

COUNCIL REPORT

To: Mayor and Council

From: Administration

Date: November 6, 2023

Subject: Official Community Plan Amendment – Development Permit Area Establishment

RECOMMENDATION:

THAT Council receives this report for information.

BACKGROUND:

At the Regular Meeting of April 26, 2021, Council approved the application for the Local Government Development Approvals Program to cover eligible costs associated with the Development Permit Area guidelines (DPA) and Public Engagement Platform. The District was successful in receiving \$32,840 towards the DPA project.

Since then, staff along with Barefoot Planning + Design have worked on the two-part project, part A) Downtown Vision and Action Plan and part B) establishing Development Permit Areas (DPAs) to support this vision. The Downtown Vision and Action Plan was completed in the spring of 2023. Staff have been working throughout the summer and into the fall to prepare the associated DPAs being presented in this report.

WHAT IS A DEVELOPMENT PERMIT AREA?

Local governments have the authority to designate Development Permit Areas (DPAs) through their Official Community Plan. These areas identify locations that need special treatment for development taking place there. They can be for various purposes including, but not limited to, the protection of development from hazards, establishing objectives for building form and character, protection of the environment, energy conservation, fire protection, or revitalization of a commercial use area.

WHY ARE WE IMPLEMENTING DPAs?

Incorporating these Guidelines into a project's design will encourage the creation of contextual and compatible architecture, high-quality pedestrian realms, and sustainable and resilient design, and will contribute to placemaking and design excellence in Mackenzie.

Development Permit Area guidelines can also create a higher level of assurance and certainty for developers making investment decisions. DPA's are more prescriptive and concise therefore giving developers a clearer picture of planning requirements in advance of starting the process. The conditions typically required for a building permit are needed for the development permit process, making it more cost effective and efficient and providing more assurance in the local government approval process.

PROPOSED DPAs

Staff are presenting the drafts of two Development Permit Areas for Councils consideration. An Environmental Development Permit Area as well as a Form and Character Development Area.

Environmental Development Permit Area

The purpose of this Environmental Development Permit (EDP) is to establish objectives and provide guidelines for the protection of the natural environment and its ecosystems and biological diversity pursuant to the provisions of the *Local Government Act*. The objective is to provide a baseline requirement for professional reporting of the potential hazards, identifying any risks, and providing mitigation measures near environmentally significant areas. It is being proposed to establish Environmental Development Permit Areas anywhere within District boundaries that is within 30 metres of a water body or river/stream as well as our areas designated as Public Watershed. A map of these areas has been attached to this report.

For more information regarding the EDP Guidelines please refer to Appendix "B" in the Bylaws section of the Agenda.

Permitting Process

Below is an outline of the permitting process for the EDP.

1. Initial meeting with staff
2. Submit an application
3. Studies that could be required from Qualified Environmental Professional:
 - a. Geotechnical Report
 - b. Arborist Report
 - c. Riparian Area Assessment
 - d. Mitigation and Restoration Plan
4. Councils' approval, rejection or a change to application
5. If needed - covenants, monitoring mitigation measures

Exemptions

- Environmental restoration
- Public works and services
- Emergency management (*temporary*)
- Minor interior and exterior renovations
- Developments that have been approved, but not yet constructed
- Farming and mining activities, hydroelectric facilities, and forest management, including the logging of land with the submission of a letter of acknowledgment from the applicant ensuring that activities will not impact the water system that feeds the aquifer for the District of Mackenzie.

Form and Character Development Permit Area

In support of Mackenzie's OCP and Downtown Action Plan, the Form and Character Development Permit Area is intended to achieve the following overarching objectives:

- Communicate the design expectations for intense residential (high density), commercial, industrial, institutional, and mixed-use projects.
- Facilitate the fair and consistent application of design objectives.
- Foster design excellence and sustainability throughout the District by encouraging consistently high-quality, contextual, and attractive development.

The Form and Character DPA require developers to consider the following when proposing a new project in these areas:

- **Create great streets and public spaces**
 - Development should define and activate streets and public spaces to support their flexibility of use and encourage pedestrian activity and social interaction.
- **Design buildings to the human scale**
 - Buildings and site features should be designed to the human scale – optimized to be used by people and oriented toward pedestrian activity.
- **Use placemaking to strengthen Mackenzie's identity**
 - Development should contribute to a local area and sense of place by considering neighbourhood context and character, linkages, and future land uses at each scale of design – from site layout to landscaping to building details.
- **Celebrate the natural environment in the built environment**
 - Development should respond to natural surroundings and utilize opportunities to improve ecological function by retaining on-site trees, growing the urban forest,

implementing green infrastructure, and creating and connecting existing green spaces.

- **Embrace winter in the design of buildings and open spaces**
 - Developments should consider Mackenzie's winter context, making the most of opportunities to stay outdoors by capturing the sun's warmth, providing protection from the wind, and making Mackenzie more accessible, safe and enjoyable year-round.

These core principals shape the guidelines outlined in Appendix "C" in the Bylaws section of the agenda. The guidelines show what the District of Mackenzie would like to see with proposed developments or major renovations. As these are guidelines, they can be tailored by project type, substitutional benefit, or lot shape/area restrictions dependent on each scenario. A map of these areas has been attached to this report.

Exemptions

Like the EDP, this development permit has some exemptions:

- The building is not visible by public.
- No negative impact to form and character.
- No impact on landscape or access.
- No Ministry approval needed.
- Improvements do not exceed \$25,000.
- Interior renovations.
- Identical replacement due to environmental damage.

Permitting Process

The permitting process will be similar to the EDP. Both will be added in a subsequent report to the District of Mackenzie's Development Procedure's Guidelines.

The Form and Character DPA is a blanket DPA, this covers a large area and targets site use. The building types that will be looked at in this bylaw are:

- Ground Oriented Housing (Quadplexes, Row Housing, Condo's)
- Low-Rise Residential & Mixed Use (Storefront below residential on top)
- Commercial Retail
- Industrial and Service Commercial
- Institutional

The Core Guidelines apply to all projects that are listed, then the type specific guidelines are applied to the type of building, please refer to Appendix "C" in the Bylaws section for additional information.

TECHNICAL REVIEW

As per the District of Mackenzie Development Procedure Bylaw, staff have conducted a review of the proposed Official Community Plan amendment.

- The proposed amendment is in line with the current Official Community Plan Bylaw
- The proposed amendment is consistent or does not affect:
 - Zoning Bylaw No. 1368, 2017
 - 2023 Downtown Vision and Action Plan
 - Financial Plan Bylaw 2023
 - Community Economic Development Plan
 - Wastewater System Assessment 2020

District staff hosted stakeholder meetings with local business owners, members of the Accessibility and Inclusion Advisory Committee, and Council to inform them of as well as hear input on first directions. Next staff hosted an Open House to inform the public about the proposed Development Permit Areas. We had 9 attendees, the feedback consisted of clarification of the guidelines as they are a technical document as well as explaining the different land use tools and their functions (Official Community Plan, Zoning, Development Permits). There were also questions regarding how these changes and guidelines will bring business' to Mackenzie and how it will impact development. There were 0 submissions online through the engagement platform letschatmackenzie.ca.

CONCLUSION:

Based on the findings from the technical review as well as the alignment of our policies, staff are proposing to proceed with the Official Community Plan amendment process.

NEXT STEPS:

- Council consider giving first two readings of Official Community Plan Amendment Bylaw No. 1508, 2023 during the Bylaw section of this agenda;
- If the first two readings are approved, staff will make arrangements for a Public Hearing to gather public feedback on the proposed amendment.
- If the first two readings are approved, staff will make arrangements to send out referral packages to relevant agencies for feedback on the proposed amendment.
- Staff would then bring back the amendment bylaw as well as a report to a Regular Council Meeting detailing the feedback from the Referral's as well as the Public Hearing.

COUNCIL PRIORITIES:

Environmental Sustainability

- The way we operate has an impact on the environment. We are committed to integrating sustainability and Environmental, Social and Governance factors (ESG) into our decision making and business practices.

Economic Vitality

- The District is a leader on efforts aimed at diversifying the community's economy, supporting local businesses, and attracting new investment to the community. Diversification, a strong business sector and new investment are key to our economic vitality.

RESPECTFULLY SUBMITTED:

Luke Thorne, Land and Environmental Coordinator

Reviewed By: Corporate and Financial Services

Approved By: Chief Administrative Officer