



Land Use Bylaw Amendments – Care Facility (Group) Use

Electoral Division: All

File: 1013-137

Date:	March 12, 2024		
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Department:	Planning		
Approved by:	<input checked="" type="checkbox"/> Executive Director / Director	and/or	<input checked="" type="checkbox"/> Chief Administrative Officer

REPORT SUMMARY

The Governance Committee (“Committee”) heard a presentation from Administration on January 16, 2024, proposing amendments to Land Use Bylaw C-8000-2020 (“LUB”) regarding the Care Facility (Group) use.

Following direction from the Committee and previously Council, Administration is recommending adding a section to the LUB that would remove the ability to apply for a new Care Facility (Group) use on agricultural or residential parcels. Administration further recommends adding a section to the LUB requiring that the following applications be determined by Council, as Development Authority, in agricultural or residential districts:

- Renewal of any existing Care Facility (Group) temporary development permit.
- Any development permit applications for a new Care Facility (Group) that is already in process and where a Notice of Decision has not been issued.

Administration recommends approval of the amendments set out in Bylaw C-8500-2024 in accordance with the principles supported by the Committee.

ADMINISTRATION’S RECOMMENDATION

THAT Bylaw C-8500-2024 be given first reading.

THAT Bylaw C-8500-2024 be given second reading.

THAT Bylaw C-8500-2024 be considered for third reading.

THAT Bylaw C-8500-2024 be given third and final reading.

BACKGROUND

Administration’s current work plan includes continuous assessment and evaluation of current uses, rules and regulations contained within the LUB. Amendments have been prioritized for the Care Facility (Group) use, prior to the forthcoming comprehensive review of the LUB in 2025.

On January 16, 2024, Governance Committee directed Administration to prepare amendments to Land Use Bylaw C-8000-2020 for the consideration of Council at a public hearing no later than the end of Q1, 2024, based on the following principles:

- Remove the ability to apply for new Care Facility (Group) uses on agricultural or residential parcels until additional requirements are approved by Council to regulate the location and impacts of such uses.
- Require that the following applications be determined by Council, as Development Authority, for Care Facility (Group) uses:

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- i. Development Permit applications for new uses submitted to the County prior to the effective date of any amendments removing the ability to apply for the use.
- ii. Development Permits for renewal of existing temporary uses.

ANALYSIS

The LUB defines Care Facility (Group) as a use where “individuals who are either disabled or in need of supervision reside, on a temporary or long-term basis, in accordance with their individual needs. Typical uses include foster or boarding homes for children, group homes, family homes, and long-term care facilities.”

Although included in the LUB, the Care Facility (Group) use currently has no associated regulations to manage impacts, nor does it have any criteria on where they should be located within the County. Therefore, determining development permit applications proposing this discretionary use have been challenging for Administration. Recent Development Authority decisions on this use have been appealed to the Subdivision Development and Appeal Board (SDAB).

Administration recommends that the ability to apply for a new Care Facility (Group) on residential or agricultural parcels be removed until Council approves additional regulations to address regulatory gaps relating to the use. The current Municipal Development Plan (MDP) Review project is an appropriate avenue to set policy guiding the location of future Care Facility (Group) opportunities on residential or agricultural parcels. This would then allow future LUB amendments to be made to implement new locational policies and set regulations to guide the form of these uses (including scale, setbacks, and mitigation measures). At that time, Council could also determine the appropriate Development Authority (Council or Administration) for the Care Facility (Group) use, based upon the updated County policy and LUB regulations guiding the use.

In-Process Applications and Existing Approvals

Care-Facility (Group) development permits are temporary in nature and are typically given a maximum three-year approval. Administration is recommending that all existing temporary approvals (two temporary development permits) be considered for renewal, but that such renewal applications should be determined by Council, as Development Authority. This would allow for greater control and oversight by Council on existing uses, which may currently be causing community concerns.

Similarly, it is recommended that any development permit applications for new Care Facility (Group) uses that are received and in-process by the County, at the time of Council implementing any pause on such applications, be referred to Council for determination. At the time of drafting this report, Administration currently has two applications currently under review, which would be subject to Council determination as Development Authority if the proposed LUB amendments are approved.

If Council is inclined to approve the renewal of any temporary development permit applications or new applications as Development Authority, consideration could be given to limiting the term of the permit to align with the expected date of new policies and regulations being implemented by the County.

Appeal Process for Council as the Development Authority

Development permits determined by Council as Development Authority in a non-direct control district are still fully appealable to the Subdivision Development and Appeal Board (SDAB). Council acting as the Development Authority will have no bearing on the SDAB’s decision to either uphold or overturn Council’s decision in approving or refusing a development permit application.

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COMMUNICATIONS / ENGAGEMENT

The County has completed website updates, provided updates through the County Connect e-newsletter and through direct communication with affected applicants and landowners to notify them of the potential changes to the Care Facility (Group) use. One letter of support for the Bylaw amendments was received and has been included in Attachment C.

IMPLICATIONS

Financial

There are no financial implications associated with these amendments.

STRATEGIC ALIGNMENT

Key Performance Indicators		Strategic Alignment	
Effective Service Delivery	SE4: Services are continually assessed for improvements in cost efficiency, effectiveness, and customer experience	SD1.1: Percent of services with defined service levels	The amendments focus on providing more certainty for stakeholders and decision-makers throughout the planning application process, which is in alignment with the Council's strategic objectives of promoting improved customer service and greater transparency and communication.
Effective Service Delivery	SD3: Citizens are satisfied with Public Engagement opportunities and availability of information	SD3.2: Percent of citizens satisfied with the public engagement opportunities provided by the County	Proactive and timely Public Engagement was implemented through website updates, updates through the County Connect e-newsletter and through direct communication with affected applicants and landowners to notify them of the potential changes to the Care Facility (Group) use.
Thoughtful Growth	TG1: Clearly defining land use policies and objectives for the County –including types, growth rates, locations, and servicing strategies	TG1.1: Complete new Municipal Development Plan (MDP) in alignment with the Regional Growth Plan within legislated timelines	The MDP Review project provides the opportunity to guide where new businesses in agricultural and residential areas are located in alignment with the Regional Growth Plan.
Thoughtful Growth	TG1: Clearly defining land use policies and objectives for the County –including types, growth rates, locations, and servicing strategies	TG1.3: Update Land Use By-law to implement land use strategies created in MDP and ASPs	The LUB amendments ensure land uses align with the Strategic Plan's theme of thoughtful growth. Furthermore, business uses proposed in agricultural and residential areas will be more clearly guided by County Plan policies that support Council's

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Key Performance Indicators		Strategic Alignment
		strategic objective for orderly economic development.

ALTERNATE DIRECTION

No alternative options have been identified for Council’s consideration.

ATTACHMENTS

- Attachment A: Draft Bylaw C-8500-2024 & Schedule ‘A’ (Land Use Bylaw Amendments)
- Attachment B: Land Use Bylaw Amendments (Redlined Version)
- Attachment C: Public Submissions

