

DISTRICT OF UCLUELET

Development Application Procedures Bylaw No. 1350, 2024

A bylaw to establish procedures for the processing of development applications, to establish policies for development approval information, to specify distances for notification and to delegate powers, duties, and functions of Council.

WHEREAS under the *Community Charter* and Parts 14 and 15 of the *Local Government Act*, the District of Ucluelet may, by bylaw, delegate Council's powers and establish procedures for applications to amend: the Official Community Plan or the Zoning Bylaw, issue a permit, establish or amend a Phased Development Agreement;

NOW THEREFORE the council of the District of Ucluelet, in open meeting assembled, enacts as follows:

PART 1 – INTRODUCTORY PROVISIONS

Citation

- 1 This bylaw may be known and cited for all purposes as the "District of Ucluelet Development Application Procedures Bylaw No. 1350, 2024" or as the "Ucluelet Application Procedures Bylaw 1350".

Definitions

- 2 In this Bylaw:

"Applicant" means the Owner or an agent duly authorized to act on the Owner's behalf in relation to an application(s);

"Approving Officer" means the person appointed to that position by the District in accordance with the *Land Title Act*;

"Chief Administrative Officer" means the municipal officer assigned the responsibilities under section 147 of the *Community Charter*;

"Council" means the Council of the District of Ucluelet;

"Day" means calendar day;

"Development Permit" means a permit authorized by section 490 of the *Local Government Act*;

"Development Review Team" or **"DRT"** means a group of Staff responsible for review of development applications;

"Development Variance Permit" means a permit authorized by section 498 of the *Local Government Act*;

"District" means the District of Ucluelet;

"District of Ucluelet Fees and Charges Bylaw" means the District of Ucluelet Fees and Charges Bylaw No. 1186, 2016, as amended or replaced from time to time.

"Land Use Permit" means a Development Permit, a Temporary Use Permit, or a Development Variance Permit;

“Manager” means the person appointed by the Chief Administrative Officer to be responsible for the administration of development applications at the District and includes a delegate fulfilling an Acting Manager position during the Manager’s absence;

“Official Community Plan” or **“OCP”** means the District of Ucluelet Official Community Plan Bylaw No. 1306, 2022, as amended or replaced from time to time;

“Owner” means the registered owner(s) of property as demonstrated on the Land Title Certificate;

“Phased Development Agreement” means an agreement authorized by section 516 of the *Local Government Act*;

“Qualified Professional” means a professional engineer, geoscientist, architect, landscape architect, certified arborist, biologist, planner, forester, qualified environmental professional, or other professional licensed to practice in British Columbia with experience relevant to the applicable matter, as determined appropriate by the Manager;

“Staff” means employees of the District;

“Temporary Use Permit” means a permit authorized by section 493 of the *Local Government Act*; and

“Zoning Bylaw” means District of Ucluelet Zoning Bylaw No. 1160. 2013, as amended or replaced from time to time.

Interpretation

- 3 (1) A reference in this bylaw to any enactment of British Columbia is a reference to the enactment as amended, revised, consolidated, or replaced from time to time.
- (2) A reference in this Bylaw to any bylaw, policy or form of the District is a reference to the bylaw, policy or form as amended, revised, consolidated, or replaced from time to time.

Council Discretion

- 4 (1) 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.
- (2) Applications initiated by the District are subject only to statutory requirements, and not the additional procedures and requirements of this Bylaw.

Scope

- 5 (1) This Bylaws establishes procedures in relation to applications for:
 - (a) an amendment to the Zoning Bylaw;
 - (b) an amendment to the OCP bylaw;
 - (c) a Temporary Use Permit;
 - (d) a Development Permit;
 - (e) a Development Variance Permit; and
 - (f) a Phased Development Agreement.

- (2) To the extent necessary, this Bylaw also applies to applications for other approvals, exemptions or agreements related to the development of land, buildings or structures not specifically dealt with under other District bylaws and may include matters under Part 14 or Part 15 of the *Local Government Act*, such as Housing Agreements, Phased Development Agreements, Floodplain Bylaw exemption, and Heritage Revitalization Agreements. Such applications may be made by an Owner and must be accompanied by similar information requirements for processing in a similar manner as outlined in this Bylaw and in accordance with statutory requirements.

PART 2 – APPLICATION PROCEDURES

Application Fees

- 6 At the time of application, the Applicant must pay the District an application fee in the amount set out in the District of Ucluelet Fees and Charges Bylaw.

Application Requirements and Processing Procedure

- 7 (1) In respect of an application for an OCP bylaw amendment, Zoning Bylaw amendment, Temporary Use Permit, Development Variance Permit, or Development Permit, the Applicant, at their cost, must post a Notice of Application Sign in accordance with Schedule 'A' of this Bylaw.
- (2) An Applicant must submit an application as set out in Schedules 'B' – 'F' to this Bylaw. An application will be made and processed substantially as outlined in Schedules 'A' – 'F' of this Bylaw.

Number of Development Applications

- 8 (1) If a proposed activity or development involves more than one type of application, the Applicant must comply with all of the applicable provisions of this Bylaw.
- (2) If land is subject to more than one Development Permit Area designation established by the OCP:
 - (a) only one development permit application is required;
 - (b) the application must address the requirements of each applicable Development Permit Area; and
 - (c) the applicant must pay the application fees for each Development Permit Area in the amount set out in the District of Ucluelet Fees and Charges Bylaw.

Development Permit Required Prior to Development

- 9 In all Development Permit Areas, an Applicant must obtain all required Development Permits before land is subdivided or development occurs, including but not limited to land clearing, preparation for the construction of services or roads, blasting, and construction of, addition to, or alteration of a building or structure, unless otherwise exempted from requiring a Development Permit as specified in the Official Community Plan or Zoning Bylaw.

Development Approval Information

- 10 Pursuant to the *Local Government Act* and as set out in the OCP, the Manager may require an Applicant to provide information, at the Applicant's expense, on the anticipated impact of a proposed activity or development on the community, including but not limited to the following:

- (a) Compliance of the activity or development with the OCP and any other relevant District bylaw, plan or policy in preparation or adopted by Council;
- (b) The impact of the proposed development on the natural environment such as adjacent riparian and wetland areas, vegetation, soils and erosion, geotechnical characteristics, topographical features, ecosystems and biological diversity, fish and wildlife habitat, environmentally sensitive features, and rare or endangered plant or animal species;
- (c) Hazardous conditions including, but not limited to, mud flow, debris torrents, erosion, land slip, rock falls, subsidence, avalanche, wildfire, flood, inundation, or other hazard (including appropriate construction elevations and setbacks);
- (d) Transportation assessments including but not limited to transportation impacts in terms of daily and peak hour trip generation and assignments, public transit, parking demand, traffic safety, pedestrian, cyclist and vehicular traffic flow or operation, trip generation, site access and egress, network connectivity, and accessibility;
- (e) The aesthetic values of the proposed development such as visual character, landscaping, integration with public areas, view corridors, and the natural environment, lighting, noise, and odour;
- (f) The impact of the proposed development on groundwater quantity and quality; surface water generated by the proposed development; and the options for collection, storage, reuse, and dispersal of such drainage;
- (g) Hydrological and hydrogeological assessment including, but not limited to, infiltration, interception, groundwater and overland flow, as well as hydrologic processes including accretion and erosion;
- (h) An assessment of wildfire hazard and mitigative measures that assures project construction activities comply with Urban Wildfire Interface management principles;
- (i) Functional servicing assessment of local infrastructure and site servicing including, but not limited to, drainage, water, sewer, or other utilities; to determine the impact of the development on District infrastructure including capital, operations, and maintenance over the lifecycle of the development;
- (j) Tree assessment and plan that promotes the retention and planting of native plant species, plant health, habitat preservation, reduces wildfire risk, minimizes erosion, and a revegetation plan to ensure that the landscape retains a natural appearance;
- (k) Impacts on the demand and potential financial impacts for local services including but not limited to community facilities and services, schools, parks, recreation, emergency, fire, ambulance and police services;
- (l) Assessments of impacts on historical, cultural and archaeological buildings, structures, sites or features;
- (m) How the proposed development impacts and buffers adjacent uses;
- (n) Energy efficiency, water efficiency, and emissions reduction;
- (o) Air Quality Impact Assessment including, but not limited to, pollution, dust, fumes, smoke, and odours;
- (p) Retail impacts of a proposed commercial development, including but not limited to, the effects of additional competition, traffic impacts, effects on tenancy, and potential impacts to

neighbourhoods;

- (q) Socio-economic impacts affecting the day-to-day quality of life of people and communities, including direct and indirect economic impacts, demographics, affordable housing, housing choice, local services, and socio-cultural issues;
- (r) Construction management plan outlining the staging, implementation schedule, and duration of construction for any proposed development including proposed impact mitigation; and
- (s) Other studies as deemed necessary by the Manager to permit a full understanding of the impact of the proposed activity or development on the community.

Preparation of the Terms of Reference

- 11** (1) The Applicant will be required to work with Staff to review and confirm the scope of the report or impact study in accordance with any relevant Terms of Reference for Professional Reports.
- (2) The Manager may require that the Applicant provide, at the Applicant's expense, documents, plans, and development approval information in a report that is certified by a Qualified Professional, which:
- (a) complies with and fully addresses the relevant assessments;
 - (b) identifies and defines the context, magnitude and significance of the anticipated impacts of the activity or development on the community, as well as the methodology, assumptions, acceptability thresholds, and how the anticipated impacts may cumulatively contribute to existing circumstances and risks;
 - (c) provides recommendations for conditions or requirements that Council or the Manager may impose to mitigate or ameliorate the anticipated impacts;
 - (d) provides recommendations and details costs for modifications to the environment, or construction of works, to mitigate or ameliorate the anticipated impacts; and
 - (e) is prepared to the satisfaction of the Manager.
- (3) The Manager is authorized to establish and revise the required information, documents, plans, and development approval information needed for each type of application pursuant to this Bylaw. The Manager is authorized to establish and revise the size, form and quality of information, documents, plans, and development approval information needed to assist in reviewing or processing the application.
- (4) The Manager is authorized to waive any of the information, documents, plans, and development approval information if, at their discretion, the information is not required to assist in reviewing or processing the application.

Selection of Personnel

- 12** (1) The Applicant will be required to provide the reports and impact studies prepared by Qualified Professionals at the Applicant's expense in accordance with the District's specifications for Terms of Reference for Professional Reports.
- (2) If required by the Manager, a Qualified Professional shall certify all documentation including drawings, reports, security estimates, technical letters, and other documentation submitted to the Manager for the purposes of reviewing the application.

- (3) The Manager may review all documents and design drawings to verify general compliance with the requirements but will not necessarily check the adequacy or accuracy of the Qualified Professional's design. Any errors or omissions will be the sole responsibility of the Qualified Professional who has certified the documents and design drawings.

Requirement for Independent Review

- 13 The District may require an independent review of the study results in certain circumstances, at the Applicant's expense, including but not limited to staff capacity and to ensure the timely review of the study results and application processing timelines. If an independent review is required, the Applicant will be invoiced.

Incomplete or Deficient Reports

- 14 If it is determined by the Manager that a report containing development approval information is outdated, incomplete, or deficient, the Applicant will be notified in writing the nature of deficiencies and the timeframe to resubmit the corrected report.

Presentation of Reports or Impact Studies

- 15 The Manager may request, at the Applicant's expense, the presentation of the report or impact study to Council, the community, or Staff by the Qualified Professional(s) that prepared the document.

Publication of Information

- 16 The District may distribute and publish a report containing development approval information requested under this Bylaw.

PART 3 – NOTICE, PUBLIC INFORMATION MEETINGS, AND REFERRALS

Notice of Application Sign

- 17 A Notice of Application Sign shall be posted in accordance with Schedule 'A' of this bylaw.

Notification

- 18 (1) Where a notice is required to be mailed or delivered to owners and tenants, pursuant to the *Local Government Act*, the District will provide notice to owners and tenants in occupation of parcels within 100 metres from any boundary of any subject property of the application or proposed bylaw.
- (2) Where notification is not required by the *Local Government Act*, the District will provide notification to owners and tenants as follows:
- (a) The District will provide notification for delegated minor Development Variance Permits to be mailed or otherwise delivered to owners and tenants in occupation of parcels within 100 metres from the boundaries of the subject application at least 10 Days prior to the consideration of the application.
 - (b) The District will make reasonable efforts to notify adjacent residents of an Applicant's request to undertake a Comprehensive Development Plan. Methods of notification may include but are not limited to direct mail outs, newsletters, advertisements in the newspaper, or notices on the District's website.

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- (c) When a public information meeting is requested by the District, the Applicant will provide notice of the meeting to properties within 100 metres from the subject application at least 10 Days prior to the meeting.

Public Information Meetings

- 19** (1) An Applicant may be requested to hold a Public Information Meeting, as outlined in Schedules 'B' and 'C', prior to OCP amendments or rezoning applications with potential for major impact (such as on sites greater than 1ha in area or in especially prominent locations) being considered by Council to provide an additional opportunity for the public to access information and to inquire about the proposal beyond that available through the standard application processes.
- (2) When a public information meeting is held by the Applicant, it is the responsibility of the Applicant to arrange and conduct the meeting at a location that is approved by Staff, accessible to individuals with disabilities, and in Ucluelet or on a virtual meeting platform, at their expense.
- (3) As determined by the Manager, the Applicant must advertise the meeting in a local newspaper or alternate means at least 10 Days prior to the meeting at their expense.
- (4) After the meeting is held, Applicants must submit a report to the District summarizing the meeting including the following information:
- (a) Location, time, and duration of meeting;
 - (b) Number of attendees;
 - (c) Proof of how the meeting was advertised;
 - (d) Information provided at the meeting; and
 - (e) A summation of questions raised and major discussion points.
- (5) Council may request the Applicant conduct additional public consultation to seek additional community feedback regarding the proposed application, the cost of which will be the responsibility of the Applicant.

Agency Referral Process

- 20** (1) When reviewing applications, Staff will develop a referral list of agencies, organizations, or levels of government that the application may be sent to for review and comment. Each agency, organization, or level of government shall be given a minimum of twenty-one (21) Days after the date of the referral to provide any comments.
- (2) Applications for OCP amendment, rezoning, or subdivision of properties greater than 0.8ha in area which intersect with areas of high archaeological or cultural potential identified in the OCP will be referred to the Yuułu?if?ath Government with a minimum of thirty (30) Days after the date of the referral for review and comment.
- (3) Requests from an agency to extend the referral period may be granted at the discretion of the Manager.

PART 4 – SECURITY

Security Requirement

- 21 Pursuant to the *Local Government Act* and the OCP, security may be required as a condition of permit issuance for the following:
- (a) Landscaping (“Landscape Security”);
 - (b) An unsafe condition or damage to the natural environment that may result as a consequence of a contravention of a condition in a permit (“Remediation Security”); and
 - (c) To guarantee the performance of the terms of a permit (“Performance Security”).

Phased Landscape

- 22 Plans may be approved for large-scale developments at the discretion of the Manager to enable the completion of the landscape plan in phases and the submission of the related security deposit at each phase. The Applicant is required to request a phased approach to the execution of the landscape plan at the time of Development Permit application, clearly identifying on the submitted landscape plan the proposed phases and related cost estimates for each phase.

Form of Security

- 23 Security will be provided in the form of an automatically renewing irrevocable letter of credit, bank draft, or in a form satisfactory to the Manager.

Amount of Security

- 24 The amount of security will be calculated and submitted by a Qualified Professional at the Applicant’s expense, to the satisfaction of the Manager using the following:
- (a) For Landscape Security, the amount of security will be 125% of an estimate or quote of the cost of works, including but not limited to: inspections, monitoring, maintenance, hardscaping, irrigation, labour, and plantings materials.
 - (b) For Remediation Security, the amount of security will be 125% of an estimate or quote of the cost of works, including but not limited to: inspections, monitoring, maintenance, irrigation, labour, and planting materials.
 - (c) Where security is required in the case of an unsafe condition or damage to the natural environment that may result from a contravention of a permit condition, the amount of security shall reflect:
 - (i) the nature of the permit condition;
 - (ii) the nature of the unsafe condition or damage; and
 - (iii) the cost to the District of entering the land to undertake the work to correct the unsafe condition or restore and enhance the natural environment, including the cost of repairing any damage to land that may have been caused by the unsafe condition or that may have occurred in connection with the repair work.
 - (d) For Performance Security, the amount of security will be 125% of an estimate or quote of the cost of works to guarantee the performance of the terms of the permit. Such works may include but are not limited to: inspections, monitoring, maintenance, irrigation, labour, planting materials, and works required to restore the land or remove any temporary structures.

Return of Security

- 25 (1) If a permit is cancelled by the Applicant and no work has occurred related to the security deposit, the security deposit will be returned to the Applicant at the approval of the Manager.
- (2) Unless otherwise stated in this Bylaw, the District will return the security when written request has been submitted by the Applicant and includes a satisfactory substantial completion report by a Qualified Professional, or other professional for small scale works approved by the Manager, certifying that:
- (a) The works have been completed in substantial compliance with the approved plan(s).
 - (b) The unsafe condition or damage to the natural environment has been corrected.
- (3) The Substantial Completion Report must be signed and sealed by a Qualified Professional and include the following at a minimum:
- (a) The date and drawing number of the plan reviewed by the Qualified Professional;
 - (b) Date(s) of inspection by the Qualified Professional;
 - (c) A statement from the Qualified Professional that the completed works substantially comply with the approved plan;
 - (d) For Landscape Security, identification of conformance to approved species, quantity of materials, scale, and number of plants, irrigation systems, composition and depth of soils and features (including hard landscaping) as shown on approved drawing(s) and installation to British Columbia Society of Landscape Architects (BCSLA)/British Columbia Landscape & Nursery Association (BCLNA) standards;
 - (e) A description of all deviations from the approved plan(s) with a rationale for the changes and whether the changes meet the intent of the approved plan(s); and
 - (f) The request of the amount of funds to be released.
- (4) Upon receipt of a Substantial Completion Report, the District may conduct a site inspection to verify that the works are installed in accordance with the approved plans.
- (5) Should there be any deficiencies identified in the Substantial Completion Report or should the District find any discrepancies or deficiencies during an inspection, an inspection report will be issued to the Applicant and the security will be retained until the deficiencies have been addressed. Any changes to the approved plans will require approval of the District prior to installation of any works. Depending on the level of non-conformance with the approved plans, Council approval of the revised plan(s) may be required through an amended permit application prior to the release of the security.
- (6) Site inspections and final acceptance by the District of the installation of plant material, Sodding, or seeding, will not be carried out during the plant dormancy period between November 15th and April 15th, unless otherwise approved by the Manager.
- (7) Upon completion of any items outlined in an inspection report, the Applicant shall notify the District to arrange a further inspection in order to obtain a final release of the security.
- (8) Upon substantial completion, the District will return a portion of the security deposit.

The District will withhold 10% of the total security deposit or 25% of the value of soft landscaping, whichever is greater, as a maintenance bond for up to two growing seasons to ensure that the work has been fully implemented and demonstrated to function (ecologically or as designed).

Partial Return of Landscape Security

- 26 (1) The District may return a portion of the Landscape Security upon receipt of a report from a Qualified Professional. The report must include the following:
- (a) Evidence that the total landscaping is 50% complete and substantially complies with the approved landscape plan;
 - (b) Evidence that the perimeter landscaping is 100% complete as required by the approved landscape plan for any portion of the subject property that includes street frontage;
 - (c) The date and drawing number of the landscape plan reviewed by the Qualified Professional;
 - (d) Date(s) of inspection by the Qualified Professional;
 - (e) Evidence of conformance to approved species, quantity of materials, scale and number of plants, irrigation systems and features (including hard landscaping) as shown on approved drawing(s) and installation to British Columbia Society of Landscape Architects (BCSLA)/British Columbia Landscape & Nursery Association (BCLNA) standards;
 - (f) Identification of all deviations from the approved landscape plan;
 - (g) The submission of a revised landscape plan and cost estimates for the remainder of the works to be completed for the approval of the Manager; and
 - (h) The request for the amount of funds to be released.
- (2) When considering a request for partial release, Staff will consider the visual impact and safety of the remainder of the site as well as the public interface areas prior to approving a partial return request.
- (3) If the request for the partial return of security is approved, the District will return 50% of the original cost estimate or quote and will withhold a portion of the original cost estimate as a maintenance bond as set out in Section 25(8).
- (4) The partial return of the landscape security will occur only once per security deposit unless as otherwise approved by the Manager.

PART 5 – TIME LIMITS, RE-APPLICATIONS, AND CHANGE OF OWNERSHIP

Lapses

- 27 (1) The District only accepts complete applications. If Staff determine that an application is incomplete during the initial review, the application will be placed on hold and the Applicant will be requested to provide the required information. If an Applicant does not provide the required information within three (3) months of the request, the file will be closed and the application and fee will be returned in accordance with the District of Ucluelet Fees and Charges Bylaw.

- (2) An application that has been inactive for more than one (1) year is deemed to be abandoned and may be closed. No fees will be reimbursed for abandoned applications.
- (3) In the event that an application for bylaw amendment made pursuant to this Bylaw has not been given final adoption by Council within one (1) year after the date it was given third reading or one (1) year after the date of last consideration by Council the application may be deemed to be abandoned and the file closed.
- (4) In the case of applications that have been delegated to the Manager, if final approval of the application is not granted within one (1) year after a written request from the Manager to submit any outstanding items, the application will be deemed to be abandoned and may be closed.
- (5) In order for an application that has lapsed under Sections 27(1) to (4) to proceed, a new application and fee will be required.
- (6) For a bylaw amendment, upon written request from the Applicant received 30 Days prior to the lapse of the application, Council may extend the deadline for a period of one (1) year by passing a resolution to that effect to enable the Applicant to complete the requirements for final adoption. A maximum of two (2) one-year time extensions may be granted by Council. If Council decides to deny an extension request or the Applicant has received two (2) one-year time extensions and still has not met the requirements for final adoption and wishes to proceed with the application, a new application and fee will be required as per the District of Ucluelet Fees and Charges Bylaw.

Re-Application

- 28** (1) Subject to the *Local Government Act*, where an application made pursuant to this bylaw has been refused by Council, re-application for the same amendment or permit will not be accepted for a six (6) month period immediately following the date of refusal.
- (2) Where an Applicant intends to appeal to the Council to vary the time limit set in Section 28 (1) pursuant to the *Local Government Act*, the Applicant shall submit, in writing, a detailed statement as to why the time limit for the reapplication should be varied.

Change of Ownership

- 29** If there is a change of ownership of a parcel(s) of land that is the subject of an application under this bylaw, the District will require updated Land Title Certificate(s) for the parcel(s) of land and written authorization from the new owner(s) prior to proceeding with the application.

PART 6 – DELEGATION OF AUTHORITY

Delegation to the Approving Officer

- 30** The following powers, duties and functions of Council are delegated to the Approving Officer:
 - (a) The authority to grant an exemption from the minimum frontage requirements under section 512 of the *Local Government Act*.
 - (b) The authority to approve the stratification of a previously-occupied building under section 242 of the *Strata Property Act* except for a building containing a residential use or a tourist accommodation use.

Delegation to the Manager

31 The following powers, duties and functions of Council are delegated to the Manager:

- (a) The authority to require security under section 496 and 502 of the *Local Government Act*.
- (b) The authority to designate the form of any permit issued under this bylaw as per the *Local Government Act*.
- (c) The authority to designate the form and content of application forms.
- (d) The authority to create, amend, and prescribe graphic design templates for development application notice signs.
- (e) The authority to administer this Bylaw and require development approval information.
- (f) The authority to place conditions on the approval of a Land Use Permit.
- (g) The authority to issue or amend Development Permits where there are no, or only minor variances requested.
- (h) The authority to renew Development Permits that have been issued and lapsed provided the permit is consistent with OCP and relevant guidelines.
- (i) The authority to issue minor Development Variance Permits in accordance with the following sub-sections:
 - (i) Where the variance would be minor and would have no significant negative impact on the use of immediately adjacent or nearby properties. In making this determination the Manager must consider the following criteria:
 - (A) Degree or scope of the variance relative to the regulation from which a variance is sought;
 - (B) Proximity of the building or structure to neighbouring properties; and
 - (C) Character of development in the vicinity of the subject property.
 - (ii) In deciding whether to issue a minor Development Variance Permit the Manager must consider the following guidelines:
 - (A) If the proposed variance is consistent with the general purpose and intent of the zone or applicable regulation;
 - (B) There is a valid reason, such as hardship, for the variance request;
 - (C) If the proposed variance addresses a physical or legal constraint associated with the site (e.g., unusual parcel shape, environmentally sensitive area, topographical feature, statutory right-of-way, etc.);
 - (D) If there is a community or environmental benefit to the larger community in granting the variance or it would support a Council priority (e.g. affordable housing, environmental protection, provision of a trail statutory right-of-way);
 - (E) The variance request must not include a reduction in the required number of parking stalls except in situations where an increase in parking spaces is associated with a change in use associated with a business licence application and

does not propose additional floor area or supports the viability of affordable housing;

(F) If strict compliance with the Zoning Bylaw would be unreasonable; and

(G) If the proposed variance would unduly impact the character of the streetscape or surrounding neighbourhood.

(j) The authority to issue Temporary Use Permits in accordance with the following sub-sections:

(i) Where the authorized use would have no significant negative impact on the use of immediately adjacent or nearby properties. In making this determination the Manager must consider the following criteria:

(A) Degree or scope of the use relative to the uses already permitted on the property;

(B) Proximity of the proposed use to neighbouring properties; and

(C) Character and intensity of development in the vicinity of the subject property.

(ii) In deciding whether to issue a Temporary Use Permit the Manager must consider the following guidelines:

(A) If the proposed use is consistent with the general purpose and intent of the zone and/or applicable regulation;

(B) There is a valid reason for the use in its proposed location;

(C) If there is a community or environmental benefit to the larger community in permitting the use or it would support a Council priority (e.g., temporary housing, environmental protection, construction facilities, economic diversity, cultural events);

(D) If locating the proposed use on other lands already zoned for the proposed use would be unreasonable;

(F) The duration of the proposed temporary use; and,

(G) If the proposed use would unduly impact the character of the streetscape or surrounding neighbourhood.

(k) The authority to provide a recommendation on a Liquor or Cannabis licensing referral that does not require a Council resolution.

Referral to Council

32 (1) The Manager may refer a delegated Land Use Permit to Council if, in the opinion of the Manager, it would be in the public interest to instead have the application considered by Council.

(2) The Manager may refer a delegated Form and Character Development Permit to Council if the proposed development is in a prominent location where the development would have a noticeable impact on the streetscape or other public lands.

(3) The Manager will refer a permit application to Council if the Manager determines that the permit could not be approved at the Staff level.

- (4) The Manager will refer a Development Variance Permit to Council in the following circumstances:
 - (a) The proposed variance does not meet the criteria of minor;
 - (b) The proposed variance is in conjunction with a Development Permit application that is not delegated to Staff; or
 - (c) The proposed variance meets the criteria of minor, but in the opinion of the Manager, it would be in the public interest to instead have the application considered by Council
- (5) The Manager will refer a Temporary Use Permit to Council in the following circumstances:
 - (a) The proposed use may have impact on adjacent properties;
 - (b) The proposed use is in conjunction with a Development Permit application that is not delegated to staff; or
 - (c) The consideration of the proposed use, in the opinion of the Manager, would be in the public interest to be considered by Council.

Appeal to Council of a Staff Decision

Note this section may apply to conditions placed on a permit or the requirement of security.

- 33** (1) Within 14 Days of being notified in writing of the decision of a delegate under this Bylaw, an Applicant may, at no charge, request that Council review the decision.
- (2) The Applicant must give written notice to the District Corporate Officer setting out the grounds on which the Applicant considers the decision to be inappropriate, including the specific decision, and what decision Council should use as a substitute.
- (3) The District Corporate Officer will notify the delegate of the request(s) for appeal and the delegate will, prior to the date of the meeting at which the appeal will occur, provide a written memo setting out for Council the rationale for their decision.
- (4) The District Corporate Officer will place the request(s) for appeal on the agenda of a meeting of Council to be held as soon as reasonably possible.
- (5) The District Corporate Officer will notify the Applicant of the date of the meeting at which the appeal will be considered.
- (6) Council will review the information provided by the Applicant and Staff, and either confirm the decision made by Staff, or substitute its own decision including conditions.

PART 7 – ADMINISTRATION

Schedules

- 34** The following schedules are attached to and form part of this Bylaw:
- (a) Schedule 'A' – "Notice of Application Sign" Requirements;
 - (b) Schedule 'B' – General Procedures;
 - (c) Schedule 'C' – Amendment to an Official Community Plan Bylaw or Zoning Bylaw;
 - (d) Schedule 'D' – Land Use Permits (Development Permits, Development Variance

Permits and/or Temporary Use Permits);

- (e) Schedule 'E' – Referrals from the Liquor and Cannabis Regulation Branch (LCRB) for a Liquor License or Cannabis License; and
- (f) Schedule 'F' – Preparation of Phased Development Agreements.

Severability

35 If any section, subsection, sentence, clause or phrase forming part of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed from the Bylaw without affecting the validity of the Bylaw or any remaining portions of the Bylaw.

Repeal

36 The *District of Ucluelet Development Approval Procedures Bylaw No. 1164, 2015*, together with any amendments is hereby repealed.

READ A FIRST TIME this 9th day of **July, 2024**.

READ A SECOND TIME this 9th day of **July, 2024**.

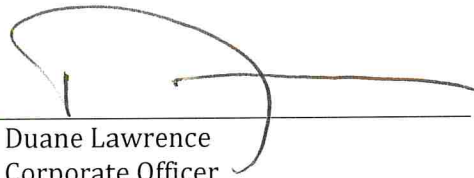
READ A THIRD TIME this 9th day of **July, 2024**.

ADOPTED this 30th day of **July, 2024**.

CERTIFIED CORRECT; "District of Ucluelet Development Application Procedures Bylaw No. 1350, 2024".



Marilyn McEwen
Mayor



Duane Lawrence
Corporate Officer

THE CORPORATE SEAL of the District of Ucluelet was hereto affixed in the presence of:



Duane Lawrence
Corporate Officer

Schedule 'A'

"Notice of Application Sign" Requirements

Installation

- 1 In respect of an application for an OCP Bylaw Amendment, Zoning Bylaw Amendment or Land Use Permit the Applicant, at their cost, must install a Notice of Application Sign in accordance with this Bylaw.

Timing

- 2 The Notice of Application Sign must be posted within 10 Days of an application being accepted as substantially complete by Staff.

Design

- 3 The design of the sign shall be in a form prescribed by the Manager.

Preparation

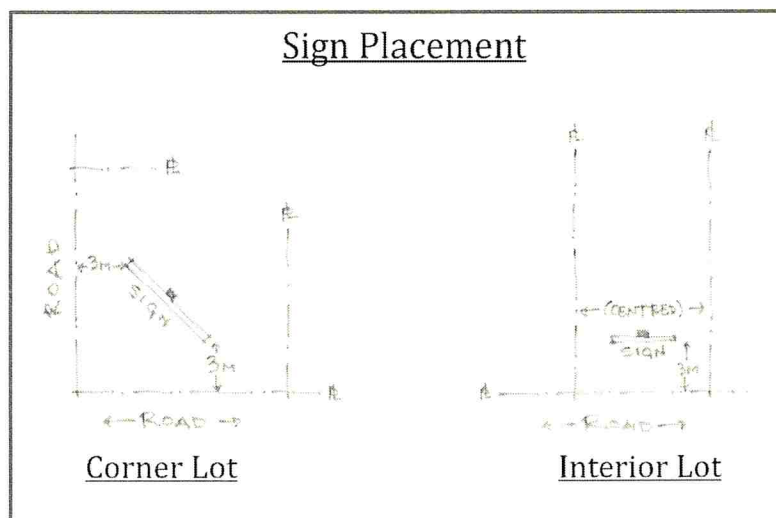
- 4 The Notice of Application Sign(s) will be provided by the District. The Applicant shall provide a deposit for each sign, which will be returned to the Applicant upon return of the sign(s) in good re-useable form.

Posting

- 5 The posting of the Notice of Application Sign is the responsibility of the Applicant. The sign must be installed in a sound workmanlike manner and must be capable of withstanding wind and weather. Once the sign is posted, the Applicant shall demonstrate proof to Staff of the posted sign within 10 Days of Staff approval of the mock-up.

Siting

- 6 All Notice of Application Signs shall be placed on the property at a setback of no more than 3 metres from the front property line as demonstrated in the below diagram. The sign must face the street and be clearly visible. All proposed sign locations must be verified by District Staff prior to installation. The sign must be located so as not to interfere with pedestrian or vehicular traffic, or obstruct visibility from streets, lanes, walkways, or driveways to create a hazard.



Number of Signs

- 7 The Applicant shall post a minimum of one (1) Notice of Application Sign. For large parcels with over 200 metres of street frontage or frontage on more than one street, one (1) Notice of Application Sign shall be required for each adjoining street and each 200 metres of street frontage, to a maximum of three signs.

Maintenance

- 8 It is the responsibility of the Applicant to ensure the sign(s) remain intact and visible as per the sign siting specifications until such time the sign can be removed, in accordance with Section 10.

Amendments to Application

- 9 If any significant amendments are made to the application, the Applicant may be required to install new sign(s) reflecting the change in application.

Sign Removal

- 10 (1) The Notice of Application Sign shall be removed by the Applicant within seven (7) Days following:
- (a) The conclusion of the public hearing or adoption of the amending bylaw if a public hearing is not required;
 - (b) The final consideration of an application by Council;
 - (c) The authorization of the application under delegated authority; or
 - (e) The abandonment of the application.
- (2) The Applicant shall be responsible for returning the sign to the District.

Failure to Post, Maintain or Remove

- 11 (1) Failure to post and maintain the required Notice of Application Sign(s) in accordance with this Bylaw may result in the postponement of any Public Information or Council meeting and any costs associated with the postponement will be borne by the Applicant. Non-compliance with this section due to the removal, destruction, or alteration of the sign by vandalism or natural occurrence shall not affect the validity of the application or postpone a Public Information or Council meeting as long as reasonable efforts have been taken by the Applicant to maintain the sign.
- (2) Failure to remove the sign as required may result in the sign being removed at the expense of the Applicant.

Schedule 'B'
General Procedures

The information in these schedules is meant as a general guide to the processing procedure and is not to be regarded as granting the right to development approval if the steps indicated are followed.

Due to the unique, specific conditions of each site and each development proposal, an Applicant may find that information presented in support of their application may trigger the need for other studies or information to enable complete assessment of the development and its impacts.

Application Requirements

- 1 Application requirements are specified on the District of Ucluelet Development Application Form.

Processing Procedure

- 2 An amendment application submitted in accordance with this Bylaw will be substantially processed as follows:
 - (a) The Applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the District.
 - (b) Staff will review the application to determine whether it is complete, and, if incomplete, will return the application and request the required information from the Applicant.
 - (c) Staff will review the proposal for compliance with relevant District bylaws and policies and may meet with the Applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
 - (d) Staff may prepare a Permission to Proceed report to Council to introduce the application and seek preliminary direction regarding the application including referral and other matters as required.
 - (d) The Applicant will post a Notice of Application Sign as per Schedule 'A' of this Bylaw.
 - (e) Staff will refer the application to all applicable District departments, Development Review Team, government ministries, agencies, and organizations.
 - (f) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the Applicant to:
 - (i) resolve conditions or requirements identified in the Comprehensive Letter(s);
 - (ii) submit any necessary reports or studies; and
 - (iii) complete any required approvals.
 - (g) The Applicant must address the items in the Comprehensive Letter and may wish to revise the application accordingly.
 - (h) Staff will mail or otherwise deliver notices to adjacent property owners as per this bylaw and as per requirements of the *Local Government Act*. When required, notice will also be published pursuant to the *Local Government Act*.

- (i) Staff will prepare a technical report, incorporating feedback received from the referral process, the community and any recommendations from the Development Review Team.
- (j) If the Manager refers an application to Council per this Bylaw, the Applicant will be notified when the report is published on a Council meeting agenda. The Applicant will be provided an opportunity to address Council in the meeting when their application is introduced.

Schedule 'C'

Amendment to an Official Community Plan Bylaw or Zoning Bylaw

The following is a general guide to additional steps in the processing procedure for OCP amendment and/or rezoning applications – i.e., where amendment bylaws are adopted by Council.

Consultation

- 1 An application for an amendment to the OCP will include one or more opportunities for consultation with persons, organizations, and authorities the District considers affected by the application as per the *Local Government Act*. The opportunity for consultation will be considered for each amendment application and will be outlined within Staff's technical report to Council.

Processing Procedure

- 2 (1) Processing of the application will initially follow the procedures outlines in Schedule 'B'.
(2) For larger applications (e.g., on sites greater than 1ha in area) or in especially prominent locations in town, the applicant is encouraged to host a Public Information Meeting at their own expense prior to the amending bylaw being considered by Council. If held, the Applicant is to conduct the public information meeting in accordance with the requirements of Section 19 of this bylaw.
(3) Council will receive the technical report, and if Council decides to proceed with the amendment application, the amending bylaw may be given readings. Council may alternatively decide to postpone or deny the application.
(4) For a rezoning application where the proposed zoning bylaw is consistent with the OCP, Staff will publish and give notice of the amending bylaw(s) advising of the date of the first reading of the bylaw in accordance with the *Local Government Act*.
(5) Should the amending bylaw receive readings, and should Council decide that a public hearing be held prior to third reading to permit the public to comment on the application pursuant to the *Local Government Act* and as per this Bylaw, notice(s) of the amending bylaw(s) will be published pursuant to the *Local Government Act*. Note that for a rezoning application for residential development where the proposed zoning bylaw is consistent with the OCP, a public hearing may be prohibited by the *Local Government Act*.
(6) Council may proceed with third reading of the amending bylaw (including the imposition of conditions), postpone or deny the application. Upon third reading, an amendment bylaw may need to be referred to the relevant provincial minister(s) for signature before proceeding to adoption.
(7) Once all of the conditions identified at third reading, if any, have been addressed, Council will consider adoption of the bylaw(s).
(8) Once the minutes of the Council resolution have been prepared, the Applicant will be notified of the outcome.

Schedule 'D'

Land Use Permits (Development Permits, Development Variance Permits, and Temporary Use Permits)

The following is a general guide to additional steps in the processing procedure for Land Use Permit applications – i.e., where permits may be issued by staff or Council.

- 1** Processing of the application will initially follow the procedures outlines in Schedule 'B'.
- 2** All Land Use Permit applications and technical reports will be referred to the Manager for consideration.
- 3** If the Manager refers the application to Council as per this Bylaw, Council will receive the permit application and technical report for consideration. Council may authorize the issuance of the permit or authorize the issuance of the permit with conditions. Council may alternatively decide to postpone or deny the application.
- 4** If a Development Permit application includes a request for a variance(s), the request may be considered by Staff or Council as a parallel Development Variance Permit in conjunction with the Development Permit application pursuant to requirements of this Bylaw and the *Local Government Act*. Additional fees will be required as per the District of Ucluelet Fees and Charges Bylaw.
- 5** The Applicant will be notified of the decision regarding the application.
- 6** If a Land Use Permit is granted, a Notice of Permit will be registered against the title of the property at the Land Title Office by Staff.

Schedule 'E'

Referrals from the Liquor and Cannabis Regulation Branch (LCRB) for a Liquor License or Cannabis License

This information is meant as a general guide to the processing procedure and is not to be regarded as granting the right to development approval if the steps indicated are followed.

Application Requirements

- 1 (1) Applicants must review the Liquor and Cannabis Regulation Branch (LCRB) requirements prior to submitting a Liquor License or a Cannabis License application to the District. The LCRB specifies application requirements and when local governments are required to comment on liquor license applications.
- (2) Application requirements are specified on the District of Ucluelet Development Application Form.

Processing Procedure for Liquor Licenses and Cannabis Licenses

- 2 A Liquor License Application submitted in accordance with this Bylaw will be substantially processed as follows:
 - (a) The Applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the District.
 - (b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the Applicant.
 - (c) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, Staff will issue a receipt to the Applicant. Applicants are required to demonstrate proof of application to the LCRB prior to municipal consideration. The LCRB may forward a summary report to the District prior to the District's review of the application.
 - (d) Staff will review the proposal for compliance with relevant District bylaws and policies and may meet with the Applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
 - (e) Staff may refer the application to all applicable District departments and Development Review Team (DRT).
 - (f) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the *referral* process to identify recommended conditions and requirements which will be sent to the Applicant.
 - (g) In order to obtain public input, the District may, in accordance with the *Liquor Control and Licensing Act* and the *Cannabis Control and Licensing Act*:
 - (i) Advertise the proposal in one edition of a local newspaper to solicit written comments on the application from the public. Such comments shall be submitted in writing to the Manager within fourteen (14) Days of the publication of the notice.
 - (ii) Send notifications to adjacent property owners in accordance with this bylaw.

- (h) If a Council resolution is required as per the LCRB, Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community, and any recommendations from the Development Review Team (DRT) and in accordance with the criteria local governments must consider as per guidelines specified by the LCRB.
- (i) If a Council resolution is required as per the LCRB, Council will receive the technical report, and Council will make a recommendation to the LCRB by passing a resolution to either approve or deny the application.
- (j) Once the minutes of the Council resolution have been prepared, the Applicant will be notified of the outcome. Staff will forward the Council resolution to the LCRB for their final review and approval.
- (k) If a Council resolution is not required per the LCRB, the Manager will review the Application and any feedback received from the review and may provide a recommendation to the LCRB for their review and final approval.

Schedule 'F'

Preparation of Phased Development Agreements

- 1 If a Phased Development Agreement is required, it may be processed concurrently with a Zoning Bylaw Amendment application, and will be substantially processed with the following additional steps:
 - (1) The Applicant will be required to work with Staff to develop a Terms Sheet identifying the basic conditions to be outlined in the Phased Development Agreement. Such conditions include, but are not limited to, the lands affected and intent of the agreement, timing, amenities, features, servicing, phasing of the development, and terms for abandoned or stalled developments. Other conditions may be required and will be determined on a site-specific basis.
 - (2) The Applicant will submit the draft Terms Sheet to the District who will refer it to applicable District departments, government ministries, agencies, organizations and the Development Review Team.
 - (3) Staff will prepare a technical report to the Manager for consideration of the Terms Sheet. Once the basic conditions in the Terms Sheet have been agreed upon, the Applicant will be directed to draft the Phased Development Agreement, at the Applicant's expense, and submit the agreement to the District.
 - (4) Staff will refer the draft Phased Development Agreement to all applicable District departments, government ministries, agencies, organizations, and may refer the draft Phased Development Agreement to a solicitor.
 - (5) Staff will prepare a technical report for Council's consideration on the draft Phased Development Agreement, incorporating feedback received from the referral process, the community and any recommendations from Development Review Team (DRT).
 - (6) Notices of the amending bylaw(s) will be given advising of the date of the first reading of the bylaw in accordance with the *Local Government Act*.
 - (7) If Council wishes to proceed with the Phased Development Agreement, the Phased Development Agreement bylaw will be given first reading and second reading (including the placement of conditions, where appropriate). Council may alternatively decide to postpone or deny the application.
 - (8) Should the Phased Development Agreement Bylaw receive first and second readings and Council decides that a public hearing be held to permit the public to comment on the application pursuant to the *Local Government Act* and as per this Bylaw, notice(s) of the amending bylaw(s) will be published pursuant to the *Local Government Act*.
 - (9) Following the close of the public hearing, Council may proceed with third reading of the amending bylaw (including the imposition of conditions), postpone or deny the application.
 - (10) Once the Applicant has adequately addressed all of the conditions identified at third reading (if any), Council will consider adoption of the Phased Development Agreement bylaw(s).
 - (11) If a Phased Development Agreement is entered into, a Notice of Permit will be registered against the title of the property at the Land Title Office by Staff.
 - (12) Amendments to an approved Phased Development Agreement may occur pursuant to the *Local Government Act*.