

# DEVELOPMENT



Bylaw No. 2500, 2011 – Regional District of Okanagan-Similkameen

# PROCEDURES BYLAW

*This Bylaw has been consolidated for  
Convenience only and includes all  
Amendments to the text up to:  
**June 15, 2017***



**Regional District of Okanagan-Similkameen  
Development Procedures Bylaw No. 2500, 2011**

**TABLE OF CONTENTS**

	<b>Page</b>
<b>1.0 TITLE AND SCOPE</b> .....	4
<b>2.0 TRANSITION AND DEFINITIONS</b> .....	5
<b>3.0 GENERAL PROVISIONS</b> .....	7
<b>4.0 APPLICATION FEES</b> .....	12
<b>5.0 PUBLIC CONSULTATION</b> .....	14

**LIST OF SCHEDULES**

Schedule '1'	Notice of Development Sign Requirements
Schedule '2'	Application to amend an Official Community Plan Bylaw, Zoning Bylaw or Land Use Contract (including discharge)
Schedule '3'	Application for a Development Permit
Schedule '4'	Application for a Development Variance Permit
Schedule '5'	Application for a Temporary Use Permit
Schedule '6'	Application for a Strata Title Conversion
Schedule '7'	Application for a Floodplain Exemption
Schedule '8'	Referral of an Agricultural Land Commission Act Application

## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

### DEVELOPMENT PROCEDURES BYLAW NO. 2500, 2011

---

A Bylaw to establish procedures for the processing of land development applications including amendments of an Official Community Plan Bylaw, Zoning Bylaw, land use contract, approval of Site Specific Exemptions to a floodplain, or to issue permits under Part 26 of the *Local Government Act*.

---

WHEREAS the Regional Board has adopted Official Community Plans by bylaw, Zoning Bylaws, and land use contracts by bylaw;

AND WHEREAS the Regional Board has designated areas within which Temporary Use Permits are required;

AND WHEREAS the Regional Board has designated areas within which Development Permits are required;

AND WHEREAS the Regional Board shall, under Section 895 of the *Local Government Act*, by bylaw establish procedures to amend an official community plan or zoning bylaw or issue a permit under part 26 of the *Local Government Act*;

AND WHEREAS, the Regional Board may, under section 892 of the *Local Government Act*, make requirements for the posting of development signs on properties that are subject to a proposed bylaw amendment;

AND WHEREAS the Regional Board may, under Section 925 of the *Local Government Act*, require that the applicant for a permit under 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.

NOW THEREFORE the Regional Board of the Regional District of Okanagan-Similkameen in open meeting assembled HEREBY ENACTS AS FOLLOWS:

# 1.0 TITLE AND SCOPE

---

## 1.1 Title

This bylaw may be cited for all purposes as the “Regional District of Okanagan-Similkameen Development Procedures Bylaw No. 2500, 2011”.

## 1.2 Scope

This bylaw shall apply to the following:

- .1 an application, by a party other than the Regional District, to:
  - (a) amend an Official Community Plan;
  - (b) amend a Zoning Bylaw; and
  - (c) amend or cancel a Land Use Contract.
  
- .2 an application, by a party other than the Regional District, for a:
  - (a) Development Permit;
  - (b) Development Variance Permit; and
  - (c) Temporary Use Permit.
  
- .3 an application to the Agricultural Land Commission to:
  - (a) include land in the Agricultural Land Reserve (“ALR”);
  - (b) exclude land from the ALR;
  - (c) subdivide land within the ALR;
  - (d) use land in the ALR for non-farm purposes; or
  - (e) place fill on, or remove soil from, land in the ALR for non-farm purposes.
  
- .4 a Floodplain Exemption under s. 910(5) of the *Local Government Act*.
  
- .5 an application for the strata title conversion of existing buildings.

## 2.0 TRANSITION AND DEFINITIONS

---

### 2.1 Transition

- .1 The “Regional District of Okanagan-Similkameen Procedures Bylaw No. 906, 1986” is repealed.
- .2 The processing of any application made prior to the date of adoption of this bylaw shall be continued and dealt with by the Board in accordance with the provisions of this bylaw.

### 2.2 Definitions

In this bylaw:

“**ALR**” means the Agricultural Land Reserve designated by the B.C. *Agricultural Land Commission Act*;

“**APC**” or “Advisory Planning Commission” means an Advisory Planning Commission established by the Board from time to time;

“**Amendment Application**” means an application to amend an OCP, amend a Zoning Bylaw, or amend or discharge a land use contract;

“**Board**” means the board of directors for the Regional District of Okanagan-Similkameen;

“**Chief Administrative Officer**” or “**CAO**” means the person appointed by the Regional Board as CAO and any person who, from time to time, is the deputy CAO or is appointed by the Regional Board to act in the capacity of the CAO in the CAO's absence;

“**Development Services**” means the Regional District’s Department of Development Services;

“**FCL**” means flood construction level;

“**Fees and Charges Bylaw**” means the Regional District’s Fees and Charges Bylaw No. 2523;

“**OCP**” or “**Official Community Plan**” means an Official Community Plan adopted by the Regional District;

“**Permit Application**” means an application for a Development Permit, Development Variance Permit or Temporary Use Permit;

**“Qualified Professional”** means a professional engineer, architect, planner, biologist or other professional with experience relevant to the applicable matter, as determined by the CAO;

**“Secretary”** means the Deputy Corporate Officer, or equivalent, of the Regional District, or his or her deputy; and

**“Zoning Bylaw”** means a Zoning Bylaw or Land Use Bylaw adopted by the Regional District.

### **2.3 Interpretation**

A reference in this bylaw to any enactment of British Columbia is a reference to the enactment as amended, revised, consolidated or replaced from time to time, and a reference to any bylaw of the Regional District is a reference to the bylaw as amended, revised, consolidated or replaced from time to time.

## 3.0 GENERAL PROVISIONS

---

### 3.1 Severability

If any section, subsection, sentence, clause or phrase of this bylaw is held to be invalid by a court of competent jurisdiction, that section, subsection, sentence, clause or phrase, as the case may be, shall be severed and the validity of the remaining portions of the bylaw shall not be affected.

### 3.2 Making Application

- .1 An application for amendment of an Official Community Plan Bylaw or Zoning Bylaw, or amendment or cancellation of a Land Use Contract, shall be made and processed substantially as outlined in Schedule '2' of this bylaw.
- .2 An application for a Development Permit shall be made and processed substantially as outlined in Schedule '3' of this bylaw.
- .3 An application for a Development Variance Permit shall be made and processed substantially as outlined in Schedule '4' of this bylaw.
- .4 An application for a Temporary Use Permit, or an application to renew a Temporary Use Permit shall be made and processed substantially as outlined in Schedule '5' of this bylaw.<sup>i</sup>
- .5 An application for a Strata Title Conversion shall be made and processed substantially as outlined in Schedule '6' of this bylaw.
- .6 An application for an Floodplain Exemption shall be made and processed substantially as outlined in Schedule '7' of this bylaw.
- .7 An application in respect of land within the Agricultural Land Reserve shall be made and processed substantially as outlined in Schedule '8" of this bylaw.

### 3.3 Development Approval Information

- .1 Where an OCP specifies circumstances or designates areas of "development approval information", the Board delegates to the Chief Administrative Officer the authority of the Board to require development approval information under s.920.1 of the *Local Government Act* and the provisions of the OCP. The CAO may require in writing that the applicant provide, at the applicant's expense, development approval information in a report that is certified by a Qualified Professional that:
  - (a) Addresses the potential impacts on land use, traffic, the environment, utilities and other Regional District services and facilities (where applicable);

---

<sup>i</sup> Amendment Bylaw No. 2500.02, 2012 – adopted December 20, 2012; and Amendment Bylaw No. 2500.09, 2017 – adopted May 18, 2017.

- (b) identifies and defines the context, scope, magnitude and significance of the anticipated impacts of the activity or development on the community;
  - (c) provides recommendations for conditions or requirements that the Board or the CAO may impose to mitigate or ameliorate the anticipated impacts; and
  - (d) provides recommendations and details costs for modifications to the environment, or construction of works to mitigate or ameliorate the anticipated impacts.
- .2 An applicant may appeal, in writing, to the Board at no charge to the applicant, the decision of the Chief Administrative Officer in regards to Development Approval Information to require development approval information under the OCP, within 10 working days of the date on which the decision is mailed or faxed to them. <sup>ii</sup>
  - .3 A request for reconsideration must be delivered in writing to the CAO and must set out the grounds on which the applicant considers the decision is inappropriate and what decision the applicant considers the Board ought to substitute.
  - .4 The CAO must place each request for reconsideration on the agenda of a meeting of the Board to be held not earlier than 2 weeks from the date on which the request for reconsideration was delivered.
  - .5 The CAO must notify the applicant and any other person who the CAO reasonably considers may be affected by the reconsideration of the date of the meeting at which it will occur.
  - .6 At the meeting, the Board may either confirm the decision or substitute its own decision.

### **3.4 Bylaw Amendments – Approval or Refusal**

- .1 The Board may, upon receipt of the report under Schedule ‘2’ of this bylaw,
  - (a) Proceed with the bylaw in accordance with the Amendment Application;
  - (b) forward the amending bylaw to a public hearing or waive the holding of a public hearing;
  - (c) reject or refuse the Amendment Application; or
  - (d) defer or otherwise deal with the Amendment Application, including requiring additional reports or information.
- .2 Notwithstanding Schedule ‘2’ of this bylaw, the Board may, by resolution, agree to postpone giving consideration to individual amendments to an Official Community Plan Bylaw or Zoning Bylaw until completion of any major review that the said bylaw may be undergoing at the time of the request.

### **3.5 Land Use Contract – Approval or Refusal**

---

<sup>ii</sup> Amendment Bylaw No. 2500.01, 2012 – adopted March 15, 2012



The Board may, upon receipt of the report under Schedule '2' of this bylaw, proceed with a Land Use Contract amendment bylaw or a Land Use Contract discharge bylaw, as applicable (with the concurrence of the relevant property owner), or reject the application.

### **3.6 Permits – Issuance or Refusal**

- .1 The Board may, upon receipt of the report under Schedules '3', '4' and '5' of this bylaw:
  - (a) issue, amend, or refuse the permit;
  - (b) impose requirements, and set conditions or standards;
  - (c) impose conditions for the sequence and timing of construction;
  - (d) require security; or
  - (e) defer or otherwise deal with the Permit Application.

### **3.7 Performance Security**

- .1 Security required by permits shall be in the form of cash or an irrevocable letter of credit, effective for the term of the permit. Such irrevocable letter of credit shall be clean and unconditional, automatically renewing and redeemable at a local bank.
- .2 The amount of security may be calculated using:
  - (a) such methodologies as the CAO may prescribe from time to time; or
  - (b) an estimate or quote provided at an applicant's expense by a professional qualified to undertake or supervise the works for which the securities are required.
- .3 Where security is a condition of a permit,
  - (a) in the case of a condition in a permit respecting landscaping, the amount shall be 115% of the cost of the landscaping works, payable before the permit will be issued;
  - (b) in the case of an unsafe condition that might result from a contravention of a permit condition, the amount of security shall reflect the nature of the permit condition, the nature of the unsafe condition, and the cost to the Regional District of entering on the land, undertaking work to correct the unsafe condition, including the cost of repairing any damage to land and improvements that may have been caused by the unsafe condition or that may have occurred in connection with the repair work; and
  - (c) in the case of damage to the natural environment that might result from a contravention of a permit condition, the amount shall reflect the nature of the permit condition, the nature of the damage, and the cost to the Regional District of entering on the land, correcting the damage to the environment, and

restoring or enhancing the natural environment to compensate for the damage that has been caused by the contravention of the permit condition.

- .4 In accordance with Section 925(4) of the *Local Government Act*, the amount of security required under Sections 3.7.3(b) or (c) shall be determined by the CAO using the following guidelines:
  - (a) the amount of security may be calculated using such methodologies as the CAO may prescribe from time to time; or
  - (b) an estimate or quote provided at the applicant's expense by a professional qualified to undertake or supervise the works for which the securities are required. An estimate or quote under subsection (b) may be obtained by the applicant and submitted with the application.

### **3.8 Form of Permits**

The Chief Administrative Officer may designate the form of permits.

### **3.9 Form of Application Forms**

The Chief Administrative Officer may designate the form of application forms and in so doing may prescribe different forms for different categories of applications based on the nature or complexity of the application.

### **3.10 Notice of Decision**

Written notice of a decision shall be mailed or otherwise delivered to an applicant at the address provided on the application form within thirty (30) calendar days immediately following the date of the decision.<sup>iii</sup>

### **3.11 Lapse of Application**

- .1 If Development Services staff determines that an application is incomplete, the applicant will be requested to provide the required information. If an applicant does not provide the required information within three (3) months of the request, the application and fee will be returned.
- .2 In the event that an application made pursuant to this bylaw is one (1) year old or older and has been inactive for a period of six (6) months:
  - (a) The application will be deemed to be abandoned and will be closed, and
  - (b) In the case of an Amendment Application, the Chief Administrative Officer will place on the agenda of the next meeting of the Board a motion to rescind all readings of the bylaw associated with that Amendment Application.

---

<sup>iii</sup> Amendment Bylaw No. 2500.01, 2012 – adopted March 15, 2012

- .3 Upon written request by the applicant prior to the lapse of the application, the Board may extend the deadline for a period of six (6) months by passing a resolution to that affect.
- .4 If applicable, a refund will be paid to the applicant in accordance with Section 4.0 of this bylaw for proposals that have been deemed to have lapsed.
- .5 In order for an application that has lapsed under sub-sections 3.11.1 or 3.11.2 to proceed, a new application (including fee), will be required.

### **3.12 Re-application**

- .1 Re-application for a bylaw amendment, land use contract amendment or discharge, permit, floodplain exemption, strata title conversion, or ALR application that has been refused by the Board shall not be considered within a twelve (12) month period immediately following the date of refusal.
- .2 Where an applicant intends to appeal to the Board to vary the time limit set in section 3.12.1 pursuant to section 895(3) of the *Local Government Act*, the applicant shall submit, in writing, a detailed statement as to why the time limit for the reapplication should be varied.

### **3.13 Change of Ownership**

- .1 If there is a change of ownership of a parcel of land that is the subject of an Amendment Application or a Permit Application, the Regional District will require an updated title certificate and written authorisation from the new owner prior to proceeding further with the application.

## 4.0 APPLICATION FEES

---

### 4.1 Application Fees

- .1 At the time of application, the applicant shall pay to the Regional District an application fee in the amount as set out in the Fees and Charges Bylaw.
- .2 Any costs associated with the postponement of a Public Hearing, either at the request of the applicant, or due to the failure of the applicant to comply with the requirements of this Bylaw, shall be paid by the applicant.
- .3 Where a public information meeting is required by the Board, the applicant shall pay all costs associated with the public information meeting.
- .4 The fees prescribed in the Fees and Charges Bylaw apply to each parcel of land for which the application is made, as follows:
  - (a) if an application involves two or more contiguous parcels of land, they shall be treated as one proposal;
  - (b) if an application involves two or more parcels of land that are not contiguous, they will be treated as separate applications and the fee prescribed in the Fees and Charges Bylaw applies to each parcel of land for which the application is made.

### 4.2 Refund of Application Fees

- .1 Where an Amendment Application is withdrawn by the applicant prior to the amendment being considered by the Board for first reading, the Regional District shall pay to the applicant a refund in the amount of 50% of the application fee.
- .2 Where an Amendment Application is refused by the Board or withdrawn by the applicant prior to notification of a public hearing, the Regional District shall pay to the applicant a refund in the amount of 25% of the application fee.
- .3 Where the Board proceeds with a public hearing or a notification for an Amendment Application pursuant to Section 893 of the *Local Government Act*, the Regional District shall not provide a refund of any portion of the application fee to the applicant.
- .4 Where a Watercourse Development Permit application is withdrawn by the applicant, the Regional District shall not provide a refund of any portion of the application fee to the applicant.
- .5 Where a Development Permit Application, other than a Watercourse Development Permit application, is withdrawn by the applicant prior to being considered by the Board, the Regional District shall pay to the applicant a refund in the amount of 50% of the application fee.

- .6 Where a Development Variance Permit or Temporary Use Permit Application is withdrawn by the applicant prior to public notification of the application, the Regional District shall pay to the applicant a refund in the amount of 50% of the application fee.
- .7 If an application is incomplete or withdrawn prior to formal assessment by staff, 80% of the application fee shall be refunded.

# 5.0 PUBLIC CONSULTATION

---

## 5.1 Public Information Meetings

### 5.1.1 Public Information Meetings<sup>iv</sup>

- .1 A public information meeting is required to be held prior to Board consideration of an Amendment Application, an Application for Temporary Use Permit or an application to renew a Temporary Use Permit.
- .2 An applicant shall pay all costs associated with the public information meeting.
- .3 The notice of a public information meeting shall be mailed or distributed in the same manner as would be required for a public hearing; or, where the application is for a permit, in the same manner as if it were a notice of a proposed Temporary Use Permit.

### 5.1.2 *deleted.*<sup>v</sup>

### 5.1.3 Scheduling of a Public Information Meeting<sup>vi</sup>

- .1 A public information meeting shall be arranged and conducted according to the following guidelines:
  - (a) A public information meeting should commence no later than 7:00 p.m.
  - (b) A public information meeting should be held Monday through Thursday, excluding holidays. Where the Chief Administrative Officer considers appropriate, a public information meeting may be held on a day of the weekend, if in the event that members of the public or adjacent property owners would otherwise have difficulty attending a meeting held on a weekday. A public information meeting held on a weekend should be in the afternoon.
  - (c) Where possible, a public information meeting should be held in the community most affected by the respective application. If deemed more appropriate by the Chief Administrative Officer, a public information meeting may be held within the offices of the Regional District.
  - (d) To ensure the public and persons who may be affected by a bylaw amendment have adequate notice of a public information meeting, the applicant must notify adjacent property owners and residents within a distance not less than 100 metres of the boundaries of the subject property in person, by mail or by

---

<sup>iv</sup> Amendment Bylaw No. 2500.09, 2017 – adopted May 18, 2017.

<sup>v</sup> Amendment Bylaw No. 2500.09, 2017 – adopted May 18, 2017.

<sup>vi</sup> Amendment Bylaw No. 2500.09, 2017 – adopted May 18, 2017.

handbill left at each adjacent property. BC Assessment rolls should be used in preparing an adjacent-property owner list. Regional District staff may assist in preparing the list.

## **5.2 Public Hearings**

### **5.2.1 Conduct of a Public Hearing<sup>vii</sup>**

- .1 The minimum duration of a Public Hearing scheduled in an Electoral Area shall not be less than 10 minutes.
- .2 If, after a minimum of 15 minutes, no members of the public are in attendance of the stated public hearing meeting in an Electoral Area then the Public Hearing may be adjourned.
- .3 If no members of the public attend the Public Hearing, and the Public Hearing notice has been properly published, the Regional District will consider that the Public Hearing has been held, as required.

## **5.3 Public Notification**

### **5.3.1 Giving Notice**

- .1 In accordance with the *Local Government Act*, the Regional District shall mail or otherwise deliver individual notices to all owners and tenants of the subject property for which an application is being made, and all owners and tenants of all other properties within a distance of not less than 100 metres measured from the boundaries of any subject property to which the application pertains, advising of:
  - (a) a scheduled Public Hearing for an OCP or Zoning Bylaw amendment;
  - (b) a scheduled Board meeting for considering a Development Variance Permit;  
or
  - (c) a scheduled Board meeting for considering a Temporary Use Permit.<sup>viii</sup>

### **5.3.2 Posting of Notice of Development Sign<sup>ix</sup>**

In respect of an application for a Zoning Bylaw amendment, Official Community Plan Bylaw amendment or Temporary Use Permit the applicant, at his or her cost, must erect a notice of development sign on that parcel of land which is the subject of the application, in accordance with the following:

- .1 Each sign must comply with the requirements outlined in Schedule '1' and section 5.3.3 of this bylaw;

<sup>vii</sup> Amendment Bylaw No. 2500.09, 2017 – adopted May 18, 2017.

<sup>viii</sup> Amendment Bylaw No. 2500.09, 2017 – adopted May 18, 2017.

<sup>ix</sup> Amendment Bylaw No. 2500.09, 2017 – adopted May 18, 2017.

- .2 Each sign must be erected prior to the submission of the Amendment application or Temporary Use Permit application to the Regional District;
- .3 Proof of sign installation must be provided to the Regional District by the applicant in the form of photographs of the sign(s) located on the property, including a close-up photograph sufficient to read sign details, and a distant photograph of the sign(s) in order to verify the location on the subject property.
- .4 The applicant must keep all signs in place continuously and in good repair until the close of the public hearing or a decision to issue or refuse the permit by the Board, and must be removed by an applicant within seven (7) working days following the close of the Public Hearing or a decision to issue or refuse the permit by the Board. Non-compliance with this section due to the removal, destruction or alteration of the sign by unknown persons, vandalism or natural occurrence shall not affect the validity of the bylaw or permit that is the subject of the application.
- .5 It is an applicant's responsibility to ensure that all signs are updated throughout the application process to reflect any amendments to the proposal, and that such revisions to the content of the development sign are undertaken in accordance with the requirements of Schedule '1'.
- .6 Multiple signs are required for subject properties that are not contiguous to each other.

### **5.3.3 Development Sign Requirements**

- .1 Notice of development sign(s) must be posted and retained on the subject property to adequately notify the general public as follows:
  - (a) the specifications of the development sign shall be:
    - (i) 1.2 metres x 1.2 metres in area;<sup>x</sup>
    - (ii) constructed of 1.3 centimetre plywood, or other durable material;
    - (iii) comprised of black letters on a white background colour scheme;
    - (iv) located a minimum of 1.2 metres from ground level; and
    - (v) securely fixed in order to withstand wind and weather.
  - (b) the location of the sign shall be:
    - (i) on each principal and secondary road frontage of the site to inform the public about the nature and purpose of the application (corner sites smaller than 1.0 hectare in area may be permitted to have only one sign);
    - (ii) located within 3.0 metres of the road frontage and at approximately the mid-point of the frontage of the subject property;
    - (iii) clearly visible from the road;

---

<sup>x</sup> Amendment Bylaw No. 2500.09, 2017 – adopted May 18, 2017.



- (iv) not create a hazard or interfere with pedestrian or vehicular traffic, or obstruct visibility from roads, walkways or driveways.
- .2 The applicant or his sign contractor will submit a proof to the Regional District for approval prior to manufacturing of the sign.
- .3 Failure to install the sign(s) according to these requirements will result in the postponement of assessment and/or consideration of the application. Any costs incurred by the Regional District for a delay for public notification or other, shall be the responsibility of the applicant.

#### 5.4 Agency Referral Process


- .1 When dealing with an Amendment Application, the Development Services Department will develop a referral list of agencies, organizations or levels of government that the amendment must be sent to for review and comment.
- .2 Each agency, organization or level of government must be given thirty (30) calendar days, after the application has been mailed or otherwise delivered to them, to provide any comments. If after thirty (30) calendar days the agency, organization or level of government has not notified the Regional District in writing about their concerns, the agency, organization or level of government must be considered to have no concern.<sup>xi</sup>

READ A FIRST TIME on the 3<sup>rd</sup> day of March, 2011.

READ A SECOND TIME on the 3<sup>rd</sup> day of March, 2011.

READ A THIRD TIME on the 3<sup>rd</sup> day of March, 2011.

ADOPTED this 3<sup>rd</sup> day of March, 2011.



Chair



Chief Administrative Officer

---

<sup>xi</sup> Amendment Bylaw No. 2500.01, 2012 – adopted March 15, 2012

**NOTICE OF DEVELOPMENT SIGN FORMAT SHEET**  
(for Zoning and Official Community Plan Bylaw Amendments)

7.6 cm (black)	<b>NOTICE OF DEVELOPMENT</b>
3.8 cm (black)	<b>SUBJECT</b> _____ (Civic Address)
3.8 cm (black)	<b>PROPERTY:</b> _____ (Legal Description)
3.8 cm (black)	<b>APPLICATION TYPE:</b> _____ (i.e. Amendment of the Electoral Area "A" Official Community Plan Bylaw No. 2450, 2008, and Zoning Bylaw No. 2451, 2008)
3.8 cm (black)	<b>FROM:</b> _____ (Current OCP Designation / Zoning District – Not applicable to TUPs)
3.8 cm (black)	<b>TO:</b> _____ (Proposed OCP Designation / Zoning District – Not applicable to TUPs)
3.8 cm (black)	<b>PROPOSAL:</b> _____ (Text Describing Development)
2.5 cm (black)	<b>INFORMATION ABOUT THIS APPLICATION CAN BE VIEWED AT: <a href="http://www.rdos.bc.ca">www.rdos.bc.ca</a></b> <b>REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN STAFF CAN ALSO BE CONTACTED AT: 250-490-4107 / 1-877-610-3737 (toll free) / <a href="mailto:planning@rdos.bc.ca">planning@rdos.bc.ca</a></b>

**Notice of Development Sign Specifications:**<sup>12</sup>

Sign material: 1.3 cm plywood or  
1.3 cm durable material

Sign size: not less than 1.2 metres X 1.8 metres

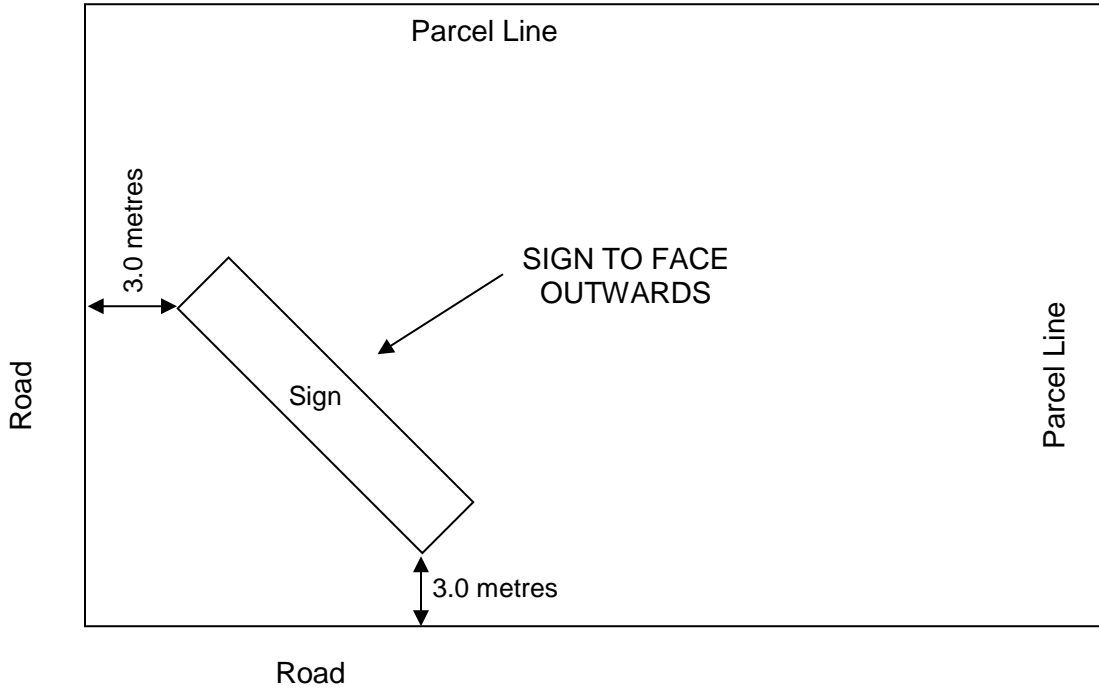
Sign lettering: black enamel paint or black vinyl block lettering  
(e.g., Arial or Helvetica)

1.2 metres

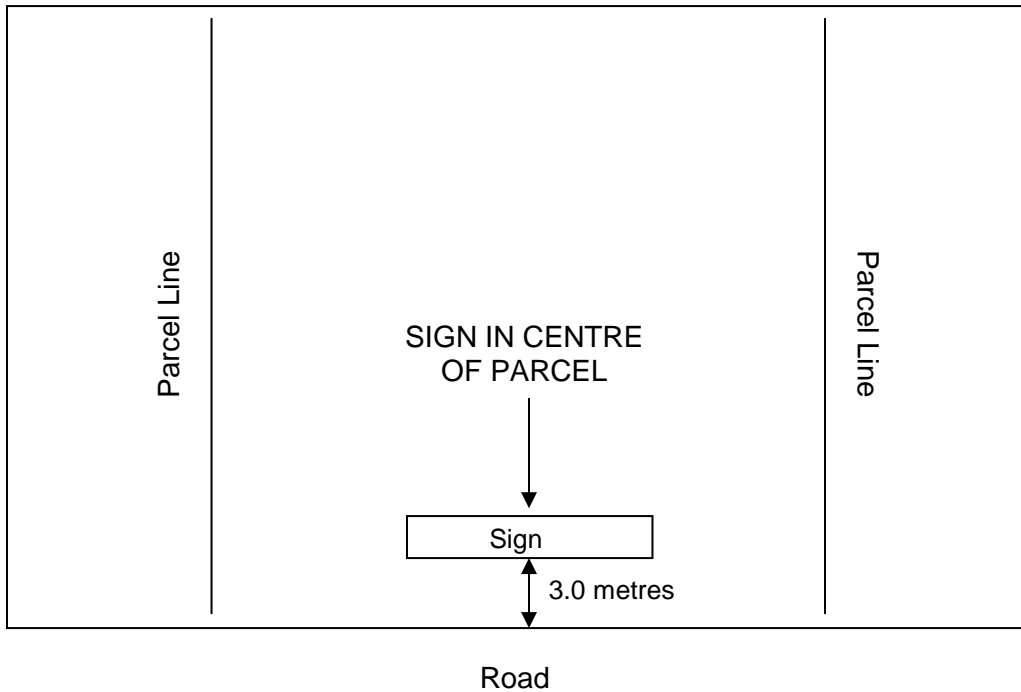
<sup>12</sup> Amendment Bylaw No. 2500.09, 2017 – adopted May 18, 2017.

# AFFIDAVIT FOR THE INSTALLATION OF NOTICE OF DEVELOPMENT SIGN(S)

## CORNER LOT



## INTERIOR LOT



## APPLICATION TO AMEND AN OCP BYLAW, ZONING BYLAW OR LAND USE CONTRACT (INCLUDING DISCHARGE)

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

### 1. Application Requirements

#### .1 Authorisation

- (a) An application for a bylaw or Land Use Contract amendment shall be made to the Chief Administrative Officer in writing and on the appropriate form, and shall be:
  - (i) made by the owner(s) of the land involved or by a person authorized by all property owner(s);
  - (ii) if a numbered company holds the property, a corporate search shall accompany the application illustrating the company directors. The signatory on the application form shall be a company director;
  - (iii) made on the appropriate form designated by the CAO; and
  - (iv) accompanied by the appropriate application fee outlined in the Fees and Charges Bylaw.

#### .2 Proposal Summary

- (a) An outline of the type of development or land use proposed, including:
  - (i) explanation of compliance with current zoning and proposed deviation or change, if applicable; and
  - (ii) explanation of community / neighbourhood benefit and impact of proposal and how it furthers the objectives of the OCP.

#### .3 State of Title Certificate

- (a) a copy of the Land Title Office search print, issued not more than thirty (30) calendar days prior to the application date for any parcel of land subject to the application; and <sup>xiii</sup>
- (b) a copy of all non-financial charges (i.e. covenants, easements and rights-of-way, etc.) registered on the subject property(s).

#### .4 Development Plans (drawn to scale)

- (a) a site plan and context map (existing land uses adjacent to the subject property are to be indicated on the plans); and
- (b) proposed subdivision plan (where applicable) showing the dimensions and area of all proposed lots or proposed boundary changes.

#### .5 Notice of Development<sup>xiv</sup>

<sup>xiii</sup> Amendment Bylaw No. 2500.01, 2012 – adopted March 15, 2012.

<sup>xiv</sup> Amendment Bylaw No. 2500.09, 2017 – adopted May 18, 2017.

- (a) Proof of installation of a Notice of Development Sign on the subject property, in accordance with the requirements outlined in Section 5.3 and Schedule '1' of this bylaw.

.6 Other

- (a) any additional information the Chief Administrative Officer may require in reviewing and making a recommendation concerning the proposed amendment and any applicable development approval information required under Section 3.3 of the bylaw.

## 2. Processing Procedure<sup>xv</sup>

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

- .1 Upon receipt of an application submitted in accordance with the requirements of this bylaw, Development Services staff will open a file and issue a fee receipt to the applicant;
- .2 Development Services staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant.
- .3 Development Services staff will refer the application to all applicable Regional District departments, government ministries and agencies and the appropriate Advisory Planning Commission (APC). The proposal will also be referred to a Municipality if the application could affect that municipality.
- .4 Applicant's are required to host a public information session, open house or public meeting at their own expense prior to the amending bylaw being considered by the Board. Development Services staff may assist with the scheduling and notification of a public information session, open house or public meeting, in accordance with the requirements of Section 5.0 of this bylaw.
- .5 Development Services staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies, and may meet with the applicant (as required).
- .6 The referral agencies' comments as well as feedback received at the public information session, open house or public meeting will then be incorporated into a technical report to the Board.
- .7 The applicant is invited to attend the Board meeting at which the amendment application will be considered.
- .8 If the Board decides to proceed with the amendment application, an amending bylaw may be given first and second readings. The Board may alternatively decide to refer, table or deny the application.

---

<sup>xv</sup> Amendment Bylaw No. 2500.09, 2017 – adopted May 18, 2017.

- .9 Should the amending bylaw receive first and second readings, 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 distance of not less than 100.00 metres of the boundaries of the property subject to the bylaw amendment.
- .10 The minutes of the Public Hearing will be presented prior to third reading of the amendment bylaw.
- .11 Following receipt of the Public Hearing minutes the Board will consider the amendment bylaw and may proceed with third reading (including the imposition of conditions), refer, table or deny the application. Upon third reading, an amendment bylaw may need to be sent to the relevant provincial minister(s) for signature before proceeding to adoption.
- .12 Once the applicant has adequately addressed all of the conditions identified at third reading (if any), the Board will consider the adoption of the bylaw(s).
- .13 Once the Board minutes have been prepared, the applicant will be notified in writing of the outcome.

## APPLICATION FOR A DEVELOPMENT PERMIT

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

### 1. Application Requirements<sup>xvi</sup>

#### (a) General Application Requirements

##### .1 Authorisation

(a) An application for a Development Permit (DP) shall be made to the Chief Administrative Officer in writing and on the appropriate form, and shall be:

- (i) made by the owner(s) of the subject property or by a person authorized by all property owner(s);
- (ii) if a numbered company holds the property, a corporate search shall accompany the application illustrating the company directors. The signatory on the application form shall be a company director;
- (iii) made on the appropriate form designated by the CAO; and
- (iv) accompanied by the appropriate application fee outlined in the Fees and Charges Bylaw.

##### .2 Proposal Summary

(a) An outline of the type of development or land use proposed, including:

- (i) explanation of compliance with current OCP guidelines.

##### .3 State of Title Certificate

- (a) a copy of the Land Title Office search print, issued not more than thirty (30) calendar days prior to the application date for any parcel of land subject to the application; and
- (b) a copy of all non-financial charges (i.e. covenants, easements and rights-of-way, etc.) registered on the subject property(s).

##### .4 Site Plan

- (a) a site plan of the proposed development drawn to scale and showing dimensions, and including the following (as applicable):
  - (i) north arrow and scale;
  - (ii) dimensions and boundaries of property lines, rights-of-way, covenant areas and other easements;

---

<sup>xvi</sup> Amendment bylaw No. 2500.08, 2017 – adopted June 15, 2017.

- (iii) location and dimensions of existing and proposed structures and setbacks (including projections and overhangs) to parcel lines, rights-of-way, and easements;
  - (iv) location of existing and proposed access roads, driveways, vehicle parking spaces, pathways, screening and fencing;
  - (v) natural and finished grades of site at buildings and retaining walls (indicate source of grade data);
  - (vi) location of any physical or topographical constraints (e.g. watercourses, shorelines, ravines, wetlands, steep slopes, bedrock outcrops, etc.);
  - (vii) location of all existing and proposed water lines, wells, and septic fields, including sizes; and
  - (viii) proposed covenant areas (if any).
- .5 Development Plans (drawn to scale, in metric)
- (a) detailed drawings of the proposed development, including building sections, elevations, finishes, floor plans, landscaping, pathways, and screening and fencing proposed for the site;
  - (b) a project summary sheet outlining density and number of dwelling units, site coverage, heights, setbacks, and other relevant data; and
  - (c) location and width of existing or proposed access(es) to the property, driveways, manoeuvring aisles and parking layout.
- .6 Site Surveys
- (a) if a proposed development involves a variance to the siting or building envelope of an existing structure a current sketch plan, certified by a BC Land Surveyor, in metric, shall be required. This may be combined with the requirements for sub-section 4 of this Schedule 3 (where appropriate).
  - (b) if a proposed development is within 10% of the setback line (i.e. within 3.0 metres of a 30.0 metre setback line), a current sketch plan, certified by a BC Land Surveyor, in metric, shall be required. This may be combined with the requirements for sub-section 4 of this Schedule 3 (where appropriate).

**(b) Watercourse Development Permit Application Requirements**

- .1 In addition to the application requirements listed in Section 1(a), the following is also required for Watercourse Development Permit Applications:



- a) a site plan shall also include the high water mark; natural boundary; floodplain setbacks & elevations; zones of sensitivity (ZOS); and the Streamside Protection and Enhancement Area (SPEA).

**(c) Environmentally Sensitive Development Permit Application Requirements**

.1 In addition to the application requirements listed in Section 1(a), the following is also required for Environmentally Sensitive Development Permit Applications:

- a) an Environmental Assessment (EA) Report; or
- b) a Rapid Environmental Assessment (REA) Report.

Environmental Assessment (EA) Report

.2 An Environmental Assessment (EA) Report must be prepared, signed and sealed by an RPBio and include the following:

- a) an Ecological Assessment Phase prepared in accordance with the requirements of sections 1(c)(3) & (4) of this Schedule.
- b) an Impact Assessment Mitigation Phase prepared in accordance with the requirements of section 1(c)(5) of this Schedule.

Ecological Assessment Phase

.3 The Ecological Assessment Phase shall include the following:

- a) an overview of all habitats and features found within a subject property;
- b) a site map with a scale of not less than 1:500 or greater than 1:5,000 that includes the following information:
  - i) location of plant species and plant communities;
  - ii) location of sensitive ecosystems;
  - iii) a list of found species (e.g. fish distribution);
  - iv) areas of expected/potential terrestrial/aquatic wildlife use;
  - v) observations and/or recorded locations of federally listed, provincially ranked, or regionally significant plant communities and species (for all life stages) or their habitats (including Critical Habitat for Species at Risk Act listed species);
  - vi) a Streamside Protection and Enhancement Area (SPEA) setback (if applicable);
  - vii) other existing environmentally valuable resources, including wildlife connectivity corridors, wildlife trees, and hibernacula, etc.;

- viii) landforms, site stability, geological and topographical features and contours;
  - ix) adjacent lands and uses;
  - x) contour maps and cross sections, if available, for sites with slopes greater than 20%;
  - xi) surface and ground water features including swales, wetlands, draws, spring discharge or recharge areas, floodplains, top of bank, high water mark; and
  - xii) existing structures, paved and unpaved roads, soil disturbance, logging, and land clearing.
- c) rare and endangered species records, within and adjacent to the subject property. If rare and endangered species potentially utilize the site, a species specific inventory must be conducted, in the appropriate season(s).
  - d) the findings of any Riparian Area Assessment report prepared if the proposed development involves the disturbance of land within a designated Watercourse Development Permit (WDP) Area.
  - e) identification of environmentally valuable resources occurring within the study area. This is to be based upon the following four-class rating system:
    - i) ESA-1 (High), which shall be applied to occurrence-based Critical Habitat, locally and provincially significant ecosystems, extremely rare and/or of critical importance to rare wildlife species.
    - ii) ESA-2 (Moderate), which shall be applied to attribute-based Critical Habitat, locally or provincially significant ecosystems, uncommon and important to rare wildlife species.
    - iii) ESA-3 (Low), which shall be applied to ecosystems that may have low to moderate conservation values because of importance to wildlife (e.g. disturbed or fragmented ecosystems or habitat features).
    - iv) ESA-4 (Not Sensitive), which shall be applied to areas with little or no inherent ecological value or importance as wildlife habitat.
  - f) The ESA criteria/rating system used in the evaluation of ESAs, which should include the following components:
    - i) ecosystem mapping refined to 1:5,000 or less, including structural stage and seral association or condition;

- ii) rarity in the region, province, country, including historical loss;
  - iii) landscape context including contiguity to other ESAs (buffering function) and whether the area is vital to health of ecosystems beyond its boundaries (water catchment, storage/recharge zone);
  - iv) habitat suitability for provincially ranked and/or federally listed or significant species;
  - v) presence of important environmentally valuable resources (e.g. breeding/spawning areas, hibernacula, migration stop over, connectivity corridors, reported sightings of uncommon species, ungulate winter range, high value wildlife trees);
  - vi) species diversity/habitat complexity;
  - vii) ecosystems at risk in the Okanagan including riparian (including subsurface flow and recharge areas), wetlands, grasslands, rock outcrops, talus and cliffs, old growth, and low elevation forests;
  - viii) vulnerability to anthropogenic disturbance (e.g. soil disturbance, road conflicts, pets, invasive plants);
  - ix) current condition (biological integrity) function, structure, stability and probability of restoration to a functional level or ecological capability; and,
  - x) cumulative impacts from surrounding land uses.
- g) recommendations to be used to guide project design and planning for the development.

#### Impact Assessment & Mitigation Phase

- .4 The Impact Assessment & Mitigation Phase shall include the following:
- a) an assessment of potential impacts resulting from the proposed development that considers the following:
    - i) magnitude of the proposed development;
    - ii) geographic extent of the proposed development;
    - iii) timing of the proposed development;
    - iv) duration of the proposed development;
    - v) frequency of the proposed development;
    - vi) reversibility of the proposed development; and

- vii) likelihood of occurrence of the proposed development.
- b) an assessment of mitigation measures and their anticipated effectiveness in maintaining the health, form and function of natural ecosystems and features by reducing or eliminating potential impacts from development that considers the following:
  - i) management of erosion and sediment impacts during and after construction;
  - ii) control of invasive plant species using site and species appropriate methods (e.g. hand pulling, digging, cutting, and mowing);
  - iii) scheduling construction during recommended timing windows for species;
  - iv) designing linear corridors such as roads, driveways, or trails to be as narrow as possible, create as little disturbance as possible and configure them to allow for wildlife crossings;
  - v) the use of permeable surfaces or other means to minimize impact and maintain the characteristics of the non-disturbance areas;
  - vi) management of access to “non-disturbance areas”;
  - vii) compensation for environmental losses at a 3:1 ratio on the “no net loss principle”.
- c) identification of those persons who will be:
  - i) responsible for monitoring potential impacts, and propose a monitoring schedule including who will perform the monitoring;
  - ii) accountable for potential impacts that might occur; and
  - iii) responsible for unintended but foreseeable impacts.
- d) a Monitoring Plan that should include, but is not limited to:
  - i) the installation of temporary fencing to clearly delineate ‘no disturbance areas’ around ESAs and other areas designated for protection;
  - ii) pre-construction meeting onsite between QEP and contractors to insure all site workers are aware of non-disturbance areas;
  - iii) monitors or the District must be given the authorization to stop work if they believe that on-site conditions are in contravention of the conditions of the permit; and

- iv) regular monitoring reports sent to the District and regulatory agencies involved and a final 'substantial completion' report at a suitable interval following the completion of a project.

#### Rapid Environmental Assessment

- .5 A Rapid Environmental Assessment (REA) Report must include the following:
  - a) Site Plan indicating proposed footprint of development;
  - b) an Environmentally Valuable Resources (EVR) assessment indicating the following values within 100 metres of a proposed development site:
    - i) Sensitive Ecosystems (SEI: Vernon to Osoyoos):
      - .1 Wetland (includes vernal or ephemeral);
      - .2 Riparian;
      - .3 Old Forest;
      - .4 Grasslands (including disturbed);
      - .5 Shrub-steppe (includes antelope- brush, sage-brush);
      - .6 Broadleaf Woodland;
      - .7 Coniferous Woodland;
      - .8 Sparsely vegetated areas and rocky outcrops; and
      - .9 Other Sensitive Ecosystems.
    - ii) Ecological Communities on BC CDC red or blue lists;
    - iii) Known occurrences of listed species (federal or provincial);
    - iv) Critical Habitat as identified under SARA (source: Species at Risk Act Public Registry); and
    - v) Habitat Features with high potential for important life requisites of listed species:
      - .1 Wildlife Trees;
      - .2 Hibernacula/Roosts;
      - .3 Active nest sites or areas known for nesting;
      - .4 Dens and burrows;
      - .5 Wildlife corridor considerations; and
      - .6 Other landscape features of environmental significance.

- c) Mitigation information on EVR locations, strategies to achieve avoidance, and/or recommendations for restoration, protection and mitigation measures shall be provided in the form of a summary report where restoration, protection or mitigation measures are prescribed.

## 2. Processing Procedure – Form and Character Development Permit

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

- .1 Upon receipt of an application accompanied by the required fees and attachments, Development Services staff will open a file and issue a fee receipt to the applicant.
- .2 Development Services staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant.
- .3 Development Services staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies, and applicable provincial and federal procedures. Staff may conduct a site visit to view the property as part of the evaluation process.<sup>xvii</sup>
- .4 Development Services staff will refer the application to all applicable Regional District departments and committees as applicable. The referral comments and/or recommendations may then be incorporated into the WDP.<sup>xviii</sup>
- .5 The staff report, draft Development Permit and comments from the applicant will be provided to the CAO for review.
- .6 If approval of the permit is granted by the CAO, the Development Services Manager will execute the Development Permit.<sup>xix</sup>
- .7 Once the “reconsideration” 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 CAO and registered against the title of the property(s) at the Land Title Office.
- .8 In those cases where a Development Permit application approval has not been delegated, or includes a variance request, public notification may be required and the decision on the issuance of the Development Permit is made by the Board. A decision by the Board is considered final.
- .9 Development Services staff shall administer any further conditions of the Development Permit as specified within each individual permit as required. Development Services staff may conduct inspections, on an as-required basis, to ensure that the terms of the Development Permit are being satisfied.

---

<sup>xvii</sup> Amendment Bylaw No. 2500, 2017 – adopted June 15, 2017.

<sup>xviii</sup> Amendment Bylaw No. 2500, 2017 – adopted June 15, 2017.

<sup>xix</sup> Amendment Bylaw No. 2500, 2017 – adopted June 15, 2017.

### 3. Processing Procedure – Watercourse Development Permit (WDP)

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

- .1 Upon receipt of an application accompanied by the required fees and attachments, including a Riparian Areas Regulation Assessment Report, Development Services staff will open a file and issue a fee receipt to the applicant.
- .2 Development Services staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant.
- .3 Development Services staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies, and applicable provincial and federal procedures. The most current provincial Riparian Area Regulation Implementation Guidebook and provincial Riparian Areas Regulation procedures and policies will be used for evaluation. Staff may conduct a site visit to view the property as part of the evaluation process.
- .4 Development Services staff will refer the application to all applicable Regional District departments, committees, government ministries and agencies, as applicable. The referral agencies' comments and/or recommendations may then be incorporated into the WDP.
- .5 When Development Services staff have received provincial notification that the assessment has been filed with the Riparian Areas Regulation Notification System, and all relevant RDOS conditions and guidelines have been satisfied, the staff memo and drafted Development Permit will be considered for approval by the CAO.
- .6 The Development Services Manager will execute the Development Permit.
- .7 Development Services Staff will register the Notice of Permit against the title of the property(s) at the Land Title Office.
- .8 An owner of property may request a reconsideration of a decision by the Board as outlined in the Regional District's *Delegation of Local Government Authority Bylaw No. 2509, 2010* as amended . A decision by the Board is considered final.
- .9 The CAO may use discretion to forward development permits to the Board for decision and not use the delegated authority. A decision by the Board is considered final.
- .10 Development Services staff shall administer any further conditions of the Development Permit as specified within each individual permit as required. Development Services staff may conduct inspections, on an as-required basis, to ensure that the terms of the Development Permit are being satisfied. Monitoring and reporting by a Qualified Environmental Professional (as defined in the *BC Riparian Areas Regulation, B.C. Reg 376/2004, as amended*) on the behalf of the permit holder may be a requirement of the permit.



#### 4. Processing Procedure – Environmentally Sensitive Development Permit (ESDP)

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

- .1 Upon receipt of an application accompanied by the required fees and attachments, including a professional environmental report done in accordance with the Regional District’s relevant Terms of Reference, Development Services staff will open a file and issue a fee receipt to the applicant.
- .2 Development Services staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant.
- .3 Development Services staff will evaluate the proposal for compliance with relevant Regional District bylaws, policies and applicable provincial and federal enactments and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
- .4 Development Services staff will refer the application to all applicable Regional District departments and committees as applicable. The referral comments and/or recommendations may then be incorporated into a staff memo to the CAO, or their delegate, and/or the Development Permit, as applicable.<sup>xx</sup>
- .5 When all relevant conditions and guidelines have been satisfied, the staff memo and drafted Development Permit will be considered for approval by the CAO, or their delegate.<sup>xxi</sup>
- .6 If approval of the permit is granted by the CAO, or their delegate, the Development Services Manager will execute the Development Permit.<sup>xxii</sup>
- .7 Development Services staff will register the Notice of Permit against the title of the property(s) at the Land Title Office.
- .8 An owner of property may request a reconsideration of a decision by the CAO, or their delegate, as outlined in the Regional District’s *Delegation of Local Government Authority Bylaw No. 2509, 2010*, as amended. A decision by the Board is considered final.<sup>xxiii</sup>
- .9 The CAO may use discretion to forward development permits to the Board for decision and not use the delegated authority. A decision by the Board is considered final.
- .10 Development Services staff shall administer any further conditions of the Development Permit as specified within each individual permit as required. Development Services staff may conduct inspections, on an as-required basis, to ensure that the terms of the Development Permit are being satisfied. Monitoring and reporting by a Qualified Environmental Professional (as defined in the applicable RDOS Bylaw) on the behalf of the permit holder may be a requirement of the permit.

---

<sup>xx</sup> Amendment Bylaw No. 2500.08, 2017 – adopted June 15, 2017.

<sup>xxi</sup> Amendment Bylaw No. 2500.08, 2017 – adopted June 15, 2017.

<sup>xxii</sup> Amendment Bylaw No. 2500.08, 2017 – adopted June 15, 2017.

<sup>xxiii</sup> Amendment Bylaw No. 2500.08, 2017 – adopted June 15, 2017.

## 5. Processing Procedure – Protection of Farming Development Permit<sup>xxiv</sup>

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

- .1 Upon receipt of an application accompanied by the required fees and attachments, Development Services staff will open a file and issue a fee receipt to the applicant.
- .2 Development Services staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant.
- .3 Development Services 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 Development Services staff will refer the application to all applicable Regional District departments, government ministries and agencies and the appropriate Advisory Planning Commission (APC), as applicable.
- .5 Development Services staff will refer the application to all applicable Regional District departments, government ministries and agencies and the appropriate Advisory Planning Commission (APC), as applicable. The referral agencies' comments will then be incorporated into a staff report to the CAO.
- .6 The staff report, draft Development Permit and comments from the applicant will be provided to the CAO for review.
- .7 Where the CAO has delegated authority by the board to amend a Protection of Farming Development Permit, and all relevant conditions have been satisfied (e.g. a letter of credit has been submitted for security), the CAO will sign the Development Permit subject to a period of "reconsideration" as outlined under the Regional District's *Delegation of Local Authority Bylaw No. 2509, 2010* as amended.
- .8 Once the "reconsideration" 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 CAO and registered against the title of the property(s) at the Land Title Office.
- .9 In those cases where a Development Permit application approval has not been delegated, or includes a variance request, public notification may be required and the decision on the issuance of the Development Permit is made by the Board. A decision by the Board is considered final.
- .10 Development Services staff shall administer any further conditions of the Development Permit as specified within each individual permit as required. Development Services staff may conduct inspections, on an as-required basis, to ensure that the terms of the Development Permit are being satisfied.

---

<sup>xxiv</sup> Amendment Bylaw No. 2500.01, 2012 – adopted March 15, 2012

# APPLICATION FOR A DEVELOPMENT VARIANCE PERMIT

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

## 1. Application Requirements

### .1 Authorisation

- (a) An application for a Development Variance Permit (DVP) shall be made to the Chief Administrative Officer in writing and on the appropriate form, and shall be:
  - (i) made by the owner(s) of the subject property or by a person authorized by all property owner(s);
  - (ii) if a numbered company holds the property, a corporate search shall accompany the application illustrating the company directors. The signatory on the application form shall be a company director;
  - (iii) made on the appropriate form designated by the CAO; and
  - (iv) accompanied by the appropriate application fee outlined in the Fees and Charges Bylaw.

### .2 Proposal Summary

- (a) An outline of the type of development or land use proposed, including:
  - (i) a description of the variance requested, including bylaw section number, and reasons or rationale for the proposal and why the standard cannot be met.

### .3 State of Title Certificate

- (a) a copy of the Land Title Office search print, issued not more than thirty (30) calendar days prior to the application date for any parcel of land subject to the application; and <sup>xxv</sup>
- (b) a copy of all non-financial charges (i.e. covenants, easements and rights-of-way, etc.) registered on the subject property(s).

### .4 Site Plan

- (a) a site plan of the proposed development drawn to scale and showing dimensions, and include the following (as applicable):
  - (i) north arrow and scale;
  - (ii) dimensions and boundaries of property lines, rights-of-way, covenant areas and other easements;
  - (iii) location and dimensions of existing and proposed structures and setbacks (including projections and overhangs) to parcel lines, rights-of-way, and easements;

---

<sup>xxv</sup> Amendment Bylaw No. 2500.01, - adopted March 15, 2012

- (iv) location of existing and proposed access roads, driveways, vehicle parking spaces, pathways, screening and fencing;
  - (v) natural and finished grades of site, at buildings & retaining walls (indicate source of grade data);
  - (vi) location of any physical or topographical constraints (e.g., watercourses, shorelines, ravines, wetlands, steep slopes, bedrock outcrops, etc.);
  - (vii) location of all existing and proposed water lines, wells, septic fields, and sanitary sewer and storm drain facilities, including sizes; and
  - (viii) proposed covenant areas (if any).
- .5 Development Plans (drawn to scale, in metric)
- (a) detailed drawings of the proposed development, including building sections, elevations, finishes, floor plans, landscaping, access roads, driveways, vehicle parking spaces, pathways, and screening and fencing proposed for the site;
  - (b) a project summary sheet outlining density and number of dwelling units, site coverage, heights, setbacks, and other relevant data; and
  - (c) location and width of existing or proposed access(es) to the property, driveways, manoeuvring aisles and parking layout.
- .6 Site Surveys
- (a) if a proposed development involves a variance to the siting or building envelope of an existing structure a current sketch plan, certified by a BC Land Surveyor, in metric, shall be required.
- .7 Professional Reports<sup>xxvi</sup>
- (a) Where an application proposes to vary a servicing requirement specified under the Subdivision Servicing Bylaw, the application shall be accompanied by an assessment report from a qualified professional engineer outlining:
    - (i) Any alternative works proposed;
    - (ii) Any detrimental impacts which may arise if the proposed variance is granted; and
    - (iii) Any mitigation works or measures proposed to be provided.

## 2. Processing Procedure

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

- .1 Upon receipt of an application accompanied by the required fees and attachments, Development Services staff will open a file and issue a fee receipt to the applicant.

---

<sup>xxvi</sup> Amendment Bylaw No. 2500.06, 2015 – adopted November 5, 2015.

- .2 Development Services staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant.
- .3 Development Services 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 Development Services staff will refer the application to all applicable Regional District departments, government ministries and agencies for comment.
- .5 Development Services staff will notify the relevant Area Director(s) of an application. An Area director may request that, in accordance with sub-section 4, an application be referred to the applicable APC. <sup>xxvii</sup>
- .6 The referral agencies' comments will then be incorporated into a technical report to the Board.
- .7 The recommendation to the Board may identify as a condition of the issuance of a permit, that the applicant for the permit provide a security by an irrevocable letter of credit or other means in a form satisfactory to the Board in an amount stated in the permit to guarantee the performance of the terms of the permit; a covenant; or other legal documents.
- .8 The Board will not consider a DVP application where it is proposed to place a building or structure within 4.50 metres of a road reserve until approval from the Ministry of Transportation and Infrastructure (MoTI) has first been obtained.
- .9 No less than ten (10) working days prior to the Board's consideration of an application, property owners of land within a radius not less than 100 metres of the subject property will be notified by mail advising of the application. <sup>xxviii</sup>
- .10 The applicant is invited to attend the Board meeting at which the variance application will be considered.
- .11 The Board will consider the technical report and may grant the requested permit, or may refer, table, direct back to the APC or deny the application.
- .12 Once the Board minutes have been prepared, the applicant will be notified in writing of the outcome.
- .13 If a Development Variance Permit is granted, a Notice of Permit will be signed and sealed by the CAO and registered against the title of the property(s) at the Land Title Office.

---

<sup>xxvii</sup> Amendment Bylaw No. 2500.07, 2016 – adopted June 16, 2016

<sup>xxviii</sup> Amendment Bylaw No. 2500.01, 2012 – adopted March 15, 2012

## APPLICATION FOR A TEMPORARY USE PERMIT

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

**1. Application Requirements****.1 Authorisation**

- (a) An application for a Temporary Use Permit, or an application to renew a Temporary Use Permit shall be made to the Chief Administrative Officer (CAO) in writing and on the appropriate form, and shall be:<sup>xxix</sup>
  - (i) made by the owner(s) of the land involved or by a person authorized by all property owner(s);
  - (ii) if a numbered company holds the property, a corporate search shall accompany the application illustrating the company directors. The signatory on the application form shall be a company director;
  - (iii) made on the appropriate form designated by the CAO; and
  - (iv) accompanied by the appropriate application fee outlined in the Fees and Charges Bylaw.

**.2 Proposal Summary**

- (a) An outline of the type of development or land use proposed, including:
  - (i) explanation of compliance with current OCP and Zoning regulations and proposed deviation or change, if applicable; and
  - (ii) explanation of community / neighbourhood benefit and impact of proposal.

**.3 State of Title Certificate**

- (a) a copy of the Land Title Office search print, issued not more than thirty (30) calendar days prior to the application date for any parcel of land subject to the application; and<sup>xxx</sup>
- (b) a copy of all non-financial charges (i.e. covenants, easements and rights-of-way, etc.) registered on the subject property(s).

**.4 Site Plan**

- (a) a site plan of the proposed development drawn to scale and showing dimensions, and including the following (as applicable):
  - (i) north arrow and scale;
  - (ii) dimensions and boundaries of property lines, rights-of-way, covenant areas and other easements;

<sup>xxix</sup> Amendment Bylaw No. 2500.02, 2012 – adopted December 20, 2012

<sup>xxx</sup> Amendment Bylaw No. 2500.01, 2012 – adopted March 15, 2012

- (iii) location and dimensions of existing and proposed structures and setbacks (including projections and overhangs) to parcel lines, rights-of-way, and easements;
- (iv) location of existing and proposed access roads, driveways, vehicle parking spaces, pathways, screening and fencing;
- (v) natural and finished grades of site, at buildings and retaining walls (indicate source of grade data);
- (vi) location of any physical or topographical constraints (e.g. watercourses, shorelines, ravines, wetlands, steep slopes, bedrock outcrops, etc.);
- (vii) location of all existing and proposed water lines, wells, septic fields, and sanitary sewer and storm drain facilities, including sizes; and
- (viii) proposed covenant areas (if any).

.5 Development Plans (drawn to scale, in metric)

- (a) detailed drawings of the proposed development, including building sections, elevations, finishes, floor plans, landscaping, access roads, driveways, vehicle parking spaces, pathways, and screening and fencing proposed for the site;
- (b) a project summary sheet outlining density and number of dwelling units, site coverage, heights, setbacks, and other relevant data; and
- (c) location and width of existing or proposed access(es) to the property, driveways, manoeuvring aisles and parking layout.

.6 Site Surveys

- (a) if a proposed development involves a variance to the siting or building envelope of an existing structure a current sketch plan, certified by a BC Land Surveyor, in metric, shall be required.

.7 Health and Safety Inspection<sup>xxxii</sup>

- (a) Confirmation from a Building Inspector, or other qualified individual that the proposed use of a building or structure meets minimum standards for health and safety.

.8 Notice of Development<sup>xxxiii</sup>

- (a) Proof of installation of a Notice of Development Sign on the subject property, in accordance with the requirements outlined in Section 5.3 and Schedule '1' of this bylaw.

**2. Processing Procedure<sup>xxxiii</sup>**

---

<sup>xxxii</sup> Amendment bylaw No. 2500.05, 2015 – adopted June 4, 2015.

<sup>xxxiii</sup> Amendment bylaw No. 2500.09, 2017 – adopted May 18, 2017.

<sup>xxxiii</sup> Amendment Bylaw No. 2500.02, 2012 – adopted December 20, 2012; and Amendment bylaw No. 2500.09, 2017 – adopted May 18, 2017.

A Temporary Use Permit application, or an application to renew a Temporary Use Permit submitted in accordance with this bylaw will be processed as follows:

- .1 Upon receipt of an application accompanied by the required fees and attachments, Development Services staff will open a file and issue a fee receipt to the applicant.
- .2 Development Services staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant.
- .3 Development Services staff will refer the application to all applicable Regional District departments, government ministries and agencies and the appropriate Advisory Planning Commission (APC). The proposal will also be referred to a Municipality if the application could affect that municipality.
- .4 Applicant's are required to host a public information session, open house or public meeting at their own expense prior to the TUP application being considered by the Board. Development Services staff may assist with the scheduling and notification of a public information session, open house or public meeting, in accordance with the requirements of Section 5.0 of this bylaw.
- .5 Development Services 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 The referral agencies' comments as well as feedback received at the public information session, open house or public meeting will then be incorporated into a technical report to the Board.
- .7 The recommendation to the Board may identify as a condition of the issuance of a permit, that the applicant for the permit provide a security by an irrevocable letter of credit or other means in a form satisfactory to the Board in an amount stated in the permit to guarantee the performance of the terms of the permit; a covenant; or other legal documents.
- .8 No less than ten (10) days prior to the Board's consideration of an application, property owners and tenants of land within a radius not less than 100 metres of the boundaries of the subject property will be notified by mail advising of the application. The proposal will also be advertised in an appropriate newspaper.
- .9 The applicant is invited to attend the Board meeting at which the application will be considered.
- .10 The Board will consider the technical report and may grant the requested permit, or may refer, table or deny the application.
- .11 Once the Board minutes have been prepared, the applicant will be notified in writing of the outcome.
- .12 If a Permit is granted, a Notice of Permit will be signed and sealed by the CAO and registered against the title of the property(s) at the Land Title Office.



## APPLICATION FOR A STRATA TITLE CONVERSION

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

**1. Application Requirements****.1 Authorisation**

- (a) An application for a Strata Title Conversion of an existing building shall be made to the Chief Administrative Officer in writing and on the appropriate form, and shall be:
  - (i) made by the owner of the subject property or by a person authorized by all property owners;
  - (ii) if a numbered company holds the property, a corporate search shall accompany the application illustrating the company directors. The signatory on the application form shall be a company director;
  - (iii) made on the appropriate form designated by the CAO; and
  - (iv) accompanied by the appropriate application fee outlined in the Fees and Charges Bylaw.

**.2 Proposal Summary**

- (a) An outline of the type of development or land use proposed, including:
  - (i) demonstration of substantial compliance with current zoning bylaw;
  - (ii) plans for the relocation of persons occupying a residential building on the subject property;
  - (iii) a rental vacancy report; and
  - (iv) explanation of community / neighbourhood benefit and impact of proposal.

**.3 State of Title Certificate**

- (a) a copy of the Land Title Office search print for the subject property, issued not more than thirty (30) calendar days prior to the application date for any parcel of land subject to the application; and <sup>xxxiv</sup>
- (b) a copy of all non-financial charges (i.e. covenants, easements and rights-of-way, etc.) registered on the subject property.

**.4 Site Plan**

- (a) a site plan of the proposed development drawn to scale and showing dimensions. The site plan must include:
  - (i) north arrow and scale;

---

<sup>xxxiv</sup> Amendment Bylaw No. 2500.01, 2012 – adopted March 15, 2012

- (ii) dimensions and boundaries of property lines, rights-of-way, covenant areas and easements;
- (iii) location and dimensions of existing and proposed structures and setbacks (including projections and overhangs) to parcel lines, rights-of-way, and easements;
- (iv) location of existing and proposed access roads, driveways, vehicle parking spaces, pathways, screening and fencing;
- (v) calculations showing compliance with the relevant zoning regulations, such as parcel coverage and density; and
- (vi) proposed covenant areas (if applicable).

.5 Floor Plans

- (a) Floor Plans of all levels of the existing building(s).

.6 Building Report

- (a) A Building Report, written report by a Professional Engineer or Architect, that provides a *BC Building Code* review that specifically addresses, for each subject building:

- (i) fire separation;
- (ii) soundproofing;
- (iii) structural integrity;
- (iv) mechanical review;
- (v) information on the:
  - (a) building's state of repair;
  - (b) building's general workmanship;
  - (c) life expectancy of the building;
  - (d) projected major increases in maintenance costs due to the condition of the building; and
  - (e) assessments of the condition of the roof and the exterior and interior surfaces and details of the building.

If the building does not comply with the current *BC Building Code*, the professional shall identify the work that is required to bring the building up to code. This report will be retained as public record.

- (b) Plan of Strata Subdivision prepared by a British Columbia Land Surveyor may be submitted for final approval when all conditions imposed by the Board are resolved to the satisfaction of the Approving Officer.

## 2. Processing Procedure

1. Application for conversion along with all requirements for the application as noted is received by the Regional District.
2. Staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant.
3. Staff will 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. Staff will refer the application to all relevant Regional District departments, government ministries and agencies and the Advisory Planning Commission as applicable.
5. A letter shall also be forwarded by the Regional District to all tenants advising of the application for conversion.
6. The referral agencies' comments along with any other representations will then be incorporated into a technical report to the CAO.
7. When all relevant conditions and guidelines have been satisfied, the staff report and strata plan will be considered for approval by the CAO.
8. If the CAO grants approval in principle to the application, the applicant may then engage a British Columbia Land Surveyor to prepare strata plans in accordance with the provisions of the *Strata Property Act*. The strata plans are to be forwarded to the Secretary for execution.
9. Before the strata plans are signed, the applicant must comply with the conditions, imposed by the CAO. Once signed, the Regional District's Building Department will retain one set of paper prints for the record, and return all remaining copies to the applicant for deposit with the Registrar at the Land Title Office.
10. An owner of property may request a reconsideration of a decision by the Board as outlined in the Regional District's *Delegation of Local Government Authority Bylaw No. 2509, 2010* as amended. A decision by the Board is considered final.
11. The CAO may use their discretion to forward a strata conversion application to the Board for decision and not use the delegated authority. A decision by the Board is considered final.
12. Should an application be forwarded to the Board, the applicant will be invited to attend the Board meeting at which the application will be considered.
13. The Board will consider the technical report and may approve the conversion, or deny the application.
14. Once the Board minutes have been prepared, the applicant will be notified in writing of the outcome.
15. If the Board grants approval in principle to the application, the applicant may then engage a British Columbia Land Surveyor to prepare strata plans in accordance with the

provisions of the *Strata Property Act*. The strata plans are to be forwarded to the Secretary for execution.

16. Before the strata plans are signed, the applicant must comply with the conditions, imposed by the Board. Once signed, the Regional District's Building Department will retain one set of paper prints for the record, and return all remaining copies to the applicant for deposit with the Registrar at the Land Title Office.

## APPLICATION FOR A FLOODPLAIN EXEMPTION

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

**1. Application Requirements****.1 Authorisation**

- (a) An application for a Floodplain Exemption shall be made to the Chief Administrative Officer in writing and on the appropriate form, and shall be:
  - (i) made by the owner of the land involved or by a person authorized by all property owners;
  - (ii) if a numbered company holds the property, a corporate search shall accompany the application illustrating the company directors. The signatory on the application form shall be a company director;
  - (iii) made on the appropriate form designated by the CAO; and
  - (iv) accompanied by the appropriate application fee outlined in the Fees and Charges Bylaw.

**.2 Proposal Summary**

- (a) An outline of the type of development or land use proposed, including:
  - (i) a description of the exemption sought and reasons or rationale for the proposal.

**.3 State of Title Certificate**

- (a) a copy of the Land Title Office search print for the subject property, issued not more than thirty (30) calendar days prior to the application date for any parcel of land subject to the application; and <sup>xxxv</sup>
- (b) a copy of all non-financial charges (i.e. covenants, easements and rights-of-way, etc.) registered on the subject property.

**.4 Site Plan**

- (a) a site plan of the proposed development drawn to scale and showing dimensions. The site plan must include:
  - (i) north arrow and scale;
  - (ii) dimensions and boundaries of property lines, rights-of-way, covenant areas and easements;
  - (iii) location and dimensions of existing and proposed structures, including elevations and setbacks (including projections and overhangs) to parcel lines, rights-of-way, and easements;

---

<sup>xxxv</sup> Amendment Bylaw No. 2500.01, 2012 – adopted March 15, 2012

- (iv) location of existing and proposed access roads, driveways, vehicle parking spaces, pathways, screening and fencing;
- (v) calculations showing compliance with the relevant zoning regulations, such as parcel coverage and density; and
- (vi) proposed covenant areas (if applicable).

.5 Assessment Report:

- (a) A Professional Engineer or Geoscientist's Report/Floodplain Hazard Assessment Report certifying that the land may be used safely for the intended purpose is required. The report must be prepared in accordance with the document entitled *Guidance for Selection of Qualified Professionals and Preparation of Flood Hazard Assessment Reports*.

## 2. Processing Procedure

1. Upon receipt of an application accompanied by the required fees and attachments, Development Services staff will open a file and issue a fee receipt to the applicant.
2. Development Services staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant.
3. Development Services 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. Development Services staff will refer the application to all applicable Regional District departments, government ministries and agencies, as applicable.
5. The referral agency comment will then be incorporated into a technical report to the Board.
6. The applicant is invited to attend the Board meeting at which the application will be considered.
7. The Board may grant the requested site specific exemption, 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 is granted, a 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 subject property at the Land Title Office.

## REFERRAL OF AN AGRICULTURAL LAND COMMISSION APPLICATION

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

### 1. Application Requirements

- .1 Please review the Agricultural Land Commission's (ALC) "Applicant Information Package" (available at [www.alc.gov.bc.ca](http://www.alc.gov.bc.ca)) before submitting an application to the Regional District. This package contains details on ALC application requirements as well as the ALC process for issuing approvals.

### 2. Processing Procedure

- .1 Upon receipt of an application accompanied by the required fees and attachments, Development Services staff will open a file and issue a fee receipt to the applicant.
- .2 The application is reviewed to determine whether it is complete and, if incomplete, the applicant will be notified of any outstanding requirements.
- .3 Regional District staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies. Regional District staff may conduct a site visit to view the property as part of the evaluation process.
- .4 Regional District staff will refer the application to all applicable Regional District departments and the relevant Area Director(s) for comment, and notify the relevant Advisory Planning Commission Chair(s).
- .5 The referral comments will then be incorporated into a technical report. If Sections 25(3) or 30(4) of the *Agricultural Land Commission Act* are not triggered by the proposal, the Chief Administrative Officer will forward the proposal to the ALC with comments.
- .6 If the proposal does trigger Sections 25(3) or 30(4) of the *Agricultural Land Commission Act*, the technical report will be forwarded to the Board for consideration.
- .7 The Board will consider the technical report and may:
  - (i) agree to "authorise" the application;
  - (ii) defer making a decision and either direct that the proposal first be considered by the relevant Advisory Planning Commission, or that certain conditions are met; or
  - (iii) determine to not "authorise" the application.
- .8 Should the Board agree to "authorise" the application, a recommendation is sent to the ALC, and the ALC makes the final decision.

## SUMMARY OF AMENDMENTS

Bylaw No.	Adopted	Amendment	Purpose
2500.01, 2012	2012-03-15	Introduces Protection of Farming Development Permit Processing Procedures; and  Introduce and/or amend references to “working days” and “calendar days”.	Update bylaw to reflect introduction of PFDP Area in Electoral Area ‘C’; and  Clarify when deadlines listed in the bylaw refer to “calendar” or “working” days.
2500.02, 2012	2012-12-20	Amends sub-sections 3.2.4; 5.1.1.1; 5.1.2.2; 1(a), 2 and 2.3 under Schedule ‘5’.	Addresses procedures to be used when considering a request to renew a Temporary Use Permit.
2500.03, 2012			
2500.04, 2015	2015-04-02	Amend sub-sections 2.5 and 2.10 under Schedule ‘5’	Staff to refer TUP applications to government agencies
2500.05, 2015	2015-06-04	Addition of new sub-section 1.7 under Schedule ‘5’	Health and Safety Inspection confirmation from building official or qualified individual for TUP’s.
2500.06, 2015	2015-11-05	Addition of new sub-section 1.7 under Schedule ‘4’	Address Professional Reports when varying the Subdivision Servicing Bylaw
2500.07, 2016	2015-06-16	Replace sub-section 2.5 (Processing Procedures) under Schedule 4	Update Bylaw to Introduce discretion for Directors to request DVP applications to proceed to APC’s prior to Board consideration
2500.08, 2017	2017-06-15		