



CORPORATION OF THE  
DISTRICT OF TOFINO

**District of Tofino  
Development Application Procedures Bylaw  
No. 1331, 2023**

Effective Date – August 8, 2023

**DISTRICT OF TOFINO**

**BYLAW NO. 1331, 2023**

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A bylaw to establish procedures for the processing of development applications, to establish policies for development approval information to specify distances for notification, and to delegate powers, duties, and functions of Council.

**WHEREAS** under the *Community Charter* and Parts 14 and 15 of the *Local Government Act*, the District of Tofino may, by bylaw, delegate Council’s powers and establish procedures for applications to: amend the Official Community Plan or the Zoning Bylaw, issue a permit, establish or amend a Phased Development Agreement;

**NOW THEREFORE** the Council of the District of Tofino, in open meeting, enacts as follows:

**1. Name**

The name of this Bylaw for citation purposes is “District of Tofino Development Application Procedures Bylaw No. 1331, 2023.”

**2. Definitions**

In this Bylaw:

**APPLICANT** means the owner or an agent duly authorized to act on the owner’s behalf in relation to an application(s);

**COMPREHENSIVE DEVELOPMENT PLAN** means a plan required by the District in advance of consideration of an OCP amendment for lands which have not been thoroughly assessed for development potential or where significant constraints have been identified which may affect the potential development of the site (e.g., infrastructure, servicing, access, topography, visual impact, or environmentally sensitive areas);

**COUNCIL** means the Council of the District of Tofino;

**DAY** means calendar day;

**DEVELOPMENT REVIEW TEAM** or **DRT** means a group of District of Tofino staff responsible for review of development applications;

**DISTRICT** means the Corporation of the District of Tofino;

**MANAGER** means the person appointed to be responsible for the administration of development applications at the District and includes a delegate fulfilling an Acting Manager position during the Manager’s absence;

**OFFICIAL COMMUNITY PLAN** or **OCP** means the District of Tofino Official Community Plan Bylaw as amended or superseded from time to time;

**OWNER** means the registered owner(s) of property as demonstrated on the Land Title Certificate;

**PHASED DEVELOPMENT AGREEMENT** means an agreement authorized by section 516 of the *Local Government Act*;

**QUALIFIED PROFESSIONAL** means a professional engineer, geoscientist, architect, landscape architect, certified arborist, biologist, planner, forester, qualified environmental professional, or other professional licensed to practice in British Columbia with experience relevant to the applicable matter, as determined appropriate by the Manager.

**STAFF** means District of Tofino staff.

### **3. Interpretation**

- (1) A reference in this bylaw to any enactment of British Columbia is a reference to the enactment as amended, revised, consolidated, or replaced from time to time.
- (2) A reference in this bylaw to any bylaw, policy or form of the District of Tofino is a reference to the bylaw, policy or form as amended, revised, consolidated, or replaced from time to time.

### **4. General Provisions**

#### (1) Application Fees

- (a) At the time of application, the applicant must pay the District an application fee in the amount set out in any applicable District of Tofino Fees and Charges Bylaw as amended or superseded from time to time.

#### (2) Application Requirements and Processing Procedure

- (a) In respect of an application for an OCP Bylaw amendment, Zoning Bylaw amendment, or Temporary Use Permit, the applicant, at their cost, must post a Notice of Application Sign in accordance with Schedule 'A' of this bylaw.
- (b) An applicant must submit an application as set out in Schedules 'B' – 'G' to this bylaw. An application will be made and processed substantially as outlined in Schedules 'A' – 'G' of this bylaw.

#### (3) Number of Development Applications

- (a) Where a proposed activity or development involves more than one type of application, the applicant must comply with all of the applicable provisions of this Bylaw.
- (b) Where land is subject to more than one Development Permit Area designation, only one development permit application is required and the application must address the requirements of each applicable Development Permit Area and the applicant must pay the application fees for each Development Permit Area in the amount set out in any District of Tofino Fees and Charges Bylaw.

#### (4) Development Permit Required prior to Development

- (a) In all Development Permit Areas, an applicant must obtain all required Development Permits before land is subdivided or development occurs, including but not limited to land clearing, preparation for the construction of services or roads, blasting, and construction of, addition to or alteration of a building or structure, unless otherwise exempted from requiring a Development Permit as specified in the Official Community Plan and/or Zoning Bylaw.

### **5. Development Approval Information**

#### (1) Type of Information Required:

Pursuant to the *Local Government Act* and as set out in the OCP, the Manager may require an applicant to provide information, at the applicant's expense, on the anticipated impact of a proposed activity or development on the community, including but not limited to the following:

- (a) Compliance of the activity or development with the OCP and any other relevant District bylaw, plan or policy in preparation or adopted by Council;
- (b) The impact of the proposed development on the natural environment such as adjacent riparian and wetland areas, vegetation, soils and erosion, geotechnical characteristics, topographical features, ecosystems and biological diversity, fish and

wildlife habitat, environmentally sensitive features, and rare or endangered plant or animal species;

- (c) Hazardous conditions including, but not limited to, mud flow, debris torrents, erosion, land slip, rock falls, subsidence, avalanche, wildfire, flood, inundation or other hazard (including appropriate construction elevations and setbacks);
- (d) Transportation assessments including but not limited to transportation impacts in terms of daily and peak hour trip generation and assignments, public transit, parking demand, traffic safety, pedestrian, cyclist and vehicular traffic flow or operation, trip generation, site access and egress, network connectivity and accessibility;
- (e) The aesthetic values of the proposed development such as visual character, landscaping, integration with public areas, view corridors, and the natural environment, lighting, noise, and odour;
- (f) The impact of the proposed development on groundwater quantity and quality; surface water generated by the proposed development; and the options for collection, storage, reuse and dispersal of such drainage;
- (g) Hydrological and/or hydrogeological assessment including, but not limited to, infiltration, interception, groundwater and overland flow, as well as hydrologic processes including accretion and erosion;
- (h) An assessment of wildfire hazard and mitigative measures that assures project construction activities comply with Urban Wildfire Interface management principles;
- (i) Functional servicing assessment of local infrastructure and site servicing including, but not limited to, drainage, water, sewer or other utilities; to determine the impact of the development on District infrastructure including capital, operations and maintenance over the lifecycle of the development;
- (j) Tree assessment and plan that promotes the retention and planting of native plant species, plant health, habitat preservation, reduces wildfire risk, minimizes erosion and a revegetation plan to ensure that the landscape retains a natural appearance;
- (k) Impacts on the demand and potential financial impacts for local services including but not limited to community facilities and services, schools, parks, recreation, emergency protective and health services;
- (l) Assessments of impacts on historical, cultural and archaeological buildings, structures, sites or features;
- (m) How the proposed development impacts and buffers adjacent uses;
- (n) Energy efficiency, water efficiency and emissions reduction;
- (o) Air Quality Impact Assessment including, but not limited to, pollution, dust, fumes, smoke and odours;
- (p) Retail impacts of a proposed commercial development, including but not limited to, the effects of additional competition, traffic impacts, effects on tenancy and potential impacts to neighbourhoods;
- (q) Socio-economic impacts affecting the day-to-day quality of life of people and communities, including direct and indirect economic impacts, demographics, affordable housing, housing choice, local services and socio-cultural issues;
- (r) Construction management plan outlining the staging, implementation schedule, and duration of construction for any proposed development including proposed impact mitigation; and

- (s) Other studies as deemed necessary to permit a full understanding of the impact of the proposed activity or development on the community.

(2) Preparation of the Terms of Reference

- (a) The applicant will be required to work with Staff to review and confirm the scope of the report or impact study in accordance with any relevant Terms of Reference for Professional Reports.
- (b) The Manager may require that the applicant provide, at the applicant's expense, documents, plans, and/or development approval information in a report that is certified by a qualified professional, which:
  - (i) complies with and fully addresses the relevant assessments;
  - (ii) identifies and defines the context, magnitude and significance of the anticipated impacts of the activity or development on the community, as well as the methodology, assumptions, acceptability thresholds, and how the anticipated impacts may cumulatively contribute to existing circumstances and risks;
  - (iii) provides recommendations for conditions or requirements that Council or the Manager may impose to mitigate or ameliorate the anticipated impacts;
  - (iv) provides recommendations and details costs for modifications to the environment, or construction of works, to mitigate or ameliorate the anticipated impacts; and
  - (v) is prepared to the satisfaction of the Manager.
- (c) The Manager is authorized to establish and revise the required information, documents, plans, and/or development approval information needed for each type of application pursuant to this Bylaw. The Manager is authorized to establish and revise the size, form and quality of information, documents, plans, and/or development approval information needed to assist in reviewing or processing the application
- (d) The Manager is authorized to waive any of the information, documents, plans, and/or development approval information if, at their discretion, the information is not required to assist in reviewing or processing the application.

(3) Selection of Personnel

- (a) The applicant will be required to provide the reports and impact studies prepared by Qualified Professionals at the applicant's expense in accordance with the District's specifications for Terms of Reference for Professional Reports.
- (b) If required by the Manager, a qualified professional shall certify all documentation including drawings, reports, security estimates, technical letters, and other documentation submitted to the Manager for the purposes of reviewing the application.
- (c) The Manager may review all documents and design drawings to verify general compliance with the requirements but will not necessarily check the adequacy or accuracy of the qualified professional's design. Any errors or omissions will be the sole responsibility of the qualified professional who has certified the documents and design drawings.

(4) Requirement for Independent Review

- (a) The District may require an independent review of the study results in certain circumstances, at the applicant's expense, including but not limited to staff capacity and to ensure the timely review of the study results and application processing timelines. If an independent review is required, the applicant will be invoiced.

(5) Incomplete or Deficient Reports

- (a) If it is determined by the Manager that a report containing development approval information is outdated, incomplete or deficient, the applicant will be notified in writing the nature of deficiencies and the timeframe to resubmit the corrected report.

(6) Presentation of Reports or Impact Studies

- (a) The Manager may request, at the applicant's expense, the presentation of the report or impact study to Council, the community, or Staff by the Qualified Professional(s) that prepared the document.

(7) Publication of Information

- (a) The District may distribute and publish a report containing development approval information requested under this bylaw.

**6. Notice of Application Sign**

- (1) A notice of Application Sign shall be posted in accordance with Schedule 'A' of this bylaw.

**7. Notification**

- (1) Where a notice is required to be mailed or delivered to owners and tenants, pursuant to the *Local Government Act*, the District will provide notice to owners and tenants in occupation of parcels within 60 metres from any boundary of any subject property of the application or proposed bylaw.
- (2) Where notification is not required by the *Local Government Act*, the District will provide notification to owners and tenants as follows:
  - (a) The District will provide notification for delegated minor development variance permits to be mailed or otherwise delivered to owners and tenants in occupation of parcels within 60 metres from the boundaries of the subject application at least 10 days prior to the consideration of the application.
  - (b) The District will make reasonable efforts to notify adjacent residents of an applicant's request to undertake a Comprehensive Development Plan. Methods of notification may include but are not limited to direct mail outs, newsletters, advertisements in the newspaper or notices on the District's website.
  - (c) When a public information meeting is required by the District, the District will provide notice of the meeting to properties within 60 metres from the subject application or proposed bylaw at least 10 days prior to the meeting.

**8. Public Information Meetings**

- (1) An applicant may be required to hold a Public Information Meeting, as outlined in Schedules 'A' – 'C' and Schedule 'F', prior to OCP amendments, zoning amendments, and temporary use permit applications being considered by Council to provide an additional opportunity for the public to access information and to inquire about the proposal beyond that available through the standard application processes.
- (2) When a public information meeting is held by the applicant, it is the responsibility of the applicant to arrange and conduct the meeting at a location that is approved by Staff, accessible to individuals with disabilities, and in Tofino and/or on a virtual meeting platform at their expense.
- (3) As determined by the Manager, the applicant must advertise the meeting in a local newspaper and/or alternate means at least 10 days prior to the meeting at their expense.
- (4) After the meeting is held, applicants must submit a report to the District summarizing the meeting including the following information:

- (a) Location, time, and duration of meeting;
  - (b) Number of attendees;
  - (c) Proof of how the meeting was advertised;
  - (d) Information provided at the meeting; and
  - (e) A summation of questions raised and major discussion points.
- (5) Council may require the applicant to conduct additional public consultation to seek additional community feedback regarding the proposed application, the cost of which will be the responsibility of the applicant.

**9. Agency Referral Process**

- (1) When reviewing applications, Staff will develop a referral list of agencies, organizations, or levels of government that the application may be sent to for review and comment. Each agency, organization or level of government shall be given a minimum of twenty-one (21) days from the date of the referral to provide any comments.
- (2) Requests from an agency to extend the referral period may be granted at the discretion of the Manager.

**10. Security**

- (1) Pursuant to the *Local Government Act* and the OCP, security may be required as a condition of permit issuance for the following:
  - (a) Landscaping (“Landscape Security”);
  - (b) An unsafe condition or damage to the natural environment that may result as a consequence of a contravention of a condition in a permit (“Remediation Security”); or;
  - (c) To guarantee the performance of the terms of a permit (“Performance Security”).

(2) Phased Landscape

- (a) Plans may be approved for large-scale developments at the discretion of the Manager to enable the completion of the landscape plan in phases and the submission of the related security deposit at each phase. The applicant is required to request a phased approach to the execution of the landscape plan at the time of Development Permit application, clearly identifying on the submitted landscape plan the proposed phases and related cost estimates for each phase.

(3) Form of Security

- (a) Security will be provided in the form of an automatically renewing irrevocable letter of credit, bank draft or in a form satisfactory to the Manager.

(4) Amount of Security

The amount of security will be calculated and submitted by a Qualified Professional at the applicant’s expense, to the satisfaction of the Manager using the following:

- (a) For Landscape Security, the amount of security will be 125% of an estimate or quote of the cost of works, including but not limited to: inspections, monitoring, maintenance, hardscaping, irrigation, labour and plantings materials.
- (b) For Remediation Security, the amount of security will be 125% of an estimate or quote of the cost of works, including but not limited to: inspections, monitoring, maintenance, irrigation, labour and planting materials.

(i) Where security is required in the case of an unsafe condition or damage to the natural environment that may result from a contravention of a permit condition, the amount of security shall reflect:

- (i) the nature of the permit condition;
- (ii) the nature of the unsafe condition or damage; and
- (iii) the cost to the District of entering the land to undertake the work to correct the unsafe condition or restore and enhance the natural environment, including the cost of repairing any damage to land that may have been caused by the unsafe condition or that may have occurred in connection with the repair work.

(c) For Performance Security, the amount of security will be 125% of an estimate or quote of the cost of works to guarantee the performance of the terms of the permit. Such works may include but are not limited to: inspections, monitoring, maintenance, irrigation, labour, planting materials and works required to restore the land or remove any temporary structures.

(5) Return of Security

(a) If a permit is cancelled by the applicant and no work has occurred related to the security deposit, the security deposit will be returned to the applicant at the approval of the Manager.

(b) Unless otherwise stated in this bylaw, the District will return the security when written request has been submitted by the applicant and includes a satisfactory Substantial Completion Report by a Qualified Professional, or other professional for small scale works approved by the Manager, certifying that:

- (i) The works have been completed in substantial compliance with the approved plan(s).
- (ii) The unsafe condition or damage to the natural environment has been corrected.

(c) The Substantial Completion Report must be signed and sealed by a Qualified Professional and include the following at a minimum:

- (i) The date and drawing number of the plan reviewed by the Qualified Professional;
- (ii) Date(s) of inspection by the Qualified Professional;
- (iii) A statement from the Qualified Professional that the completed works substantially comply with the approved plan;
- (iv) Identification of conformance to approved species, quantity of materials, scale and number of plans, irrigation systems and features (including hard landscaping) as shown on approved drawing(s) and installation to British Columbia Society of Landscape Architects (BCSLA)/British Columbia Landscape & Nursery Association (BCLNA) standards;
- (v) Confirmation that the depth of soils and composition of soils are to British Columbia Society of Landscape Architects (BCSLA)/British Columbia Landscape & Nursery Association (BCLNA) standards;
- (vi) A description of all deviations from the approved plan(s) with a rationale for the changes and whether the changes meet the intent of the approved plan(s); and;
- (vii) The request of the amount of funds to be released.

(d) Upon receipt of a Substantial Completion Report, the District may conduct a site inspection to verify that the works are installed in accordance with the approved plans.

(e) Should there be any deficiencies identified in the Substantial Completion Report or should the District find any discrepancies and/or deficiencies during an inspection, an inspection report will be issued to the applicant and the security will be retained until the deficiencies have been addressed. Any changes to the

approved plans will require approval of the District prior to installation of any works. Depending on the level of non-conformance with the approved plans, Council approval of the revised plan(s) may be required through an amended permit application prior to the release of the security.

- (f) Site inspections and final acceptance by the District of the installation of plant material, sodding or seeding, will not be carried out during the plant dormancy period between November 15<sup>th</sup> and April 15<sup>th</sup>, unless otherwise approved by the Manager.
  - (g) Upon completion of any items outlined in an inspection report, the applicant shall notify the District for further inspection in order to obtain a final release of the security.
  - (h) Upon substantial completion, the District will return a portion of the security deposit. The District will withhold 10% of the total security deposit or 25% of the value of soft landscaping, whichever is greater, as a maintenance bond for up to two growing seasons to ensure that the work has been fully implemented and demonstrated to function (ecologically or as designed).
- (6) Partial Return of Landscape Security
- The District may return a portion of the Landscape Security upon receipt of a report from a Qualified Professional.
- (a) The report must include the following:
    - (i) Evidence that the total landscaping is 50% complete and substantially complies with the approved landscape plan;
    - (ii) Evidence that the perimeter landscaping is 100% complete as required by the approved landscape plan for any portion of the subject property that includes street frontage;
    - (iii) The date and drawing number of the landscape plan reviewed by the Qualified Professional;
    - (iv) Date(s) of inspection by the Qualified Professional;
    - (v) Evidence of conformance to approved species, quantity of materials, scale and number of plants, irrigation systems and features (including hard landscaping) as shown on approved drawing(s) and installation to British Columbia Society of Landscape Architects (BCSLA)/British Columbia Landscape & Nursery Association (BCLNA) standards;
    - (vi) Identification of all deviations from the approved landscape plan;
    - (vii) The submission of a revised landscape plan and cost estimates for the remainder of the works to be completed for the approval of the Manager; and
    - (viii) The request for the amount of funds to be released.
  - (b) When considering a request for partial release, Staff will consider the visual impact and safety of the remainder of the site as well as the public interface areas prior to approving a partial return request.
  - (c) If the request for the partial return of security is approved, the District will return 50% of the original cost estimate or quote and will withhold a portion of the original cost estimate as a maintenance bond as set out in Section 10(5)(h).
  - (d) The partial return of the landscape security will occur only once per security deposit unless as otherwise approved by the Manager.

## **11. Permit Renewals, Extensions, Lapses and Re-application**

- (1) The District only accepts complete applications. If Staff determine that an application is incomplete during the initial review, the application will be placed on hold and the applicant will be requested to provide the required information. If an applicant does not provide the required information within three (3) months of the request, the file will be closed and the application and fee will be returned in

accordance with the District of Tofino Fees Bylaw.

- (2) An application that has been inactive for more than one (1) year is deemed to be abandoned and may be closed.
- (3) In the event that an application made pursuant to this bylaw has not been given final adoption by Council within one (1) year after the date it was given third reading or one (1) year after the date of last consideration by Council the application may be deemed to be abandoned and the file closed.
- (4) In the case of applications that have been delegated to the Manager, if final approval of the application is not granted within one (1) year after a written request from the Manager to submit any outstanding items, the application will be deemed to be abandoned and may be closed.
- (5) In order for an application that has lapsed under Sections 11(1) to 11(4) to proceed, a new application and fee will be required.
- (6) For a bylaw amendment, upon written request from the applicant received 30 days prior to the lapse of the application, Council may extend the deadline for a period of one (1) year by passing a resolution to that effect to enable the applicant to complete the requirements for final adoption. A maximum of two (2) one-year time extensions may be granted by Council. If Council decides to deny an extension request or the applicant has received two (2) one-year time extensions and still has not met the requirements for final adoption and wishes to proceed with the application, a new application and fee will be required as per the District of Tofino Fees and Charges Bylaw.
- (7) Re-Application
  - (a) Subject to the *Local Government Act*, where an application made pursuant to this bylaw has been refused by Council, re-application for the same amendment or permit will not be accepted for a six (6) month period immediately following the date of refusal.
  - (b) Where an applicant intends to appeal to the Council to vary the time limit set in Section 11(7)(a) pursuant to the *Local Government Act*, the applicant shall submit, in writing, a detailed statement as to why the time limit for the reapplication should be varied.

## **12. Change of Ownership**

- (1) If there is a change of ownership of a parcel(s) of land that is the subject of an application under this bylaw, the District will require updated Land Title Certificate(s) for the parcel(s) of land and written authorization from the new owner(s) prior to proceeding with the application.

## **13. Delegation of Authority**

The following powers, duties and functions of Council are delegated to the Manager:

- (1) The authority to require security under section 496 and 502 of the *Local Government Act*.
- (2) The authority to designate the form of any permit issued under this bylaw as per the *Local Government Act*.
- (3) The authority to designate the form and content of application forms.
- (4) The authority to create, amend, and prescribe graphic design templates for

development application notice signs.

- (5) The authority to administer this bylaw and require development approval information.
- (6) The authority to determine the appropriate level of consultation with persons, organizations, and authorities they consider will be affected by an amendment to the Official Community Plan.
- (7) The authority to issue or amend Development Permits where there are no, or only minor variances requested.
- (8) The Manager may refer a delegated Development Permit to Council if, in the opinion of the Manager, it would be in the public interest to instead have the application considered by Council.
- (9) The authority to renew Development Permits that have been issued and lapsed provided the permit is consistent with OCP and relevant guidelines.
- (10) The authority to issue Minor Development Variance Permits in accordance with the following sub-sections:
  - (a) Where the variance would be minor and would have no significant negative impact on the use of immediately adjacent or nearby properties. In making this determination the Manager must consider the following criteria:
    - (i) Degree or scope of the variance relative to the regulation from which a variance is sought;
    - (ii) Proximity of the building or structure to neighbouring properties; and
    - (iii) Character of development in the vicinity of the subject property.
  - (b) In deciding whether to issue a Minor Development Variance Permit the Manager must consider the following guidelines:
    - (i) If the proposed variance is consistent with the general purpose and intent of the zone and/or applicable regulation;
    - (ii) There is a valid reason, such as hardship, for the variance request;
    - (iii) If the proposed variance addresses a physical or legal constraint associated with the site (e.g., unusual parcel shape, environmentally sensitive area, topographical feature, statutory right-of-way, etc.);
    - (iv) If there is a community or environmental benefit to the larger community in granting the variance and/or it would support a Council priority (i.e. affordable housing, environmental protection, provision of a trail statutory right-of-way);
    - (v) The variance request must not include a reduction in the required number of parking stalls except in situations where an increase in parking spaces is associated with a change in use associated with a business licence application and does not propose additional floor area or supports the viability of affordable housing;
    - (vi) If strict compliance with the zoning regulation would be unreasonable; and,
    - (vii) If the proposed variance would unduly impact the character of the streetscape or surrounding neighbourhood.
  - (c) The Manager will refer a Minor Development Variance Permit to Council in the following circumstances:
    - (i) The proposed variance does not meet the criteria of minor;
    - (ii) The proposed variance is in conjunction with a Development Permit application that is not delegated to staff; or
    - (iii) The proposed variance meets the criteria of minor, but in the opinion of the Manager, it would be in the public interest to instead have the application considered by Council.

**14. Council Reconsideration of a Staff Decision**

- (1) Within 14 days of being notified in writing of the decision of a delegate under this bylaw, an applicant may, at no charge, request that Council reconsider the decision.
- (2) The applicant must give written notice to the District Corporate Officer setting out the grounds on which the applicant considers the decision to be inappropriate, including the specific decision, and what decision Council should use as a substitute.
- (3) The District Corporate Officer will notify the delegate of the request(s) for reconsideration and the delegate will, prior to the date of the meeting at which the reconsideration will occur, provide a copy of the written memo setting out for Council, the rationale for their decision.
- (4) The District Corporate Officer will place the request(s) for reconsideration on the agenda of a meeting of Council to be held as soon as reasonably possible.
- (5) The District Corporate Officer will notify the applicant of the date of the meeting at which reconsideration will occur.
- (6) Council will review the information provided by the applicant and Staff, and either confirm the decision made by Staff, or substitute its own decision including Development Permit conditions.

**15. Severability**

- (1) If any section, subsection, sentence, clause or phrase forming part of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed from the Bylaw without affecting the validity of the Bylaw or any remaining portions of the Bylaw.

**16. Repeal**

- (1) The District of Tofino Development Approvals Bylaw No. 1301, 2021 together with any amendments is hereby repealed.
- (2) The District of Tofino Development Approval Information Area Bylaw No. 1300, 2021 together with any amendments is hereby repealed.

**READ A FIRST TIME** on July 25, 2023

**READ A SECOND TIME** on July 25, 2023

**READ A THIRD TIME** on July 25, 2023

**ADOPTED** on August 8, 2023

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Dan Law, Mayor

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Nyla Attiana, Deputy Corporate Officer

**Schedule 'A'**  
**Notice of Application Sign Requirements**

**1. Installation**

In respect of an application for an OCP Bylaw Amendment, Zoning Amendment or Temporary Use Permit the applicant, at their cost, must install a District of Tofino Notice of Application Sign in accordance with this bylaw.

**2. Timing**

The Notice of Application sign must be posted in accordance with the specifications outlined in Schedule 'A' forming part of this bylaw.

**3. Design of Sign**

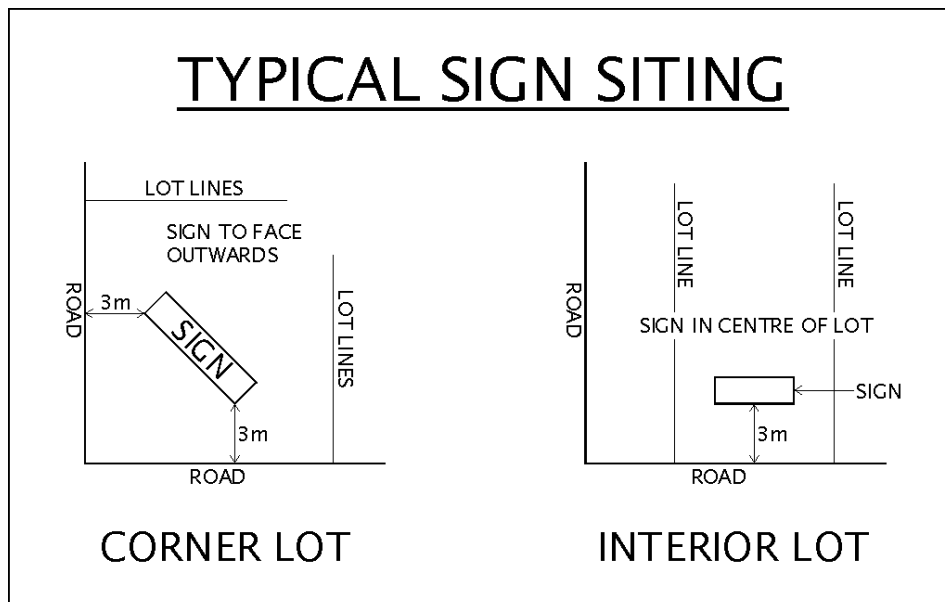
The design of the sign shall be in a form prescribed by the Manager ('District Sign Format Sheet').

**4. Preparation of Sign**

The preparation and posting of the Notice of Application sign is the responsibility of the applicant and must be undertaken as per the requirements of this bylaw and as identified on the Sign Format Sheet. The applicant will provide a mock-up of the sign with their complete application for review and approval prior to final sign printing. Once the sign is posted, the applicant shall demonstrate proof to Staff of the posted sign within 10 days of Staff approval of the mock-up.

**5. Siting of Sign**

All Notice of Application Signs shall be placed on the property at a setback of 3 metres from the front property line as demonstrated in the below diagram. The sign must face the street and be clearly visible. All proposed sign locations must be verified by the District Staff prior to installation. The sign must be located so as not to interfere with pedestrian or vehicular traffic, or obstruct visibility from streets, lanes, walkways or driveways so as to create a hazard. The Notice of Application Sign must be installed in a sound workmanlike manner and must be capable of withstanding wind and weather.



**6. Number of Signs**

The applicant shall post a minimum of one (1) Notice of Application Sign. For large parcels with over 200 m of street frontage, one (1) Notice of Application Sign shall be required for each 200 m of street frontage, to a maximum of three signs.

**7. Maintenance of Sign**

It is the responsibility of the applicant to ensure the sign(s) remain intact and visible as per the sign siting specifications until such time the sign can be removed, in accordance with Section 9.

**8. Amendments to Application**

If any significant amendments are made to the application, the applicant will be required to install new sign(s) reflecting the change in application. The applicant will provide a mock-up of the sign to the District Staff for review and approval prior to final printing.

**9. Sign Removal**

The Notice of Application Sign shall be removed by the applicant within seven (7) days following:

- (1) The conclusion of the public hearing or adoption of the amending bylaw if a public hearing is not required; or
- (2) The final consideration of an application by Council; or
- (3) The abandonment of the application.

**10. Failure to Post, Maintain or Remove**

(1) Failure to post and maintain the required Notice of Application Sign(s) in accordance with this bylaw may result in the postponement of any Public Information or Council meeting and any costs associated with the postponement will be borne by the applicant. Non-compliance with this section due to the removal, destruction, or alteration of the sign by vandalism or natural occurrence shall not affect the validity of the application or postpone a Public Information or Council meeting as long as reasonable efforts have been taken by the applicant to maintain the sign.

(2) Failure to remove the sign as required may result in the sign being removed at the expense of the applicant. The District shall not be liable for any damage or loss of the sign.

**Schedule 'B'**  
**Amendment to an Official Community Plan Bylaw or Zoning Bylaw (including the establishment of a Phased Development Agreement)**

This information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

**1. Application Requirements**

Application requirements are specified in the District of Tofino Development Application Form.

**2. Consultation**

An application for an amendment to the OCP will include one or more opportunities for consultation with persons, organizations, and authorities it considers affected by the application as per the *Local Government Act*. The opportunity for consultation will be considered for each amendment application and will be outlined within Staff's technical report to Council.

**3. Processing Procedure**

An amendment application submitted in accordance with this bylaw will be substantially processed as follows:

- (1) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the District.
- (2) Staff will review the application to determine whether it is complete, and, if incomplete, will return the application and request the required information from the applicant.
- (3) Staff will review the proposal for compliance with relevant District bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- (4) Staff may prepare a Permission to Proceed Staff Report to Council to introduce the application and seek preliminary direction regarding the application including referral to advisory committees and other matters as required.
- (5) The Applicant will post a Notice of Application sign as per Schedule 'A' of this bylaw.
- (6) Staff will refer the application to all applicable District departments, Development Review Team (DRT), advisory committees, government ministries, agencies and organizations.
- (7) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - (a) Resolve conditions/requirements identified in the Comprehensive Letter(s)
  - (b) Submit any necessary reports/studies; and
  - (c) Complete any required approvals.
- (8) The applicant must address the items in the comprehensive letter and may wish to revise the application accordingly.
- (9) The applicant may be required and is encouraged to host a public information meeting at their own expense prior to the amending bylaw being considered by the Council. If required, the applicant is to conduct the public information meeting in accordance with the requirements of Section 7 of this bylaw.
- (10) For a rezoning application where the proposed zoning bylaw is consistent with the OCP, Staff will publish and give notice of the amending bylaw(s) advising of the date of the first reading of the bylaw in accordance with the *Local Government Act*.

- (11) Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, advisory committees, the community and any recommendations from the Development Review Team (DRT).
- (12) Council will receive the technical report, and if Council decides to proceed with the amendment application, the amending bylaw may be given readings. Council may alternatively decide to postpone or deny the application.
- (13) Should the amending bylaw receive readings and should Council decide that a public hearing be held prior to third reading to permit the public to comment on the application pursuant to the *Local Government Act* and as per this bylaw, notice(s) of the amending bylaw(s) will be published in a newspaper pursuant to the *Local Government Act*. For a rezoning application where the proposed zoning bylaw is consistent with the OCP, a public hearing is not a default requirement of the *Local Government Act*; however, may be required by Council.
- (14) If a public hearing is held, the minutes of the Public Hearing will be presented to Council prior to consideration of third reading of the amending bylaw.
- (15) Council may proceed with third reading of the amending bylaw (including the imposition of conditions), postpone or deny the application. Upon third reading, an amendment bylaw may need to be referred to the relevant provincial minister(s) for signature before proceeding to adoption.
- (16) Once all of the conditions identified at third reading, if any, have been addressed, Council will consider adoption of the bylaw(s).
- (17) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.

#### **4. Preparation of Phased Development Agreements**

If a Phased Development Agreement is required, it may be processed concurrently with a Zoning Bylaw Amendment application, and will be substantially processed with the following additional steps:

- (1) The applicant will be required to work with Staff to develop a Terms Sheet identifying the basic conditions to be outlined in the Phased Development Agreement. Such conditions include, but are not limited to, the lands affected and intent of the agreement, the term, amenities, features and phasing of the development. Other conditions may be required and will be determined on a site-specific basis.
- (2) The applicant will submit the draft Terms Sheet to the District who will refer it to applicable District departments, government ministries, agencies, organizations and the Development Review Team.
- (3) Staff will prepare a technical report to the Manager for consideration of the Terms Sheet. Once the basic conditions in the Terms Sheet have been agreed upon, the applicant will be directed to draft the Phased Development Agreement, at the applicant's expense, and submit the agreement to the District.
- (4) Staff will refer the draft Phased Development Agreement to all applicable District departments, government ministries, agencies, organizations and may refer the draft Phased Development Agreement to a solicitor.
- (5) Staff will prepare a technical report for Council's consideration on the draft Phased Development Agreement, incorporating feedback received from the referral process, the community and any recommendations from Development Review Team (DRT).
- (6) Notices of the amending bylaw(s) will be given advising of the date of the first reading of the bylaw in accordance with the *Local Government Act*.
- (7) If Council wishes to proceed with the Phased Development Agreement, the Phased

Development Agreement bylaw will be given first reading and second reading (including the placement of conditions, where appropriate). Council may alternatively decide to postpone or deny the application.

- (8) Should the Phased Development Agreement Bylaw receive first and second readings and Council decides that a public hearing be held to permit the public to comment on the application pursuant to the *Local Government Act* and as per this bylaw, notice(s) of the amending bylaw(s) will be published in a newspaper pursuant to the *Local Government Act*.
- (9) Following the close of the public hearing, Council may proceed with third reading of the amending bylaw (including the imposition of conditions), postpone or deny the application.
- (10) Once the applicant has adequately addressed all of the conditions identified at third reading (if any), Council will consider adoption of the Phased Development Agreement bylaw(s).
- (11) If a Phased Development Agreement is entered into, a Notice of Permit will be registered against the title of the property at the Land Title Office by Staff.
- (12) Amendments to an approved Phased Development Agreement may occur pursuant to the *Local Government Act*.

**Schedule 'C'**  
**Comprehensive Development Plans**

This information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

**1. Application Requirements**

Application requirements are specified in the District of Tofino Development Application Form.

**2. Processing Procedure – PART A: Development of Terms of Reference for a Comprehensive Development Plan**

A request for the development of Terms of Reference for Comprehensive Development Plans submitted in accordance with this bylaw will be substantially processed as follows:

- (1) The applicant will have a Pre-Application Meeting to discuss the proposed Terms of Reference and application requirements for the Comprehensive Development Plan with Staff prior to submitting a formal application to the District. Staff may refer the request for a Terms of Reference to Council for direction on whether to pursue a Comprehensive Development Plan or an Area Plan. Where applicable, the District may require collaboration/joint applications between adjoining landowners to ensure comprehensive development planning as per the OCP.
- (2) Staff will review the application to determine whether it is complete, and, if incomplete, will return the application and request the required information from the applicant.
- (3) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, Staff will issue a receipt to the applicant.
- (4) Staff will review the proposal for compliance with relevant District bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- (5) The Applicant will post a Notice of Application sign as per Schedule 'A' of this bylaw.
- (6) Staff will notify affected residents of the applicant's request to undertake a Comprehensive Development Plan as per Section 8 of this bylaw.
- (7) The Manager will work with the applicant to prepare a draft Terms of Reference for the Comprehensive Development Plan.
- (8) Staff will refer the draft Terms of Reference to applicable District departments, Development Review Team (DRT), advisory committees, government ministries, agencies and organizations.
- (9) Based on feedback received through the referral process, Staff may meet with the applicant and/or send the applicant a letter(s) identifying any outstanding issues to be addressed in order to finalize the draft Terms of Reference.
- (10) Staff will prepare a technical report for Council's consideration of the draft Terms of Reference, incorporating feedback received from the referral process and the community and any recommendations from the Development Review Team (DRT).
- (11) Council will consider the technical report and may approve, approve with conditions, postpone or deny the draft Terms of Reference for the Comprehensive Development Plan.

**3. Processing Procedure – PART B: Submission of a Comprehensive Development Plan**

A Comprehensive Development Plan submitted in accordance with this bylaw will be substantially processed as follows:

- (1) Once the Terms of Reference have been prepared and approved by Council, the applicant will commission a Qualified Professional to prepare the draft

Comprehensive Development Plan in consultation with the District and interested parties.

- (2) The applicant will submit the draft plan in accordance with the authorized Terms of Reference.
- (3) Staff will review the draft plan for compliance with the Terms of Reference, relevant District bylaws and policies and may meet with the applicant to address any outstanding issues (as required). Staff may conduct a site visit as part of the evaluation process.
- (4) Staff will refer the draft plan to all applicable District departments, advisory committees, Development Review Team (DRT), advisory committees, government ministries, agencies, and organizations.
- (5) The applicant may be required and is encouraged to arrange a public information meeting at the applicant's expense, per Section 9 of this bylaw, to present the draft plan to the community and solicit feedback. The proposed format and timing for the session must be submitted to the Manager for approval a minimum of one-month prior to the consultation session. The consultation may include a referral to the local neighbourhood association(s).
- (6) If a public information meeting is conducted, the applicant will be required to submit a report summarizing the session, per this bylaw.
- (7) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
  - (ii) Submit any necessary reports/studies; and,
  - (iii) Complete any required approvals.
- (8) The applicant must address the items in the comprehensive letter and may wish to revise the application accordingly.
- (9) Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, advisory committees, the community and any recommendations from the Development Review Team (DRT).
- (10) Council will receive the technical report, and Council may approve the Comprehensive Development Plan or approve the Comprehensive Development Plan with conditions. Council may alternatively decide to postpone or deny the application.
- (11) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- (12) If the Terms of Reference specify that the Comprehensive Development Plan be submitted or completed in distinct phases, the procedures outlined in this schedule will be repeated for each phase as applicable.

#### **4. Processing Procedure – PART C: Official Community Plan Amendment**

- (1) Once Council has approved all phases of the Comprehensive Development Plan, Staff will bring forward an amendment to the Official Community Plan, in accordance with Schedule 'B' of this bylaw, to ensure consistency with the Comprehensive Development Plan.

**Schedule 'D'**  
**Development Permit**

This information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

**1. Application Requirements**

Application requirements are specified in the District of Tofino Development Application Form.

**2. Processing Procedure**

A Development Permit Application submitted in accordance with this bylaw will be substantially processed as follows:

- (1) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the District.
- (2) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- (3) Staff will review the proposal for compliance with relevant District bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- (4) Staff will refer the application to all applicable District departments, Design Review Panel, Development Review Team (DRT), government ministries, agencies and organizations.
- (5) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
  - (ii) Submit any necessary reports/studies; and,
  - (iii) Complete any required approvals.
- (6) The applicant must address the items in the comprehensive letter and may wish to revise the application accordingly.
- (7) Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations from the Development Review Team (DRT). All development permit applications and technical reports will be referred to the Manager for consideration.
- (8) If the Manager opts-out of making a delegated decision as per this bylaw, Council will receive the development permit application and technical report for consideration. Council may authorize the issuance of the development permit or authorize the issuance of the development permit with conditions. Council may alternatively decide to postpone or deny the application. If the development permit application includes a request for a development variance(s), the request may be considered by Staff or Council in conjunction with the development permit application pursuant to requirements of this bylaw and the *Local Government Act*. Additional fees will be required as per the District of Tofino Fees and Charges Bylaw.
- (9) The applicant will be notified of the decision regarding the application.
- (10) If a Development Permit is granted, a Notice of Permit will be registered against the title of the property at the Land Title Office by Staff.

**Schedule 'E'**  
**Minor Development Variance Permit AND Development Variance Permit**

This information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

**1. Application Requirements**

Application requirements are specified in the District of Tofino Development Application Form.

**2. Processing Procedure**

A Development Variance Permit application submitted in accordance with this bylaw will be substantially processed as follows:

- (1) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the District.
- (2) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- (3) Staff will mail or otherwise deliver notices to adjacent property owners as per requirements of this bylaw and the *Local Government Act*. If the Manager has delegated authority to review the Development Variance Permit, no notice is required as per the *Local Government Act*; however, the Manager may require notification to be sent to adjacent property owners as per this bylaw.
- (4) Staff will review the proposal for compliance with relevant District bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- (5) Staff may refer the application to the Development Review Team (DRT), all applicable District departments, government ministries, agencies and organizations. Staff will determine whether the variance request is minor or needs to be referred to Council for a decision.
- (6) Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations from the Development Review Team (DRT). If the application is deemed to be a Minor Development Variance Permit and the Manager has delegated authority to approve the Permit, the application and technical report will be referred to the Manager for consideration, otherwise the report will be prepared for Council's consideration.
- (7) The Manager may authorize the issuance of a Minor Variance Permit or alternatively decide to deny the application or refer it back to Staff for further information or deem that the variance is not minor and refer the application to Council for a decision. If authority has not been delegated or the Manager denies the application, Council will receive the technical report, and if Council decides to proceed with the development permit application, Council may authorize the issuance of the development permit or authorize the issuance of the development permit with conditions. Council may alternatively decide to postpone or deny the application.
- (8) If a variance is approved, a Notice of Permit will be registered against the title of the property at the Land title Office by Staff.
- (9) When a permit is (re)considered by Council, Staff will forward a technical memo, incorporating feedback received from the referral process, advisory committees, and the community.
- (10) Council will receive the technical memo and may authorize the issuance of the Development Variance Permit or authorize the issuance of the Development Variance Permit with conditions. Council may alternatively decide to postpone or deny the application.

(11) If a Development Variance Permit is granted by Council, a Notice of Permit will be registered against the title of the property at the Land title Office by Staff.

**Schedule 'F'**  
**Temporary Use Permit**

This information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

**1. Application Requirements**

Application requirements are specified in the District of Tofino Development Application Form.

**2. Processing Procedure**

A Temporary Use Permit application submitted in accordance with this bylaw will be substantially processed as follows:

- (1) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the District.
- (2) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- (3) The Applicant will post a Notice of Application sign as per Schedule 'A' of this bylaw.
- (4) Staff will review the proposal for compliance with relevant District bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- (5) Staff may refer the application to all applicable District departments, advisory committees, Development Review Team (DRT), government ministries, agencies, and organizations.
- (6) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
  - (ii) Submit any necessary reports/studies; and
  - (iii) Complete any required approvals.
- (7) Staff will mail or otherwise deliver notices to adjacent property owners as per this bylaw and as per requirements of the *Local Government Act*. Notice will also be published pursuant to the *Local Government Act*.
- (8) The applicant may be required and is encouraged to host a public information meeting at their own expense prior to the permit being considered by the Council. If required, the applicant is to conduct the public information meeting in accordance with the requirements of this bylaw.
- (9) Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community and any recommendations from the Development Review Team (DRT).
- (10) Council will receive the technical report, and Council may grant the requested permit (including the imposition of conditions) or may postpone or deny the application.
- (11) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- (12) If a Permit is granted by Council, a Notice of Permit will be registered against the title of the property at the Land Title Office by Staff.

**Schedule 'G'**  
**A Referral for Liquor License and Cannabis License under the Liquor and Cannabis**  
**Regulation Branch (LCRB)**

This information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

**1. Application Requirements**

- (1) Applicants must review the Liquor and Cannabis Regulation Branch (LCRB) requirements prior to submitting a Liquor License or a Cannabis License application to the District. The LCRB specifies application requirements and when local governments are required to comment on liquor license applications.
- (2) Application requirements are specified in the District of Tofino Development Application Form.

**2. Processing Procedure for Liquor Licenses and Cannabis Licenses**

A Liquor License Application submitted in accordance with this bylaw will be substantially processed as follows:

- (1) The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the District.
- (2) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- (3) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, Staff will issue a receipt to the applicant. Applicants are required to demonstrate proof of application to the LCRB prior to municipal consideration. The LCRB may forward a summary report to the District prior to the District's review of the application.
- (4) Staff will review the proposal for compliance with relevant District bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- (5) Staff may refer the application to all applicable District departments and Development Review Team (DRT).
- (6) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify recommended conditions/requirements which will be sent to the applicant.
- (7) In order to obtain public input, the District may, in accordance with the *Liquor Control and Licensing Act* and the *Cannabis Control and Licensing Act*:
  - (i) Advertise the proposal in one edition of a local newspaper to solicit written comments on the application from the public. Such comments shall be submitted in writing to the Manager within fourteen (14) days of the publication of the notice.
  - (ii) Send notifications to adjacent property owners in accordance with this bylaw.
- (8) If a Council resolution is required as per the LCRB, staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community, and any recommendations from the Development Review Team (DRT) and in accordance with the criteria local governments must consider as per guidelines specified by the LCRB.
- (9) If a Council resolution is required as per the LCRB, Council will receive the technical report, and Council will make a recommendation to the LCRB by passing a resolution to either approve or deny the application.

- (10) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome. Staff will forward the Council resolution to the LCRB for their final review and approval.
- (11) If a Council resolution is not required per the LCRB, the Manager will review the application and any feedback received from the review and provide a recommendation to the LCRB for their review and final approval.