereby repealed except insofar as it repeals any other bylaw.
71. Bylaw No. 9649, being the “Delegation Authorization Bylaw (Development Permits), 2020”, including all amendments, is hereby repealed except insofar as it repeals any other bylaw.
72. Bylaw No. 10121, being the “Delegation Authorization Bylaw (Development Variance Permits), 2025”, including all amendments, is hereby repealed except insofar as it repeals any other bylaw.

73. Bylaw No. 9216, being the “Delegation Authorization Bylaw (Modification and Discharge of Covenants), 2013”, including all amendments, is hereby repealed except insofar as it repeals any other bylaw.

74. Bylaw No. 9219, being the “Delegation Authorization Bylaw (Strata Conversions), 2013”, including all amendments, is hereby repealed except insofar as it repeals any other bylaw.

75. This Bylaw may be cited for all purposes as the "**LAND USE AND DEVELOPMENT PROCEDURES BYLAW, 2025, NO. 10215.**"

Read a first time this 1<sup>st</sup> day of December, 2025.

Read a second time this 1<sup>st</sup> day of December, 2025.

Read a third time this 1<sup>st</sup> day of December, 2025.

Adopted by Council, signed by the Mayor and Corporate Officer and sealed with the Seal of the Corporation on the 8<sup>th</sup> day of December, 2025.

“Angila Bains”

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Corporate Officer

“Dean Murdock”

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Mayor

**SCHEDULE “A”**

**DELEGATED PERMIT APPLICATIONS**

**Table 1: Development Permits and Development Permit Amendments**

<b>Staff Delegate</b>	<b>Permit Type</b>	<b>Powers</b>	<b>Scope and Conditions for Delegation</b>
Director of Planning, or, in their absence, Manager of Current Planning	Environmental Protection (Category “A”) DP	Issue, amend, discharge	Land must be within a “P” zone.
Director of Planning, or, in their absence, Manager of Current Planning	Streamside Development Permit Area (SDPA) Permit	Issue, amend, discharge	n/a
Manager of Inspection Services, or, in their absence, Director of Planning	Rural Saanich Interface Fire Hazard Development Permit Area Permit	Issue, amend, discharge	n/a
Manager of Current Planning, or, in their absence, Director of Planning or Manager of Community Planning	Form and Character Development Permit	Issue, amend, discharge	Proposal must be for non-market housing, as defined by the Zoning Bylaw
Manager of Current Planning, or, in their absence, Director of Planning or Manager of Community Planning	Form and Character Development Permit	Issue, amend, discharge	Proposal must be for Houseplex, as defined by the Zoning Bylaw.
Director of Planning, or in their absence, Manager of Current Planning	Form and Character Development Permit	Issue, amend, discharge	DP only contemplates signs
Director of Planning, or in their absence, Manager of Current Planning	Form and Character Development Permit	Amend	Where: (a) The original Development Permit includes requirements respecting the character of the development, including landscaping and the siting, form, exterior design and finish of buildings and structures, and

			(b) The application is to allow repairs, alterations or improvements to the exterior design or finish of a building which has suffered or may in the future suffer water penetration damage.
Director of Planning, or in their absence, Manager of Current Planning or Manager of Community Planning	Form and Character Development Permit	Amend	The amendment: (a) Is consistent with the applicable DP Guidelines; (b) Is for the purpose of approving a variance that is considered a 'minor variance' under Table 2 below; and (c) The amendment results in no material change to the form and character of the development.
Manager of Current Planning, or in their absence, Director of Planning or Manager of Community Planning	Garden Suite DP	Amend, discharge	Must only contemplate garden suite under the (now repealed) Garden Suite DPA
Director of Planning	All DPs	Discharge	Must only discharge if the DP has expired in accordance with the terms of the permit.
Director of Planning	All DPs	Amend	Amendment is: a) Only for the purpose of changing the expiration date of the DP b) The permit has not lapsed at time of application c) The amendment does not extend the expiration beyond a further period of two (2) years

**Table 2: Development Variance Permits**

<b>Staff Delegate</b>	<b>Type of Variance</b>	<b>Powers</b>	<b>Scope and Conditions for Delegation</b>
Director of Planning, or, in their absence, Manager of Current Planning	Fence Height, where the amendment is for a variance no greater than 25% of the maximum fence height as set out in the Zoning Bylaw;	May approve minor variance, as established in Schedule A.1	The Delegate must apply the guidelines for minor variances in Schedule A.2
Director of Planning, or, in their absence, Manager of Current Planning	Signage	May approve minor variance, as established in Schedule A.1	The Delegate must apply the guidelines for minor variances in Schedule A.2
Director of Planning, or, in their absence, Manager of Current Planning	Off-street vehicle parking, where the proposed variance: <ul style="list-style-type: none"> <li>a) Does not reduce the number of required accessible parking stalls;</li> <li>b) Does not reduce the required number of off-street parking stalls by more than 10 stalls;</li> <li>c) Does not increase the maximum permitted number of off-street parking stalls by more than 33%</li> </ul>	May approve minor variance, as established in Schedule A.1	The Delegate must apply the guidelines for minor variances in Schedule A.2
Director of Planning, or, in their absence, Manager of Current Planning	Off-street loading, where the proposed variance does not reduce the number of required loading stalls by more than 2 stalls.	May approve minor variance, as established in Schedule A.1	The Delegate must apply the guidelines for minor variances in Schedule A.2
Director of Planning, or, in their absence, Manager of Current Planning	Bicycle parking, where the proposed variance: <ul style="list-style-type: none"> <li>a) Does not reduce the number of required bicycle parking stalls by more than 5 stalls; or</li> <li>b) Alters the type of bicycle parking provided but does not reduce the total</li> </ul>	May approve minor variance, as established in Schedule A.1	The Delegate must apply the guidelines for minor variances in Schedule A.2

	number required under the Zoning Bylaw.		
Director of Planning, or, in their absence, Manager of Current Planning	Landscape screening requirements	May approve minor variance, as established in Schedule A.1	The Delegate must apply the guidelines for minor variances in Schedule A.2
Director of Planning, or, in their absence, Manager of Current Planning	Projection into required yard setback	May approve minor variance, as established in Schedule A.1	The Delegate must apply the guidelines for minor variances in Schedule A.2
Director of Planning, or, in their absence, Manager of Current Planning	Setbacks, where the proposed variance: <ul style="list-style-type: none"> <li>a) Results in a setback that remains greater than or equal to 1.2m; or</li> <li>b) For combined setbacks, the proposed variance is for less than or equal to a 25% increase of requirement as set out in the Zoning Bylaw; or</li> <li>c) The proposed variance is to accommodate an existing building or structure where no change to the siting of the building or structure is proposed.</li> </ul>	May approve minor variance, as established in Schedule A.1	The Delegate must apply the guidelines for minor variances in Schedule A.2
Director of Planning, or, in their absence, Manager of Current Planning	Building separation, where the proposed variance is for less than or equal to a 10% increase of the requirement as set out in the Zoning Bylaw	May approve minor variance, as established in Schedule A.1	The Delegate must apply the guidelines for minor variances in Schedule A.2
Director of Planning, or, in their absence, Manager of Current Planning	Height, where the proposed variance: <ul style="list-style-type: none"> <li>a) Is for less than or equal to a 10% increase of the permitted height in metres as set out in the Zoning Bylaw; or</li> </ul>	May approve minor variance, as established in Schedule A.1	The Delegate must apply the guidelines for minor variances in Schedule A.2

	<p>b) The proposed variance is to accommodate an existing building or structure where no change to the height of the building or structure is proposed</p>		
<p>Director of Planning, or, in their absence, Manager of Current Planning</p>	<p>Lot coverage, where the proposed variance:</p> <ul style="list-style-type: none"> <li>a) is for less than or equal to a 10% increase of the permitted lot coverage as set out in the Zoning Bylaw; and</li> <li>b) does not vary the permitted lot coverage for accessory buildings as set out in the Zoning Bylaw</li> </ul>	<p>May approve minor variance, as established in Schedule A.1</p>	<p>The Delegate must apply the guidelines for minor variances in Schedule A.2</p>
<p>Director of Planning, or, in their absence, Manager of Current Planning</p>	<p>Siting for Farm Residential Footprints, as set out in the Zoning Bylaw, where the proposed variance:</p> <ul style="list-style-type: none"> <li>a) is associated with a new residential use;</li> <li>b) is due to physical site characteristics<sup>1</sup> that render the Farm Residential Footprints unachievable;</li> <li>c) the resulting Farm Residential Footprint is oriented around the single family dwelling; and</li> <li>d) the proposed variance does not involve decommissioning an existing single family dwelling and establishing a new Farm Residential Footprint elsewhere on the property.</li> </ul>	<p>May approve minor variance, as established in schedule A.1</p>	<p>The Delegate must apply the guidelines for minor variances in Schedule A.2</p>

<sup>1</sup> Physical site characteristics include: easements for utilities, steep slopes, watercourses with riparian setbacks, suitable ground for septic tank and field location, floodplains or other hazardous areas.

**Table 3: Miscellaneous Delegations**

<b>Delegate</b>	<b>Type</b>	<b>Area</b>	<b>Powers</b>	<b>Scope and Conditions</b>
Director of Planning, or in their absence, Manager of Current Planning	Strata conversions	n/a	Approve strata conversion applications	Applies to all strata conversion applications except for those applications that involve apartments
Director of Planning, or in their absence, Manager of Current Planning	Security for all delegated permit applications within Table 1 (development permits) and Table 2 (development variance permits)	n/a	Require security for up to 120% of the estimated cost of landscaping for any delegated permit applications for a land use permit.	Security must only be applied in accordance with Section 502 of the <i>Local Government Act</i>

**SCHEDULE “A-1”**

**DELEGATED PERMIT APPLICATIONS**

**CRITERIA FOR DEVELOPMENT VARIANCE PERMIT - MINOR VARIANCES**

A permit for or with minor variances related to size, siting, or dimensions of a building, structure or use that is permitted on the land, may be considered by the Director if the variance is minor pursuant to the following criteria.

A variance is minor if:

1. The proposed variance is not associated with another development application type that must be considered by Council.
2. The proposed variance will not create an unsafe condition.
3. The proposed variance does not apply to a property that is on the Saanich Heritage Register, is designated heritage property, or for which a heritage revitalization agreement is in effect.

## **SCHEDULE “A-2”**

### **DELEGATED PERMIT APPLICATIONS**

#### **GUIDELINES FOR DEVELOPMENT VARIANCE PERMITS - MINOR VARIANCES**

These guidelines are intended to provide a framework for the Director when reviewing a development variance permit for minor variances related to siting, size, and dimensions of a building, structure, or use permitted on the land, in conjunction with the specific circumstances of the proposal including the site conditions, constraints, and context.

The Director must consider the following guidelines when deciding whether to issue any development variance permit application for minor variances:

1. The proposed variance is necessary to address a physical or legal constraint associated with the site (e.g. unusual parcel shape, topographical feature, statutory right-of-way, etc.);
2. The proposed variance is consistent with the general purpose or intent of the applicable bylaws and policies, including the Official Community Plan; and,
3. There is a community or environmental benefit to the larger community in granting the variance.