



VILLAGE OF HARRISON HOT SPRINGS
BYLAW NO. 1090, 2016

A Bylaw for the establishment of procedures to amend an Official Community Plan or a Zoning Bylaw or to issue a permit pursuant to Part 14 of the Local Government Act. And a Bylaw to allow for the processing of a building conversion strata application, as per the Strata Property Act

WHEREAS the Council of the Village of Harrison Hot Springs has adopted an Official Community Plan and a Zoning Bylaw;

WHEREAS the Council of the Village of Harrison Hot Springs must by Bylaw outline the procedures to amend an Official Community Plan, Zoning Bylaw or issue a permit, as per Section 460 of the Local Government Act;

WHEREAS section 502 (5) of the Local Government Act allows the Council of the Village of Harrison Hot Springs to delegate the power to require security for the issuance of a land use permit subject to a delegation Bylaw being prepared that outlines the guidelines for the delegate;

WHEREAS section 242 of the Strata Property Act requires that the approving authority for the building conversion strata process be the local municipality or in this case the Village of Harrison Hot Springs;

WHEREAS the Council of the Village of Harrison Hot Springs has deemed it advisable to establish a Bylaw to outline the amendment procedures and to outline the procedures to issue a permit and to outline the process and requirements for a building conversion strata application;

NOW THEREFORE in open meeting assembled, the Mayor and Council of the Village of Harrison Hot Springs enacts as follows:

CITATION

1.0 This Bylaw may be cited for all purposes as the Village of Harrison Hot Springs "Development Procedures Bylaw No. 1090, 2016".

INTERPRETATION/DEFINITIONS

2.0 A reference in this Bylaw to any enactment of British Columbia is a reference to the enactment as amended, revised or consolidated from time to time and a reference to any Bylaw of the Village of Harrison Hot Springs is a reference to the Bylaw as amended, revised, consolidated or replaced from time to time.

3.0 In this Bylaw;

Application

means a completed application, including the payment of the required fees:

- (a) to amend either an Official Community Plan Bylaw, a Zoning Bylaw or both,
- (b) for the issuance of; a Development Permit, Temporary Use Permit or a Development Variance Permit;

Applicant

means the owner of a Parcel of Land or an agent authorized in writing to make the application on behalf of the owner;

Building Conversion Strata Application

means a completed application, including the payment of the required fees, for the conversion of a previously occupied building or structure into strata title;

Chief Administrative Officer

means the individual appointed to this position by Council;

Council

means the Council of the Village of Harrison Hot Springs;

Highway

means the same as defined in the BC Transportation Act, as amended from time to time;

Occupiers

means the lawful occupier of a Parcel of Land, if it is not the landowner;

Parcel of Land

means a specific section or area of the Village with a unique legal description and unique parcel identifier number (PID) assigned to it;

Registered Professional

means a person who has been registered or licensed to practice by their respective professional body;

Revised Application

means a Part 14 Application that has been refused or denied by Council that the Applicant has requested, in writing to Council to reconsider after having made material changes or alterations to the Application; and,

Village

means the Village of Harrison Hot Springs.

SEVERABILITY

4.0 If any section, subsection, sentence, paragraph, schedule or form forming part of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the section, subsection, sentence, paragraph, schedule or form may be severed from the Bylaw without affecting the validity of the Bylaw or any portion of the Bylaw remaining or any remaining forms.

ADMINISTRATION OF THIS BYLAW

5.0 The Village’s Chief Administrative Officer or their designate is authorized to administer this Bylaw.

SCHEDULES

6.0 The following Schedules attached hereto form part of the requirements of this Bylaw:

- (a) Schedule “A” – Part 14 Application Processing Flowchart;
- (b) Schedule “B” – Building Conversion Strata Application Processing Flowchart

SCOPE

7.0 This Bylaw shall apply to the following Applications within the boundaries of the Village of Harrison Hot Springs:

- (a) an OCP Bylaw amendment or Zoning Bylaw amendment;
- (b) the issuance of a Development Permit, a Temporary Use Permit or a Development Variance Permit; or
- (c) a building conversion strata application.

GENERAL PROVISIONS

- 8.0** If there is a change of ownership of a Parcel of Land that is subject to an Application, the Village will require an updated title certificate and written authorization from the new owner that the current Applicant, if applicable, can still proceed with the Application.
- 8.1** Neither the issuance of a permit, the adoption of an amendment Application or the approval of a building conversion strata or review of any applications, plans, drawings, specifications or documents, shall in any way:
- (a) relieve the landowner from full and sole responsibility to perform work in strict accordance with this Bylaw, and any other applicable Bylaws of the Village; or
 - (b) constitute a representation, warranty, assurance or statement that this Bylaw or other applicable Bylaws have been complied with.
- 8.2** It shall be the full and sole responsibility of the landowner, and where the landowner is working through a representative, the representative shall carry out the work in respect of which the permit or amendment is issued or adopted in compliance with this Bylaw and other applicable enactments.
- 8.3** Letters of assurance, reports or other correspondence from Registered Professionals provided under this Bylaw are relied upon by the Village, including its Chief Administrative Officer and the Planning Department, as certification that the design and plans for the development comply with the Village's Building Bylaw, this Bylaw and other applicable enactments, that the natural environment will not be substantially harmed by the development or Application and the Parcel of Land may be safely used for the use intended, as applicable to the professional's review.
- 8.4** A person must not knowingly submit false or misleading notification in relation to any Application undertaken pursuant to this Bylaw.
- 8.5** Unless specified, in this bylaw, the term Application generally means either a Part 14 Application or a Building Conversion Strata Application.

APPLICATIONS – Part 14 Applications only

- 9.0** All Applications, including Revised Applications, must be:
- (a) made by the owner of the Parcel of Land or by a person authorized by the owner in writing;
 - (b) made on the prescribed application form as amended from time to time by the Village;
 - (c) signed by the landowner and be accompanied by the landowner's acknowledgement of responsibility and undertakings made in the form prescribed as amended from time to time by the Village;

- (d) accompanied by the appropriate fees;
- (e) accompanied by the notification requirements identified in this Bylaw;
- (f) submitted to the Village office;
- (g) all completed Part 14 Applications must be processed in accordance with this Bylaw, generally as shown on the flowchart attached as Schedule "A".

9.0.1 The Application must also include the following information:

- (a) the certificate of title, dated within 30 days of the Application date;
- (b) a map of the site drawn at a scale of 1:2000 or at a scale of 1:5000 with the approval of the Village. The map must show the following:
 - i. the contours of the site;
 - ii. any environmentally sensitive areas;
 - iii. the proposed building site or sites;
 - iv. the ingress and egress points;
 - v. any proposed landscape plans, parking area or open space area;
 - vi. the current and proposed water and sewer servicing points for the Parcel of Land;
 - vii. the location of any steep banks, foreshore areas, water courses, easements or right-of-ways, and if applicable any
 - viii. development permit areas.
- (c) copies of any charges or other interests associated with this Parcel of Land.

- 9.1** At any time during the application process the Council may refer the Application to any agency, organization or government body for their comments and recommendations.

BUILDING CONVERSION STRATA APPLICATIONS

9.2 All Applications must be:

- (a) made by the owner of the Parcel of Land or by a person authorized by the owner in writing;
- (b) made on the prescribed application form as amended from time to time by the Village;
- (c) signed by the landowner and be accompanied by the landowner's acknowledgement of responsibility and undertakings made in the form prescribed as amended from time to time by the Village;
- (d) accompanied by the appropriate fees;
- (e) accompanied by the notification requirements identified in this Bylaw;
- (f) submitted to the Village office; and
- (g) all completed Building Conversion Strata Applications must be processed in accordance with this Bylaw, generally shown on the flowchart attached as Schedule "B".

9.2.1 The Application must also include the following information:

- (a) the certificate of title, dated within 30 days of the Application date;
- (b) a map of the site drawn at a scale of 1:2000 or at a scale of 1:5000 with the approval of the Village. The map must show the following:
 - i. the contours of the site;
 - ii. any environmentally sensitive areas;
 - iii. the proposed building site or sites;
 - iv. the ingress and egress points;
 - v. any proposed landscape plans, parking area or open space area;
 - vi. the current and proposed water and sewer servicing points for the Parcel of Land;
 - vii. the location of any steep banks, foreshore areas, water courses, easements or right-of-ways, and if applicable any;
 - viii. development permit area.
- (c) copies of any charges or other interests associated with this Parcel of Land; and
- (d) the number of dwellings units being converted into strata ownership and how many of the current tenants, in this building, are going to be remaining as owners;
- (e) a copy of the plan to house the current Occupiers who will not become owners; and
- (f) other issues as required by Council.

9.3 At any time during the Application process the Council may refer the Application to any agency, organization or government body for their comments and recommendations.

FEES

10.0 At the time of the Application the Applicant will pay the required fees as set out and amended by the Village from time to time.

10.1 If the Applicant withdraws their Application, in writing, prior to the first staff report being considered by the Council, then the Applicant will receive a refund of up to 50-percent (50%) of the Application fee. The refund must be paid to the Applicant within thirty (30) days of receiving the written notice from the Applicant. There will be no additional refunds of any fees once the first staff report has been considered by Council.

PUBLIC NOTIFICATION MEETING

- 11.0** Applicants may be required, as directed by Council, to host a public notification meeting, for any of the following types of Applications:
- (a) an Official Community Plan amendment or redesignation;
 - (b) a Zoning Bylaw amendment;
 - (c) the issuance of a Temporary Use Permit;
 - (d) the issuance of a Development Variance Permit; or
 - (e) the conversion of an existing and occupied building into a strata building.
- 11.1** When a public notification meeting is required the Applicant must pay all costs associated with this meeting. This will include but not be limited to the following:
- (a) two (2) newspaper advertisements;
 - (b) the delivery or mailing of any notices to the adjacent landowners or occupiers;
 - (c) any facility rental; and any
 - (d) staff overtime if they attend.
- 11.2** The venue and meeting format must be approved by the Village. This meeting must allow for a question and answer session at a minimum.
- 11.3** Within 10 working days of the meeting, the Applicants are required to submit a report to the Village. The report must include the following information:
- (a) location of the meeting,
 - (b) start and finish times of the meeting,
 - (c) a copy of the two (2) dated newspaper ads for the meeting,
 - (d) number of attendees and a copy of the sign in sheet
 - (e) a copy of the notice provided to the adjacent property owners or occupiers of the land and which properties received this notice,
 - (f) information provided at the meeting, and
 - (g) a summary of any questions raised or any major discussion points raised.
- 11.4** The Applicant must mail or deliver a meeting notice to the owners or Occupiers of the properties within a radius of 30 metres from the subject property. The Village is hereby authorized to reduce, increase or waive this requirement.
- 11.5** The Applicant's report for the public notification meeting must be included in a staff report to Council for Council's consideration of a Temporary Use or Development Variance permit, consideration of the building conversion strata or before adoption of a Bylaw amendment.
- 11.6** The meeting must be held not more than nor less than five working days after the last notice provided in the newspaper.

AGENCY REFERRAL PROCESS

- 12.0** Subject to direction from Council, staff may be authorized to refer the Application to other Village Departments, any external agencies, societies, organizations or any level of government. The suggested referral list will be prepared by staff and submitted to the Council for their review. Council may accept, reject or amend this list as they deem appropriate.
- 12.1** When Applications are sent out for comments the various referral agencies:
- (a) have a maximum of twenty-one (21) working days, from the date the referral was sent out, to provide comments; or
 - (b) make a written request for additional time.
- 12.1.1** The Village has the authority to extend this time period for a period not to exceed an extra thirty (30) working days from the date they receive the written request.
- 12.2** Following receipt of either the comments or a time extension request, the Council may;
- (a) defer consideration of any Application; or
 - (b) request additional information from the Applicant.

STAFF REPORTS

- 13.0** After the Village has reviewed the Application and it has been deemed a completed Application including the payment of the required fees paid, staff must create an initial report, to seek approval from Council to refer the Application and to seek approval from Council to process the Application. The report must contain the following information:
- (a) a copy of any supporting documentation;
 - (b) staff's recommendation on whether the Application should be processed or if not what is missing from the Application;
 - (c) staff's recommendation on the referral agencies, if any;
 - (d) staff recommendation for a public notification meeting, if applicable;
 - (e) staff recommendation to set up a public hearing, if applicable, and
 - (f) any additional relevant information provided by the Planning Department
- 13.1** Staff reports must also be provided at key points throughout the approvals process, as outlined on the approvals flow chart as outlined on Schedule "A", which is attached to and forming a part of this Bylaw.
- 13.2** Once the Application, including a Revised Application, has been received the Village must either deem the Application to be complete or deem the Application to be incomplete. If the Application is deemed complete it will be processed as required by this Bylaw or if is deemed not complete, the Village must send a

letter to the Applicant indicating that the Application cannot be processed until the additional information requested has been received.

PUBLIC HEARING – Part 14 Applications only

- 14.0** While the Local Government Act, as amended from time to time, governs the public hearing process, if after a minimum of ten (10) minutes no members of the public are in attendance then the public hearing must be closed. If no members of the public attend the public hearing and the notice of the hearing has been properly published, the Council must consider that the public hearing has been held as required.
- 14.1** Once the newspaper advertisement has been posted the Village will accept any written comments about the Application up to the close of the scheduled public hearing meeting.

PUBLIC NOTICE OF INTENT – Part 14 Applications only

- 14.2** If the Village opts to proceed with the Notice of Intent process, in addition to the required newspaper advertisements, the Village must mail or deliver a notice of intent to the owners or Occupiers of the properties within a radius of thirty (30) metres from the subject property. The Village is hereby authorized to reduce or increase this requirement.

SECURITY

- 15.0** The power to require security is hereby delegated to the Chief Administrative Officer or their designate.
- 15.1** The amount of security required will be based upon a cost report prepared by a registered professional, as outlined in the table below:

Table 1

Works or Services Required	Type of Professional experience needed	Amount of Security required
Landscaping	Landscape Architect and must be a member of the BC Society of Landscape Architects	125% of the accepted report
Civil Engineering	Professional Engineer	125% of the accepted report
Traffic Engineering	Professional Engineer, with experience in traffic engineering	125% of the accepted report
Freshwater/Foreshore issues	Registered Professional Biologist	125% of the accepted report
Form and Character issue	Registered Professional Architect	125% of the accepted report
Environmental issues	Registered Professional Biologist	125% of the

		accepted report
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- 15.2** The required cost estimate report must be provided by the Applicant, at no cost to the Village, and must be accepted by the Village.
- 15.3** Security may be required as a condition of permit issuance for the following:
- (a) the works under the permit; including but not limited to hard and soft landscaping requirements;
 - (b) environmental monitoring;
 - (c) in relation to repair or replacement of any Highway including sidewalks and boulevards, public work or any other Village property altered or damaged by any activity related to the subject matter of the permit;
 - (d) to guarantee the performance of a temporary use permit;
 - (e) such other reason as identified in the conditions associated with the permit.
- 15.4** For the form of security refer to section 502, of the Local Government Act, as amended from time to time.
- 15.5** Funds under security provision will be used to the extent that they are required by the Village to carry out such work, repair or replacement as determined necessary by the Village.
- 15.6** The cost of any works, repair or replacement or other expenditure which exceeds the amount of the security is the responsibility of the Applicant, who upon notification of the outstanding amount must pay it in full, or obtain the agreement of the Village in writing, before receiving its approval or where such approval has been issued, using or continuing to use the Parcel of Land for the development approved under the Application.

APPLICATION DECISIONS – Part 14 Applications only

- 16.0** With respect to any Application, the Council may after authorizing staff to process the Application:
- (a) approve the Application with or without conditions; or
 - (b) postpone the Application process pending additional information required from the Applicant; or
 - (c) refuse/deny the Application

Rejected Applications – Part 14 Applications only

- 16.1** Even if the Applicant is present at the meeting in which the Council decision was made, to refuse/deny the application, the Village shall inform the Applicant in writing, within ten (10) business days from the date of the refusal.

Revised Applications – Part 14 Applications only

- 16.2** An Applicant, after substantially amending an Application, that has not been approved to its satisfaction may submit a Revised Application in accordance with this Bylaw, and may provide such further information as they desire.
- 16.3** Council has the same authority with respect to Revised Applications as for Applications generally and the same procedures apply.
- 16.4** Council may not table a Revised Application.
- 16.5** Upon receipt of the revised Application, the Village will process the Application in accordance with the process flowchart set out in Schedule 'A' of this Bylaw.

Building Conversion Strata Applications

- 16.6** With respect to the decision making criteria that Council must follow with respect to this type of Application, refer to section 242(6) of the Strata Property Act, as amended from time to time.
- 16.7** There shall be no Revised Applications, if Council denies a Building Conversion Strata Application.

REVOCAION OF THE APPROVALS

- 17.0** The Village may revoke an approval and post a stop work order on a Parcel of Land, other than an amendment of a Bylaw, if:
- (a) there is a violation of a condition under which the approval was issued;
 - (b) there is a breach of any provision of this Bylaw and other applicable Bylaws or enactments;
 - (c) the Village determines that any information on the basis of which the approval was issued is incorrect; or
 - (d) construction activity on the Parcel of Land, subject to the approval, otherwise threatens the health, safety, or protection of the public.
- 17.1** Notice of revocation of the approval shall be in writing and transmitted to the Applicant and the owner of the Parcel of Land by mail or courier, and deemed served at the expiration of three (3) business days from the date of sending, or such other means to effect service.
- 17.2** A person who has been notified that an Approval has been revoked shall immediately cease work related to the Application and remedy the cause for the revocation to the satisfaction of the Village, who may then reinstate the Approval.

PENALTIES, ENFORCEMENT AND IMMUNITY

- 18.0** Every person who contravenes any provision of this Bylaw commits an offense punishable on summary conviction and shall be liable to a fine of not more than \$10,000.00.
- 18.1** The Village may designate enforcement officers for the purposes of this Bylaw.
- 18.2** No action for damages lies or may be instituted against present or past Council, Chief Administrative Officer or their designate, the Planning Department, Bylaw Officer, or members, employees, servants or agents of either Village or Council:
- (a) for anything said or done or omitted to be said or done by that person in the performance or intended performance of the person's duty or the exercise of the person's authority; or
 - (b) for any alleged neglect or default in the performance or intended performance of the person's duty or the exercise of the person's authority.
- 18.3** The previous section does not provide a defence if:
- (a) the individual has, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or willful misconduct; or
 - (b) the cause of action is libel or slander.
- 18.4** Village, present or past Council, or members, employees, servants or agents of any of Village or Council is not liable for any damages or other loss, including economic loss, sustained by any person, or to the property of any person, as a result of neglect or failure, for any reason, to discover or detect any contravention of this Bylaw or any other Village Bylaw, or from the neglect or failure, for any reason or in any manner, to enforce this Bylaw or any other Village Bylaw.

LAND USE POLICIES

- 19.0** The Village is authorized to make any policies that are required to compliment the requirements of this bylaw.

DEVELOPMENT VARIANCE PERMIT

- 20.0** A minor variance must not change the use or density for a Parcel of Land, but there is otherwise no restriction on what may be considered provided the decision maker has considered each of the following:
- (a) whether the minor variance is desirable for the appropriate development or use of the parcel of land, building or structure;
 - (b) whether the general intent and purpose of the Official Community Plan or the Zoning Bylaw, if any, will be maintained; and

(c) whether the minor variance is in the best interests, including the health, safety and protection of the public.

REPEAL

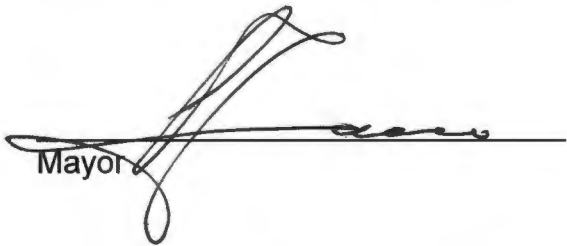
21.0 The Public Notice Provision Bylaw No. 553, 1991 is repealed in its entirety.

READ A FIRST TIME THIS 5th DAY OF DECEMBER, 2016

READ A SECOND TIME THIS 5th DAY OF DECEMBER, 2016

READ A THIRD TIME THIS 5th DAY OF DECEMBER, 2016

ADOPTED THIS 19th DAY OF DECEMBER, 2016

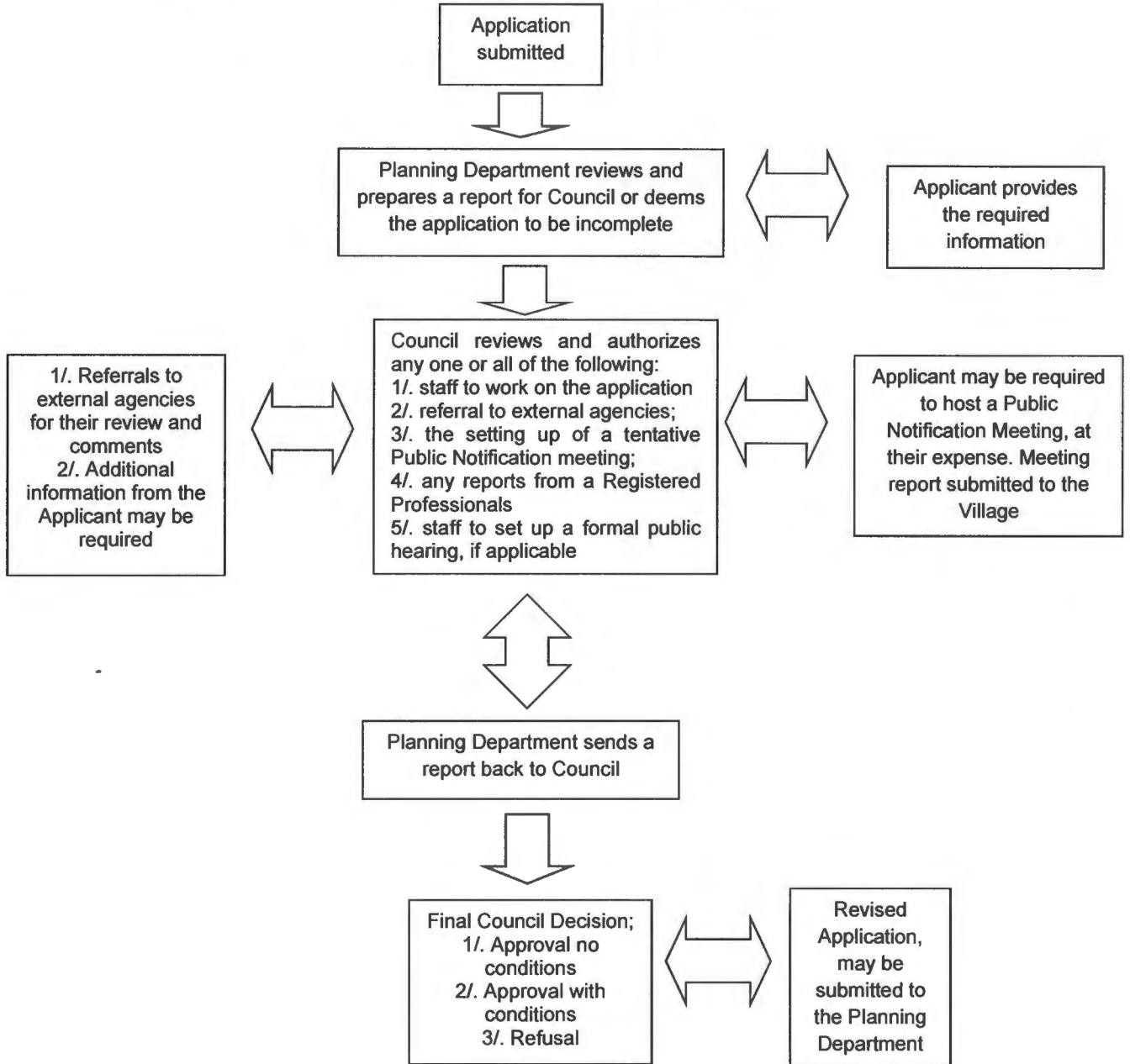


Mayor



Corporate Officer

SCHEDULE "A"
PART 14 APPLICATION PROCESSING FLOWCHART



SCHEDULE "B"

BUILDING CONVERSION STRATA APPLICATION PROCESSING FLOWCHART

