

COLUMBIA SHUSWAP REGIONAL DISTRICT

DEVELOPMENT SERVICES PROCEDURES BYLAW NO. 4001

**THIS CONSOLIDATED BYLAW IS NOT INTENDED TO BE
USED FOR LEGAL PURPOSES**

CONSOLIDATED FOR CONVENIENCE ONLY WITH:

Bylaw No. 4001-1

September 18, 2015

INFORMATION SHEETS ON THE BYLAWS WHICH WERE CONSOLIDATED
INTO BYLAW NO. 4001

BYLAW NO. 4001-1 – Adopted September 17, 2015

- adding new Section: Section 7.2.5
- deleting Section 9.2.1 and replacing it with a new 9.2.1

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COLUMBIA SHUSWAP REGIONAL DISTRICT

DEVELOPMENT SERVICES PROCEDURES BYLAW NO. 4001

A bylaw to establish development services approval and notification procedures for processing land use applications under Part 26 of the *Local Government Act* for the Columbia Shuswap Regional District (CSRD)

WHEREAS the Board of the Columbia Shuswap Regional District has adopted Official Community Plans, Zoning Bylaws and Land Use Contracts;

AND WHEREAS Section 895 of the *Local Government Act* provides that where a local government has adopted an official community plan or a zoning bylaw, the local government must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or for the issuance of a permit or flood plain exemption under Part 26 of the *Local Government Act*;

AND WHEREAS the Board may, pursuant to s. 176 of the *Local Government Act*, delegate its powers, duties and functions;

NOW THEREFORE the Board of the Columbia Shuswap Regional District, in open meeting assembled, HEREBY ENACTS as follows:

1.0 Citation

This bylaw may be cited for all purposes as “Development Services Procedures Bylaw No. 4001”.

2.0 Repeal

Columbia Shuswap Regional District Procedures Bylaw No. 566 and all amendments thereto is hereby repealed but any application made pursuant to Bylaw No. 566 prior to the date of adoption of this Bylaw may be processed and dealt with in accordance with the provisions of Bylaw No. 566.

3.0 Definitions

In this bylaw, unless the context otherwise requires:

ALC means the BC Agricultural Land Commission;

APC means the Advisory Planning Commission established by the Board from time to time;

Agent means a person with written authority from an owner to act on the owner’s behalf for the purposes of making an application to the CSRD;

Applicant means an owner or agent making an application pursuant to this Bylaw;

Board means the CSRD Board of Directors;

BOV means the CSRD Board of Variance;

Certificate of Title means the document issued from the BC Land Title and Survey Authority identifying the owner, legal description of land, and any charges registered against the title;

CSRD means the Columbia Shuswap Regional District;

Development Approval Information means information on the anticipated impact of the proposed activity or development on the community that may be required for applications made pursuant to this bylaw;

Flood Plain Exemption means an exemption to a CSRD flood plain regulation such as flood construction level or setback;

Highway means any public street, path, walkway, trail, lane, bridge, road, thoroughfare or any public way.

OCP means Official Community Plan;

Manager means the Manager of Development Services of the CSRD or the Manager's designate;

MoT means the BC Ministry of Transportation and Infrastructure;

Owner means, in regard to real property, the registered owner of an estate in fee simple, strata, or having an interest in land;

Qualified Professional means membership in good standing with a professional British Columbia organization such as an accredited engineer, architect, planner, biologist or other professional with direct experience and education relevant to the applicable matter, as determined by the Manager;

Surveyor's Certificate means a certificate prepared by a BC Land Surveyor (BCLS) which identifies natural features, property boundaries, and improvements made or proposed, as applicable;

Technical Development Permit means a development permit issued in respect of a development permit area designated under Sections 919.1(1)(a), (b) or (c) of the Local Government Act;

4.0 Scope and Application Requirements

4.1 This bylaw shall apply to all Electoral Areas of the CSRD (Electoral Areas 'A', 'B', 'C', 'D', 'E' and 'F').

4.2 This bylaw shall apply to the following applications:

- Amendments to an Official Community Plan;
- Amendments to a Zoning Bylaw;
- Amendments to a Land Use Contract (including discharge);
- Amendments to a Land Use Bylaw;
- Applications for a development permit;

- Applications for a development variance permit;
- Applications for a temporary use permit, including renewals;
- Applications for a flood plain exemption;
- Applications to the Agricultural Land Commission;
- Subdivision Referral Applications; and
- Board of Variance Applications.

4.3 Applications shall be made by the owner(s) of the land or, with a signed letter of authorization from the owner(s), by an agent to act on the owner's behalf in all matters pertaining to the application.

4.4 Applications shall be made on the form prescribed by the Manager and shall include the following:

- The signature of the owner(s) or the agent acting on the owner's behalf;
- The applicable fee, as set out in *Columbia Shuswap Regional District Development Services Application Fees Bylaw 4000*, as amended from time to time;
- A current Certificate of Title dated within 30 days of the date of application for all affected properties;
- Information required under the *Environmental Management Act*, as set out in s. 946.2 of the *Local Government Act*, if the application is for a zoning amendment, development permit, or development variance permit;
- Written explanation of the purpose of the application;
- Scaled drawing or sketch of the proposed development, site plan, or proposed subdivision (as applicable);
- Any requested Development Approval Information specific to the application being made, as described in more detail in section 6 of this Bylaw; and
- Any other information requested by the Manager to be included.

4.5 Applications received without an application fee or the required information, as determined by the Manager, are considered incomplete. If the applicant does not provide the required information and/or fee within 45 days of notification by the CSRD, the application and/or fee will be returned.

5.0 Consultation and Referral to Agencies

5.1 As determined by staff and approved by the Board, the level of consultation required in relation to an application is determined by the complexity and possible impacts to other agencies' interests related to the application.

6.0 Development Approval Information

- 6.1 Where an Official Community Plan has designated an area as a Development Approval Information Area or has specified the circumstances in which development approval information is required, or both, such information will be required for:
- Applications for an Official Community Plan or Zoning Bylaw amendment;
 - Applications for a development permit; and
 - Applications for a temporary use permit.
- 6.2 Development Approval Information must be provided in accordance with the requirements of *Columbia Shuswap Regional District Development Approval Information Bylaw No. 644*, as amended or repealed and replaced from time to time.
- 6.3 In accordance with Section 920.1(7) of the Local Government Act, the requirements for Development Approval Information under this Bylaw do not apply if the proposed activity or development is a reviewable project under section 1 of the *Environmental Assessment Act*.

7.0 Public Notice Requirements

- 7.1 Public notification of applications shall be required for:
- 7.1.1 Bylaw amendments:
- 7.1.1.1 If a public hearing is to be held, notice of the public hearing will be advertised pursuant to the requirements of the Local Government Act.
- 7.1.1.2 Written notices will be mailed at least 10 days prior to the public hearing to owners and tenants in occupation of all parcels within 100m of the subject property.
- 7.1.2 Development Variance Permits, Temporary Use Permits, Board of Variance Applications, and amendment or discharge of Land Use Contracts:
- 7.1.2.1 Written notices will be mailed at least 10 days prior to the adoption of the resolution to issue a permit, or amend or discharge a land use contract, to the owners and tenants in occupation of all parcels within 100m of the subject property.
- 7.2 A Notice of Application sign shall be posted on the subject property for bylaw amendments and Temporary Use Permits:
- 7.2.1 The sign shall be constructed and installed on the subject property as detailed in Schedule 'A' of this bylaw and as follows:
- There shall be at least one sign for every 200 metres of street frontage;
 - Sign(s) shall be visible from all street frontages;

- For corner properties with less than 200m of total street frontage, one sign facing the intersection may be placed as detailed for a corner lot on Schedule 'A' of this bylaw;
- Sign(s) shall not interfere with pedestrian or vehicle traffic;
- Sign(s) shall be installed in a sound manner and be capable of withstanding wind and weather;
- Sign(s) shall be located within the bounds of the subject property lines; and,
- Any other requirements as requested by the Manager to effect more appropriate placement and visibility of signage.

7.2.2 Sign(s) must be installed and a sworn affidavit (as shown on Schedule 'B') with picture(s) of installed sign(s) must be received by the CSRD:

7.2.2.1 No more than 30 days following first reading of the bylaw(s);

7.2.2.2 After receiving confirmation from CSRD staff of a complete application, no less than 30 days prior to Board consideration of a Temporary Use Permit.

7.2.3 The Notice of Application sign(s) shall be removed within 7 days of the conclusion of the application being approved, refused by the Board, or application being withdrawn by the applicant.

7.2.4 Failure to adhere to signage requirements in this Bylaw may result in a postponement in the processing of the application.

7.2.5 Section 7.2, and subsections 7.2.1 to 7.2.4 do not apply, and a Notice of Application sign is not required when the applicant is the Columbia Shuswap Regional District.

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7.3 Notifications of all Board, APC, BOV, public hearing, or Public Information Meetings will be posted on a bulletin board located at the CSRD main office and on the CSRD website.

7.4 Public Information Meeting

7.4.1 A public information meeting as part of a complex consultation process may be required by the Board for a bylaw amendment application after first reading. At the applicant's expense and in consultation with CSRD staff, a public information meeting must:

- Be advertised at least once in the print edition of a local newspaper;
- Be held in a venue local to the property under application; and
- Be organized and run by the applicant to provide information, answer questions, and encourage positive discussion;

7.4.2 Within 7 days of the public information meeting, the applicant is required to provide a summary of the meeting, including the number of attendees and questions asked, to the CSRD for the Board's consideration at second reading of the bylaw.

- 7.4.3 Upon receiving information from the applicant and staff in regard to the public information meeting, the Board, at its discretion, may require the applicant to hold another public information meeting if the Board is of the opinion that the meeting was not appropriately advertised, organized, or run so as to adequately engage the public on the details of the application being made to the CSRD.

8.0 Processing Applications for Bylaw Amendments

- 8.1 Processing of complete applications for bylaw amendments will generally follow the following procedure:
 - 8.1.1 Application is referred to the Board for first reading, or consideration of first and second reading, of the bylaw;
 - 8.1.2 Notice of application sign must be posted on the subject property as per the requirements of Section 7.2 of this Bylaw following first reading;
 - 8.1.3 If granted first reading, referrals will be sent to applicable agencies, First Nations, APC and internal CSRD departments as approved by the Board;
 - 8.1.4 If the Board approves a complex consultation process for the bylaw the applicant will be required to hold a public information meeting prior to second reading;
 - 8.1.5 At second reading, referral comments and summary of public information meeting (if applicable) will be provided to the Board for consideration, and consideration may be given by the Board to approve the scheduling of a public hearing;
 - 8.1.6 If a public hearing is to be held, notice shall be provided in accordance with the Local Government Act and the provisions of this Bylaw;
 - 8.1.7 Results of the public hearing will be provided to the Board prior to consideration of third reading;
 - 8.1.8 If third reading is granted to the bylaw(s), prior to bylaw adoption any required notices, covenants or agreements must be registered on title, or a lawyer's undertaking to do so must be obtained by the CSRD; Any required provincial approvals must also be obtained prior to adoption of the bylaw(s).
 - 8.1.9 In some circumstances the Board may consider granting third and final reading to the bylaw(s) if no additional approvals, notices on title, or agreements are required.

9.0 Processing Applications for Permits and Flood Plain Exemptions

9.1 Board Approved Permits

- 9.1.1 The Board approves all of the following permits:
 - All Development Permits other than Technical Development Permits;
 - Technical Development Permits for which the applicant is also seeking to vary the provisions of a bylaw under Division 7 of Part 26 of the *Local Government Act*, when such a variance would exceed what is allowed under the bylaw by more than 10%;
 - Development Variance Permits; and
 - Temporary Use Permits, including renewals of Temporary Use Permits.
- 9.1.2 Once a completed application has been received:

- 9.1.2.1 As necessary, staff will refer the application to applicable agencies, APC and internal CSRD departments for comment;
- 9.1.2.2 Written notices will be mailed to all owners and tenants in occupation of all parcels within 100m of the subject property;
- 9.1.2.3 Upon receipt of referral comments, staff will prepare a report and recommendation to the Board for consideration of the permit(s);
- 9.1.2.4 If approved, issuance of the permit may be withheld until conditions of the Board approval are met, such as registration of a covenant.

9.2 Delegated Development Permits and Flood Plain Exemptions

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9.2.1 The CSRD Board hereby delegates to the Manager the power to issue or grant the following:

- Technical Development Permits;
- Technical Development Permits for which the applicant is also seeking to vary the provisions of a bylaw under Division 7 of Part 26 of the *Local Government Act*, when such a variance application can illustrate hardship and would not exceed what is allowed under the bylaw by more than 10%; and,
- Flood Plain Exemptions.

9.2.2 Once a completed application has been received:

- 9.2.2.1 As necessary, staff will refer the application to applicable agencies and CSRD departments for comment;
- 9.2.2.2 Upon receipt of referral comments, staff will prepare a report and recommendation to the Manager for consideration of approval of the permit(s);
- 9.2.2.3 If approved, issuance of the permit, or granting of a flood plain exemption, may be withheld until conditions of approval are met, e.g. registration of covenant.

9.3 Permits are valid for a period of two years from the date of issuance. If the holder of a permit does not substantially start any construction within two years after the date of issuance, the permit shall lapse. The applicant of a lapsed permit is subject to the re-application requirements set out in section 10 of this Bylaw.

9.4 The Manager may determine the form and content required for all, permits and exemptions.

9.5 Amendments to Development Permits

9.5.1 If the applicant is seeking minor amendments to any development permit, such changes may be considered and approved by the Manager. Minor changes are those that do not materially affect the nature of the development, involve no variances from the provisions of a bylaw under Division 7 of Part 26 of the *Local Government Act*, and include matters such as minor mapping changes or text amendments.

9.5.2 Major amendments to any Development Permit may require the approval of the Board and would include changes arising out of or requiring new reports or drawings.

10.0 Lapse and Re-application Requirements

10.1 Lapse of Permit or Flood Plain Exemption Applications:

10.1.1 As determined by the Manager, if an application for a permit or flood plain exemption has been inactive for at least six months following the date of application, the application will be deemed to have lapsed, the file will be closed, and the application fee forfeited to the CSRD.

10.1.2 A new application will be required if an applicant wishes to proceed at a later date and is subject to the requirements of section 10.3.

10.2 Lapse of OCP/Zoning Bylaw Amendment Applications:

10.2.1 If an application for a bylaw amendment has been inactive for a period of at least six months, the application will be deemed to have lapsed and the application fee forfeited to the CSRD.

10.3 Re-applications for the same bylaw amendment(s), permit(s), or flood plain exemptions:

10.3.1 A re-application to the CSRD for the same bylaw amendment, permit, or flood plain exemption in circumstances where the original application lapsed or was refused, will not be considered by the Board or the Manager, as applicable, for at least six months from the date of lapse or refusal.

10.3.2 An applicant may apply to the Board or Manager, as applicable, to waive the time limit for re-application in relation to the lapsed or refused amendment, permit or flood plain exemption. A written statement explaining the reasons the Board or Manager should waive the time limit for re-application must accompany the request. For Board approvals the time limit for reapplication can only be waived by an affirmative vote of at least 2/3 majority of the Board.

11.0 Other Applications

11.1 Subdivision Referrals

11.1.1 Subdivision applications shall follow the procedure set by the CSRD as amended or repealed and replaced from time to time.

11.2 Agricultural Land Commission (ALC) Referrals

11.2.1 ALC applications shall follow the procedure set by the CSRD as amended or repealed and replaced from time to time.

11.3 Strata Conversion of Previously Occupied Dwellings

11.3.1 Applications for the strata conversion of a previously occupied dwelling shall follow the application process as outlined in CSRD Procedure PR-3 Previously Occupied Building Strata Conversion Approval Procedure (Section 242 Strata Property Act).

11.4 Board of Variance

11.4.1 Board of Variance applications shall follow the regulations and process as outlined in CSRD Board of Variance Bylaw No. 647, as amended or repealed and replaced from time to time, and the *Local Government Act* Sections 901 and 902.

11.5 Amendment and Discharge of Land Use Contracts

11.5.1 The process to modify or vary a land use contract is as follows:

11.5.1.1 If an applicant proposes to modify or vary a land use contract by way of bylaw, the application to modify or vary will be processed as follows:

11.5.1.1.1 Referrals will be sent to internal CSRD departments for comment;

11.5.1.1.2 Upon receipt of referral comments, staff will prepare a report and recommendation to the Board to consider first and second readings to the bylaw(s);

11.5.1.1.3 Following second reading of the bylaw, a public hearing shall be held with notice provided in accordance with the *Local Government Act* and the provisions of this bylaw;

11.5.1.1.4 If third reading is granted to the bylaw, prior to bylaw adoption any required notices or agreements must be registered on title, or a lawyer's undertaking to do so must be obtained by the CSRD;

11.5.1.1.5 The Board may consider granting third and final reading to the bylaw if no additional approvals, notice on title, or agreements are required.

11.5.1.2 If an applicant proposes to modify or vary a land use contract by way of bylaw respecting any matter in it relating to density or use of an area covered by contract, in addition to the processes set out in this bylaw, the notice and public hearing requirements of ss. 890 through 894 of the *Local Government Act* are also applicable.

11.5.1.3 If an applicant proposes to modify or vary a land use contract by way of a development permit or a development variance permit, which is permissible provided the amendment does not affect the permitted use or density of use of any parcel against which the contract is registered, the Board must approve these permits and the process set out in s. 9.1.2 is applicable.

11.5.1.4 If a land use contract is to be modified in the manner set out in the contract, the applicant must make an application to staff who will prepare a report and recommendation to the Board in accordance with the provisions of the contract.

11.5.1.5 If a land use contract is amended by bylaw or by a development variance permit or development permit, CSRD will register the amendment in the land title office in accordance with the *Land Title Act*.

11.5.2 The process to discharge a land use contract is as follows:

11.5.2.1 If a land use contract is to be discharged by bylaw, the application for discharge will be processed as follows:

11.5.2.1.1 Referrals will be sent to internal CSRD departments for comment;

11.5.2.1.2 Upon receipt of referral comments, staff will prepare a report and recommendation to the Board to consider first and second readings to the bylaw(s);

11.5.2.1.3 Following second reading of the bylaw, a public hearing shall be held with notice provided in accordance with the Local Government Act and the provisions of this bylaw;

11.5.2.1.4 If third reading is granted to the bylaw, prior to bylaw adoption any required notices or agreements must be registered on title, or a lawyer's undertaking to do so must be obtained by the CSRD;

11.5.2.1.5 The Board may consider granting third and final reading to the bylaw if no additional approvals, notice on title, or agreements are required.

11.5.2.2 If a land use contract is to be discharged in the manner set out in the contract, the applicant must make an application to staff who will prepare a report and recommendation to the Board in accordance with the provisions of the contract.

11.5.2.3 A land use contract may not be discharged by a development permit or a development variance permit.

11.5.2.4 Once a land use contract is discharged, the CSRD will provide notice of the discharge to the land title office in accordance with the *Local Government Act*.

11.6 Covenants and Notices on Title

11.6.1 Any required covenants or notices on title for permits, bylaws or flood plain exemptions, are required to be registered on title prior to issuance of a permit or flood plain exemption, or granting of final reading of a bylaw.

11.6.2 A letter of undertaking from a lawyer or notary to undertake such registration of a covenant or other notice on title may be accepted by the CSRD.

12.0 Performance Security and Amenity Contributions

12.1 Performance Security

- 12.1.1 When landscaping or parking security is a condition of a permit, the applicant shall provide a security deposit in the amount of 125% of the estimated cost of the works.
- 12.1.2 The applicant must submit at least two estimates from qualified landscaping or paving companies; the average cost of the estimates shall be used to determine the required security amount.
- 12.1.3 Security must be provided to the CSRD by certified cheque or Letter of Credit in a form acceptable to the CSRD prior to issuance of a permit, or final reading of a bylaw, as applicable.
- 12.1.4 Security may be held for two years from the date of issuance of the permit or adoption of the bylaw. If the works are not completed within two years the CSRD may draw on the security and use those funds to complete the agreed upon works.
- 12.1.5 If the applicant completes the agreed upon works in phases, at the CSRD's discretion, the CSRD may return portions of security as commensurate with the amount of work that has been completed.
- 12.1.6 Interest earned on the security provided under this section accrues to the holder of the permit and shall be paid to the holder immediately on return of the security or, on default, becomes part of the amount of the security.

12.2 Security for Temporary Use Permits

- 12.2.1 Without limiting section 12.1, security may be required as a condition of a temporary use permit. When such security is required, the applicant shall provide security in the form and amount determined by the CSRD.
- 12.2.2 Security may be held for the duration that the temporary use permit is valid, including a renewal period. Security ensures that the terms and conditions of the permit are met and that the temporary use is removed upon expiry of the permit. When the site is restored and the terms and conditions of the permit have been met, the applicant may notify the Manager and request an inspection by CSRD staff. Staff will verify that the required work has been completed prior to obtaining a refund of the security. If there is a default under the permit or the restoration work is not completed prior to the expiry of the temporary use permit, CSRD may draw on the security and use those funds to complete the work in question.

12.3 Amenity Contributions

- 12.3.1 Amenity contributions received as part of a Phased Development Agreement or bylaw approval will be held in trust until the agreed upon works are completed as detailed in the agreement of bylaw.
- 12.3.2 If the applicant completes the agreed upon works in phases, at the CSRD's discretion, the CSRD may return portions of security as commensurate with the amount of work that has been completed.

13.0 Reconsideration

- 13.1 An applicant is entitled to have the Board reconsider the following decisions or requirements of a Manager under this Bylaw:
- 13.1.1 A requirement imposed under section 6 in relation to Development Approval Information; and
- 13.1.2 A decision of the Manager regarding a development permit application or a flood plain exemption application.
- 13.2 An application for reconsideration must be delivered in writing to the Corporate Officer within 30 days of the decision of the Manager being communicated to the applicant setting out the grounds upon which the applicant considers the decision of the Manager to be inappropriate and what, if any, requirement or decision the applicant considers the Board ought to substitute.
- 13.3 The Corporate Officer must place each application for reconsideration on the agenda of a regular meeting of the Board of the CSRD. The Corporate Officer must notify the applicant and owners and tenants of property within 100 metres of the subject property of the date of the meeting at which reconsideration by the Board will occur.
- 13.4 At the meeting, the Board may hear from the applicant and any other person interested in the matter under reconsideration who wishes to be heard. The Board may either confirm the decision of the Manager, amend the decision of the Manager, or substitute its own requirement or decision.

READ a first time this 18th day of June, 2015.

READ a second time this 18th day of June, 2015.

READ a third time this 18th day of June, 2015.

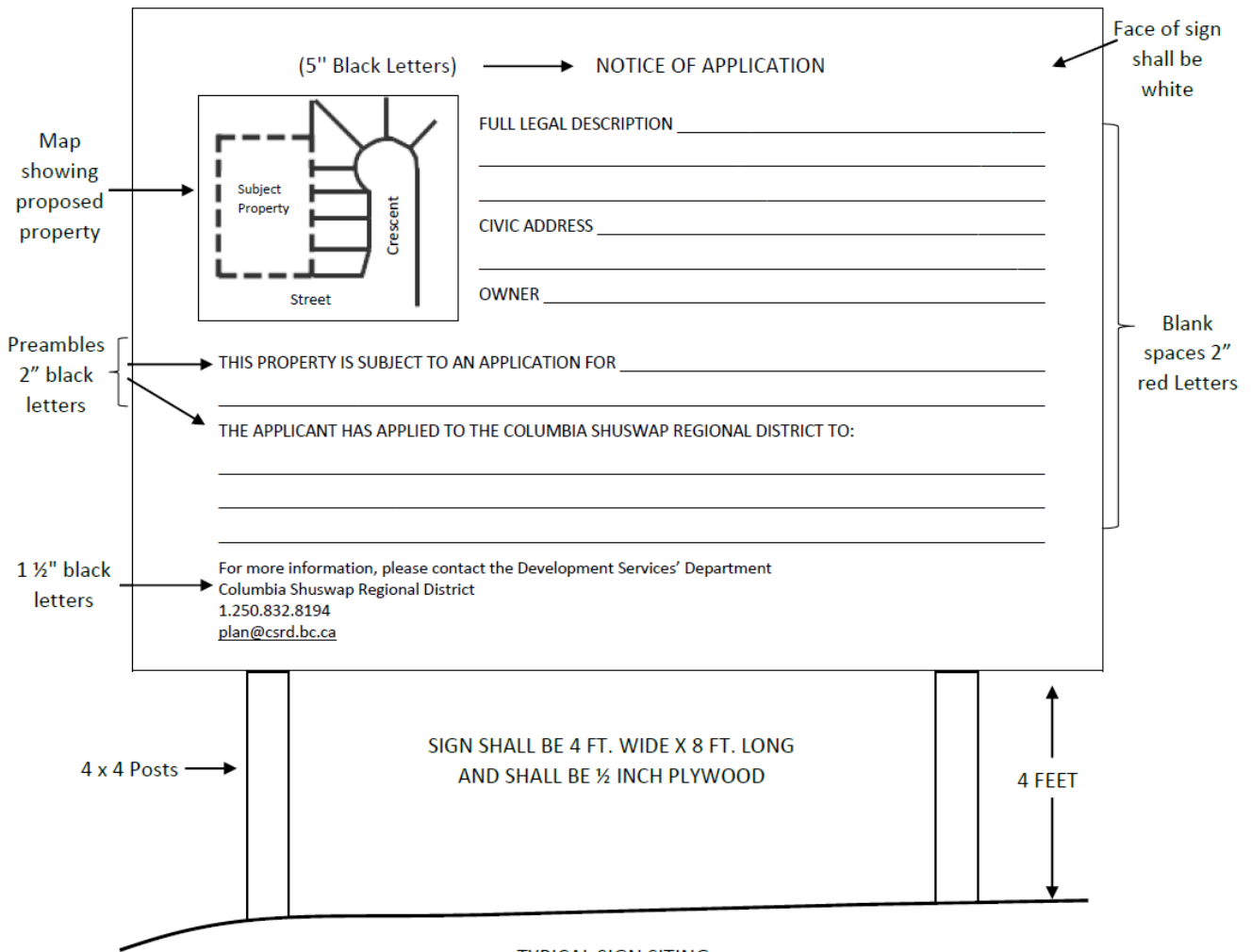
ADOPTED this 18th day of June, 2015.

C.A. Hamilton
Corporate Officer

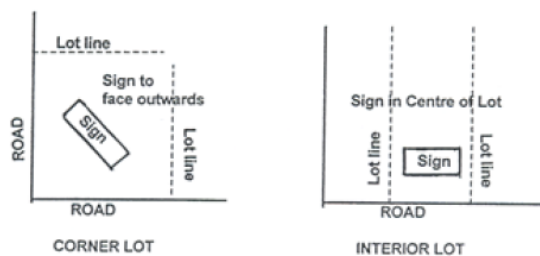
Rhona Martin
Chair

Certified true copy of Bylaw No. 4001
as adopted.

Schedule 'A' - Notice of Application Sign



TYPICAL SIGN SITING



Schedule 'B' - Posting of Notice of Application Sign Affidavit

I, _____ of _____
(Print name in full) (Address)

HEREBY CERTIFY that I did post _____ Notice of Application Sign for _____
(# of signs) (Application Number)

in accordance with Procedures Bylaw No. 4001, of the Columbia Shuswap Regional District
on the _____ day of _____, 20____.

Signature of applicant

SWORN before me at _____ BC this _____
day of _____, 20____.

A Commissioner for taking Affidavits in the
Province of British Columbia