

DISTRICT OF SQUAMISH

BYLAW NO. 2632, 2018

A bylaw to establish procedures for land development applications including subdivisions, the issuance of development permits, development variance permits and temporary use permits, and amendments to the Official Community Plan, Zoning Bylaw or Land Use Contracts

WHEREAS Council has adopted the Official Community Plan and Zoning Bylaw;

AND WHEREAS under the Official Community Plan the District has designated areas within which development permits are required and areas where temporary uses may be allowed;

AND WHEREAS Council must by bylaw define procedures under which an owner of land may apply for an amendment to the Official Community Plan, or to a bylaw or for the issue of a permit under the *Local Government Act*,

AND WHEREAS Council wishes to define procedures under which an owner of land may apply to subdivide land;

AND WHEREAS Council must, where it has adopted an Official Community Plan that designates circumstances or areas for which development approval information may be required, establish the policies on the process and substance of the information that may be required;

AND WHEREAS the Official Community Plan specifies areas and circumstances for which development approval information may be required pertaining to flood and debris flow hazards, geotechnical hazards, natural environment, railway proximity, and view corridors and solar impacts;

AND WHEREAS under the *Community Charter* and *Local Government Act*, Council may delegate certain powers, duties and functions to an officer or employee of the District;

NOW THEREFORE, Council of the District of Squamish in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

CITATION

- 1.0 This Bylaw may be cited for all purposes as the "District of Squamish Land Development Procedures Bylaw No. 2632, 2018."

DEFINITIONS

2.1 In this Bylaw:

"ADP" means the District's Advisory Design Panel;

"Approving Officer" means the person appointed by Council under the *Land Title Act*;

"Corporate Officer" means the officer for the District appointed under the Community Charter;

"Council" means the Council of the District;

"Development Approval Information Area" or **"DAIA"** means an area that has been designated in the Official Community Plan for the provision of information on the anticipated impact of a proposed activity or development;

"District" means the District of Squamish;

"Director" means the person appointed by the chief administrative officer for the District as the Director of Community Planning and includes any person temporarily appointed or designated to act in their place during their absence;

"Official Community Plan" means the *District of Squamish Official Community Plan, Bylaw No. 2500, 2017*;

"Sign Bylaw" means *District of Squamish Sign Bylaw No. 1592, 2000*;

"Strata Conversion" means a strata conversion pursuant to the *Strata Property Act*;

"Subdivision and Development Control Bylaw" means *District of Squamish Subdivision and Development Control Bylaw No. 2373, 2015*;

"Terms of Reference" means a document prepared by the District having regard to the matters outlined in this bylaw that define the scope of development approval information and the deliverables required to be provided by the Applicant.

"Qualified Environmental Professional" means an applied scientist or technologist who is qualified under the *Riparian Areas Regulation*;

"Qualified Landscape Professional" means a landscape professional who has demonstrated a level of proficiency in landscape planning and installation to the satisfaction of the General Manager;

"Zoning Bylaw" means *District of Squamish Zoning Bylaw No. 2200, 2011*;

2.2 The following Schedules are attached to and form part of this Bylaw:

Schedule A – Delegated Development Permit Criteria

2.3 Unless otherwise defined herein, words and phrases in this Bylaw have the same meanings as in the *Local Government Act, Community Charter, or Interpretation Act* (British Columbia), as the context requires. A reference to a statute, regulation or bylaw refers to that enactment as amended or replaced from time to time.

2.4 If any portion of this Bylaw is for any reason held to be invalid by a court of competent jurisdiction, then the invalid portion is severed and the remainder of this Bylaw remains valid and effective.

APPLICATION AND GENERAL REQUIREMENTS

3.1 This Bylaw applies to:

(a) amendments to:

- i. the Official Community Plan;
- ii. the Zoning Bylaw;
- iii. a Land Use Contract;

(b) issuance of:

- i. development variance permits;
- ii. temporary use permits;
- iii. development permits;

(c) applications for:

- i. strata conversions; and
- ii. subdivisions.

3.2 Applications made under this Bylaw must be:

- (a) completed using a form provided by the District and accompanied by supporting documents as indicated on the form;
- (b) filed with the District's Planning or Engineering Services departments;
- (c) signed by either the owner or owners of the subject lands or by a person authorized to sign on behalf of the owner or owners; and

(d) accompanied by the fees prescribed in the Fees and Charges Bylaw No. 2012, 2007, as may be amended from time to time.

- 3.3 The Director may prescribe the form and content of application forms; may prescribe different forms for different types of applications; and may determine whether an application is complete.
- 3.4 An application is not complete until all applicable fees are paid and all of the information required in relation to the application has been received by the Director.
- 3.5 The Director may refer applications to the ADP or to other committees, agencies or associations for recommendations.
- 3.6 If the Director determines that an application is incomplete, the applicant will be asked to provide the required information, documents or fees, and if the applicant does not complete the application within ten (10) days of the request, the Director will return the application and fee.

DEVELOPMENT APPROVAL INFORMATION

Development Approval Information Requirements

- 4.1 The requirements of Section 4 apply to the following applications where a Development Approval Information Area (DAIA) has been designated in the *Official Community Plan*:
 - (a) amendments to a zoning bylaw;
 - (b) development permit;
 - (c) temporary use permit.
- 4.2 A person making an application identified in subsection 4.1 must provide the Director with the following development approval information, as the Director considers relevant to the particular application:
 - (a) the potential risk of natural hazards due to the siting or construction of buildings or structures or the alteration of lands
 - i. within an identified floodplain;
 - ii. on or adjacent to a steep slope;
 - iii. within an alluvial fan;
 - iv. adjacent to a watercourse or water body; or
 - v. which may be impacted by a site specific hydrologic hazard, such as debris torrent or channel avulsion;
 - (b) the potential risk of geotechnical hazard due to the siting or construction of

- buildings or structures or the alteration of lands subject to geotechnical hazard, including slope, surface erosion, gullying, landslides or landslip;
- (c) impacts on the natural environment, including fish and fish habitat, wildlife and wildlife habitat, wildlife movement corridors, riparian areas, marine areas, endangered or vulnerable ecosystems, identified environmentally significant areas, ecological and biological diversity, with emphasis on endangered and vulnerable plant and animal species;
 - (d) the potential risks of safety hazards and impacts of noise and vibration due to the proximity to a railway;
 - (e) the potential impacts to public realm viewsapes and solar exposure in the Downtown area;
 - (f) the potential impacts of increased traffic volumes on traffic flows and the road network.

Development Approval Information Procedures

- 4.3 On receiving an application under Section 4.2, the Director will review the proposed activity or development, taking into consideration the anticipated extent of impacts the proposed activity or development may result in, of the Official Community Plan goals, objectives and policies and identified Development Approval Information Areas.
- 4.4 The Director may determine if the submission of additional information is required as part of the review, and may waive the requirements to provide information if the Director determines the information is not necessary to assist in evaluation or consideration of the application. Where additional information is required, the applicant will be notified in writing. Further processing of the application may be withheld pending acceptance of the required development approval information.
- 4.5 The applicant must prepare and provide the development approval information, taking into account specified DAIA Terms of Reference, where established by the District, identifying the scope of information to be provided and methodology for the preparation of the development approval information.
- 4.6 Where no pre-specified terms of reference have been established by the District, the applicant must confirm and supply project-specific written Terms of Reference for prior acceptance by the Director identifying the following:
 - (a) the specific impact assessment information to be provided as per the notice of requirement prepared by the Director, and any additional relevant information the applicant considers to permit a full understanding of the impact of the proposed activity or development;

- (b) any information requirements that arise from applicable policies or guidelines contained within the Official Community Plan; and
 - (c) the individual(s) preparing the Development Approval Information, including identification of any Qualified Professional(s) retained by the applicant, clearly indicating their professional qualifications and experience handling similar projects.
- 4.7 The Director will confirm with the applicant in writing whether the Terms of Reference submitted by the applicant are acceptable, or alternatively if the terms of reference must be revised, as specified by the Director.
- 4.8 The applicant must provide all required development approval information at the applicant's expense.
- 4.9 The applicant must prepare development approval information identified within the Terms of Reference to fully identify, describe and evaluate the following in accordance with generally accepted impact assessment methodology:
- (a) relevant baseline information and the nature of the resource or existing conditions on which the proposed activity or development may have an impact; and
 - (b) the expected and potential impacts of the activity or development, (including any cumulative effects when combined with other projects proposed or under development) as well as their significance and the extent to which they might be mitigated;
- and make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are mitigated or avoided.
- 4.10 If the Director is not satisfied that the impact information provided by the applicant is sufficient to comply with the Terms of Reference, either in scope, level of detail, accuracy or in any other respect, the Director may require the applicant to provide, at the applicant's expense, further information reasonably required to comply with the Terms of Reference.
- 4.11 Development approval information submitted to the District may be subject to third party independent review, at the sole expense of the applicant, prior to further processing or consideration of the application. The Director may prescribe the methodology and Qualified Professional for the independent review.
- 4.12 All spatial information submitted must be provided in a digital format acceptable to the Director.

SIGN POSTING AND NOTIFICATION

- 5.1 Every person who submits an application under this Bylaw must post an approved information sign or signs, at the applicant's expense, as follows:
- (a) within two weeks of a complete application being accepted based on the date of the application fee receipt;
 - (b) in a conspicuous location, clearly visible from the street, with one sign required for every 100 metres of road frontage of parcel that is the subject of the application, except that no more than three (3) signs are required for any one parcel;
 - (c) in a form that may be prescribed by the Director and that includes the following information:
 - (i) with respect to an application for an amendment to the Zoning Bylaw, the Official Community Plan, Land Use Contract, Strata Conversion or an application for Subdivision:
 - A. the application type and number;
 - B. the applicant's name;
 - C. the legal description and civic address of the parcel;
 - D. the present and proposed zone of the property;
 - E. a brief description of the proposal;
 - F. information about where and when information about the application may be accessed and viewed at Municipal Hall and on the District website (Development Showcase); and
 - G. any additional information the Director may require.
 - (ii) with respect to an application for a development variance permit, temporary use permit, or development permit:
 - A. the application type and number;
 - B. the legal description and civic address of the parcel;
 - C. a diagram showing the proposed development;
 - D. the particulars of the application including proposed uses, floor areas and building heights in metric units, number of units and variances proposed in the permit;
 - E. contact information, including a telephone number and e-mail address; and
 - F. information about where and when information about the application may be accessed and viewed at Municipal Hall and on the District website (Development Showcase).

- 5.2 The applicant must keep any sign required under this Bylaw posted and in good repair until the application has been approved or refused by the Council or Director, as applicable, or until the applicant withdraws the application.
- 5.3 The applicant must remove any sign required under this Bylaw within fourteen (14) days of the application being approved, refused or withdrawn.
- 5.4 The Director may waive the sign requirements for a temporary use permit or development permit if the Director determines that the subject of the application will have minimal impact on adjoining lands.
- 5.5 The Director will notify the applicant of the Council meeting date at which Council will consider the land development application.

PUBLIC HEARING NOTICE

- 6.1 Notice of a public hearing on a proposed amendment to the Zoning Bylaw that alters the permitted use or density of any area must be mailed or otherwise delivered to the owners and tenants in occupation of all parcels that are:
 - (a) any part of the subject of the proposed amendment; and
 - (b) within 100 metres of the area that is subject to the proposed amendment.

ZONING, OFFICIAL COMMUNITY PLAN AND LAND USE CONTRACT AMENDMENTS

- 7.1 The Director will refer an application to amend the Zoning Bylaw or Official Community Plan to Council with a report that includes recommendations, prepared in consultation with such staff as the Director deems necessary and Council may:
 - (a) proceed with enacting an amending bylaw;
 - (b) reject or refuse the application;
 - (c) refer the application to staff for further study and report; or
 - (d) defer or otherwise deal with the application.

LAND USE CONTRACTS

- 8.1 The Director will refer an application to modify, vary or discharge a land use contract that does not deal with use or density to Council with a report that includes recommendations from the Director, and Council may, subject to the

requirements of the *Local Government Act*:

- (a) issue a development variance permit, with or without conditions;
- (b) amend or refuse the application;
- (c) refer the application to staff for further study and report; or
- (d) defer or otherwise deal with the application.

8.2 Pursuant to the *Local Government Act*, for all existing Land Use Contracts within the District of Squamish, the District will adopt a zoning bylaw that will apply to the lands on June 30, 2024.

8.3 Where the District adopts a bylaw that will terminate a land use contract, written notice of the termination of the land use contract will be mailed or otherwise delivered to the owners of land that is subject to the land use contract pursuant to the requirements of the *Local Government Act*.

DEVELOPMENT VARIANCE PERMITS

9.1 The Director will refer an application for a development variance permit to Council with a report that includes recommendations from the Director, prepared in consultation with such staff as the Director deems necessary.

9.2 With respect to a development variance permit application, Council may:

- (a) issue the permit, with or without conditions;
- (b) amend or refuse the application;
- (c) refer the application to staff for further study and report; or
- (d) defer or otherwise deal with the application.

TEMPORARY USE PERMITS

10.1 The Director may consider every application for a temporary use permit for a development proposal no more than 185.8 m², excluding liquor sales, cannabis production, cannabis retail, or primary retail sale of tobacco, tobacco products, e-cigarettes, e-cigarette products, vapourizers, and vapourizer products, and:

- (a) may issue the permit, with or without conditions,; or
- (b) may refuse the permit, providing reasons in writing to the applicant.

DEVELOPMENT PERMITS

- 11.1 With respect to an application for development permit that meets the criteria set out in the attached Schedule "A", but subject to subsections 11.2 and 11.3, the Director may consider every application for a development permit, and may:
- (a) issue the permit, with or without conditions; or
 - (b) refuse the permit, providing reasons in writing to the applicant.
- 11.2 Where a development permit also includes any variance to the District's Zoning Bylaw, Sign Bylaw, or Subdivision and Development Control Bylaw, the authority to consider an application for, and to issue or refuse a development permit remains with Council.
- 11.3 Where a development permit application includes commercial or industrial buildings exceeding 4,500 m² in gross floor area, and are situated within a radius of 800 metres of the intersection of a controlled access highway and that of another highway, the application will be referred to the Ministry of Transportation and Infrastructure for approval prior to a decision to issue the permit.

INACTIVE AND SUBSEQUENT APPLICATIONS

- 12.1 If information requested by the Director pursuant to an application is not provided within a reasonable time, and the Director considers the applicant is not actively attempting to meet the requirements of the application otherwise, the Director may, by registered letter, notify the applicant of an intention to close the application.
- 12.2 If the Director is not satisfied that completion of an application is not being actively pursued after 30 days following delivery of a notice under s. 12.1, the Director may consider the application to be abandoned and cause the application to be closed.
- 12.3 Subject to the *Local Government Act*, if an application made under this Bylaw is refused by either the Director or by Council, as applicable, a reapplication may not be submitted until at least six (6) months have passed following the date of the refusal.

PERMIT APPROVAL

- 13.1 Where authorized by the Council or approved by the Director where delegated, a notice of permit will be registered in the Land Title Office, indicating that the land

described in the notice is subject to a permit.

- 13.2 Subject to the terms of the permit, where the holder of the permit does not substantially commence construction with respect to that for which the permit was issued within two (2) years of the issue date, the permit will lapse.

SECURITY

- 14.1 As a condition of the issuance of a temporary use permit or development permit, the Director may require the applicant to provide security in an amount stated in the permit as determined by the Director, based on the following considerations:
- (a) the cost to the District to enter the land, undertake and inspect work, construction or other activities required to satisfy any conditions in the permit respecting landscaping;
 - (b) the cost to the District to enter the land, undertake and inspect work to correct an unsafe condition, including any work to repair any damage, resulting as a consequence of a contravention of a condition in a permit; and
 - (c) the cost to the District to enter the land, undertake and inspect work to correct damage to the natural environment that may result as a consequence of a contravention of a condition in a permit.
- 14.2 In the case of security for a temporary use permit, the Director will consider the cost to the District to enter land and undertake any clean up and restoration required as a result of contravention of a condition in a permit.
- 14.3 If applicable, security amounts required for each development phase will be indicated in the permit.
- 14.4 The security must be in the form of a cash deposit, certified cheque or Irrevocable Letter of Credit or a form satisfactory to the Director in the amount stated in the permit.
- 14.5 In imposing the security requirements under this section, the Director may require the security to be maintained for so long as there is a reasonable possibility of contravention of a landscaping condition, the creation of an unsafe condition, or the causing of harm to the environment in connection with the development authorized by the permit.
- 14.6 In the case of a landscape security, ten percent (10%) of the original security, to a minimum of \$1,000, will be held as a maintenance holdback for a period of one (1) year from the date of landscape inspection by a qualified landscape architect, other Qualified Landscape Professional or a Qualified Environmental Professional (QEP).

STRATA CONVERSION

- 15.1 The Approving Officer may exercise the powers and perform the duties of the approving authority under of the *Strata Property Act* with respect to a Strata Conversion of a previously occupied building that comprises:
- (a) a previously occupied commercial building with five or fewer units; and
 - (b) a previously occupied residential building with a maximum of two dwelling units.
- 15.2 Respecting the decision of the Approving Officer to approve a strata plan for a previously occupied building, with or without conditions, or refuse to approve a strata plan for a previously occupied building, the decision of the Approving Officer is final and may not be appealed.

SUBDIVISIONS

- 16.1 The Approving Officer may exempt a parcel from the minimum frontage required under the *Local Government Act*.

LIQUOR & CANNABIS LICENSING RECOMMENDATIONS

- 17.1 The Director may provide comments and recommendations to the general manager appointed under the *Liquor Control and Licensing Act* (LCLA), respecting the issuance or amendment of a licence in accordance with LCLA regulations.
- 17.2 The Director may provide comments and recommendations to the general manager appointed under the *Cannabis Control and Licensing Act* (CCLA), respecting the issuance or amendment of a licence in accordance with CCLA regulations.

COUNCIL RECONSIDERATION OF DIRECTOR DECISIONS

- 18.1 An applicant may apply to have Council reconsider a decision of the Director to issue, amend or refuse a temporary use permit, a development permit, to require development approval information, or to provide comment or recommendation respecting a cannabis licence. No fee will be charged for a request to reconsider.
- 18.2 A person requesting that Council reconsider a decision of the Director under this Bylaw must, within ten (10) business days of being notified in writing of the

decision of the Director, give notice in writing to the Corporate Officer setting out the grounds on which the applicant wishes to have the decision reconsidered.

- 18.3 On receiving a request under subsection 18.2, the Corporate Officer will:
- (a) place the request on the agenda of a meeting of Council to be held as soon as reasonably possible, but within ten (10) weeks from the date on which the request for reconsideration was delivered;
 - (b) notify the Director of the request for reconsideration; and
 - (c) notify the applicant of the date of the meeting at which Council will reconsider the Director's decision.
- 18.4 The Director will, prior to the date of the meeting at which the reconsideration will occur, provide a written report to Council setting out, at the level of detail the Director considers appropriate, the rationale for their decision.
- 18.5 Each Council member may receive a copy of all documents that were considered by the Director.
- 18.6 Council may view the subject land and obtain other information about the land and the proposed development.
- 18.7 On request from the applicant, the Corporate Officer will provide the applicant with a copy of any or all documents to be considered by Council, and any additional materials submitted to Council by the Director or that Council receives from other persons.
- 18.8 Council may consider the material that was considered by the General Manager and any further materials submitted to Council by the applicant, the Director or any other person who is interested in the decision.
- 18.9 The applicant may address the matter to Council either directly or through an agent.
- 18.10 Council may affirm the decision of the Director or substitute its own decision.

SCHEDULE

- 19.1 Schedule "A" is attached to and forms part of this Bylaw.

REPEAL

- 20.1 The *District of Squamish Development Procedures Bylaw No. 2229, 2012* is

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hereby repealed.

READ A FIRST, SECOND AND THIRD TIME this day of , .

RECONSIDERED AND FINALLY ADOPTED this day of , .

Mayor

Corporate Officer

Schedule "A"

DELEGATED DEVELOPMENT PERMIT CRITERIA

1. The following development permits are eligible for approval by the Director:
 - (a) Activities or works requiring a Development Permit for Environmental Protection (DPA1), except where a SPEA variance is requested under the DPA 1 Aquatic Guidelines (Riparian Areas and Wetlands). Where the land is designated solely within DPA1 and no other DP Area, the permit may be issued on a stand-alone basis.
 - (b) Activities or works requiring a Development Permit for Flood Hazard Protection (DPA2). Where the land application is designated and regulated solely by DPA2 and no other DP Area, the permit may be issued on a stand-alone basis.
 - (c) Amendments to existing Development Permits dealing with the form and character of development that do not substantially alter the form and character approved in the original Permit.
 - (d) The following minor works within all form and character Development Permit areas (DPA 4-13):
 - i. additions to existing buildings, whether fully or partially enclosed or fully open to the outside except for a roof covering, where the gross floor area of the addition is less than the floor area of the existing building;
 - ii. accessory buildings or structures;
 - iii. façade alterations or repairs to existing buildings, including repainting, changes to exterior building or roofing materials, exterior windows and doors;
 - iv. placement of exterior equipment for telecommunications (including antennae, appurtenances and screening structures), heating and cooling (including HVAC equipment, solar energy devices, biomass boilers and process heaters) or Electric Vehicle Charging (EVC) stations;
 - v. exterior repainting of all or part of a building;
 - vi. site or building signage, including comprehensive sign plans or amendments to an existing approved sign program;
 - vii. landscape alterations (plant materials, permanent planters, rock stack and other hard landscape features, and permanent exterior

amenities or furnishings such as benches, tables/chairs), fencing or screening, exterior lighting

- viii. parks, play equipment, gardens or public art installations;
- ix. outdoor patios, seating areas, and sidewalk cafes consistent with regulations and guidelines set out in the District of Squamish Sidewalk Café Bylaw 1469, 1997.