

FRASER VALLEY REGIONAL DISTRICT

BYLAW NO. 1377, 2016

A bylaw to establish procedures for permit applications and applications to amend zoning and official community plan bylaws

WHEREAS the Board of Directors of the Fraser Valley Regional District ("the Board") has adopted official community plans and zoning bylaws;

WHEREAS the Board must define procedures under which an owner of land may apply for amendments to official community plans, zoning bylaws and permits under Part 14 of the Local Government Act;

THEREFORE the Board of Directors of the Fraser Valley Regional District enacts as follows:

1) CITATION

- 1.1 This bylaw may be cited as *Fraser Valley Regional District Development Procedures Bylaw No. 1377, 2016*.

2) APPLICATION

- 2.1 This bylaw shall be applicable within the Electoral Areas of the Fraser Valley Regional District.
- 2.2 This bylaw applies to:
- (a) applications to amend:
 - i. an official community plan;
 - ii. a zoning bylaw;
 - iii. a rural land use bylaw; and,
 - iv. a land use contract;
 - (b) applications for:
 - i. development permits;
 - ii. development variance permits; and,
 - iii. temporary use permits.

3) **DEFINITIONS**

3.1 In this bylaw:

"Advisory Planning Commission" means an Advisory Planning Commission established under Section 461 of the *Local Government Act* for the purposes of advising the Board on matters of land use, community planning, bylaws and permits;

"amendment" means an application to amend:

- a) an official community plan;
 - b) a zoning bylaw;
 - c) a rural land use bylaw; or, d)
- a land use contract;

"Cultus Lake Park" means the lands identified in the *Cultus Lake Park Act* as forming Cultus Lake Park;

"Director of Planning" means Fraser Valley Regional District Director of Planning or, in the absence of the Director, the Deputy Director of Planning;

"Electoral Areas" means Electoral Area "A", "B", "C", "D", "E", "F", "G", and "H" of the Fraser Valley Regional District;

"Electoral Area Services Committee" means the standing committee of the Board of Directors of the Fraser Valley Regional District comprised of the Electoral Area Directors;

"form and character" means development permit areas established pursuant to Sections 488 (1)(e) through 488(1)(f) of the *Local Government Act*;

"the Board" means the elected Board of Directors of the Fraser Valley Regional District; and,

"Regional District" means the Fraser Valley Regional District as described in its Letters Patent and amendments thereto.

4) **PROCEDURES & REGULATIONS**

4.1 **Applications & Fees**

- 4.1.1 Applications for an amendment or a permit shall be made by the owner of the land involved or by a person authorized by the owner in writing.

- 4.1.2 Every application for an amendment or a permit shall be in writing and shall contain:
- a) a completed application form in the form prescribed by the Regional District along with any supplementary information required by the Regional District; and,
 - b) an application fee as set out in the Fraser Valley Regional District Development Application Fees Bylaw as it exists from time to time.
- 4.1.3 The application fee includes the cost of newspaper advertising and, where required, mailing of notices for one public hearing. Where more than one public hearing is held the applicant shall pay all costs associated with the second and any subsequent public hearings, including any required newspaper advertisement, mailing of notices, facility rental and staff overtime.
- 4.1.4 Where a public information meeting is required the applicant shall pay all costs associated with the public information meeting, including any required newspaper advertisement, mailing of notices, facility rental and staff overtime in addition to the application fee.

4.2 Bylaw and Land Use Contract Amendments

- 4.2.1 Bylaw and land use contract amendments shall be considered by the Board.
- 4.2.2 The Board shall consider a staff memorandum and recommendations of the Electoral Area Services Committee for every application. The memorandum shall contain:
- a) a copy of the completed application;
 - b) staff recommendations regarding the proposed amendment;
 - c) where staff recommend first reading or adoption of an amendment bylaw, a copy of the draft amendment bylaw either in hard copy or electronic format except where staff recommend against approval of a bylaw in which case a copy of the draft amendment bylaw need not be attached to the report although staff may attach a draft bylaw for information purposes;
 - d) the recommendations and resolutions of the Electoral Area Services Committee respecting the application; and
 - e) additional relevant information provided by the Director of Planning.

- 4.2.3 Upon receipt of the report and recommendations the Board may:
- a) give readings to or adopt the bylaw;
 - b) give readings to or adopt the bylaw as amended by the Board in its resolution;
 - c) refer the application for bylaw amendment to the Electoral Area Services Committee for further consideration;
 - d) defer consideration of the amendment to a future meeting of the Board;
 - e) refuse the application for an amendment.
- 4.2.4 The Board Chair is delegated the authority to designate a person to hold and preside over the delegated public hearing in the absence of the Electoral Area Director or Alternate.

4.3 Development Permits

- 4.3.1 With the exception of applications relating to form and character, Development Permit applications shall be considered by the Director of Planning.
- 4.3.2 Development Permit applications relating to form and character shall be considered by the Electoral Area Services Committee.
- 4.3.3 If a Development Permit includes variances other than minor siting or height variances directly related to avoidance of a geological hazard or the protection of the environment and consistent with development permit area objectives and guidelines, then the permit shall be considered by the Board as if it were a Development Variance Permit.
- 4.3.4 Notwithstanding Section 4.3.1 of this bylaw,
- a) an applicant may request to have a Development Permit application considered by the Electoral Area Services Committee rather than the Director of Planning;
 - b) the Director of Planning may refer a Development Permit application to the Electoral Area Services Committee for a decision;
 - c) an Electoral Area Director may request that an application be considered by the Electoral Area Services Committee in which case the Director of Planning shall refer the Development Permit to the Electoral Area Services for a decision; and,
 - d) The Electoral Area Services Committee may refer a Development Permit application to the Board for a decision.

- 4.3.5 The Director of Planning or Electoral Area Services Committee as the case may be shall consider a staff memorandum for every application. The memorandum shall contain:
- a) a copy of the completed application;
 - b) staff recommendations regarding the proposed permit;
 - c) where staff recommend issuance of a permit, a copy of the draft permit either in hard copy or electronic format; where staff recommend against issuance of a permit, a copy of the draft permit need not be attached to the report, although staff may attach a draft permit for information purposes;
 - d) a statement of the amount of the proposed security to be posted by the permittee, if any, and a rationale for the amount of security recommended; and,
 - e) any additional relevant information.
- 4.3.6 Upon consideration of the application and review of the staff memorandum and recommendations, the Director of Planning or Electoral Area Services Committee may:
- a) authorize the issuance of the permit;
 - b) in the case of the Electoral Area Services Committee:
 - i. defer consideration of the application to a future Electoral Area Services Committee meeting; or,
 - ii. authorize the issuance of the proposed permit as amended by the Electoral Area Services Committee in its resolution;
 - c) refuse to authorize the issuance of the permit.
- 4.3.7 The Director of Planning will report annually to the Electoral Area Services Committee respecting Development Permits issued or refused by the Director of Planning.
- 4.3.8 Notwithstanding Sections 4.3.1 and 4.3.2 of this bylaw:
- a. An applicant may request that the Board reconsider a decision of the Electoral Area Services Committee or the Director of Planning respecting:
 - i. the issuance of a development permit; and,
 - ii. a term or condition contained within a development permit.
 - b) Requests for reconsideration shall be made in writing by completing and submitting to the Regional District the Request for Reconsideration form prescribed by the Board.
 - c) A request for reconsideration must be received by the Regional District within thirty (30) days of the date on which the development permit was

issued or refused.

- d) Requests for reconsideration will be considered by the Board at the next regular Board meeting occurring 10 or more business days after the date the completed Request for Reconsideration form is received by the Regional District.
- e) The Board may consider the Request for Reconsideration along with any supplementary information provided by the applicant and a report and recommendations from the Director of Planning.
- f) Upon reconsideration of a Development Permit application or development permit the Board may:
 - i. confirm the decision to issue or refuse the Development Permit;
 - ii. confirm the terms and conditions and security contained in the Development Permit;
 - iii. overturn the decision to issue or refuse the Development Permit; and,
 - iv. alter the terms and conditions and security of the permit.

4.4 Development Variance Permits & Temporary Use Permits

- 4.4.1 Applications for Development Variance Permits and Temporary Use Permits will be considered by the Board.
- 4.4.2 The Board shall consider a staff memorandum and recommendations of the Electoral Area Services Committee for every application. The memorandum shall contain:
 - a) a copy of the completed application;
 - b) staff recommendations regarding the proposed Development Variance Permit or Temporary Use Permit;
 - c) where staff recommend issuance of a permit, a copy of the draft permit either in hard copy or electronic format; where staff recommend against issuance of a permit, a copy of the draft permit need not be attached to the report although staff may attach a draft permit for information purposes;
 - d) a statement of the amount of the proposed security to be posted by the permittee, if any;
 - e) the recommendations and resolutions of the Electoral Area Services Committee respecting the application; and
 - f) additional relevant information provided by the Director of Planning.
- 4.4.3 Upon consideration of the application and review of the report and recommendations the Board may:
 - a) authorize the issuance of the permit;

- b) authorize the issuance of the proposed permit as amended by the Board in its resolution;
- c) refer the application for a permit to the Electoral Area Services Committee for further consideration;
- d) authorize the issuance of the permit subject to the receipt of an undertaking or the registration of agreements specified by the Board; or
- e) refuse to authorize the issuance of the permit.

4.5 Advisory Planning Commissions

- 4.5.1 Where an Advisory Planning Commission has been established for the purposes of advising the Board or the Electoral Area Director on matters of land use and permits and bylaws under Part 14 of the *Local Government Act*, and where an application has been referred to the Advisory Planning Commission, the recommendations of the Advisory Planning Commission shall be considered by the Electoral Area Services Committee and the Board.
- 4.5.2 Development Variance Permit applications, Temporary Use Permit applications and amendment applications concerning land within Cultus Lake Park shall be referred to the Advisory Planning Commission for Cultus Lake Park and the recommendations of the Advisory Planning Commission shall be considered by the Electoral Area Services Committee and the Board.

4.6 Public Information Meetings

- 4.6.1 The Board or the Director of Planning may require that a public information meeting be held prior to consideration of a Development Permit, a Development Variance Permit, a Temporary Use Permit, a bylaw amendment and land use contract amendment.
- 4.6.2 The Board or the Director of Planning may require that an applicant hold a public information meeting.
- 4.6.3 All costs for public information meetings shall be paid by the applicant.
- 4.6.4 The notice of a public information meeting held by the Regional District shall be mailed or distributed in the same manner as would be required for a public hearing; or, where the application is for a permit, in the same manner as if it were a notice of a proposed Development Variance Permit or Temporary Use Permit; unless the requirement for the notice is waived by the Director of Planning.

4.7 Notification

- 4.7.1 Where mailed or delivered notice is required pursuant to *the Local Government Act*, notice of the public hearing for an Official Community Plan, Zoning Bylaw, Land Use Contract, or Rural Land Use Bylaw, or notice of the date of the Board's deliberations for the issuance of a Development Permit, Development Variance Permit, or Temporary Use Permit, shall be mailed or otherwise delivered to the owner and occupiers of all parcels, any part of which is the subject of the bylaw alteration or the permit, or within the following distance from the part of the land that is subject to the bylaw alteration or permit:
- a) For Zoning Bylaws, Official Community Plan Bylaws, Rural Land Use Bylaws, Land Use Contract Amendments and Temporary Use Permits, the minimum notice area is 150 metres;
 - b) For Development Variance Permits the minimum notice area is 30 metres; and,
 - c) Where a public information meeting is required for a Development Permit, the minimum notice area is 30 metres.
- 4.7.2 Notwithstanding Section 4.7.1, the Board, Electoral Area Services Committee or the Director of Planning may, at their discretion, increase the notice area.
- 4.7.3 Notwithstanding Section 4.7.1 and without limiting statutory requirements for notices, if an Advisory Planning Commission has been established in respect of an area, the notice of a:
- a) Public information meeting respecting a Development Permit must also notify the public of the date, time and place for the Commission's hearing of public submissions before the Commission provides advice to the Director of Planning or the Electoral Area Services Committee, as applicable under section 4.3; or
 - b) Development Variance Permit or Temporary Use Permit must also notify the public of the date, time and place for the Commission's hearing of public submissions before the Commission provides advice to the Board.

4.8 Signs

- 4.8.1 Where an application to amend a bylaw or land use contract has been submitted, the applicant shall be required to post a sign on the land that is the subject of the amendment application, and the sign(s) shall be in accordance with the provisions of this bylaw.

- 4.8.2 Notwithstanding Section 4.8.1 of this bylaw, the Board may by resolution waive the requirement to post a sign where the Board determines that placing a sign would be ineffective due to the remoteness of the location or other factors.
- 4.8.3 The sign(s) referred to in Section 4.8.1 shall be to the specifications determined by the Director of Planning and shall contain:
- a) The name of the Fraser Valley Regional District and its corporate logo;
 - b) The application title or titles, normally the bylaw amendment or permit number, as provided by the Regional District;
 - c) A brief statement describing the purpose of application, the wording of which is to be provided by the Regional District office;
 - d) The name and telephone number of the applicant and the name and telephone number of the Regional District Planning Department;
 - e) An outline map of the land subject to the application showing adjoining roads and a North arrow; and,
 - f) All sign(s) shall be installed in a sound workman-like manner and be capable of withstanding wind and weather. The sign(s) shall not interfere with pedestrian or vehicular traffic or obstruct visibility from streets or driveways so as to create a hazard.
- 4.8.4 The applicant shall place signage in accordance with the following requirements:
- a) A minimum of one (1) sign shall be placed on the land that is the subject of an application, where the Regional District has received an application for amendment of the official community plan map or zoning map designation of the land, or for an official community plan or zoning text amendment that would alter the permitted use of or density on the land.
 - b) The sign shall be placed only on the land for which an application has been made, and not on other lands that will be affected by the bylaw amendment but which are owned by persons other than the owner of the land under application.
 - c) The sign shall be placed on the subject land in a prominent location adjacent to a travelled, public highway to which the land abuts, in such a location that it is clearly visible from the public highway. Where the subject land does not abut a travelled, public highway, the sign shall be placed at a prominent location acceptable to the Director of Planning.
 - d) Notwithstanding Sections 4.8.4(a) – 4.8.4(c) of this bylaw, the Board or the Director of Planning may require the applicant to place more than one sign or may approve alternate locations for placement of signs which locations meet the intent of this bylaw.
- 4.8.5 The placement of the sign(s) shall be made by the applicant not less than fourteen (14) days after submitting an application to amend a bylaw or land use contract.

- 4.8.6 Failure to place the sign(s) in accordance and within the time prescribed in this bylaw shall result in the postponement of the public hearing, and any costs incurred by the Regional District for public notification as a result of such postponement shall be the responsibility of the applicant.
- 4.8.7 The sign(s) shall be removed from the land within forty-eight (48) hours after the conclusion of the public hearing, or where a public hearing has been waived, forty-eight (48) hours after the meeting of the Board to consider third reading. Failure by the applicant to remove the sign(s) within the specified time will result in the Regional District, by its staff or others, undertaking the removal of same at the expense of the applicant.

4.9 Lapses, Changes, Reapplications and Decisions

- 4.9.1 Notwithstanding Sections 4.2.3, 4.3.6 and 4.4.3 of this bylaw, with the exception of bylaw amendments that have received third reading from the FVRD Board, applications that have not been approved or refused twelve (12) months after the date the application was received may be deemed by the Director of Planning to lapse and have no force and effect.
- 4.9.2 Where an applicant makes a significant change, such as a change in land use, to an amendment application after it has received first reading from the Board, the Board may refuse the original application for an amendment. The original application will be closed and the applicant must make a new application.
- 4.9.3 Re-application for a bylaw amendment, land use contract amendment or permit that has been refused shall not be considered within a six (6) month period immediately following the date of refusal.
- 4.9.4 Where an applicant intends to appeal to the Board pursuant to Section 460(3) of the *Local Government Act*, the applicant shall submit, in writing, a detailed statement as to how the application differs in substance from that previously refused or why the time limit for the reapplication should be varied.
- 4.9.5 Written notice of a decision respecting an amendment or permit application shall be mailed or otherwise delivered to applicant at the address provided on the application form forthwith and for certainty within thirty (30) days immediately following the date of the decision.

5) SEVERABILITY

- 5.1 If a portion of this bylaw is found invalid by a court, it will be severed and the remainder of the bylaw will remain in effect.

6) REPEAL

6.1 The bylaw officially cited as "Fraser Valley Regional District Development Procedures Bylaw No. 0831, 2007" is hereby repealed.

7) READINGS AND ADOPTION

READ A FIRST TIME THIS 28th day of February, 2017

READ A SECOND TIME THIS day of

READ A THIRD TIME THIS day of

ADOPTED THIS day of

Chair/Vice-Chair

Corporate Officer/Deputy

8) CERTIFICATION

I hereby certify that this is a true and correct copy of *Fraser Valley Regional District Development Procedures Bylaw No. 1377, 2016* as adopted by the Board of Directors of the Fraser Valley Regional District on the day of , 2018.

Dated at Chilliwack, BC this day of , 2018.

Corporate Officer/Deputy