

INSPECTOR OF MUNICIPALITIES 10 TO 20-YEAR PHASED DEVELOPMENT AGREEMENT APPLICATION PROCESS GUIDE & FAQ'S

10/2016

Advanced Notification



Please contact the Inspector of Municipalities as soon as your council or board has made a decision to proceed with a proposed phased development agreement that is for a period longer than ten years. Early notification will help the Ministry determine staffing resources and manage approval timelines.

Approval timelines vary depending on the complexity of the development. To find the planning analyst in your area, please see the Ministry [website](#).

Project and Background Information



The Inspector of Municipalities' intention is to provide a timely decision. In advance of officially notifying the Inspector, any information you can provide on the proposed development will allow Ministry staff to begin the assessment process. Helpful information includes: draft phased development agreement and associated land use bylaws, public stakeholders and First Nations engagement records and the notice and information about the proposed public hearing. The information can be submitted by email to IRPD@gov.bc.ca

Official Submission Package



Please send a hard copy of the official submission package to the Inspector of Municipalities as soon as possible: *Inspector of Municipalities c/o IRPB at the Ministry of Community, Sport and Cultural Development, 6th Floor, 800 Johnson Street, PO Box 9841 Stn Prov Govt, Victoria, BC V8W 9T2.*

Your package should include a letter from the Chief Administrative Officer or City Manager to the Inspector of Municipalities explaining the context and rationale for the extended timeframe of the proposed phased development agreement. The correspondence should address the five criteria (see other side) the Inspector will consider in making her or his decision.

The official submission package should also include: the draft phased development agreement and notice of public hearing, any applicable local government land use (amendment) bylaws (e.g., zoning, subdivision) a summary of correspondence records of engagement with the public stakeholders and First Nations, applicable archaeological assessment(s) and other information that may assist the Inspector in making her or his decision.

Application Review



Ministry staff will review the submission package and any other information provided by your local government. Ministry staff will summarize the information and present it to the Inspector of Municipalities for her or his decision.

Finalizing



The Inspector of Municipalities will notify the Chief Administrative Officer or City Manager of her or his decision by email and letter. If the Inspector approves the proposed phased development agreement and the bylaw is adopted, local government staff provides final copies of the phased development agreement, the bylaw, associated land use bylaws and the staff report to the Ministry.

For more information, please visit: http://www.cscd.gov.bc.ca/lgd/intergov_relations/index.htm



Ministry of
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Email: IRPD@gov.bc.ca
Phone: 250 387-4037
Fax: 250 387-6212
For toll free access call Enquiry BC: 1-800-663-7867

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When is the Inspector of Municipalities approval required?

Only phased development agreements over 10 years and up to 20 years require the approval of the provincial Inspector of Municipalities. For more information about the legislative requirements, please see Section 516 of the *Local Government Act*.

Why does the Inspector of Municipalities have an approval role?

The Inspector's approval role was established to ensure local governments have properly considered between zoning certainty and the implications of such a long-term decision.

What is the decision related to?

The Inspector's decision is confined to the timeframe of the proposed phased development agreement, not its content. However phased development agreements must be consistent with an adopted official community plan, an applicable regional growth strategy and reflect local values and interests.

What does the Inspector of Municipalities consider in determining whether to approve the timeframe of a phased development agreement?

5 LONG-TERM PLANNING

Policies + community objectives

- consistency of the development with the local government's long-term land use planning policies and community objectives

1 COMMUNITY ENGAGEMENT

Public stakeholders + First Nations

- adequacy of public engagement records with the community, stakeholders and First Nations

2 BUSINESS CASE

Long-term financial impact + development phasing

- local government's assessment of the long-term financial impact of the proposed development
- ensuring that the development warrants the need for a long-term phased agreement that it is based on a reasonable business case

4 RISK ASSESSMENT AND LEGAL REVIEW

Informed decision making

- warranting that the council / board was able to make an informed decision based on the local government's own legal review and risk assessment

3 PUBLIC AMENITIES

Timing + sequencing

- early provision and sequencing of public amenities
- overall public benefit prior to the completion of the project

What are optional components of a phased development agreement?

The legislation enables, but does not require, additional terms and conditions to be included in the phased development agreement respecting one or more of the following:

- works and/or amenities or specific features in the development;
- phasing and timing of the development;
- early termination of the agreement;
- the right to assign the agreement to subsequent owners;
- the registration of covenants;
- park land provision requirements; and
- dispute resolution between the parties.

What are the local government's procedures related to entering into and amending a phased development agreement?

Local governments need an authorization bylaw to enter into a phased development agreement, which includes public hearing and notice requirements. An amended agreement must also be adopted by bylaw and follow the same public notice and public hearing requirements as the initial authorizing bylaw. The agreement can specify some 'minor amendments' that can subsequently be approved by council or regional board resolution.

PLEASE NOTE: This document is not legal advice. It is for information purposes and provides general guidance only.



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