

# **BULLETIN:** Miscellaneous Statutes Amendment Act (No.2), 2010 (Bill 11)

## **Amendments Related to Community Planning and Land Use Management (Part 4-Bill 11, 2010)**

*Note: Historical bulletins contain valuable information from a point in time and are not kept up to date. For current information, users are advised to check legislation and the local government content on the B.C. government website.*

### **Rationale:**

The *Miscellaneous Statutes Amendment Act* (No. 2), 2010 (Bill 11) included a number of amendments intended to respond to important land use and development issues raised by local governments and the development industry and modernize existing legislative tools to provide greater local flexibility and greater certainty to the development community with respect to land use planning and development.

### **New Provisions:**

Amendments to the *Local Government Act*:

#### Streamlining the Regional Growth Strategy Process

- Amendments to the *Local Government Act* streamline the regional growth strategy process by:
  - shortening the formal acceptance period from 120 to 60 days (section 857(4));
  - clarifying that if not accepting a regional growth strategy (RGS), an affected local government must identify specific provisions of the RGS to which it objects, otherwise it is deemed to have accepted those provisions (Section 857 (7.1));
  - authorizing the minister to set a timeframe for the conclusion of a non-binding dispute resolution process (Section 859 (2.1));
  - clarifying that only amendments to a regional growth strategy that are agreed to during a non-binding dispute resolution process are subject to further review and acceptance by affected local governments (Section 859);
  - requiring the establishment of an Intergovernmental Advisory Committee if a major amendment to an RGS is pursued and the IAC formed at the time of RGS development no longer exists (Section 867).

#### Temporary Use Permits

- Amendments to the *Local Government Act* expand local government's authority by providing for a broad range of temporary uses within designated areas of their community and extending the timeframe for which such temporary use permits can be issued from two to three years (Section 920.2 & 921).

#### Development Cost Charges (DCC)

- Amendments to the *Local Government Act*, *Vancouver Charter* and *Greater Vancouver Sewerage and Drainage District Act*:
  - provide that "in-stream" building permit applications are protected from any changes to development cost charge rates for a period up to 12 months, if the DCC bylaw is adopted after a building permit application satisfactory to the local government has been submitted for

approval and the applicable application fee has been paid (Section 937.001) [NOTE that this provision comes into force on January 1, 2011];

- authorize a local government to use money in development cost charge reserve funds to reimburse the costs of development cost charge eligible infrastructure to a person who constructed the required project or works on behalf of the local government under a “frontender” agreement (Section 935);
- replaces the reference to “approving officer” with “designated municipal officer” in section 943 (b) which provides for “in-stream protection” to be triggered when the application is submitted and the application fee is paid. [NOTE: this comes into force on January 1, 2011].

#### Phased Development Agreements (PDA)

- A number of amendments are made to the *Local Government Act* regarding phased development agreements. The amendments will ensure a steady regulatory environment and certainty for both developers and local government through the build-out of multi-phase development projects.
- The amendments :
  - allow subdivision servicing requirements that have been negotiated as part of a phased development agreement to be “locked in” throughout the build out on the property, unless the developer agrees in writing to any changes (Section 905.1(3));
  - require a subdivision approving officer, when considering subdivision plan approval and the public interest under section 85 of the *Land Titles Act*, to take account of a PDA and must not consider amendments to or repeal of zoning or subdivision servicing bylaw provisions “frozen” in a PDA unless agreed to by the developer, and must not consider a resolution about substantially the same subject matter as a locked in zoning or subdivision servicing provision that may affect the intent of the locked in provision (Section 905.1(10)).
  - enable a local government and developer to include in a phased development agreement the amount and location of parkland to be provided (under section 941) when land is subdivided, on a comprehensive land area (Section 905.1(4)(h) and (4.1));
  - indicate that the addition to a phased development agreement of specified subdivision servicing provisions cannot be dealt with as a minor amendment (Section 905.4)
  - require that notice of a phased development agreement must be filed with the Registrar of Land Titles (Section 905.6);
  - provide that charges for latecomer connections to excess or extended services are payable to a developer who put in the services up to 15 years after the services are completed or to the end of the phased development agreement, whichever is later (Section 939(10)).

**Practical Considerations:**

- **Legislative changes came into force on June 3, 2010**, except for the amendments related to “in-stream protection” which come into force on January 1, 2011.
- If a RGS was submitted to affected local governments for acceptance before these legislative changes came into force, the Regional District will carry on with the process timelines as they existed in the *Local Government Act* prior to June 3, 2010.
- Phased Development Agreement (PDA) provisions apply to new PDA's, they are not retroactive.

**Local Government Act References:**

Primary Sections: 857, 859, 867(1), 905.1, 905.4, 905.6, 920.1(3)(c), 920.2, 921, 935(3), 937.001, 939(9), 941(1), 943(b)

Vancouver Charter: 523D

Greater Vancouver Water and Drainage District Act: 58.2(9), 58.6(2)

**Link to Bill 11, 2010**

[http://www.leg.bc.ca/39th2nd/3rd\\_read/gov11-3.htm](http://www.leg.bc.ca/39th2nd/3rd_read/gov11-3.htm)