

## Town of Creston

### Bylaw No. 1984

A bylaw to establish development application procedures requirements within the Town of Creston.

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WHEREAS the *Local Government Act* requires a municipality to define procedures by which landowners may apply for a permit or an amendment to the Official Community Plan or Zoning Bylaw;

NOW THEREFORE, the Council of the Town of Creston, in open meeting assembled, enacts as follows:

#### Part 1 Citation

- 1.1 This Bylaw may be cited as “Development Application Procedures Bylaw No. 1984, 2024” or “Development Procedures Bylaw”.

#### Part 2 Severability

- 2.1 If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause, or phrase.

#### Part 3 Definitions

The definitions in the *Local Government Act* RSBC 2015, c 1, *Community Charter* and Town of Creston Zoning Bylaw, as amended from time to time, are applicable to this bylaw, except those listed below:

“**Applicant**” means a person or entity that applies for an Application in relation to a matter outlined in Section 5.

“**Application**” means a request for an amendment to a **Town** bylaw, for an issuance of a land use permit, or for other development approval or agreement submitted by an **Applicant** in relation to any matter outlined in Section 5.

“**Director**” means the Director of Community Services for the **Town** or their designate.

“**Official Community Plan**” or “**OCP**” means the Official Community Plan attached to the Town of Creston Official Community Plan Bylaw No. 1854, 2017.

“**Owner**” means, in respect of real property, all registered owners of a **Site**, as verified through a recent Land Title Office search, and includes an agent authorized by the **Owner** in writing.

“**Fees and Charges Bylaw**” means Fees and Charges Bylaw No. 1763, 2011, as amended from time to time.

“**Qualified Professional**” means the following professionals with experience relevant to the applicable matter, as determined by statute or, if not required by provincial legislation, by the **Director**: a professional engineer, geoscientist, architect, landscape architect, biologist, planner, or other professional licensed to practice in British Columbia, including a “qualified environmental professional” as defined in the *Riparian Areas Protection Regulation*, BC Reg 178/2019.

“**Site**” means an area of land consisting of one or more registered **Lot(s)** subject to an **Application**.

“**Town**” means the Corporation of the Town of Creston.

“**Zoning Bylaw**” means Town of Creston Zoning Bylaw No. 1958, 2022, as amended from time to time.

## Part 4 Interpretation

4.1 Any enactment referred to in this bylaw is a reference to an enactment of:

- 4.1.1 the Council of the **Town**, or
- 4.1.2 British Columbia

as amended, revised, consolidated or replaced from time to time.

4.2 This bylaw is not intended to conflict with any provision of the *Local Government Act* relating to any application or to fetter any statutory authority of the **Town**.

## Part 5 Scope

5.1 This bylaw applies to an **Application**:

5.1.1 for:

- 5.1.1.1 an amendment to the **Official Community Plan**;
- 5.1.1.2 an amendment to the **Zoning Bylaw**; or

5.1.2 for the issuance of:

- 5.1.2.1 a Development Permit;
- 5.1.2.2 a Development Permit with Variances; or
- 5.1.2.3 a Development Variance Permit.
- 5.1.2.4 a Temporary Use Permit.

5.1.3 for:

- 5.1.3.1 a Phased Development Agreement; and
- 5.1.3.2 a modification or discharge of a Covenant or other charge registered under the *Land Title Act* in favour of the **Town**.

## Part 6 Application Procedures & Requirements

6.1 **General Procedures for all Applications**

- 6.1.1 Procedures under which an **Owner** may apply for an amendment to the **Official Community Plan** or the **Zoning Bylaw**, or both, are set out in Schedule A.
- 6.1.2 Procedures under which an **Owner** may apply for a Phased Development Agreement are set out in Schedule B.

- 6.1.3 Procedures under which an **Owner** may apply for a Development Permit or Development Permit with Variances are set out in Schedule C.
- 6.1.4 Procedures under which an **Owner** may apply for a Development Variance Permit are set out in Schedule D.
- 6.1.5 Procedures under which an **Owner** may apply for a Temporary Use Permit, or a renewal of a Temporary Use Permit, are set out in Schedule E.
- 6.1.6 Applications for other approvals and agreements related to development shall be made to the **Director**, and provide information reasonably required by the **Director** to process such applications in compliance with statutory requirements and, where necessary, seek Council's approval.
- 6.1.7 Applications for permits requiring Provincial or Federal government approval must adhere to the relevant Provincial or Federal legislation and regulations.

## 6.2 **General Requirements for all Applications**

- 6.2.1 An **Application** shall be made to the **Director** and shall be executed in writing by the **Owner(s)** of the **Site** that is the subject to the **Application**.
- 6.2.2 If there is a change of ownership of a **Site** that is the subject to an existing **Application**, the **Applicant** must promptly provide an updated title certificate and written authorization from the new **Owner**, and the **Director** may delay proceeding further with the **Application** until this information and authorization is provided.
- 6.2.3 An **Application** shall:
  - 6.2.3.1 be submitted to the **Director**, received by **Town** staff, in the form prescribed by the **Director**, which shall be made available on the **Town's** website, and
  - 6.2.3.2 include all information required by the form and the **Director** pursuant to this **Bylaw**; and
  - 6.2.3.3 be accompanied by all relevant fees (e.g. application, legal, public hearing, etc.), as outlined in the **Fees and Charges Bylaw**, made payable to the **Town**.

## 6.3 **Incomplete Applications**

- 6.3.1 If an incomplete **Application** is submitted, the **Application** shall not be considered to be accepted until the **Director** advises it will be processed. If the **Director** refuses to process an **Application**, the **Director** will inform the **Applicant**, verbally or in writing, what is required for the **Application** to be considered complete.

6.3.2 An **Application** that has been substantially inactive or incomplete for a period of 180 days, as determined by the **Director**, will be considered as abandoned, such **Application** will be closed following 30 days written notice. The **Director** may consider a written request from the **Applicant** for extension of the time frames imposed by this section provided such request is made before the **Application** is closed.

6.3.3 If an **Application** has been closed, the **Applicant** must, even if the new **Application** is substantially the same as the closed Application, begin the **Application** process again in accordance with this Bylaw and submit a new complete **Application** and fees.

#### 6.4 Reapplication Following Refusal

6.4.1 Where an **Application** that has been refused by Council or a delegated decision making authority, re-application shall not be permitted for a period of six (6) months immediately following the date of refusal, except as permitted pursuant to the provisions of the *Local Government Act*.

6.4.2 A re-application is considered a new application and additional fees apply.

6.4.3 Revised **Applications** that are, in the opinion of the **Director**, significantly different from an **Application** that has been refused can be accepted for consideration immediately as a new **Application** subject to satisfying all the requirements of this Bylaw anew.

## Part 7 Public Notification & Consultation

### 7.1 Public Notification by the Town

7.1.1 In accordance with the *Local Government Act*, the distance specified for Notice from the **Town** is 60 metres from the legal boundaries of the **Site** subject to an **Application**.

7.1.2 The **Director** may be required to give additional notification by unanimous vote of the Council present.

7.1.3 If public notice is required, it may be given through publication in a newspaper, the Town Views newsletter, or both.

### 7.2 Applicant Public Information Meetings

#### 7.2.1 Applicant Public Information Meeting Requirement

7.2.1.1 The **Owner** must hold a public information meeting prior to Council considering an Application for an **Official Community Plan** amendment or Phased Development Agreement in order to provide an additional opportunity for the public to access information and to enquire about the **Application**.

- 7.2.1.2 The **Director** may require the **Owner** to hold a public information meeting prior to Council considering an **Application** for a **Zoning Bylaw** amendment in order to provide an additional opportunity for the public to access information and to enquire about the **Application**.

## 7.2.2 Applicant Public Information Meeting Standards

If a public information meeting is required, it is the **Owner's** responsibility to arrange and conduct the meeting to the satisfaction of the **Town** and principles of procedural fairness, including according to the following standards:

- 7.2.2.1 Notice of the location, time and duration of a public information meeting shall be given in accordance with the intent to provide a reasonable opportunity for the public to access information and to enquire thoroughly about the proposal. Where possible, the meeting should be held in the area most impacted by the proposal. Where holding the meeting in the area most impacted is not possible, the meeting shall be held at Town Hall or other appropriate location. The meeting location, time and duration must be approved by the **Director**, prior to publishing or mailing of meeting notifications.
- 7.2.2.2 Prior to initial consideration of the **Application** by Council, the **Applicant** shall submit to **Town** staff a report summarizing the public information meeting and provide, at a minimum, a general summary of the public information meeting outlining any discussions and issues raised by those attending that includes responses to the following questions:
- (i) Where was the meeting held?
  - (ii) At what time and for what duration was the meeting held?
  - (iii) How many people attended the meeting?
  - (iv) How was the meeting advertised?
  - (v) How were surrounding property owners notified of the meeting?
  - (vi) What information was provided at the meeting?
- 7.2.2.3 Notwithstanding Section 7.2.2.2, the **Director** may direct **Town** staff to attend a public information meeting in order to take meeting notes which may be provided to the applicant to assist in the development of their summary report, provide planning or technical insight to attendees, or to ensure procedural fairness.

## 7.3 Public Notification Sign by the Applicant

- 7.3.1 The **Applicant** is required, at its own cost, to post a development notification sign in accordance with the requirements and specifications identified in Schedule F for an **Application** for an **Official Community Plan** amendment, **Zoning Bylaw** amendment or Phased Development Agreement.

7.3.2 Failure to post a required development notification sign in accordance with this bylaw and its Schedules may result in the postponement of consideration of the **Application** by Council, and all costs incurred by the **Town** for public notification as a result of such postponement will be the responsibility of the **Applicant**.

7.4 **Additional Referral Process**

7.4.1 Council may at any time in any application process require that an **Application** be referred to any internal staff or external agency for review, information and comment that Council considers appropriate.

7.4.2 Such additional referral does not constrain Council in its decision-making process or require it to await comments from the referred party.

## **Part 8 Inspection and Enforcement**

8.1 The **Director** or any authorized representative of the Town is authorized to enter at all reasonable times upon any premises to ascertain whether the regulations and provisions of this bylaw and related approved bylaws, permits and agreements are being or have been complied with.

## **Part 9 Fees**

9.1 The payment of **Application** fees by an **Applicant** is governed by the **Town's Fees and Charges Bylaw**, as may be amended from time to time.

## **Part 10 Suspension**

10.1 Any one or more of the procedures in this bylaw, except those that are required by provincial legislation, may be temporarily suspended (either generally or specific to an **Application**) by unanimous vote of the Council present.

## **Part 11 Previous Bylaw Repeal**

11.1 Town of Creston Bylaw No. 1296, cited as "Development Approvals Procedures Bylaw No. 1388, 2014" and all amendments thereto, are hereby repealed.

## **Part 12 Effective Date**

12.1 This Bylaw shall come into full force and effect upon adoption.

READ A FIRST TIME by title and SECOND TIME by content this 26<sup>th</sup> day of March, 2024.

READ A THIRD TIME by title this 26<sup>th</sup> day of March, 2024.

ADOPTED this 16<sup>th</sup> day of April, 2024.

## Schedule A

### Application to Amend the Official Community Plan or the Zoning Bylaw, or Both

#### 1 APPLICATION REQUIREMENTS

In addition to requirements identified in the main part of this bylaw, the **Owner** is solely responsible for the provision of:

- (a) The completed **Application** form including the applicable fees and the authorizing signatures of the **Owner**.
- (b) A Surveyors Certificate prepared by a BC Land Surveyor for existing development on the subject property, with dimensions and areas, unless waived by the **Director**.
- (c) Copy of current Title Certificate dated within 15 days of the **Application**, including copies of any covenants and other non-financial encumbrances on title.
- (d) Project Description and Rationale, including review of applicable **OCP** policies.
- (e) **Site** Plan which contains the following minimum information about the subject property, unless waived by the **Director**:
  - (i) Location map, including neighbouring land uses;
  - (ii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas;
  - (iii) Significant physical features and topographic information, and all existing watercourses and wetlands, and all Sensitive Ecosystem Information;
  - (iv) North arrow and drawing scales;
  - (v) Dimensions for all elevations and site plans;
  - (vi) Details of proposed uses and buildings, including type and location of units;
  - (vii) Roads, existing and/or proposed;
  - (viii) Open space; and
  - (ix) Zoning Data Table.
- (f) Completed 'Site Disclosure Statement', as per the *Local Government Act* and Environmental Management Act, for the **Site**, or identification of the applicable exemption in accordance with the Contaminated Sites Regulation.
- (g) Additional information as may be required by the **Director**, including in accordance with the Delegation of Authority Bylaw No. 1855, 2017 and in accordance with policies contained within the **Town's Official Community Plan (OCP)**.

#### 2 PROCESSING PROCEDURE

The following typical procedure is generally intended to be chronological but does not preclude concurrent or repeated steps, as best determined by the **Director** in accordance with statutory and bylaw requirements, Council priorities and policies, the type and magnitude of the **Application**, and staffing considerations:

- (a) **Owner** submits complete **Application** and **fees** to **Town** Staff. Processing will not commence until all the **Application** requirements are met and accepted by

the **Director**. Staff will advise if the **Application** will not be processed and the **Applicant** will have the opportunity to complete the **Application**.

- (b) Staff will provide the design of the required Development Notification Sign to the **Applicant**, mapping of the area required for notification of the Neighbourhood Public Meeting, and mailing labels if requested.
- (c) The **Applicant** shall:
  - (i) install the Development Notification Sign in accordance with Section 7.3 and Schedule F;
  - (ii) hold a Public Information Meeting in the Town in accordance with Section 7.2 of this Bylaw;
  - (iii) report to the **Director** in writing on the Development Notification Sign and the Public Information Meeting.
- (d) The **Director** shall consider whether to exercise their delegated authority to require Development Approval Information in accordance with the Delegation of Authority Bylaw No. 1855, 2017, and the **Applicant** shall provide such information if requested.
- (e) Staff refer the **Application** to internal departments for their review and comment.
- (f) Staff send the **Applicant** a Development Review Team (DRT) letter outlining **Town** staff's comments on the **Application** and proposal and where necessary outlining the changes to the **Application** and proposal that may be needed for consistency with **Town** Policies and Bylaws.
- (g) **Applicant** submits revisions to the **Application** where necessary including any revised plans.
- (h) Staff prepares a report for Committee of the Whole outlining the **Application** and presenting the proposed bylaws and which may include:
  - (i) the results of the Public Information Meeting;
  - (ii) recommendations regarding first and second readings on the proposed amendment bylaw(s), and third reading if a Public Hearing is not required or is prohibited;
  - (iii) if the **Application** includes an amendment to the **Zoning Bylaw**, consideration of whether approval by the transportation minister is required in accordance with section 52 of the *Transportation Act*;
  - (iv) if the **Application** includes an amendment to the **Official Community Plan**, the list of government agencies that might be affected by the proposal and information regarding the opportunities for consultation with one or more of the persons, organizations and authorities and whether it should be early and ongoing for Council's consideration; and
  - (v) scheduling of the Public Hearing, if required.



- (i) Committee of the Whole may, upon considering the **Application**, request additional information, request a decision from Council, or may refer, table, or deny the application.
- (j) If the *Local Government Act* does not require, or prohibits, a Public Hearing, and a zoning amendment bylaw has been prepared for consideration by Council, Staff must prepare and give Notice of First Reading in accordance with section 467 of the *Local Government Act*, unless Council has considered the application in accordance with section 460 of the *Local Government Act* and defeated it.
- (k) Council may, upon considering the **Application**, request additional information, give first, or first and second readings to the amending bylaw, or first, second, and third readings if a Public Hearing is not required or is prohibited under provincial legislation, or may refer, table, or deny the **Application**.
- (l) Staff schedules the Public Hearing, if required by the *Local Government Act* or if requested by Council (and if not prohibited by provincial legislation), and provides statutory notification and advertising, produces an agenda for the Public Hearing and distributes to Council.
- (m) **Town** holds the Public Hearing, if required and not prohibited by provincial legislation.
- (n) Following the Public Hearing(s) (or second reading where no hearing is required or held) Council, may without further notice, give the amending bylaw(s) third reading or may refer, table, or deny the **Application**. Council may, but is not required to, consider adoption of an amending bylaw on the same night as third reading.
- (o) Staff prepares a report for adoption of the bylaw(s). If all conditions of third reading have been met, the bylaw(s) shall be considered for adoption.
- (p) Where an amending bylaw is only given third reading, Staff prepares a report for adoption of the bylaw(s). If all conditions of third reading have been met including registering of legal agreements, the bylaw(s) may then be forwarded to Council and be considered for adoption.
- (q) The **Applicant** is notified within 10 days of Council's decision, by mail or email to the address provided by the **Applicant** on the **Application**.

[Note: the above steps may be combined or altered for procedures not required by, or prohibited by, provincial legislation]

## Schedule B

### Application for a Phased Development Agreement

#### 1 APPLICATION REQUIREMENTS

In addition to requirements identified in the main part of this Bylaw, the **Owner** is solely responsible for the provision of:

- (a) The completed **application** form including the applicable fees and the authorizing signatures of the **Owner**.
- (b) A Surveyors Certificate prepared by a BC Land Surveyor for existing development on the subject property, with dimensions and areas, unless waived by the **Director**.
- (c) Copy of current Title Certificate dated within 15 days of the **Application**, including copies of any covenants and other non-financial encumbrances on title.
- (d) Project Description and Rationale, including review of applicable **OCP** policies.
- (e) **Site** Plan which contains the following minimum information about the subject property, unless waived by the **Director**:
  - (i) Location map, including neighbouring land uses;
  - (ii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas.
  - (iii) Significant physical features and topographic information, and all existing watercourses and wetlands, and all Sensitive Ecosystem Information;
  - (iv) North arrow and drawing scales;
  - (v) Dimensions for all elevations and site plans;
  - (vi) Details of proposed uses and buildings, including type and location of units;
  - (vii) Roads, existing and/or proposed;
  - (viii) Open space; and
  - (ix) Zoning Data Table.
- (f) If applicable, completed 'Site Disclosure Statement', as per the Local Government Act and *Environmental Management Act*, for the **Site**, or identification of the applicable exemption in accordance with the Contaminated Sites Regulation.
- (g) Phasing Plan
- (h) Additional information as may be required by the **Director**, including in accordance with the Delegation of Authority Bylaw No. 1855, 2017 and in accordance with policies contained within the **Town's Official Community Plan (OCP)**.

## 2 PROCESSING PROCEDURE

The following typical procedure is generally intended to be chronological but does not preclude concurrent or repeated steps, as best determined by the **Director** in accordance with statutory and bylaw requirements, Council priorities and policies, the type and magnitude of the **Application**, and staffing considerations:

- (a) Owner submits complete **Application** and fees to **Town** Staff. Processing will not commence until all the application requirements are met and accepted by the **Director**. Staff will advise if the **Application** will not be processed and the **Applicant** will have the opportunity to complete the **Application**.
- (b) The **Applicant** shall:
  - (i) install the Development Notification Sign in accordance with Section 7.3 and Schedule F;
  - (ii) hold a Public Information Meeting in the town in accordance with Section 7.2 of this Bylaw;
  - (iii) report to the **Director** in writing on the Development Notification Sign and the Public Information Meeting.
- (c) The **Director** shall consider whether to exercise their delegated authority to require Development Approval Information in accordance with the Delegation of Authority Bylaw No. 1855, 2017, and the **Applicant** shall provide such information if requested.
- (d) Staff refer the application to internal departments for their review and comment.
- (e) Staff send the **Applicant** a Development Review Team (DRT) letter outlining the **Town's** comments on the **Application** and proposal and where necessary outline the changes to the **Application** and proposal that may be needed for consistency with **Town** Policies and Bylaws.
- (f) **Applicant** submits revisions to the **Application** including any revised plans.
- (g) Staff prepares a report for Committee of the Whole outlining the **Application** and presenting the proposed bylaws, which may include:
  - (i) the results of the Public Information Meeting;
  - (ii) recommendations regarding first and second readings on the proposed bylaw(s);
  - (iii) scheduling of the Public Hearing, if required.
- (h) Committee of the Whole may, upon considering the **Application**, request additional information, request a decision from Council, or may refer, table, or deny the application.
- (i) Council may, upon considering the **Application**, request additional information, give first and/or second readings to the implementing bylaw, or may refer, table, or deny the **Application**.
- (j) Staff schedules the public hearing, if required by the *Local Government Act* or of requested by Council and provides statutory notification and advertising, produces an agenda for the Public Hearing and distributes to Council.
- (k) **Town** holds the Public Hearing, if required.

- (l) Following the Public Hearing(s) Council, without further notice, may give the Bylaw(s) third reading or may refer, table, or deny the **Application**. Council may, but is not required to, consider adoption of an amending bylaw on the same night as third reading.
- (m) Where a bylaw is only given third reading, Staff prepares a report for adoption of the bylaw(s). If all conditions of third reading have been met including registering of legal agreements, the bylaw(s) may then be forwarded to Council and be considered for adoption.
- (n) The Applicant is notified within 10 days of Council's decision, by mail or email to the address provided by the **Applicant** on the **Application**.

## Schedule C

### Application for a Development Permit or Development Permit with Variances

#### 1 APPLICATION REQUIREMENTS

In addition to requirements identified in the main part of this Bylaw, the Owner is solely responsible for the provision of:

- (a) The completed application form including the applicable fees and the authorizing signature(s) as required.
- (b) A Surveyors Certificate prepared by BC Land Surveyor unless waived by the **Director**.
- (c) Copy of current Title Certificate from within the last 15 days including any covenants and charges.
- (d) Project Description and Rationale, including statement of how the application is consistent with each of the applicable Development Permit Guidelines.
- (e) A Site Plan which contains the following minimum information about the subject property:
  - (i) Location map, including neighbouring land uses;
  - (ii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas;
  - (iii) Significant physical features and topographic information, all existing watercourses and wetlands and all Sensitive Ecosystem Information;
  - (iv) North arrow and drawing scales;
  - (v) Dimensions for all elevations and site plans;
  - (vi) Roads, existing and proposed;
  - (vii) Residential unit or building layout and/or comprehensive plan, illustrating unit distribution;
  - (viii) Open space; and
  - (ix) Zoning Data Table.
- (f) Where the Development Permit is for form and character, elevation drawings will be required to be in colour, illustrating the proposed outside of the building and include a list of materials and colours to be used.
- (g) Completed 'Site Disclosure Statement', as per the *Local Government Act* and Environmental Management Act for the **Site** or identification of the applicable exemption in accordance with the Contaminated Sites Regulation.
- (h) Landscape Plans, as required, must conform to the most recent CSLA/CNLA Canadian Landscape Standard and contain the following minimum information:
  - (i) Site organization, including planting beds, and landscape features;
  - (ii) All plant material and landscape features at installed sizes, accurate location, and spacing;
  - (iii) Plant list using botanical and common names for all recommended plant material and size specification;
  - (iv) Location of all utility infrastructure (overhead, underground, light standards, etc.), which may be affected by landscaping;

- (v) A cost estimate of completing any required landscape plan as per Schedule G.
- (i) Additional information as may be required by the **Director**, including in accordance with the Delegation of Authority Bylaw No. 1855, 2017.

## 2 PROCESSING PROCEDURE

The following typical procedure is generally intended to be chronological but does not preclude concurrent or repeated steps, as best determined by the **Director** in accordance with statutory and bylaw requirements, Council priorities and policies, the type and magnitude of the Application, and staffing considerations:

- (a) **Owner** submits complete application and fees to staff. Processing will not commence until all the Application requirements are met and accepted by the **Director**. Staff will advise if the Application will not be processed and the Applicant will have the opportunity to complete the Application.
- (b) The **Director** shall consider whether to exercise their delegated authority to require Development Approval Information in accordance with the Delegation of Authority Bylaw No. 1855, 2017, and the **Applicant** shall provide such information if requested.
- (c) Staff refer the **Application** to internal departments for their review and comment.
- (d) Staff send the Applicant a Development Review Team (DRT) letter outlining the **Town** Staff's comments on the **Application** and proposal. Staff may recommend the changes to the **Application** and proposal that may be needed for consistency with **Town** Policies and Bylaws.
- (e) Applicant submits revisions to the **Application** where necessary including any revised plans.
- (f) If decision making is delegated, the **Director** will proceed with their consideration of the **Application**. If the **Applicant** is not satisfied with that decision, they may seek reconsideration by Council in accordance with this Bylaw.
- (g) If decision making is not delegated or if the **Applicant** seeks reconsideration, Staff prepares a report for Committee of the Whole which may include:
  - (i) the **Application** and reports and plans provided by the **Applicant**;
  - (ii) Staff's summary;
  - (iii) applicable Development Permit information including guidelines;
  - (iv) recommendations regarding issuance of the Permit;
  - (v) copy of proposed Permit (which may be in draft form).
- (h) Committee of the Whole may, upon considering the **Application**, request additional information, request a decision from Council, or may refer, table, or deny the application.
- (i) Council may, upon considering the **Application**, request additional information, refer, table, approve or deny the permit.
- (j) The **Applicant** is notified within 10 days of Council's decision.

- (k) If Council authorizes the issuance of a permit, the **Director** will complete the permit and sign and issue it to the **Owner**, on satisfaction of pre-conditions to issuance that may have been required by Council, if any.
- (l) If Council denies the Permit, Council will give reasons consistent with the guidelines and allow the applicant to change the application to meet Council's interpretation of the guidelines. If a permit is denied for non-compliance with zoning regulations, Staff need only identify the bylaw non-compliance.
- (m) Council or the **Director** may require security as a pre-condition to staff signing and issuing the permit, in accordance with this Bylaw, and the **Applicant** shall provide the Security as: automatically renewing irrevocable letter of credit, bank draft or cash. Otherwise, security is paid by the **Applicant** before undertaking any activity authorized by the permit, or applying for a building permit.
- (n) After Council approval, **Applicant** satisfies any pre-conditions to issuance by Staff. On satisfaction of pre-conditions, staff sign and issue the permit.
- (o) If issued the **Director** will file in the Land Title Office a notice in the form prescribed for that purpose.
- (p) If necessary, the **Applicant** may subsequently apply to the **Director** for a minor amendment or extension of the permit in accordance with the Bylaw.

## Schedule D

### Application for a Development Variance Permit

#### 1 APPLICATION REQUIREMENTS

In addition to requirements identified in the main part of this Bylaw, the **Owner** is solely responsible for the provision of:

- (a) The completed **application** form including the applicable fees and the authorizing signatures of the **Owner**.
- (b) A Surveyors Certificate prepared by a BC Land Surveyor for existing development on the subject property, with dimensions and areas, unless waived by the **Director**.
- (c) Copy of current Title Certificate dated within 15 days of the **Application**, including copies of any covenants and other non-financial encumbrances on title.
- (d) Project Description and Rationale, including review of applicable **OCP** policies.
- (e) Site Plan which contains the following minimum information about the subject property, unless waived by the **Director** in consideration of the variance requested and the type and scale of existing or proposed development:
  - (i) Location map, including neighbouring land uses;
  - (ii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas.
  - (iii) Significant physical features and topographic information, and all existing watercourses and wetlands, and all Sensitive Ecosystem Information;
  - (iv) North arrow and drawing scales;
  - (v) Dimensions for all elevations and site plans;
  - (vi) Details of proposed uses and buildings, including type and location of units;
  - (vii) Roads, existing and/or proposed;
  - (viii) Open space; and
  - (ix) Zoning Data Table.
- (f) Completed 'Site Disclosure Statement', as per the *Local Government Act* and *Environmental Management Act*, for the **Site**, or identification of the applicable exemption in accordance with the Contaminated Sites Regulation.
- (g) Additional information as may be required by the **Director**, including in accordance with the Delegation of Authority Bylaw No. 1855, 2017 and in accordance with policies contained within the **Town's Official Community Plan (OCP)**.

#### 2 PROCESSING PROCEDURE

The following typical procedure is generally intended to be chronological but does not preclude concurrent or repeated steps, as best determined by the **Director** in accordance with statutory and bylaw requirements, Council priorities and policies, the type and magnitude of the **Application**, and staffing considerations:



- (a) **Owner** submits complete Application and fees to **Town Staff**. Processing will not commence until all the application requirements are met and accepted by the **Director**. Staff will advise if the **Application** will not be processed and the **Applicant** will have the opportunity to complete the **Application**.
- (b) Staff refer the **Application** to internal departments for their review and comment.
- (c) Staff send the **Applicant** a Development Review Team (DRT) letter outlining the **Town's** comments on the application and proposal and where necessary outline the changes to the application and proposal that may be needed for consistency with **Town** Policies and Bylaws.
- (d) **Applicant** submits revisions to the **Application** including any revised plans.
- (e) Staff prepares a report for Committee of the Whole outlining the application and presenting the draft permit.
- (f) Committee of the Whole may, upon considering the **Application**, request additional information, request a decision from Council, or may refer, table, or deny the application.
- (g) Where a DVP **Application** is advanced to Council with a positive or neutral recommendation from the Committee of the Whole, Staff will give statutory Notice.
- (h) Staff prepares a report for Council outlining the application, providing any public feedback received, and presenting the draft permit.
- (i) Council may, upon considering the **Application**, request additional information, refer, table, approve (if Notice has been given) or deny the permit.
- (j) The **Applicant** is notified within 10 days of Council's decision.
- (k) If Council authorizes the issuance of a permit, the **Director** will complete the permit and sign and issue it to the **Owner**, on satisfaction of pre-conditions to issuance that may have been required by Council, if any.
- (l) Council or the **Director** may require security as a pre-condition to Staff signing and issuing the permit, in accordance with this Bylaw, and the **Applicant** shall provide the Security as: automatically renewing irrevocable letter of credit, bank draft or cash. Otherwise, security is paid by the **Applicant** the earlier of before undertaking any activity authorized by the permit, or applying for a building permit.
- (m) After Council approval, **Applicant** satisfies any pre-conditions to issuance by Staff. On satisfaction of pre-conditions, Staff sign and issue the permit.
- (n) If issued, the **Director** will file in the Land Title Office a notice in the form prescribed for that purpose.
- (o) If necessary, the **Applicant** may subsequently apply to the **Director** for an extension of the permit in accordance with the Bylaw.

**Schedule E**  
**Application for a Temporary Use Permit**

## 1 APPLICATION REQUIREMENTS

In addition to requirements identified in the main part of this Bylaw, the **Owner** is solely responsible for the provision of:

- (a) The completed **application** form including the applicable fees and the authorizing signatures of the **Owner**.
- (b) A Surveyors Certificate prepared by a BC Land Surveyor for existing development on the subject property, with dimensions and areas, unless waived by the **Director**.
- (c) Copy of current Title Certificate dated within 15 days of the **Application**, including copies of any covenants and other non-financial encumbrances on title.
- (d) Project Description and Rationale, including review of applicable **OCP** policies.
- (e) A Site Plan which contains the following minimum information about the subject property in consideration of the temporary use requested and the type and scale of existing or proposed development:
  - (i) Location map, including neighbouring land uses;
  - (ii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas;
  - (iii) Significant physical features and topographic information, all existing watercourses and wetlands and all Sensitive Ecosystem Information;
  - (iv) North arrow and drawing scales;
  - (v) Dimensions for all elevations and site plans;
  - (vi) Roads, existing and/or proposed;
  - (vii) Residential unit or building layout and/or comprehensive plan, illustrating unit distribution;
  - (viii) Open space; and
  - (ix) Zoning Data Table.
- (f) If applicable, completed 'Site Disclosure Statement', as per the *Local Government Act* and Environmental Management Act for the **Site** or identification of the applicable exemption in accordance with the Contaminated Sites Regulation.
- (g) Additional information as may be required by the **Director**, including in accordance with the Delegation of Authority Bylaw No. 1855, 2017 and in accordance with policies contained within the **Town's Official Community Plan (OCP)**.

## 2 PROCESSING PROCEDURE

The following typical procedure is generally intended to be chronological but does not preclude concurrent or repeated steps, as best determined by the **Director** in accordance with statutory and bylaw requirements, Council priorities and policies, the type and magnitude of the **Application**, and staffing considerations:

- (a) **Owner** submits complete Application and fees to **Town Staff**. Processing will not commence until all the application requirements are met and accepted by the **Director**. Staff will advise if the **Application** will not be processed and the **Applicant** will have the opportunity to complete the **Application**.
- (b) The **Director** shall consider whether to exercise their delegated authority to require Development Approval Information in accordance with the Delegation of Authority Bylaw No. 1855, 2017, and the **Applicant** shall provide such information if requested.
- (c) Staff refer the **Application** to internal departments for their review and comment.
- (d) Staff send the **Applicant** a Development Review Team (DRT) letter outlining the **Town's** comments on the application and proposal and where necessary outline the changes to the application and proposal that may be needed for consistency with **Town Policies** and **Bylaws**.
- (e) **Applicant** submits revisions to the **Application** including any revised plans.
- (f) If decision making is delegated, the **Director** will proceed with their consideration of the **Application**. If the **Applicant** is not satisfied with that decision, they may seek reconsideration by Council in accordance with this Bylaw.
- (g) If decision making is not delegated or if the **Applicant** seeks reconsideration, Staff prepares a report for Committee of the Whole outlining the application and presenting the draft permit.
- (h) Committee of the Whole may, upon considering the **Application**, request additional information, request a decision from Council, or may refer, table, or deny the application.
- (i) Council may, upon considering the **Application**, request additional information, refer, table, approve (if Notice has been given) or deny the permit.
- (j) The **Applicant** is notified within 10 days of Council's decision.
- (k) If Council authorizes the issuance of a permit, the **Director** will complete the permit and sign and issue it to the **Owner**, on satisfaction of pre-conditions to issuance that may have been required by Council, if any.

- (l) Council or the **Director** may require security as a pre-condition to Staff signing and issuing the permit, in accordance with this Bylaw, and the **Applicant** shall provide the Security as: automatically renewing irrevocable letter of credit, bank draft or cash. Otherwise, security is paid by the **Applicant** the earlier of before undertaking any activity authorized by the permit, or applying for a building permit.
- (m) After Council approval, **Applicant** satisfies any pre-conditions to issuance by Staff. On satisfaction of pre-conditions, Staff sign and issue the permit.
- (n) If issued, the **Director** will file in the Land Title Office a notice in the form prescribed for that purpose.
- (o) If necessary, the **Applicant** may subsequently apply to the **Director** for a extension of the permit in accordance with the Bylaw.

### **3** RENEWAL

Pursuant to the *Local Government Act*, a Temporary Use Permit may be renewed up to one time, following the processing procedure described in this Schedule.

## Schedule F

### Development Notification Sign Requirements

- 1 **Timing.** A development notification sign shall be posted by the **Applicant** within 15 days of the **Application** being accepted by the **Town**.
- 2 **Location.** All development notification signs shall be placed on a **Site** that is subject to an **Application** so that they are clearly visible from the street and will be located approximately three metres inside the property line of the subject **Site**.
- 3 **Number.** One development notice sign is required for each 100 metres of road frontage of a subject **Site**, provided that no more than three signs are required for any one **Site**.
- 4 **Sign Content.** Development notification signage must include (as applicable) the following information:
  - (a) The **Town's** municipal logo (digital copy file available from the **Town**);
  - (b) The existing and proposed zone of the property and existing and proposed **OCP** Land Use Designation;
  - (c) The purpose of the **Application**;
  - (d) A context map showing the location of the property subject to the **Application**;
  - (e) Contact information for the **Applicant**;
  - (f) Contact information for the **Town's** Community Services Department;
  - (g) Date and Time for Public Hearing, if applicable;
  - (h) Date and Time of Public Information Meeting, if applicable;
  - (i) Any additional information as required by the **Director**.

The **Town** may provide a digital copy file of the proposed sign, or will review copy prepared by **Applicant**.

- 5 **Sign Installation:** Development notification signs shall be located in a manner which does not interfere with pedestrian or vehicular traffic or obstruct visibility from streets, lanes or driveways and must be installed in a safe, sturdy manner capable of withstanding wind and weather. Signs must be maintained and replaced as necessary.
- 6 **Sign Standard:**
  - (a) **Size:** Approximately 0.9m x 1.2m (3' x 4')
  - (b) **Material:** Coroplast mounted on 1.3 cm (1/2") plywood or particle board
- 7 **Verification:** An **Applicant** shall verify to the **Director** that the sign or signs have been posted by providing dated photographs of the signs
- 8 **Duration:** Development notification signs must remain in place until one of the following occurs:
  - (a) The Public Hearing related to the **Application** concludes;
  - (b) Council adopts or refuses to adopt the bylaw relevant to the **Application**; or
  - (c) The Application has been abandoned by the **Applicant**.

Development notification signs must be removed by the applicant within seven (7) days of an event listed in (a)-(c) taking place

## Schedule G

### Landscape Security Specifications

#### 1 Landscape Security Amount

- (a) Where landscape security is required as a condition of a permit by the **Director**, then the landscape security shall be calculated at 125% of the total landscaping cost, based on an estimate of the landscaping costs that the **applicant** provides to the **Director**, with a minimum landscape security of \$2,000. The **Director** may, in accordance with their delegated authority to require Development Approval Information, require an estimate from a **Qualified Professional** to assist in determining the amount of security in accordance with these guidelines.

#### 2 Landscaping Costs

- (a) The landscaping costs that must be included within the estimate provided to the **Director** include but are not limited to the following:
- (i) Tree protection measures;
  - (ii) Landscape grading;
  - (iii) Landscape retaining walls;
  - (iv) Landscape paving including structural bases
  - (v) Landscape structures, such as fences, screen walls, living walls, built-in planters, and shade structures.
  - (vi) Landscape furnishings, such as benches and seating, bicycle parking facilities, waste and recycling containers, recreational equipment, and play equipment;
  - (vii) Plant materials, such as trees, shrubs, perennials, grasses or other ground cover;
  - (viii) Green roofs;
  - (ix) Sod and seeding;
  - (x) Growing medium;
  - (xi) Structural soil cells;
  - (xii) Water features;
  - (xiii) Site lighting;
  - (xiv) Labour;
  - (xv) Irrigation; and
  - (xvi) Other landscape materials.
- (b) All estimated costs provided under subsection (a) must include applicable taxes.
- (c) Security costs may also include an amount for the **Town** entering on the land, installing the landscaping, and inspecting and maintaining the landscaping for such a period of time as would be required to ensure its survival in perpetuity.