

THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH

BYLAW NO. 2032

A bylaw to Establish Development Application Procedures

WHEREAS the Municipal Council of the District of Central Saanich has adopted an Official Community Plan and a Land Use Bylaw;

AND WHEREAS the Municipal Council has designated areas in the Official Community Plan within which Development Permits are required and Temporary Use Permits may be issued;

AND WHEREAS the Municipal Council shall, pursuant to Section 460 of the *Local Government Act*, by Bylaw, establish procedures to amend a plan or zoning bylaw or issue a permit;

NOW THEREFORE the Municipal Council of the District of Central Saanich, in open meeting assembled, enacts as follows:

PART I - INTRODUCTION

1. Title

This Bylaw shall be cited as the "***Central Saanich Development Application Procedures Bylaw No. 2032, 2020***".

2. Definitions

In this Bylaw:

"District" means the Mayor and Councillors of the District.

"Council" means the Municipal Council of the District.

"Director" means the Director of Planning and Building Services who is the person appointed as such by the Council and includes his or her lawful designate.

"Land Use Bylaw" means the Central Saanich Land Use Bylaw as amended from time to time.

"Lot" means a parcel of land, including crown land, which is legally defined either by registered plan or description.

"Official Community Plan" means Central Saanich Official Community Plan Bylaw as amended from time to time.

"Owner" means all of the registered owner(s) of a property as shown on a Land Title Certificate.

"Public Hearing" means a Public Hearing of Council pursuant to the *Local Government Act*.

"Site" means an area of land consisting of a lot or two or more abutting lots.

3. Scope

This bylaw shall apply to the following land use applications.

Applications requiring the adoption of, or amendment to a Bylaw:

- a. Amendments to the Official Community Plan
- b. Amendments to the Land Use Bylaw
- c. Heritage Revitalization Agreement Bylaw
- d. Heritage Designation Bylaw
- e. Amendment or discharge of a Land Use Contract prior to June 30, 2024, after which all land use contracts are terminated under s. 547 of the *Local Government Act*
- f. Phased development agreements
- g. Housing agreements

Applications for the issuance of, or amendment to a Permit:

- h. Development Permits
- i. Development Variance Permits
- j. Temporary Use Permits
- k. Heritage Alteration Permits

Applications requiring approval by the Agricultural Land Commission:

- l. To include land in the Agricultural Land Reserve
- m. To exclude land from the Agricultural Land Reserve
- n. For a non-farm use in the Agricultural Land Reserve
- o. For a non-adhering residential use in the Agricultural Land Reserve
- p. To subdivide land in the Agricultural Land Reserve

Others:

- q. Amendments to or discharge of a covenant or other form of legal encumbrance related to land use and development
- r. An exemption from the minimum highway frontage requirement of the *Local Government Act* for a subdivision
- s. A request to waive or reduce the provision of park land, access to water, or any other requirement at the time of subdivision
- t. A strata conversion of a previously occupied building
- u. Provincial referrals for liquor licences or cannabis retail licences

PART II – GENERAL PROVISIONS

1. Commencing Work

In all development permit areas, a development permit must be approved before any land alterations or development occurs, including but not limited to: land clearing, tree removal, blasting, site preparation, the installation of services or roads, or the construction or alteration of a building or structure, unless the District has confirmed that the proposed works are exempt from requiring a development permit.

2. Fees

All applications must include the applicable fees established in the Fees and Charges Bylaw at the time the application is submitted.

3. **Multiple Development Permit Areas**
Where land is subject to more than one development permit area designation, only one development permit application is required; however, the application must address the guidelines of all applicable development permit areas and all fees would apply.
4. **Multiple Application Types**
Where a proposed development requires more than one type of application, as much as possible the applications will be processed concurrently and be presented to Council as one report.
5. **Application Form**
The Director may prescribe application forms for the purpose of this Bylaw, and in doing so may prescribe different form and information requirements for different types of applications based on the nature or complexity of the application.
6. **Applications requiring approval by the Agricultural Land Commission shall be submitted through their website and include all required information. After a complete application has been submitted on-line, a copy of the documents and the application fee shall be provided to the District to initiate the application.**
7. **Re-application**
A new application for a proposal that has been refused by Council shall not be considered within a six month period immediately following the date of refusal unless an affirmative vote of two-thirds of Council eligible to vote on the reapplication.

PART III – DEVELOPMENT APPROVAL INFORMATION

The following information shall be included as part of an application to facilitate its processing. All plans noted below shall be prepared to scale, in metric, include a north arrow, and be dated.

1. All applications shall include as base information the following:
 - a. A copy of the title no more than 30 days old and copies of all registered encumbrances. If there is a change in ownership of a property subject to an application, an updated Title Certificate and authorization from all new owners is required.
 - b. Authorization of all owners registered on title, which may be through signatures on the application form or a separate letter.
 - c. Completed application form, including a project description, which may include attaching additional pages.
 - d. Description and rationale for any requested variances.
 - e. Site Plan prepared by a BC Land Surveyor of the property showing all existing structures and uses on the land and major topographical features.
 - f. A summary of any proposed Community Amenity Contributions or community improvements beyond what is required by bylaw, if a zoning amendment is proposed (refer to Council Policy 0.3 Fin for more information).
 - g. A completed site profile form may be required if applicable.
2. In addition to the above, applications involving the construction or alteration of a building or structure shall include:
 - a. A professionally prepared site plan based on a legal survey of all proposed buildings and structures including retaining walls, noting their dimensions, setbacks and geodetic

- elevations, as well as the separation distance to neighbouring buildings or structures on adjacent properties.
- b. Building floor plans showing areas devoted to various uses or functions within the building.
 - c. Building summary information including existing and proposed: gross floor area, lot coverage, setbacks, height, floor area ratio, and number of units.
 - d. Building elevations showing all sides of the building including exterior finishes, roof top equipment, the natural and finished grades, exterior lighting fixtures and any projecting features.
 - e. Parking requirement calculations and the proposed layout showing dimension of parking spaces and drive aisles.
 - f. Existing and proposed site services, including sewer, water, storm drain, and underground or overhead electrical service.
 - g. Tree retention, removal, and replacement plan prepared by an Arborist accredited by the International Society of Arboriculture (ISA) or a Landscape Architect accredited by the British Columbia Society of Landscape Architects (BCSLA).
3. In addition to the above, applications for multi-family, commercial, or industrial sites; institutional sites where applicable; or Development Permit applications shall include:
- a. Landscaping plan as outlined in Section 7 below.
 - b. Access and parking layout showing stall and manoeuvring aisle dimensions, curb stops, loading bays, bike parking and bike storage areas.
 - c. Site plan showing accessory structures and mechanical equipment, including hydrants, waste collection areas, utility poles, underground utilities, and any proposed screening.
 - d. Site plan showing relevant off-site features, such as transit stops, sidewalks, boulevard trees, and street furniture.
 - e. Building cross-section plans.
 - f. Sign details, including lighting details.
 - g. Streetscape renderings, showing the existing surrounding buildings and trees.
4. In addition to the above, applications for sites within an environmental development permit area shall include:
- a. An assessment report prepared by Qualified Environmental Professional, and such reports shall reference the applicable guidelines and provide recommended mitigation measures.
5. In addition to the above, applications for sites within the Erosion District shall include:
- a. Geotechnical report prepared by a qualified Geotechnical Engineer or Professional Geoscientist providing an assessment of potential geotechnical hazards that may affect the site and surrounding properties and a determination whether the proposal would result in an accepted probability of geotechnical hazard for the intended uses.
 - b. A site survey including topographic features showing natural slope contours in 1 to 5 metre contour intervals, significant natural features, current and proposed buildings and structures, roads and driveways, proposed site grading and post development contours.
6. In addition to the above, the Director may require additional information or reports, including but not limited to:
- a. Arborist Tree Assessment Report prepared by an ISA accredited Arborist.
 - b. Transportation and Traffic Impact Study prepared by a qualified transportation professional.
 - c. Shadow or View Impact Study, including a solar path and solar angle diagram.

- d. Heritage Conservation Report by professional member of the Canadian Association of Heritage Professionals.
- e. Risk Hazard Reports prepared by a qualified Risk Assessor to address potential risks related to floodplain, wildfire, tsunami, or other identified hazards.
- f. Farm Business Plan to demonstrate a proof of need, which may include a description of farm operations, current and proposed area for crop production, type and quantity of livestock, and other farm activities related to labour requirement. A labour requirement summary should include the number of employees, hours of weekly/ monthly employment and seasonal demands.
- g. Confirmation of compliance with any archaeological assessments required by the BC Archaeology Branch.
- h. Other studies deemed necessary.

Landscaping Plan:

- 7. Where a landscaping plan is required, it shall:
 - a. Be prepared by a Landscape Architect accredited by the British Columbia Society of Landscape Architects for applications involving multi-family, commercial, industrial, institutional, or mixed-use development applications.
 - b. Be prepared by a Landscape professional accredited by the BC Landscape and Nursery Association or an accredited Landscape Architect for development applications involving single family dwellings, duplexes, or a multi-unit development up to four dwelling units.
 - c. Despite 7 a) and b) above, for applications of a minor nature a landscape plan prepared by a lesser qualified professional may be deemed acceptable by the Director.
 - d. Show the location, size and species of existing and proposed plant materials, and identify trees and areas of existing vegetation to be retained.
 - e. Identify common and scientific plant names of proposed plantings, the quantity, calliper, root ball size, and height at maturity.
 - f. Confirm adequate soil volume suitable for the selected tree species.
 - g. Show the dimensions and location of all existing and proposed landscaping relative to the existing and final site grades, vehicle areas, property lines, easements, building entrances and walkways, hydrants, waste collection areas, utility poles, underground utilities or other site features that may impact landscaping.
 - h. Include details of any hard landscaping, screening and fencing, retaining walls, storm water management features, exterior lighting or street furniture.
 - i. Show irrigation systems relative to boulevards, buffer strip and public rights-of-way, direction of drainage, and catch basins and sub-drains marked with proposed rim and invert elevations.
- 8. No building permit shall be issued prior to the receipt of landscape security in accordance with Part VI of this bylaw.

General:

- 9. Where a professional report is required and such report must be prepared by a qualified professional, the Director may accept a report prepared by someone able to demonstrate an equivalent level of expertise and experience in the specified field.

10. If the Director determines 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 months of the request, the applicant will be notified that the file will be closed.
11. Nothing in this section prevents an applicant from submitting additional information or supplemental reports not identified above.
12. Upon receiving a complete application the Director shall review and circulate the application to other District departments and outside agencies as required. Following a review of the application the Director may require the applicant to provide further information.
13. If an applicant is not willing to provide the requested information at this stage the application may proceed to Council for consideration; however, the Planning Report may note where information is considered insufficient and may result in a negative recommendation to Council.
14. If the Director considers that the information provided by the applicant, or any portion of it, is insufficient in scope, level of detail, accuracy or in any other respect, the Director may require the applicant to provide an independent review prior to being considered by Council. The Director may specify the methodology to be used and the review is subject to the District's acceptance that the person conducting the review is suitably qualified and without prejudice.
15. If an applicant is not willing to provide an independent review, the application will continue to be processed; however, the Planning Report may note where information is considered insufficient and may result in a negative recommendation to Council.
16. When the application is considered by Council, Council may request additional professional reports to be submitted or for the applicant to provide further information in written format.

PART IV – NOTIFICATION

1. Public Notification

For applications requiring public notice, notification, may be required through mail delivery of a written notice, posted signs on the land, and/or advertisement in a local newspaper.

Written notices must be mailed or otherwise delivered at least 10 days before the date of Council consideration.

For applications requiring a Public Hearing, two consecutive advertisements in a local newspaper are required not less than 3 days or more than 10 days before the hearing in accordance with the *Local Government Act*.

For Temporary Use Permit applications, one advertisement in a local newspaper is required not less than 3 days or more than 14 days before Council consideration in accordance the *Local Government Act*.

2. Required Content

Public notices regarding an application must include the following information at minimum, and be in a form of notice prescribed by the Director:

- a. The time and date of the public hearing or meeting at which the application will be considered by Council.
- b. The place the public hearing or meeting will be held.
- c. The purpose of the bylaw, permit or application in general terms.
- d. The land or lands that are subject of the application, including a sketch or other manner to clearly identify the land.
- e. The place, date, and times when copies of proposed bylaws or permits may be inspected.

Where an application includes the adoption of a Bylaw and the issuance of a Permit, one notice may be prepared incorporating information for both.

3. Notice to Nearby Owners and Tenants

The District must mail or otherwise deliver notice of Council's consideration for any of the following proposals:

- amendment to the Official Community Plan or Land Use Bylaw,
- Temporary Use Permit issuance or renewal,
- variance to a Land Use Bylaw regulation,
- a provincial Liquor Licence Referral unless the District otherwise opts out of providing comments to the Liquor and Cannabis Regulation Branch,
- a provincial Cannabis Retail Licence Referral,

to the owners and tenants in occupation of all lots, any part of which is:

- a. subject of the application, and
- b. located within 100 m of a property that is subject of the Bylaw amendment, Temporary Use Permit, or a provincial referral, or
- c. located within 50 m of a property that is the subject of the proposed variance.

4. Development Notice Sign

The applicant for an amendment to the Official Community Plan or Land Use Bylaw, a Temporary Use Permit, or a variance to a Land Use Bylaw regulation shall post development notice sign(s) on the subject property in accordance with Schedule "A" of this Bylaw, within three weeks of submitting a complete application, which must also be no less than ten (10) days prior to the Public Hearing where applicable, or the date of the Council meeting at which the application will be considered.

5. Exceptions

- a. Notification required under this section is not required if ten (10) or more parcels owned by ten (10) or more persons are the subject of the Bylaw alteration.
- b. Notifications for applications requiring approval by the Agricultural Land Commission shall provide notification as required by the Agricultural Land Commission.
- c. For those types of applications not identified in Section 1 of this Part, any notification requirements under the *Local Government Act* or other applicable regulations shall apply.

PART V – PROCESS

1. The major steps in processing land use applications are outlined in Council Policy – Development Application Process.

PART VI – LANDSCAPING SECURITY

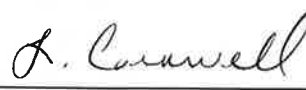
1. Security as a condition of a land use permit pursuant to the *Local Government Act* is required at 125% of an acceptable cost estimate in a form satisfactory to the District
2. The security for landscaping may be reduced proportionately as the areas of the site are completed and accepted by the Director.
3. If landscape construction and planting is not completed within one year following issuance of the occupancy permit, or an unsafe condition or damage to the natural environment has resulted as a consequence of the violation of the permit, the District may draw upon the security for the purposes of entering upon the subject property and completing the landscape construction and planting, or undertake works to correct the unsafe condition or correct the damage to the natural environment.
4. Upon completion of the landscape construction and planting, the District may withhold ten percent (10%) of the security for one year to ensure plantings become established and remain healthy.

PART VII - GENERAL

1. **Effective Date**
This Bylaw comes into force and takes effect on the date of adoption.
2. **Severability**
If any section, subsection or clause of this bylaw is for any reason to be held invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
3. **Repeal**
“Central Saanich Development Application Procedures Bylaw No. 1504, 2004” is repealed.

READ A FIRST TIME this	6 th	day of	January,	2020.
READ A SECOND TIME this	6 th	day of	January,	2020.
READ A THIRD TIME this	6 th	day of	January,	2020.
ADOPTED this	20 th	day of	January,	2020.


Ryan Windsor
Mayor


Liz Cornwell
Corporate Officer



SCHEDULE "A"

DEVELOPMENT NOTICE SIGN REQUIREMENTS

Where Development Notice Sign(s) are required pursuant to this Bylaw, they shall comply with the following:

1. Location

All development notice signs shall be placed on property that is subject to an application pursuant to this Bylaw in a prominent location clearly visible from the street, approximately 3 m inside the property line.

2. Number

One sign is required for each 100 m of street frontage provided that no more than three signs are required for any one site.

3. Size

Development notice signs shall be no less than 0.9 m x 1.2 m in area.

4. Sign Installation

Development notice signs shall be located so as not to interfere with pedestrian or vehicular traffic or obstruct visibility from streets, lanes or driveways and must be installed in a safe, sturdy manner capable of withstanding wind and weather.

5. Sign Purchase

Development notice signs shall be purchased from the District's Planning and Building Services Department for the required fee based on cost to produce.

6. Sign Removal

Development notice signs shall remain in place until the conclusion of the Public Hearing, until Council has considered the Development Permit, Development Variance Permit or Temporary Commercial Use Permit, as applicable, until Council has dealt with the amending Bylaw if the Public Hearing has been waived, or until the development application has been abandoned. Development notice signs must be removed within seven days of the conclusion of a Public Hearing or Council consideration of the Permit.

7. Statutory Declaration Required

Prior to the application being scheduled for a Public Hearing the applicant must provide the District's Planning and Building Services Department with photographic evidence of sign installation, or provide a statutory declaration in the approved format confirming that all development notice signs required by this Bylaw have been installed on the land.

8. Postponement of Consideration of Application

Failure to post the required development notice sign(s) in accordance with this Bylaw shall result in the postponement of the consideration of the application, the Public Hearing, Council consideration of the application or Council consideration of the amending Bylaw if the Public Hearing has been waived. Any costs incurred by the District for public notification as a result of such postponement shall be the responsibility of the applicant.

