



REGIONAL DISTRICT OF CENTRAL KOOTENAY

**LAND DEVELOPMENT APPLICATIONS
PROCEDURES BYLAW No. 2238, 2011**

TABLE OF CONTENTS

	Page
Title	1
Scope	1
Application.....	2
Fee	2
Notice of Development Signs	2
Process	2
–Approval, Issuance or Refusal	3
Notification	3
Re-Application.....	3
Expiry of Application.....	3
Repeal.....	4
Severability.....	4
SCHEDULE 1: DEVELOPMENT APPLICATION.....	1
SCHEDULE 2: LAND DEVELOPMENT APPLICATION FEES.....	7
SCHEDULE 3: NOTICE OF DEVELOPMENT SIGN REQUIREMENTS.....	8
SCHEDULE 4: OFFICIAL COMMUNITY PLAN, RURAL LAND USE BYLAW and/or ZONING BYLAW AMENDMENTS PROCESSING PROCEDURE.....	10
SCHEDULE 5: DEVELOPMENT VARIANCE PERMIT & TEMPORARY INDUSTRIAL OR COMMERCIAL USE PERMIT PROCESSING PROCEDURE.....	12
SCHEDULE 6: DEVELOPMENT PERMIT PROCESSING PROCEDURE.....	13
SCHEDULE 7: SITE SPECIFIC EXEMPTION OR AMENDMENT TO FLOODPLAIN MANAGEMENT BYLAW PROCESSING PROCEDURE.....	15
SCHEDULE 8: SUBDIVISION REVIEW UPON REFERRAL PROCESS.....	16
SCHEDULE 9: STRATA TITLE CONVERSION APPLICATION PROCESS:.....	17

REGIONAL DISTRICT OF CENTRAL KOOTENAY

BYLAW No. 2238

A Bylaw to establish procedures and fees for the processing of land development applications including amendments to an Official Community Plan, Zoning Bylaw, or Rural Land Use Bylaw, Issuance of a Permit under Part 26 of the *Local Government Act*, Site Specific Exemptions to a Floodplain Bylaw, Strata Title Conversion, and Subdivision.

WHEREAS the Board has adopted Official Community Plans, Zoning Bylaw, Rural Land Use Bylaws, a Floodplain Management Bylaw and a Subdivision Bylaw;

AND WHEREAS the Board has designated areas within which Development Permits and Temporary Industrial and Commercial Use Permits are required;

AND WHEREAS the Board shall, under Section 895 of the *Local Government Act*, by Bylaw establish procedures to amend a plan, bylaw, or issue a permit;

AND WHEREAS the Board may, under Section 925 of the *Local Government Act*, require that the applicant for a permit under Division 9 of Part 26 of the *Local Government Act* provide security in an amount stated in the permit by an irrevocable letter of credit or the deposit of securities in a form satisfactory to the local government.

AND WHEREAS the Board may, under Section 931 of the *Local Government Act*, by Bylaw establish application fees;

AND WHEREAS it is deemed appropriate to establish the procedure for processing Land Development Applications;

NOW THEREFORE the Board of the Regional District of Central Kootenay in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

Title

1. This Bylaw may be cited for all purposes as **Land Development Applications Procedures Bylaw No. 2238, 2011**.

Scope

2. This Bylaw shall apply to applications:
 - (a) for an amendment to
 - (i) an Official Community Plan
 - (ii) a Zoning Bylaw
 - (iii) a Rural Land Use Bylaw; or
 - (b) the issuance of
 - (i) Development Permits
 - (ii) Development Variance Permits
 - (iii) Temporary Industrial or Commercial Use Permits; or

- (c) to the Board of Variance; or
- (d) for Site Specific Exemptions or Amendments to the Floodplain Management Bylaw; or
- (e) for Subdivision; or
- (f) for Strata Title Conversion.

Application

3. Applications for a bylaw amendment, a permit, to the Board of Variance, a site specific exemption or amendment to the Floodplain Management Bylaw; or for Strata Title Conversion shall be:
 - (a) made by the owner of the land involved, or by a person authorized by the owner;
 - (b) made to the Secretary of the Regional District of Central Kootenay on the form attached hereto as Schedule '1'; and
 - (c) be accompanied by the required information identified on the Development Application Submission Checklist and Attachment Information outlined in Schedule '1'.

Fee

4. At the time of application for a bylaw amendment, a permit, a site specific exemption or amendment to the Floodplain Bylaw, to the Board of Variance, a Strata Title Conversion, or for Subdivision, the applicant shall pay to the Regional District of Central Kootenay an application fee in the amount set out in Schedule '2' of this Bylaw, and any refunds applicable shall be made in accordance with Schedule '2'.

Notice of Development Signs

5. In the case of applications to amend an Official Community Plan, a Zoning Bylaw, a Rural Land Use Bylaw, or applications for Temporary Industrial or Commercial Use Permits, the applicant shall be responsible for erecting a development notification sign to the specifications outlined in Schedule '3'.
6. In the case of block amendment applications put forward by the Regional District of Central Kootenay Board of Directors to amend an Official Community Plan, a Zoning Bylaw or Rural Land Use Bylaw, where a number of properties are proposed to be rezoned or re-designated, a development notification sign shall not be required.
7. In the case of an application to amend a Zoning Bylaw, where an Official Community Plan is in place, a public hearing is waived subject to meeting the requirements of Section 890 (4) of the *Local Government Act* and approval from the Regional District of Central Kootenay Board of Directors. In instances where a public hearing is waived, public notice must be published as required under Section 893 of the *Local Government Act*.

Process

8. An application for an Official Community Plan, Zoning or Rural Land Use Bylaw Amendment must be processed as outlined in Schedule '4' of this Bylaw.

9. An application for a Development Variance or Temporary Industrial or Commercial Use Permit must be processed as outlined in Schedule '5' of this Bylaw.
10. An application for a Development Permit must be processed as outlined in Schedule '6' of this Bylaw. The General Manager of Development Services issues permits in accordance with Regional District of Central Kootenay Delegation Bylaw No. 1640, 2003.
11. An application to the Board of Variance must be processed as outlined in any applicable Regional District of Central Kootenay Board of Variance Bylaw.
12. An application for a site specific exemption or amendment of the Floodplain Management Bylaw must be processed as outlined in Schedule '7' of this Bylaw.
13. A Subdivision Review upon referral must be processed as outlined in Schedule '8' of this Bylaw.
14. An application for a Strata Title Conversion must be processed as outlined in Schedule '9' of this Bylaw.

Approval, Issuance or Refusal

15. The Board may, upon receipt of the report under Schedule '4' of this Bylaw proceed with an amendment bylaw, table or reject the application.
16. The Board may, upon receipt of the report under Schedule '5' of this Bylaw:
 - (a) authorize the issuance of the permit;
 - (b) authorize the issuance of the proposed permit as amended by the Board in its resolution;
 - or
 - (c) refuse to authorize the issuance of the permit.
17. Where an application, amendment bylaw, or a permit has been refused by the Board, Planning Division shall notify the applicant in writing within fifteen (15) days immediately following the date of refusal.

Notification

18. Pursuant to the *Local Government Act*, a notice, where required, shall be mailed or otherwise delivered to owners and any tenants of land within the site and within a minimum distance of 100 metres (328 feet) or greater from the property under consideration.

Re-Application

19. Subject to Section 794 of the *Local Government Act*, re-application for an amendment or permit that has been refused by the Board shall not be considered within a six (6) month period immediately following the date of refusal.

Expiry of Application

20. Every application not decided within eighteen (18) months of the date of application is deemed to have expired and requires a new application.

Repeal

21. Land Development Applications Procedures Bylaw No. 2056, 2009 and amendments thereto are hereby repealed.

Severability

22. If any portion of this bylaw is for any reason held to be invalid by a Court of competent jurisdiction, the invalid portion shall be severed and the portion that is invalid shall not affect the validity of the remainder of this bylaw.

READ A FIRST TIME this 22nd day of September, 2011.

READ A SECOND TIME this 22nd day of September, 2011.

READ A THIRD TIME this 22nd day of September, 2011.

ADOPTED this 22nd day of September, 2011.



John R. Hutto
Chair

Amelunge
Deputy-Secretary

I HEREBY CERTIFY that this is a true and correct copy of **Land Development Applications Procedures Bylaw No. 2238, 2011.**

DATED this day of , 200

Secretary

SCHEDULE 1: DEVELOPMENT APPLICATION



Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4
 Phone: (250) 352-6665 Toll Free: 1-800-268-7325 Fax: (250) 352-9300
 Email: rdck@rdck.bc.ca Website: www.rdck.bc.ca

DEVELOPMENT APPLICATION

Applicants are advised to consult with Planning Services staff before submitting an application.

Please note that applicants for a Development Permit and/or a Temporary Industrial Use Permit may be required to provide security by an irrevocable letter of credit as a condition of the issue of the permit.

****This application will not be accepted unless it is complete and the required fee and plans are attached****

APPLICATION TYPE

Check appropriate box(s)

- | | |
|--|--|
| <input type="checkbox"/> Development Permit | <input type="checkbox"/> Zoning/Rural Land Use Bylaw Amendment |
| <input type="checkbox"/> Development Variance Permit | <input type="checkbox"/> Official Community Plan Bylaw Amendment |
| <input type="checkbox"/> Temporary Industrial or Commercial Use Permit | <input type="checkbox"/> Board of Variance |
| <input type="checkbox"/> Site Specific Floodplain Exemption | <input type="checkbox"/> Strata Title Conversion |

PROPERTY INFORMATION

Legal Description of Property(s): _____

House Number: _____

Size of Property(s): _____ BC Assessment Roll No.: _____

Current Zoning: _____ Current OCP Designation: _____

Proposed Zoning: _____ Proposed OCP Designation: _____

Water Course or Body: _____ Proposed Number of Lots: _____

DESCRIPTION OF EXISTING LAND USE:

DESCRIPTION OF PROPOSED DEVELOPMENT/USE/BYLAWS/EXEMPTION:

VARIANCE REQUESTED (if applicable):

Current Setback: _____ metres Proposed Setback: _____ metres

FOR OFFICE USE ONLY

Application Fee Paid: \$ _____ Receipt Number: _____

Received by: _____

File Number: _____

APPLICANT:	OWNER(S):
Name: _____	Name: _____
Mailing Address: _____ <i>(include Postal code)</i> _____	Mailing Address: _____ <i>(include Postal code)</i> _____
Phone: (Bus.): _____ (Home): _____ (Fax): _____	Phone: (Bus.): _____ (Home): _____ (Fax): _____
Email: _____	Email: _____

If the applicant is not the registered owner, complete the owner information and attach a letter of authorization from the property owner(s) or have the owner sign the following authorization:

As owner(s) of the land described in this application, I/we hereby authorize _____ to act as applicant in regard to this land development application.

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

I have attached the required documentation, as noted on the Development Application Submission Checklist, along with the required application fee and hereby agree to submit further information deemed necessary for processing this application. Furthermore, I hereby acknowledge that any fees paid are non-refundable except as noted on the fee schedule.

Applicant Signature: _____ Date: _____

DEVELOPMENT APPLICATION SUBMISSION CHECKLIST

DEVELOPMENT APPLICATION TYPE	REQUIRED ATTACHEMENTS
Official Community Plan Amendment	A, B, C, D, E, F, G, I
Zoning/Rural Land Use Bylaw Amendment	A, B, C, D, E, F, G, I
Development Permit	A, B, C, D, E, F, G, H
Development Variance Permit	A, B, C, D, E, F, G
Temporary Industrial or Commercial Permit	A, B, C, D, E, F, G, H, I
Board of Variance	A, B, C, D, E, F, G
Site Specific Floodplain Exemption	A, B, C, E, F, G, J
Strata Title Conversion	A, B, C, D, E, F, G, H, K, L, M

Required attachments as described in the Development Application Attachment Information Table that forms part of this application form

NOTE: All applications may be subject to 'N'

DEVELOPMENT APPLICATION ATTACHMENT INFORMATION

ATTACHMENT	DETAILS
A. CERTIFICATE OF TITLE	A copy of the Title, issued not more than 30 days prior to the application date, for any parcel of land subject to the application and a copy of all non-financial charges (i.e. restrictive covenants, easements and right-of-ways, etc.) registered on the subject property(s). A copy of the Title and the related documents can be obtained directly from our Office, the Land Title Office, Government Agent's Office, a notary, lawyer or search company.
B. AGENT AUTHORIZATION	Written consent of all property owners, with one or more owners appointing an applicant to act as agent for all purposes associated with the application.
C. APPLICATION FEE	An application fee as set out in Schedule '2' of this Bylaw and amendments thereto.
D. PROVINCIAL SITE PROFILE	As per current Contaminated Sites Legislation
E. SITE PLAN	<p>Site plan of the proposed development drawn to scale and showing dimensions. The site plan must include:</p> <ul style="list-style-type: none"> • The civic address and full legal description of the property • Lot dimensions • Existing or required rights-of-way or easements. The name and extent of roads and lanes adjacent to the property showing the traveled portion of the roads and lanes scaled from the property line to the edge of pavement • Location and dimensions (including setbacks) of existing and proposed buildings and structures on the site (a recent survey plan is preferable) • Location of existing wells or other water sources on property • Location of any existing or proposed septic fields • Location of any watercourses, steep banks or slopes on or adjacent to the property • Location of any existing community services of sanitary sewer, water, storm drainage and rights-of-way on the site or adjacent to the site • Location of ditches, fire hydrants, fire department connections, gas lines, hydro and telecommunications poles <p>Submission must include one small scale (8/12" x 11") copy of the proposed site plan.</p>
F. PROPOSAL SUMMARY	<p>An outline of the type of development or land use proposed including:</p> <ul style="list-style-type: none"> • the number of units, lots and/or gross floor area if applicable • Explanation of compliance with current zoning and proposed deviation or change, if applicable • Explanation of community/neighborhood benefit and impact of proposal
G. DEVELOPMENT PLANS	<ul style="list-style-type: none"> • Detailed drawings of the proposed development, including building sections, elevations and floor plans proposed for the site. Development Permit applications must include information regarding building form and character (i.e. exterior finish) • A project summary sheet outlining gross site area,

ATTACHMENT	DETAILS
	<p>density and number of dwelling units, site coverage, heights, setbacks, off-street parking (required and actual), off-street loading (required and actual) and other relevant data</p> <ul style="list-style-type: none"> • Location and width of existing or proposed access(es) to the property, driveways, maneuvering aisles and parking layout
H. LANDSCAPE PLAN	<ul style="list-style-type: none"> • Site plan draw to scale and showing dimensions, including any existing or proposed screening, landscaping and fencing • Cost estimate prepared by a Landscape Architect or other persons approved by the Planning Division including a breakdown of plant cost, site preparation, material and labor costs.
I. NOTICE OF DEVELOPMENT SIGN	In accordance with the specifications outlined in Schedule '3' of this Bylaw and amendments thereto.
J. ENGINEERS REPORT	As identified in the Requirements for Professional Engineers/Geoscientists undertaking Geotechnical Reports/Flood Hazard Assessment Reports.
K. STRUCTURAL ENGINEER OR ARCHITECT'S REPORT ON EXISTING STRUCTURE	<p>A report prepared by a professional engineer or architect. The report will evaluate the condition of the building, compare construction methods to the requirements of the current B.C. Building Code, and identify any areas where the building does not meet the health and safety requirements of the current B.C. Building Code. The report will specifically address the following:</p> <ul style="list-style-type: none"> • age and repair of all buildings or structures, physical condition and state of repair • general condition and repair of the foundation • heating, plumbing and electrical systems and fixtures • roof structure and condition • elevator or other mechanical lift if applicable • fire and sound separations • pool or other common amenities if applicable • compliance with egress and exiting requirements • the methodology used to evaluate the building and source of information on which the report is based • the disclosure of any direct or indirect interest the writer of the declaration may have in the building or ownership
L. SERVICING REQUIREMENTS	<p>A current (dated not more than 12 months prior to the date of application) Compliance Letter and Septic Report addressing the state of the septic system from a Registered Onsite Wastewater Practitioner (ROWP). Where the scope of the project is sufficiently large, a community sewage disposal system with the appropriate permit from the Province will be required. Additionally, proof of an adequate supply of potable water must be submitted. This can be obtained by the following means:</p> <ul style="list-style-type: none"> • A letter from the Owner/Operator of the community water system confirming that all units can be or are currently connected to the water system and that fees have been paid for connection to the water system

ATTACHMENT	DETAILS
	<ul style="list-style-type: none"> • Proof of application for a water license(s) • Proof of application for an amendment to an existing water license suitable for diversion, which entitles each unit in the proposed strata conversion to at least 2,270 litres (500 imp. gal.) of water per day for domestic purposes • A well log or pump test for each unit confirming that each well is capable of producing at least 15 litres (3 imp. gal.) per minute of water
M. RELOCATION OF EXISTING TENANTS PLAN	A list of the names and mailing addresses of the persons occupying the units, together with copies of any lease agreements and the proposal/intentions regarding the relocation of persons who may be affected by the proposed strata conversion.
N. ADDITIONAL INFORMATION THAT MAY BE REQUIRED	<ul style="list-style-type: none"> • Contour plan showing land contours before and after lot grading for the subject property and the adjacent properties • Geotechnical analysis • Survey certificate to identify the location of existing buildings/structures or watercourses, top of banks of other physical features • Location of existing or proposed refuse enclosures, refuse and recycling bins • Architectural rendering drawing which depicts the design, finish and colour of proposed buildings, landscaping detail and signage location. Renderings must not be embellished with unrelated details such as vehicles, wildlife, mountain, etc. • Signage plans for free standing and fascia, canopy or projecting signs, including the location, dimensions, height, materials and total sign area for each sign

SCHEDULE 2: LAND DEVELOPMENT APPLICATION FEES

1. Every application for an amendment to an Official Community Plan, Rural Land Use Bylaw or Zoning Bylaw shall be accompanied by a fee as follows, payable to the Regional District of Central Kootenay.

(a)	Official Community Plan	\$1600.00
(b)	Rural Land Use Bylaw	\$1600.00
(c)	Zoning Bylaw	\$1600.00
(d)	Joint Official Community Plan and Zoning Bylaw	\$1800.00

(e) 50% of the application fee for amendments to an Official Community Plan, Rural Land Use Bylaw or Zoning as listed in sub-section (a) to (d) inclusive shall be refunded, provided the application is withdrawn by the applicant, or is denied by the Board, prior to the Regional District incurring expenses towards public notifications of a public hearing.

(f) In addition to the application fees outlined in subsections 1(b), (c), and (d) above, the applicant shall pay a fee of **\$25.00** per dwelling unit and/or parcel in excess of four (4) to a maximum fee of **\$1000.00**, as permitted within the proposed zone or land use regulation.

(g) In addition to the application fees as outlined in subsections 1(a) through (d), where applications are required to go before additional public hearings, the applicant shall pay for the advertising costs (\$400.00 per additional public hearing).

2. The number of dwelling units and/or parcels outlined in sub-section 1(f) shall be determined by either using the maximum density of dwelling units permitted per hectare of land in the proposed zone or designation, or by dividing the area of the land proposed to be re-designated or zoned by the minimum parcel size requirement of the proposed zone or designation, whichever yields the greatest number.

3. Other land development application fees:

(a)	Board of Variance	\$500.00
(b)	Development Variance Permit & LTO Registration Fee	\$535.00
(c)	Development Permit & LTO Registration Fee	\$435.00
(d)	Temporary Industrial or Commercial Use Permit	\$1000.00
(e)	Amendment to Floodplain Bylaw	\$500.00
(f)	Site Specific Exemption to the Floodplain Management Bylaw	\$450.00
(g)	Subdivision	\$550.00 and \$90.00 per lot over 5 lots
(h)	Strata Title Conversion	\$600 + \$100/unit

50% of the application fee listed in sub-section 3(a), (b), (c), (d), (e), and (f) shall be refunded if the application is withdrawn prior to proceeding to the decision making authority as indicated: Board of Variance (a), to the Board (b), (e) and (f) or to the Manager of Development Services (c), for consideration. 50% of the fee listed in 3(d) provided the application is withdrawn by the applicant, or is denied by the Board, prior to the Regional District incurring expenses.

SCHEDULE 3: NOTICE OF DEVELOPMENT SIGN REQUIREMENTS

These requirements apply to applications for amendments to Official Community Plans, Rural Land Use Bylaws and Zoning Bylaws, and to applications for Temporary Industrial and Commercial Use Permits.

Where an application as referenced above is submitted the applicant shall prepare and post notification sign(s) on the subject property(s), and shall:

Location

1. Erect one sign on each street frontage of the site to inform the public about the nature and purpose of the application(s). The sign(s) shall be located within 6 metres (20 feet) of the street frontage and approximately the mid point of the subject property. The sign(s) shall be clearly visible from the street and be securely fixed to the ground. The sign shall be located a minimum 1.2 metres (4 feet) above the ground. Note: Signage requirements, such as any additional signs, or for small corner sites will be at the discretion of Planning Division staff.

Posting

2. Prepare and post the notification sign in accordance with the sign specifications within 10 days of making the application to the Regional District and verify to Planning Division staff that the sign(s) have been erected.
3. It is the responsibility of the applicant to make, buy, or rent the sign(s) and to post the same. Failure to install the sign(s) according to these requirements will result in a postponement in the processing of the application.
4. Remove the sign(s) within one week of the application being refused or approved by the Board or within one week of the application being withdrawn by the applicant.

Specifications

5. The Notice of Development sign(s) shall be a minimum of 1.2 m X 1.2 m (4 feet by 4 feet) in size and constructed of 1.3 cm (1/2 inch) plywood or other durable material with a white background and black letters. The Format Sheet specifies the requirements regarding the materials and format of the Notice of Development sign(s).

**NOTICE OF DEVELOPMENT
SIGN FORMAT SHEET**

**NOTICE OF
DEVELOPMENT**

SITE DESCRIPTION:

FROM:

TO:

IN ORDER TO DEVELOP:

**FOR FURTHER INFORMATION PLEASE CONTACT:
PLANNING DIVISION
REGIONAL DISTRICT OF CENTRAL KOOTENAY**

1-250-352-8165 or 1-800-268-7325 (RDCK)

NOTICE OF DEVELOPMENT SIGN SPECIFICATIONS

Sign Material: 1/2" (1.3 cm) plywood or durable material

Sign Size: 48" (122 cm) x 48" (122 cm)

Sign Lettering: Black enamel paint or
Black vinyl block lettering
(i.e., Helvetica, Switzerland Black)

"NOTICE OF DEVELOPMENT"

1. 3" (7.6 cm) black letters

"SITE DESCRIPTION" (and all wording therein)

"FROM" (and all wording therein)

"TO" (and all wording therein)

"IN ORDER TO DEVELOP" (and all wording therein)

2. 1 1/2" (3.8 cm) black letters

**"FOR FURTHER INFORMATION PLEASE CONTACT:
PLANNING DIVISION**

REGIONAL DISTRICT OF CENTRAL KOOTENAY

1-250-352-6665 or 1-800-268-7325 (RDCK)

3. 1" (2.5 cm) black letters

SCHEDULE 4: OFFICIAL COMMUNITY PLAN, RURAL LAND USE BYLAW and/or ZONING BYLAW AMENDMENTS PROCESSING PROCEDURE

1. Upon receipt of an application accompanied by the required fees and attachments, Planning Division staff will open a file and issue a fee receipt to the applicant.
2. Planning Division staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. If the applicant does not provide the required information within a timeframe identified at the discretion of Planning Division staff, the application and fee will be returned to the applicant.
3. Within ten (10) days of making application, the applicant is required to erect a Notice of Development Sign in accordance with the requirements outlined in Schedule '3' of this Bylaw.
4. Planning Division staff will refer the application to all applicable Regional District departments, First Nations, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality.
5. Planning Division staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
6. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board.
7. The applicant is invited to attend the Rural Affairs Committee (RAC) meeting at which the amendment application will be considered. After considering the applicant's proposal, referral agency comments and staff recommendations, RAC will make a recommendation to the Board.
8. The Board will, upon receipt, consider RAC's recommendation. If the Board decides to proceed with the amendment application, an amending bylaw will be prepared and given two readings. The Board may alternatively decide to refer, table or deny the application.
9. The Board may request that an applicant advertise and host a public information session, open house or public meeting at his or her expense. Staff members of the Regional District may or may not be delegated to attend.
10. After the amending bylaw receives first and second reading, it will be advertised in an appropriate newspaper and if required, a public hearing will be held to permit the public to comment on the application. Notice of a public hearing will be given pursuant to the *Local Government Act* to owners and tenants of all parcels within a minimum distance of 100 metres (328 feet) of the property subject to the bylaw amendment. This distance may be extended at the discretion of Planning Division staff.
11. The minutes of the public hearing will be presented on the next available Board agenda.
12. Following receipt of the public hearing minutes the Board will consider the amendment bylaw and may proceed with third reading, refer, table or deny the application. Upon third reading, an Official Community Plan or Zoning amendment bylaw may be forwarded to the Province for approvals as required before proceeding to the Board for adoption.

13. Once the applicant has adequately addressed all of the conditions identified at third reading, the Board will consider the adoption of the bylaw(s).
14. Once the Board minutes have been prepared, the applicant will be notified in writing of the outcome.

**SCHEDULE 5: DEVELOPMENT VARIANCE PERMIT & TEMPORARY INDUSTRIAL OR
COMMERCIAL USE PERMIT PROCESSING PROCEDURE**

1. Upon receipt of an application accompanied by the required fees and attachments, Planning Division staff will open a file and issue a fee receipt to the applicant.
2. Planning Division staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. If the applicant does not provide the required information within a timeframe identified at the discretion of Planning Division staff, the application and fee will be returned to the applicant.
3. Within ten (10) days of making application for a Temporary Industrial or Commercial Use Permit, the applicant is required to erect a Notice of Development Sign in accordance with the requirements outlined in Schedule '3' of this Bylaw. The notification sign provisions do not apply to applications for Development Variance Permits.
4. Planning Division staff will refer the application to all applicable Regional District departments, First Nations, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality. Notice of proposal will also be given to owners and tenants of all parcels within a minimum distance of 100 metres (328 feet) of the subject property. This distance may be extended at the discretion of Planning Division staff.
5. Planning Division staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
6. Following the referral period, staff evaluation, referral agency comments and public comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board.
7. The applicant is invited to attend the Rural Affairs Committee (RAC) meeting at which the permit application will be considered. After considering the applicant's proposal, referral agency comments and staff recommendations, RAC will make a recommendation to the Board.
8. The recommendation to the Board may identify as a condition of the issuance of a permit, that the applicant for the permit provide security by an Irrevocable Letter of Credit or the deposit of securities in a form satisfactory to the Board in an amount stated in the permit to guarantee the performance of the terms of the permit.
9. The Board will, upon receipt, consider RAC's recommendation and may grant the requested permit, or may refer, table or deny the application.
10. Once the Board minutes have been prepared, the applicant will be notified in writing of the outcome.
11. If a Permit is granted, a Notice of Permit will be signed and sealed by the Secretary and registered against the Title of the property(s) at the Land Title Office.

The owner of land in respect of which a temporary industrial or commercial use permit has been issued shall have the right to put the land to the use described in the permit until the date that the permit expires.

SCHEDULE 6: DEVELOPMENT PERMIT PROCESSING PROCEDURE

1. Upon receipt of an application accompanied by the required fees and attachments, Planning Division staff will open a file and issue a fee receipt to the applicant.
2. Planning Division staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. If the applicant does not provide the required information within a timeframe identified at the discretion of the Planning Division staff, the application and fee will be returned to the applicant.
3. Planning Division staff will refer the application to all applicable Regional District departments, First Nations, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality.
4. Planning Division staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
5. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report to the Manager of Development Services.
6. The draft Development Permit and staff report will be sent to the applicant with an allowance of 14 days for comment.
7. The staff report, draft Development Permit and comments from the applicant will be provided to the Manager of Development Services for review. If the Manager of Development Services approves the permit, s/he signs the Development Permit subject to a 14-day 'Appeal Period' or receipt of a signed 'Waiver of Appeal'. No response from the applicant within the 14-day period will be deemed as acceptance of the terms of the Development Permit. The Permit will become effective at the expiry of the Appeal Period or the date the 'Waiver of Appeal' is received at the RDCK Planning Division.

No permit regarding the 'commercial or industrial buildings' exceeding 4,500 square metres in gross floor area near controlled access highways will be issued unless approved or exempted by the Minister of Transportation or his/her delegate.

8. If the applicant is dissatisfied with the decision of the Manager of Development Services, the applicant can provide a signed 'Notice of Appeal' Declaration Form within 14 days to the Manager of Development Services for subsequent consideration of the Rural Affairs Committee (RAC). The Permit is suspended until the Board renders a final decision.

The applicant making an appeal is encouraged to attend as a delegation to the Rural Affairs Committee (RAC). The RAC makes a recommendation to the Board based on the presentation and the staff report. The Board shall decide the matter and give direction to the Manager of Development Services, who shall issue the permit accordingly.

9. Once the 14-day Appeal Period has lapsed or a waiver has been received, the permit becomes effective and a Notice of Permit will be signed and sealed by the Secretary and registered against the title of the property(s) at the Land Title Office.
10. Once any and all relevant conditions have been satisfied (i.e. a letter of credit has been submitted for security if applicable) notification is provided to the Building Department and relevant agencies. A

building permit for the proposed development may be considered for issuance by the RDCK Building Department based on the provisions of the Development Permit.

11. Planning Division staff shall administer any further conditions of the Development Permit as specified within each individual permit as required. Planning Division staff may conduct inspections, on an as-required basis, to ensure that the terms of the Development Permit are being satisfied.

**SCHEDULE 7: SITE SPECIFIC EXEMPTION OR AMENDMENT TO FLOODPLAIN
MANAGEMENT BYLAW PROCESSING PROCEDURE**

1. Upon receipt of an application accompanied by the required fees and attachments, Planning Division staff will open a file and issue a fee receipt to the applicant.
2. Planning Division staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. If the applicant does not provide the required information within a timeframe identified at the discretion of Planning Division staff, the application and fee will be returned to the applicant.
3. Planning Division staff will refer the application to all applicable Regional District departments, First Nations, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality.
4. Planning Division staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies.
5. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board.
6. The applicant is invited to attend the RAC meeting at which the application will be considered. After considering the applicant's proposal, comments received and staff recommendations, RAC will make a recommendation to the Board.
7. The Board will, upon receipt, consider RAC's recommendation and may grant the requested site specific exemption or amendment, or may refer, table or deny the application.
8. Once the Board minutes have been prepared, the applicant will be notified in writing of the outcome.
9. If an exemption or amendment is granted, a restrictive covenant under Section 219 of the *Land Title Act* will be prepared at the expense of the applicant to be signed and sealed by the Secretary and registered against the Title of the property(s) at the Land Title Office.

SCHEDULE 8: SUBDIVISION REVIEW UPON REFERRAL PROCESS

1. A complete subdivision application package is submitted by the owner(s) or authorized representative (Applicant) to the Ministry of Transportation and Infrastructure (MoTI). The Province distributes 'referral' packages to associated agencies, including the Regional District for review and comment as it related to their particular jurisdiction.
2. Upon receipt of the 'referral' from the Ministry, the RDCK will forward a letter to the Applicant:
 - (a) verifying that the Application has been received for review; and
 - (b) will invoice the Applicant the appropriate fee as defined in Schedule '2' of this Bylaw.
3. The subdivision review conducted by the RDCK is initiated with receipt of the Province's 'referral' package, and focuses on two categories:
 - (a) Land Use: The application will be analyzed to determine if it complies with applicable RDCK land use bylaw requirements, including but not limited to zoning, development permit areas, floodplain and non-standard flood and erosion areas, park land dedication and restrictions associated with the Agricultural Land Reserve.
 - (b) Subdivision Servicing: Analysis of the servicing of the proposed subdivision will include three areas as defined in the applicable RDCK Subdivision Bylaw: Subdivision Design (verification of lot size and setback requirements), Water Supply (proof of minimum water supply and/or source specific requirements), and Wastewater Disposal (proof of compliance with Provincial standards).
4. Upon receipt of applicable fees, Planning Division will forward copies of the Referral Response to the Ministry and Applicant. The Referral Response will outline the results of the application analysis identifying any outstanding requirements, areas of the application that may conflict with applicable bylaws, and/or required amendment(s).
5. As any outstanding requirements are submitted by the Applicant, the RDCK will check any additional application materials to verify that the conditions of the Referral Response have been satisfied.
6. Once all the requirements defined by the RDCK in the Referral Response have been satisfied by the Applicant, the RDCK will notify the Ministry and the Applicant that there are no outstanding issues within the scope of the RDCK review.

SCHEDULE 9: STRATA TITLE CONVERSION APPLICATION PROCESS:

1. Upon receipt of an application accompanied by the required fees and attachments, Planning Division staff will open a file and issue a fee receipt to the applicant.
2. Planning Division staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. If the applicant does not provide the required information within a timeframe identified at the discretion of the Planning Division staff, the application and fee will be returned to the applicant.
3. Planning Division staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
4. If it is determined during Planning Division's review of the application that the proposal does not conform to relevant Regional District bylaws and policies, the applicant will be notified. Planning Division staff will discuss with the applicant if the non-conformity can be addressed through an official community plan, rural land use bylaw or zoning amendment, development variance permit or development permit. The application for Strata Title Conversion will not be approved until the non-conformance is addressed.
5. Planning Division staff will refer the application to The Regional District Building Department along with the Structural Engineer or Architect's Report to verify that the structure(s) meet current B.C. Building Code. The applicant will be required to submit plans to bring the structure(s) into compliance with the current B.C. Building Code.
6. Planning Division staff will refer the application to all applicable Regional District departments, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality.
7. If there is no associated plan amendment, or if the proposal is different or more detailed than a previously considered amendment application, property owners of land within a minimum 100 metre (328 ft.) radius of the property subject to the proposed Strata Title Conversion will be notified by mail advising of the application. This distance may be extended at the discretion of Planning Division staff. The deadline for receipt of comments shall be consistent with the above referenced referral to applicable agencies.
8. Following the referral period, staff evaluation, referral agency comments' and public comments will be incorporated into a technical report to the appropriate Standing Committee of the Board.
9. The applicant is invited to attend the appropriate Standing Committee meeting at which the application will be considered. After considering the applicant's proposal, referral agency comments and staff recommendations, the appropriate Standing Committee will make a recommendation to the Board.
10. The Board will, upon receipt, consider the appropriate Standing Committee's recommendation. The Board may approve the strata plan, approve the strata plan subject to terms and conditions, refuse to approve the strata plan, or refuse to approve the strata plan until terms and conditions are met. The Board's decision is final and cannot be appealed.
11. Once any and all relevant conditions have been satisfied, the Board will issue its endorsement of the strata plan.