

SKEENA – QUEEN CHARLOTTE REGIONAL DISTRICT

BYLAW NO. 549,2013

Being a Bylaw to establish development approval procedures and fees.

The Board of Directors of the Skeena-Queen Charlotte Regional District in open meeting assembled enacts as follows:

WHEREAS the Skeena-Queen Charlotte Regional District must under section 895 of the *Local Government Act*, by bylaw, define procedures under which an owner may apply to amend an official community plan, a zoning bylaw, or for the issue of a permit under Part 26 of the *Local Government Act*;

AND WHEREAS the Skeena-Queen Charlotte Regional District must under section 920.1 of the *Local Government Act*, by bylaw, define procedures and policies on the process for requiring development approval information and the substance of information that may be required in areas so designated in an official community plan;

AND WHEREAS the Skeena-Queen Charlotte Regional District must under sections 892, 893, 921 and 922 of the *Local Government Act* give notice to land owners and occupiers of a public hearing or the waiving of a public hearing for an amendment to an official community plan zoning bylaw, for the issuance of a temporary use permit and a development variance permit, and may, by bylaw, specify distances for giving notice;

AND WHEREAS the Skeena-Queen Charlotte Regional District may under section 176 of the *Local Government Act* delegate certain powers, duties and functions to its officers and employees;

AND WHEREAS the Skeena-Queen Charlotte Regional District may under section 931 of the *Local Government Act*, by bylaw, impose fees for an application to amend an official community plan or a zoning bylaw, an application for a subdivision, an application for a permit under Division 9 of Part 26 of the *Local Government Act*, an application to the Board of Variance, and to cover additional costs of administering and inspecting works and services under Part 26 of the *Local Government Act*;

AND WHEREAS the Skeena-Queen Charlotte Regional District may under section 363 of the *Local Government Act* impose a fee or charge in respect of all or part of a service of the regional district;

AND WHEREAS the Skeena-Queen Charlotte Regional District Board is the approving authority for strata conversions of previously occupied buildings under the section 242 of the *Strata Property Act*;

NOW THEREFORE the Skeena-Queen Charlotte Regional District in open meeting assembled hereby enacts as follows:

CITATION

This Bylaw may be cited as the “Development Approval Procedures and Fees Bylaw No. 549.”

PROVISIONS

PART 1 – PURPOSE AND SCOPE

1.1 Purpose

This Bylaw outlines procedures and fees to amend land use policies and bylaw regulations and to issue permits and orders under Part 26 of the *Local Government Act*, for approval of strata conversions of previously occupied buildings pursuant to the *Strata Property Act* and for information requests related to compliance with Regional District land development requirements.

1.2 Scope

This Bylaw applies to the following:

- 1.2.1 an application to amend an official community plan bylaw, a zoning bylaw or both;
- 1.2.2 an application for the following types of permits:
 - a) a temporary use permit;
 - b) a development variance permit;
 - c) a development permit
- 1.2.3 an application for an order of the Board of Variance;
- 1.2.4 an application for a strata plan conversion of a previously occupied building pursuant to section 242 of the *Strata Property Act*;
- 1.2.5 a referral request on a proposed subdivision application for compliance with Regional District requirements; and
- 1.2.6 a request for property information.

PART 2 – DEFINITIONS AND INTERPRETATION

2.1 Definitions

For the purpose of this bylaw, the following terms are defined as follows:

“*Advisory Planning Commission*” or “*APC*” means an Advisory Planning Commission established by the Board from time to time.

“Approving Authority” means the “Board” pursuant to section 242 of the *Strata Property Act*.

“Board” means the elected and appointed Directors of the Skeena-Queen Charlotte Regional District Board in assembled meetings thereof.

“Board of Variance” means those persons appointed pursuant to section 899 of the *Local Government Act* as the Board of Variance for the Skeena-Queen Charlotte Regional District, acting in assembled meetings thereof.

“Corporate Officer” means a person appointed under section 198 of the *Local Government Act* to perform corporate administrative duties for the Skeena-Queen Charlotte Regional District.

“Development Approval Information” means information on the anticipated impact of the proposed activity or development on the community as delineated in section 920.1 of the *Local Government Act*, and, without limiting this, information regarding such matters as transportation patterns including traffic flow, local infrastructure, public facilities including schools and parks, community services, and the natural environment of the area.

“Local Government Act” means the *Local Government Act*, RSBC 1996, c 323, as amended or superseded from time to time.

“Official Community Plan” or *“OCP”* means an official community plan adopted by the Regional District as amended or superseded from time to time.

“Qualified Environmental Professional” means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if;

- (i) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association’s code of ethics and subject to disciplinary action by that association;
- (ii) the individual’s area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal; and
- (ii) the individual is acting within that individual’s area of expertise.

“Qualified Geotechnical Professional” means a professional engineer or a professional geoscientist with experience in geotechnical study and geo-hazard assessments.

“Qualified Land Development Professional” means a professional engineer, professional registered planner, professional architect, or other professional with experience relevant to land development as determined by the Corporate Officer, acting alone or together with another qualified land development professional.

“*Regional District*” means the Corporation of the Skeena-Queen Charlotte Regional District, in the Province of British Columbia, and where the context so requires also means the land included in the boundaries of the Skeena-Queen Charlotte Regional District.

“*Requests Related to Regional District Land Development Requirements*” means written requests for information related to existing development and use of established properties and requests for review of proposed subdivisions.

“*Riparian Areas Regulation*” means the *Riparian Area Regulation* adopted by Order in Council under the *Fish Protection Act*, S.B.C., 1997, c. 21, ss.12, 13 (1) and 37 (2), as amended or superseded from time to time.

“*Species at Risk Act*” means the *Species of Risk Act* (S.C.2002, c. 29) of Canada, as amended or superseded from time to time.

“*Strata Property Act*” means the *Strata Property Act*, SBC 1998, c. 43, as amended or superseded from time to time.

“*Wildlife Act*” means the *Wildlife Act*, RSBC, 1996, c. 488, as amended or superseded from time to time.

“*Zoning Bylaw*” means a zoning bylaw adopted by the Regional District, as amended or superseded from time to time.

2.2 Interpretation

A reference in this Bylaw to any enactment of British Columbia or Canada is a reference to the enactment as amended, revised, consolidated or replaced from time to time, and a reference to any bylaw of the Regional District is a reference to the bylaw as amended, revised, consolidated or replaced from time to time.

PART THREE – APPLICATION AND FEE REQUIREMENTS

3.1 Application Information Requirements

An application or request related to Regional District land development requirements made pursuant to this bylaw will:

- 3.1.1 be executed in writing by the owner of the land that is subject to the application, or by a person authorized by the owner;
- 3.1.2 be submitted to the Regional District on the applicable application form prescribed by the Corporate Officer;
- 3.1.3 include the required supporting information as delineated in Schedule "A" attached hereto and forming part of this bylaw; and

- 3.1.4 supporting information may include a requirement for “development approval information” as defined by this bylaw, for the following:
- (a) development permits (limited to environmental information for Environmental and Natural Hazards permits);
 - (b) temporary use permits for a non-residential use; and
 - (c) official community plan and zoning amendments that would allow for more than six parcels or dwelling or for non-residential uses.

3.2 Fees

An application or request related to Regional District land development requirements made pursuant to this bylaw will include fees payable to the Regional District, in accordance with the fee schedule attached hereto as Schedule “B”, forming part of this bylaw.

PART FOUR – DELEGATION OF DECISION MAKING AND RECONSIDERATION BY THE BOARD

4.1 Delegation to Corporate Officer

Pursuant to section 176(1) (e) of the *Local Government Act*, the Board delegates to the Corporate Officer:

- 4.1.1 the powers of the Board under section 920 of the *Local Government Act* to issue and amend development permits for the following purposes and in situations where the permit does not incorporate a variance to a bylaw:
- (a) protection of the natural environment, its ecosystems and biological diversity (“Environmental Development Permits”); and
 - (b) protection of development from hazardous conditions (“Natural Hazards Development Permits”)
- 4.1.2 the authority of the Board to require development approval information under section 920.1 of the *Local Government Act* where an official community plan specifies circumstances or designates areas for which “development approval information” is required.

4.2 Reconsideration of the Board

Where a development permit has been delegated to the Corporate Officer or where development approval information has been requested by the Corporate Officer, an applicant may request the Board reconsider the decision of the Corporate Officer by giving notice in writing, setting out the grounds on which the owner considers the decision to be inappropriate, including the Development Approval Information requested and the specific decision respecting the permit and its conditions.

PART FIVE – PROCEDURES FOR AMENDMENTS, PERMITS, ORDERS, APPROVALS AND REQUESTS

5.1 Acceptance and Review of Applications and Requests

- 5.1.1 Applications and requests pursuant to this bylaw will be received and processed by the Corporate Officer or designate.
- 5.1.2 A file will be opened, a receipt issued, and the application will be reviewed for completeness. If incomplete, additional information will be requested. A site inspection may be undertaken for any application at any time throughout the process.
- 5.1.3 The Corporate Officer will assess the proposal and prepare a technical report and draft bylaw(s), permits, or applicable orders. This base information will be used in subsequent referrals and reports.

5.2 Procedures for Amendments to Official Community Plans and Zoning Bylaws

- 5.2.1 Subsequent to the initial review and document preparation, the Corporate Officer, in consideration of consultation opportunities that may be required, will refer details of the application, technical information and draft bylaws for consultation and comments to the following: the Advisory Planning Commission (APC), all relevant provincial and federal government agencies, first nations, municipal councils, school district boards, and improvement district boards, that may be affected by the amendments.
- 5.2.2 Upon receipt of referral comments, the Corporate Officer will forward the details of the application, draft bylaw(s) and a report incorporating referral comments and technical information to the Board.
- 5.2.3 The Board will consider what further considerations, if any, are required for persons, organizations or authorities it deems affected, including those noted in 5.2.1.
- 5.2.4 Subject to further consultation that may be required, the Board may then:
 - (a) deny the application; or
 - (b) proceed with the application by giving it first reading; considering it in conjunction with its financial plan and any waste management plan that is applicable in the Regional District; and scheduling a public hearing or waiving the public hearing pursuant to the *Local Government Act*.

- 5.2.5 Pursuant to the *Local Government Act*, notice of the public hearing or notice of waiving the public hearing shall be advertised in a newspaper by the Regional District, and if applicable, mailed or otherwise delivered to property owners and tenants of the subject property and to the owners and any tenants in occupation of parcels adjacent to and opposite the site being considered for the bylaw alteration.
- 5.2.6 When a public hearing is required, written submissions will be accepted at the Regional District Office until 2:00 p.m. the day prior to the public hearing. Any submissions received after that time must be read into the record by the author or their agent. Only signed submissions will be read into the record by the Corporate Officer or designate.
- 5.2.7 The Corporate Officer or designate may group similar letters and refer to them as a group rather than read individual submissions, as long as individual signatories are mentioned.
- 5.2.8 No written submissions received will be released prior to the public hearing date without the expressed permission of the author or their agent.
- 5.2.9 The Corporate Officer or designate will prepare minutes of the public hearing or a summary of comments received from the notice of waiving of the public hearing for consideration by the Board, and if the public hearing has been delegated, the delegate also will report to the Board the views expressed at the public hearing.
- Upon consideration of this information, the Board may:
- (a) deny the bylaw(s); or
 - (b) grant second and/or third reading; or
 - (c) amend the bylaws(s) provided that the amendment does not alter the permitted land use or decrease the permitted density without the owner's permission, and give third reading on the amended bylaw(s); or
 - (d) amend the land use and/or density to be permitted by the bylaw amendment(s) and schedule a second public hearing.
- 5.2.10 Subsequent to third reading, the Board may adopt the bylaw(s) upon any requisite approvals from provincial agencies being received.
- 5.2.11 The final decision of the Board will be conveyed in writing to the applicant. Where an application or amendment bylaws have been denied by the Skeena-Queen Charlotte Regional District Board, the Corporate Officer shall notify the applicant in writing within fifteen (15) days immediately following the date of denial and shall give reasons for the denial.

5.3 Procedures for a Temporary Use Permit and for a Development Variance Permit

- 5.3.1 The initial review of the proposed permit with Regional District policies will involve an assessment of compliance with the applicable policies and objectives outlined in the applicable official community plan.
- 5.3.2 Subsequent to the initial review and document preparation, the Corporate Officer will refer the application, technical information and draft permit to the Advisory Planning Commission, any applicable agencies, first nations, and municipal councils, that may be affected by the amendments.
- 5.3.3 Upon receipt of the referral comments, the Corporate Officer will prepare a report to the Board that incorporates the application details, technical aspects of the proposal, a summary of referral comments, including the need for any agency approvals.
- (i) In the case of a temporary use permit, the report may include a recommendation to the Board respecting the need for security by an irrevocable letter of credit or other means in a form satisfactory to the Board in an amount stated in the permit to guarantee the performance of the permit.
- 5.3.4 The Board, at this point, may:
- (a) deny the permit; or
(b) indicate a willingness to consider a resolution to issue the permit.
- 5.3.5 Prior to consideration of a Board resolution to issue the **proposed temporary use permit** and pursuant to the *Local Government Act*, notice of a proposed temporary use permit will be advertised by the Regional District in the newspaper, and, if applicable, will be mailed or otherwise delivered to property owners and tenants of the subject property and to the owners and any tenants in occupation of parcels adjacent to and opposite the site being considered for the permit
- 5.3.6 Prior to consideration of a Board resolution to issue a proposed **development variance permit** and pursuant to the *Local Government Act*, notice of the proposed permit will be mailed or otherwise delivered to property owners and tenants of the subject property and to the owners and any tenants in occupation of parcels adjacent to and opposite the site being considered for the permit.
- 5.3.7 The Corporate Officer will prepare a summary report to the Board of comments received through the notification processes, and upon consideration of these comments and confirmation of necessary approvals of provincial agencies, the Board may:
- (a) deny the permit; or
(b) issue the permit by Board Resolution.

- 5.3.8 The applicant will be notified in writing of the outcome. If the permit is granted, a Notice of Permit will be signed and sealed by the Corporate Officer and registered against the title of the property(s) in the Land Title Office.

5.4 Procedures for Environmental Development Permits and for Natural Hazards Development Permits

- 5.4.1 Upon receipt of the application supported by a report prepared by a qualified professional, the Corporate Officer will assess the application and supporting technical report in light of Regional District policies and requirements described in the applicable official community plan.
- 5.4.2 The Corporate Officer may refer the application to applicable agencies. The referral agency comments and/or recommendations may then be incorporated into the draft permit, as appropriate.
- 5.4.3 For Development Permits that do not incorporate a bylaw variance, the Corporate Officer may approve the permit as follows:
- (a) For Environmental Permits for Coastal Areas, Creeks, Lakes and Wetlands approval may be granted when:
 - (i) Regional District conditions and guidelines have been satisfied;
 - (ii) provincial notification has been received that the assessment has been filed with the Riparian Areas Regulation Notification System and, if required;
 - (iii) authorization has been obtained from the Minister of Fisheries and Oceans, Canada, or under a regulation under the *Fisheries Act* (Canada).

The report prepared by the qualified environmental professional will be relevant to permit conditions.

- (b) For Nests of Designated Bird Species, the Corporate Officer may approve a permit when Regional District conditions and guidelines have been met, and when satisfied by the report prepared by the qualified environmental professional that provincial and federal regulatory requirements have been met. The report will be relevant to permit conditions.
- (c) For a Natural Hazards Development Permit, the Regional District, by policy, may require that a covenant be registered in conjunction with the development permit to indemnify the Regional District. The Corporate Officer may issue the permit when the covenant, if required, has been registered, and when satisfied with the report prepared by the qualified geotechnical professional, which will be relevant to permit conditions.

- 5.4.4 For a development permit incorporating a bylaw variance, the Corporate Officer will forward a report and draft permit to the Board for consideration of issuance. Factors noted in items 5.4.3 (a), (b) and (c) relevant to the Corporate Officer in making a decision may also be relevant to the Board in making its decision.
- 5.4.5 In cases where a parcel is subject to more than one development permit designation under an official community plan, a single development permit may be issued dealing with the requirements of both designations.
- 5.4.6 The applicant will be advised in writing of the outcome. If approved, the Corporate Officer will register Notice of Permit against the title of the property(s) at the Land Title Office.

5.5 Procedures for a Development Permit for Form and Character of Commercial, Industrial and Multi-Family Development

- 5.5.1 Subsequent to the initial review and document preparation, the Corporate Officer will refer the application and technical information to the APC, any applicable agencies and First Nations if the application could affect them.

The referral agency comments and/or recommendations may then be incorporated into the draft permit, as appropriate.

- 5.5.2 The Corporate Officer will draft the permit when satisfied with the drawings and report prepared by the qualified land development professional. The information provided by the qualified land development professional will form the basis of the permit conditions, as well as relevant agency and Regional District requirements.
- 5.5.3 The development permit may include a requirement for security by an irrevocable letter of credit or other means in a form satisfactory to the Board in an amount stated in the permit to guarantee the performance of the permit.
- 5.5.4 The Corporate Officer will forward the application, technical information, referral comments, draft permit, including recommendations for security, to the Board for consideration of issuance by Board resolution. The Board may approve or deny the permit.
- 5.5.5 The applicant will be advised in writing of the outcome. If approved, the Corporate Officer will register Notice of Permit against the title of the property(s) at the Land Title Office.

5.6 Procedures for a Board of Variance Order

- 5.6.1 The Corporate Officer will assess the application in light of Regional District policies and requirements, applicable legislation related to the Board of Variance's jurisdiction, and required approval from senior government agencies and prepare a report to the Board of Variance.

- 5.6.2 On behalf of the Board of Variance and prior to its consideration of the application, the Corporate Officer or designate will notify all property owners and tenants of the subject property and to the owners and any tenants in occupation of parcels adjacent to and opposite the site being considered in the application.
- 5.6.3 On hearing from the applicant and any person notified of the application and upon confirmation of any required provincial agency approvals being obtained, the Board of Variance may order the requested variance or deny it.
- 5.6.4 The Corporate Officer will notify the applicant in writing of the decision of the Board of Variance which is final. The Regional District will keep a record of Orders of the Board of Variance.

5.7 Procedures for a Strata Conversion of a Previously Occupied Building

- 5.7.1 The Corporate Officer will review the application and supporting technical information and assess the proposal for compliance with relevant Regional District bylaws and policies and applicable provincial procedures.
- 5.7.2 The Corporate Officer will refer the application to the APC and applicable agencies. The referral agency comments and/or recommendations may then be incorporated into the draft permit, as appropriate.
- 5.7.3 The Corporate Officer will forward a letter to all tenants advising of the application for conversion.
- 5.7.4 The Board may deny the application or approve the conversion in principle, and in so doing, require conditions to be addressed as a result of the Building Report and other considerations. The applicant will be advised in writing of the Board's decision.
- 5.7.5 If the application for conversion is approved in principle, the applicant may then engage a British Columbia Land Surveyor to prepare strata plans in accordance with the provisions of the *Strata Property Act*.
- 5.7.6 The strata plans are then to be forwarded to the Corporate Officer for execution. Before the strata plans are signed, the applicant must comply with any conditions imposed by the Regional District.
- 5.7.7 Once signed, one set of paper prints is to be retained at the Regional District for the record. Remaining copies will be returned to the applicant for deposit with the Registrar at the Land Title Office.

5.8 Requests for a Review of Subdivision for compliance with Regional District Requirements

- 5.8.1 Information required in support of subdivision applications will be provided to the Corporate Officer, who will analyze the information and provide comments to the Ministry of Transportation and Infrastructure on the requirements of the Regional District.
- 5.8.2 The Corporate Officer will request that the Regional District requirements as outlined in the comments be incorporated into the Preliminary Layout Approval conditions, and that the Regional District confirm compliance with its requirements with the Ministry prior to final approval of the proposed subdivision being granted.

5.9 Property Information Requests

- 5.9.1 A request for property information shall be in writing and shall include detailed information relating to the matters on which the applicant is requesting an opinion from the Regional District on compliance with its bylaws and policies.
- 5.9.2 A property information request will be processed by the Corporate Officer or designate, who will respond in writing. The response will include a disclaimer statement as the response will be based on available information, which may be incomplete or inaccurate.

5.10 Public Information meetings

- 5.10.1 Depending on the scale and complexity of a proposed development, a public information meeting may be required by the Board, as follows:
 - (a) For an amendment application to an official community plan, a zoning bylaw or both, prior to the public hearing or waiving of the public hearing being advertised;
 - (b) For a temporary use permit, prior to the notifications and newspaper notice being undertaken.
- 5.10.2 The purpose of the public information meeting is to enable the community to have an opportunity to ask questions and get information prior to formal comments via a public hearing or public notification process. The applicant is responsible for organizing, advertising and conducting the public information meeting and for a summary report of the results of the meeting being forwarded to the Corporate Officer.

5.11 Signage to Identify Properties Subject to Applications

- 5.11.1 The placement of signs on a site describing a proposed application may be required for amendments to official community plans, zoning bylaws or both, prior to the advertised notice of public hearing or notice waiving of the public hearing.

5.11.2 The applicant is responsible for the cost and placement of the sign, which shall depict the proposed development and describe the proposed bylaws or permits, and be:

- (a) at least one square meter in size and constructed on a durable material;
- (b) located in a visible manner but not create a hazard with pedestrian or vehicular traffic;
- (c) securely fixed in order to withstand wind and weather; and
- (d) removed subsequent to the Board's decision on the matter.

PART SIX – INACTIVE APPLICATIONS AND RE-APPLICATIONS

6.1 Inactive Applications

Where no submission of outstanding or required application materials has been made by the applicant on an application file for any six (6) month period, or such longer time as the Regional District may determine, the application shall be considered inactive and closed. The applicant shall be notified in writing and if no response is received within thirty (30) days, the application file will be closed.

6.2 Re-Applications

Where an application has been denied, no application for the same bylaw, permit or other authorization shall be submitted to the Regional District for a period of six (6) months.

PART SEVEN – OTHER PROVISIONS

7.1 Transition

7.1.1 The Skeena-Queen Charlotte Regional District's Development Approval Procedures Bylaw No. 230 and amendments thereto are hereby repealed.

7.1.2 The processing of any application made prior to the date of adoption of this Bylaw shall be continued and dealt with by the Board in accordance with the provisions of this Bylaw.

7.2 Severability

If any section, subsection, clause or phrase of this Bylaw is held to be invalid by a court of competent jurisdiction, that section, subsection, sentence, clause or phrase, as the case may be, shall be severed and the validity of the remaining portions of the Bylaw shall not be affected.

7.3 Irregularity

The failure of the Board or Corporate Officer to observe the provisions of this Bylaw does not affect the validity of resolutions passed or bylaws enacted by the Board.

READ A FIRST TIME this 18th day of January, 2013.

READ A SECOND TIME this 18th day of January, 2013.

READ A THIRD TIME this 18th day of January, 2013.

FINALLY ADOPTED this 15th day of March, 2013.

B. Pages
Chair

J. Merrick
Chief Administrative Officer

SCHEDULE A

INFORMATION REQUIREMENTS FOR APPLICATIONS AND REQUESTS RELATED TO REGIONAL DISTRICT LAND DEVELOPMENT REQUIREMENTS

1.0 Amendments to Official Community Plans (OCP) and Zoning Bylaws

1.1 State of Title Certificate

- (a) a copy of the State of Title Certificate, issued not more than thirty (30) calendar days prior to the application date for any parcel of land subject to the application;
- (b) a copy of all non-financial charges (i.e. covenants, easements and rights-of-way, etc.) registered on the subject properties.

1.2 Existing Development, Land Uses and Environmental Features

A site plan drawn to scale depicting existing:

- (a) buildings and structures, including their size and setbacks from existing property boundaries;
- (b) land uses on the subject lands;
- (c) significant environmental features:
 - (i) This will include floodplain designations as identified in the applicable zoning bylaw, as well as other wetland and riparian areas, wildlife tree areas, etc.
 - (ii) In situations where an OCP designates development permit areas, features that may trigger a requirement for a development permit need to be identified – e.g. for the Graham Island OCP, they include the floodplain provisions in the zoning Bylaw 192, average slopes with over 25 degrees (46%) measured over a horizontal distance of 5 metres or more; and nests of designated protected bird species under the BC *Wildlife Act* and the federal *Species at Risk Act*.

1.3 Summary of Proposed Development and Development Plans (drawn to scale):

- (a) an outline of the type of proposed development or land use, including requested changes to the OCP and zoning, and the reasons for the request;
- (b) a context map depicting existing land uses, roads and other infrastructure, etc. adjacent to the subject property;
- (c) a site plan of the proposed development, including location of buildings, parking, access, utilities, landscaping and screening, etc.;
- (d) conceptual drawings of proposed buildings and structures;

- (e) proposed subdivision plan (where applicable) showing the dimensions and areas of all proposed parcels or proposed boundary changes and setbacks of existing buildings and structures from proposed property boundaries, sizes of existing buildings and site coverage.

1.4 The Regional District may request additional information, as determined by the Corporate Officer, following the initial review and/or receipt of referral comments.

2.0 Temporary Use Permit

2.1 State of Title Certificate

- (a) a copy of the State of Title Certificate, issued not more than thirty (30) calendar days prior to the application date for any parcel of land subject to the application; and
- (b) a copy of all non-financial charges (i.e. covenants, easements and rights-of-way, etc) registered on the subject properties.

2.2 Existing Development, Land Uses and Environmental Features

A site plan drawn to scale depicting existing:

- (a) buildings and structures, including their size and setbacks from existing property boundaries;
- (b) land uses on the subject property;
- (c) significant environmental features:
 - (i) This will include floodplain designations as identified in the applicable zoning bylaw, as well as other wetland and riparian areas, wildlife tree areas, etc.
 - (ii) In situations where an OCP designates development permit areas, features that may trigger a requirement for a development permit need to be identified – e.g. for the Graham Island OCP, they include the floodplain provisions in the zoning bylaw 192, average slopes with over 25 degrees (46%) measured over a horizontal distance of 5 metres or more; and nests of designated protected bird species under the BC *Wildlife Act* and the federal *Species at Risk Act*

2.3 Summary of Proposed Development and Development Plans

- (a) an outline and site plan drawn to scale of the proposed development or land use, including the proposed location and size of any buildings and structures, drawn to scale;
- (b) the proposed time period and days of week under which the temporary activity will occur;
- (c) a context map depicting the land uses, roads and other infrastructure, etc. adjacent to the subject property;

- (d) evidence that the intended use will not adversely affect the local groundwater or the quality of the natural environment (including the marine environment)
- (e) evidence that alternative sites including ones outside the planning area have been considered;
- (f) an outline of benefits to the community;
- (g) a plan of remedial work to be undertaken at the end of the permit period;
- (h) other such information that the Regional District deems applicable with respect to a specific application.

2.4 The Regional District may request additional information, as determined by the Corporate Officer, following the initial review and receipt of referral comments.

3.0 Development Variance Permit and Board of Variance Orders

3.1 State of Title Certificate

- (a) a copy of the State of Title Certificate, issued not more than thirty (30) calendar days prior to the application date for any parcel of land subject to the application;
- (b) a copy of all non-financial charges (i.e. covenants, easements and rights-of-way, etc) registered on the subject properties

3.2 Existing Development, Land Uses and Environmental Features

A site plan drawn to scale depicting existing:

- (a) buildings and structures, including their size and setbacks from existing parcel boundaries;
- (b) land uses on the subject property;
- (c) dimensions of parcel boundaries, location of rights-of-way, covenant areas and other easements;
- (d) roads, driveways, vehicle parking;
- (e) location of water lines, wells, septic fields; and
- (f) location of environmental features and any physical or topographical constraints:
 - (i) This will include floodplain designations as identified in the applicable zoning bylaw, as well as other wetland and riparian areas, wildlife tree areas, steep slopes and bedrock outcrops, etc.
 - (ii) In situations where an OCP designates development permit areas, features that may trigger a requirement for a development permit need to be identified – e.g. for the Graham Island OCP, they include the floodplain provisions in the zoning bylaw 192, average slopes with over 25 degrees (46%) measured over a horizontal distance of 5 metres or more; and nests of designated protected bird species under the BC *Wildlife Act* and the federal *Species at Risk Act*.

- 3.3 Summary of Proposed Development and Development Plans
- (a) An outline of the proposed variance being requested and the reasons for the request, including a site plan drawn to scale depicting the location and dimensions of the subject variance (setback of structures, additions to a non-conforming use, etc.)
 - (b) If a proposed development involves a variance to the siting or building envelope of an existing structure, a current sketch plan, certified by a BC Land Surveyor, in metric shall be required.
- 3.4 The Regional District may request additional information, as determined by the Corporate Officer, following the initial review and receipt of referral comments.

4.0 Environmental and Natural Hazards Development Permits

- 4.1 State of Title Certificate
- (a) a copy of the State of Title Certificate, issued not more than thirty (30) calendar days prior to the application date for any parcel of land subject to the application;
 - (b) a copy of all non-financial charges (i.e. covenants, easements and rights-of-way, etc) registered on the subject properties.

- 4.2 For Environmental Development Permits Relating to Nests of Protected Species:

A site plan to scale depicting nests of designed protected bird species under the BC *Wildlife Act*, the Federal *Species at Risk Act* and a 100 meter radius from the nests.

- 4.3 For Environmental Development Permits Relating to Coastal Areas, Rivers, Lakes and Wetlands and Natural Hazards Development Permits relating to Floodplains:

A detailed site plan to scale of 1:1000 or larger depicting the areas designated "Floodplain Setback Area" in Interim Zoning Bylaw 192, if the any of the following are applicable to the subject land:

- (a) Land lower than:
 - (i) 1.5 meters above the natural boundary of the sea, any watercourse, lake or swamp,
 - (ii) 1.5 meters above the natural boundary elevation of Tlell River downstream of the north boundary of DL 2375;
 - (iii) 2.0 meters above the natural boundary of Masset Harbour, Masset Sound from the south boundary of the Town of Masset to Collision Point and Kumdis Slough from Hogan Point to Martin Point; and

- (iv) 3.0 meters above the natural boundary of the Yakoun River and the Tlell River upstream of the north boundary of DL 2375.
- (b) Land
 - (i) within 15 meters of the natural boundary of the sea, any watercourse, lake, swamp, or pond;
 - (ii) within 30 meters of the natural boundary of the Tlell River and the Yakoun River;
 - (iii) within 45 meters of the natural boundary of the sea from the east boundary of the Town of Masset to the north boundary of District Lots 1016, at Rose Point, and from the north boundaries of District Lots 1310A and 1348 to the south boundary of District Lot 466 at Skidegate Mission;
 - (iv) on the sea side of the highway, from the north boundary of District Lot 61 at Tlell to the south boundary of District Lot 466 at Skidegate Mission, where the distance between the highway right-of-way and the natural boundary of the sea is less than 75 meters.

4.4 For Natural Hazards Development Permits relating to Steep Slopes:

A site plan to scale depicting an average slope over 25 degrees (46%) measured over a horizontal distance of 5 meters or more.

4.5 A site plan to scale for the parcel or affected site area depicting the location of any of the following proposed activities:

- (a) removal, alteration, disruption, or destruction of vegetation;
- (b) disturbance of soils;
- (c) construction or erection of buildings or structures;
- (d) creation of non-structural impervious or semi-pervious surfaces;
- (e) flood protection works;
- (f) constructions of roads, trails, docks, wharves, and bridges;
- (g) provision and maintenance of sewer and water service;
- (h) development of drainage systems;
- (i) development of utility corridors;
- (j) subdivision as defined in section 872 of the *Local Government Act*.

4.6 Assessment Reports:

- (a) For Environmental Development Permits that deal with Coastal Areas, Creeks, Rivers, Lakes and Wetlands, the requirement is for an environmental impact assessment report prepared by a “qualified environmental professional” assessing the impact of proposed activities noted in 4.5 above to be undertaken in areas described in 4.3 above.

The environmental impact assessment is to be prepared in accordance with guidelines 13.2.7 in the Graham Island OCP and the most current provincial *Riparian Area Regulation* procedures and policies.

The “qualified environmental professional” is to certify that he/she is qualified to conduct the assessment, and if the application involves coastal areas, creeks, rivers, lakes and wetlands is to:

- (i) certify that he/she has followed the assessment methods set out in the Schedule to the *Riparian Areas Regulation*;
 - (ii) provide an opinion that no natural features, functions or conditions that support fish life processes in the assessment area will be harmfully altered, disrupted or destroyed; or if so,
 - (iii) that authorization has been obtained from the Minister of Fisheries and Oceans, Canada or authorization under a regulation under the *Fisheries Act* (Canada).
- (b) For Environmental Development Permits that deal with Nests of Bird Species designated under the BC *Wildlife Act* and the Federal *Species at Risk Act*, the requirement is for an environmental impact assessment report prepared by a “qualified environmental professional” assessing the impact of proposed activities noted in 4.5 above to be undertaken in areas described in 4.2 above.

The environmental impact assessment is to be prepared in accordance with guidelines 13.2.7 in the Graham Island OCP. It is to identify nest locations of designated bird species, critical areas containing sensitive ecosystems or habitat, and recommend buffer distances with a rationale as to why they will be suitable.

- (c) For Natural Hazard Development Permits, the requirement is for a geotechnical and natural hazards assessment report prepared by a “qualified geotechnical professional” in accordance with guidelines 13.3.6 in the Graham Island Official Community Plan.

The “qualified geotechnical professional is to:

- (i) certify that he/she has experience in geotechnical issues, and is qualified to undertake the assessment;
- (ii) make recommendations to be incorporated into the permit on requirements to prevent erosion, flooding or damage, slippage, etc., and specify precautionary measures to ensure human safety and integrity of the lands and adjoining lands; and
- (iii) certify that the land can be safely used for the use intended.

- 4.7 The Regional District may request additional information, as determined by the Corporate Officer, following the initial review and receipt of referral comments.

5. Development Permits for Form and Character of Industrial, Commercial and Multi-Family Development

5.1 State of Title Certificate

- (a) a copy of the State of Title Certificate, issued not more than thirty (30) calendar days prior to the application date for any parcel of land subject to the application; and
- (b) a copy of all non-financial charges (i.e. covenants, easements and rights-of-way, etc) registered on the subject properties.

5.2 Existing Development, Land Uses and Environmental Features

A site plan drawn to scale depicting existing:

- (a) buildings and structures, including their size and setbacks from existing and proposed property/zoning boundaries;
- (b) land uses throughout the subject lands; and
- (c) significant environmental features such as watercourses, wetland and riparian areas, wildlife tree areas, floodplains, etc.

5.3 Report and Plans Summarizing and Depicting Proposed Development

A report and plans prepared by a “Qualified Land Development Professional” that includes:

- (a) a description and summary outline of the type of proposed development or land use(s);
- (b) a context map depicting existing land uses, roads and other infrastructure adjacent to the subject property;
- (c) a site plan drawn to scale of the proposed development, including location of buildings, parking, access, utilities, landscaping and screening, etc.;
- (d) conceptual drawings of proposed buildings and structures;
- (e) proposed subdivision plan (where applicable) showing the dimensions and areas of all proposed parcels or proposed boundary changes and setbacks of existing buildings and structures from proposed property boundaries, and site coverage calculations; and
- (f) any other information that may be deemed necessary by the Regional District.

5.4 The Regional District may request additional information, as determined by the Corporate Officer, following the initial review and receipt of referral comments.

6. Strata Conversions of Previously Occupied Buildings

6.1 State of Title Certificate

- (a) a copy of the State of Title Certificate, issued not more than thirty (30) calendar days prior to the application date for any parcel of land subject to the application; and
- (b) a copy of all non-financial charges (i.e. covenants, easements and rights-of-way, etc) registered on the subject properties.

6.2 Report and Plans for Buildings Proposed to be Converted to Strata

- (a) A report and site plan to scale that depicts:
 - (i) the buildings that are subject of the strata conversion application, their siting relative to property lines, including projections and overhangs, and to rights-of-way and easements, and the floor plans of buildings if relevant to the strata conversion;
 - (ii) other elements of zoning bylaw requirements, including the size and height of buildings, floodplain designations, land uses on the subject property, etc. so that there can be demonstration of substantial compliance with current zoning bylaw;
 - (iii) plans for relocation of persons occupying a residential building, if applicable; and
 - (iv) information on rental vacancies in the area, if applicable.

- (b) Building Report

A building report, written by a Professional Engineer or Architect that provides a *BC Building Code* review that specifically addresses, for each subject building:

- (i) fire separation;
- (ii) sound proofing;
- (iii) structural integrity;
- (iv) mechanical review;
- (v) buildings state of repair;
- (vi) buildings general workmanship;
- (vii) life expectancy of the building;
- (viii) projected major increases in maintenance cost due to the condition of the building;
- (ix) assessments of the condition of the roof and the exterior and the interior surfaces and details of the building; and
- (x) any work that is required to bring the building up to the *BC Building Code*.

- 6.3 The Regional District may request additional information, as determined by the Corporate Officer, following the initial review and receipt of referral comments.

7. Requests for Review of Subdivision Applications for Compliance with Regional District Requirements

7.1 State of Title Certificate

- (a) a copy of the State of Title Certificate, issued not more than thirty (30) calendar days prior to the application date for any parcel of land subject to the application; and
- (b) a copy of all non-financial charges (i.e. covenants, easements and rights-of-way, etc) registered on the subject properties.

7.2 Proposed Subdivision Plan

A proposed subdivision plan drawn to scale depicting the proposed development and existing features on the subject property, as follows:

- (a) proposed parcels, their areas and dimensions;
- (b) proposed roads and water services.
- (c) existing buildings and structures, including their size and setbacks from proposed parcel lines and proposed road dedications;
- (d) land uses in buildings and on the subject lands;
- (e) the location of rights-of-way, easements, covenants, and other charges to the land;
- (f) the location of water lines;
- (g) significant environmental features such as watercourses, wetland and riparian areas, wildlife tree areas, and floodplains.
In the case of the Graham Island Official Community Plan area, environmental features that may trigger the need for an Environmental Development Permit or Natural Hazards Development need to be identified. These include:
 - (i) Floodplain provisions under Interim Zoning Bylaw No. 192 noted in 4.2 of Schedule A, above;
 - (ii) Slopes averaging over 25 degrees (46%) measured over a horizontal distance of 5 meters or more; and
 - (iii) nests of designed protected bird species under the BC *Wildlife Act*, and Federal *Species at Risk Act*, and a 100 meter radius from the nests.

7.3 Additional information as required.

SCHEDULE B

Rezoning and Official Community Plan Amendments Fees

1. Proposed use: (Residential with one to two parcels or dwellings)

Official Community Plan	\$ 900.00 (plus advertising)
Zoning Bylaw	\$ 900.00 (plus advertising)
Combined Official Community Plan & Zoning Bylaw	\$1,200.00 (plus advertising)
When a public hearing is required an additional	\$ 600.00

2. Proposed use: (Residential with three to six parcels or dwellings)

Official Community Plan	\$1,350.00 (plus advertising)
Zoning Bylaw	\$1,350.00 (plus advertising)
Combined Official Community Plan & Zoning Bylaw	\$1,800.00 (plus advertising)
When a public hearing is required an additional	\$ 600.00

3. Proposed use: (Residential with greater than six parcels or dwellings)

Official Community Plan	\$1,350.00 (plus advertising)
Zoning Bylaw	\$1,350.00 (plus advertising)
Combined Official Community Plan & Zoning Bylaw	\$1,800.00 (plus advertising)
Plus an additional \$100 for each dwelling or parcel in excess of six	
When a public hearing is required an additional	\$1,200.00

4. Proposed use: (Non-Residential uses up to and including 1.5 hectares in land area)

Official Community Plan	\$2,250.00 (plus advertising)
Zoning Bylaw	\$2,250.00 (plus advertising)
Combined Official Community Plan & Zoning Bylaw	\$3,000.00 (plus advertising)
When a public hearing is required an additional	\$1,200.00

5. Proposed use: (Non-Residential uses greater than 1.5 hectares in land area)

Official Community Plan	\$2,250.00 (plus advertising)
Zoning Bylaw	\$2,250.00 (plus advertising)
Combined Official Community Plan & Zoning Bylaw	\$3,000.00 (plus advertising)

Plus an additional \$100 for each 0.5 hectare or portion thereof in excess of 1.5 hectares

When a public hearing is required an additional \$1,200.00

6. Payment Due:

All fees, unless otherwise specified, are to be paid in full when the application is submitted.

7. Advertising Cost:

Advertising costs are costs incurred to give sufficient public notice for any public hearings or to provide notice when the requirement to hold a public hearing has been waived. These costs, as estimated by the Corporate Officer, are payable when the application is submitted. If the application is withdrawn prior to public notification, any funds received for advertising will be refunded.

8. Mapping:

When maps are required as attachments or schedules to the bylaws or for other purposes related to the application, the cost of producing and printing the maps will be the responsibility of the applicant. These costs, if incurred through the Regional District, are payable prior to the public hearing.

9. Amendment to an Application:

For all Official Community Plan and rezoning applications, an amendment after work has been undertaken on the application requires a new application and additional fee in the amount equal to 70% of the original application.

10. Other fees:

Fees for agencies such as the Agricultural Land Commission, legal services, professional consultation, and other expenses such as covenant registration and special travel arrangements for staff or consultants will be billed at cost and are payable upon receipt of invoice.

11. Signage:

The cost of signage to identify the subject property under application (section 5.11.2) is the responsibility of the applicant.

Other Planning Fees

Development Variance Permits

1.	One dwelling/auxiliary-use on a single parcel	\$ 600.00
2.	Signs (free standing) and no other structure	\$ 200.00
3.	Minor auxiliary structures, other than a sign or single parcel	\$ 600.00
4.	Other than above	\$1,000.00

Development Permits

5.	Naturally hazardous area	\$ 400.00
6.	Environmentally sensitive area	\$ 400.00
7.	Form and character of commercial/industrial/ multi-family development *\$1.00/m ² of floor area to a maximum of \$4,000	\$ 500.00
8.	Involving one or more variances	\$ 600.00
9.	Development Permit Amendments (i.e.: timeframe to complete work)	½ the applicable permit fee

Other

10.	Strata Conversion of previously occupied dwelling	\$1,200.00
11.	Temporary Commercial or Industrial Permit (plus advertising)	\$1,200.00
12.	Temporary Commercial or Industrial Permit Renewals	½ the applicable permit fee

Board of Variance

13.	One dwelling/auxiliary-use on a single parcel	\$ 600.00
14.	Commercial/industrial/assembly or more than one residence	\$1,000.00

Property Information Requests

15.	Initial informal review	no charge
16.	Comfort Letter	\$ 100.00
17.	Amendments to Legal Agreements in favour of SQCRD **plus cost of an legal expenses associated with the amendment	\$ 300.00 +**
18.	Pre application consultation	\$ 100.00 per hour
19.	Pre application site inspections	\$ 100.00 per hour

Refunds

20.	Application withdrawn within 21 days	½ the applicable fee
21.	Official Community Plan / Zoning amendments before 1 st reading has been given	½ the applicable fee

Publications

22.	Zoning Bylaws	\$ 5.00
23.	Official Community Plans	\$10.00 \$20.00 in colour
24.	Procedures Bylaw	\$ 5.00
25.	Studies and other documents	\$0.10 per page \$0.15 per page (colour)