



REGIONAL DISTRICT OF BULKLEY-NECHAKO DEVELOPMENT PROCEDURES BYLAW NO. 1898, 2020

*A bylaw to establish procedures for
land use and development applications*

WHEREAS Section 460 of the *Local Government Act* requires that a local government define by bylaw the procedures under which an Owner of land may apply for an amendment to the official community plan or zoning bylaw, or for the issuance of a permit under Part 14 of the *Local Government Act*;

AND WHEREAS under Section 462 of the *Local Government Act* a local government may adopt a bylaw which imposes certain application, administration, inspection, and other fees;

AND WHEREAS the *Local Government Act* and the *Community Charter* provide local governments with various authority pertaining to matters dealt with in this bylaw;

NOW THEREFORE the Regional Board of the Regional District of Bulkley-Nechako in open meeting assembled enacts as follows:

1. TITLE

- 1.1. This bylaw may be cited as "Regional District of Bulkley-Nechako Development Procedures Bylaw No. 1898, 2020".

2. REPEAL

- 2.1. The "Regional District of Bulkley-Nechako Development Procedures Bylaw No. 1422, 2007" and any amendments thereto are hereby repealed.

3. GENERAL PROVISION

- 3.1. This Bylaw shall apply to all lands within the Regional District of Bulkley-Nechako.
- 3.2. Any person wishing to do any of the following must make application to the Regional District in accordance with this Bylaw.
 - 3.2.1 Amend an official community plan or zoning bylaw.
 - 3.2.2 Amend or discharge a land use contract.



- 3.2.3 Receive a land use permit (development permit, temporary use permit, development variance permit).
 - 3.2.4 Obtain Board approval for a strata conversion, or the marketing of a shared interest in land.
 - 3.2.5 Obtain an exemption from a flood plain specification pursuant to Section 524 (7) of the *Local Government Act*.
 - 3.2.6 Obtain the Board's approval for an amendment to, or discharge of, a Covenant.
- 3.3. In this bylaw the following definitions apply:
- "Applicant"** means the property owner(s), or the property owner's agent, making application pursuant to this bylaw.
- "Board"** means the elected and appointed Directors of the Regional District of Bulkley-Nechako acting as the Regional District of Bulkley-Nechako Board of Directors in assembled meetings thereof.
- "Director"** means the Director of Planning for the Regional District of Bulkley-Nechako, the deputies of the Director of Planning as appointed by the Director of Planning, or another person appointed by the Regional District of Bulkley-Nechako to act in place of the Director of Planning.
- "Owner"** mean the registered owner of land as verified by the Regional District either through a Certificate of Title or the BC Assessment Roll.
- "Regional District"** means the Regional District of Bulkley Nechako.
- 3.4. Unless otherwise defined in this bylaw, all words and phrases in this bylaw shall have the meaning given to them in the *Local Government Act*.

4. APPLICATION PROCEDURES

- 4.1. Applications must be made using the application form prescribed by the Director.
- 4.2. The application form must be signed by the Owner(s) of the land involved or an agent acting on behalf of the Owner(s) provided that the agent has written authorization to represent the Owner(s) regarding the application. All joint tenants and tenants in common must sign the application form or provide written authorization to an agent acting on their behalf. Sections 4.1 and 4.2 do not apply to application forms submitted by the Regional District of Bulkley-Nechako.



Board determines the information is not necessary to assist in evaluation or consideration of the application.

- 4.3.1. A copy of the certificate of title dated within 30 days of the date of the application, and copies of applicable charges on title.
 - 4.3.2. A complete application form.
 - 4.3.3. Documents and plans that clearly describe the application, and any proposed use or development.
 - 4.3.4. Documents and plans that clearly demonstrate compliance with the existing or proposed regulations, as applicable.
- 4.4. The Director or the Board may request additional information determined to be necessary to assist the Director or the Board in their consideration of the application.
- 4.5. Every application shall be made to, and be processed under the direction of the Director.
- 4.6. Where an Owner is registering a covenant or other charge involving the Regional District on title of a property in association with an application, the Regional District must sign the covenant prior to registration, and it shall be the Owner's responsibility to prepare and file the document and provide proof of Land Title registration to the satisfaction of the Regional District. The Owner shall reimburse the Regional District for its legal fees to prepare or review these legal documents.

5. FEES

- 5.1. Applications shall include the fee identified in Schedule 'A,' which forms part of this bylaw. Fees are not required for applications submitted by the Regional District of Bulkley-Nechako.
- 5.2. The application fee prescribed in Schedule 'A' may be waived or reduced by an affirmative vote of at least two-thirds (2/3) of Board members eligible to vote.
- 5.3. An application shall be deemed not to have been made until the required application fee and information required pursuant to Section 4.3 of this bylaw has been received by the Regional District.
- 5.4. The application fee for an official community plan or zoning bylaw amendment, a land use contract amendment or discharge, and an amendment to a covenant shall be refunded as follows.



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- 5.4.1. 50% of the fee shall be refunded if the application is withdrawn or denied by the Board prior to the provision of notice of a public hearing.
 - 5.4.2. no fee shall be refunded once notice of a public hearing has been provided.
 - 5.5. The application fee for a land use permit or an exemption from a flood plain specification shall be refunded as follows.
 - 5.5.1. 50% of the fee shall be refunded if the application is withdrawn prior to provision of notice of Board consideration of a permit.
 - 5.5.2. no fee shall be refunded once notice of a permit has been provided, or the permit has been considered by the Board.
 - 5.6. The application fee for an official community plan or zoning bylaw amendment, or land use contract amendment or discharge, includes the holding of one public hearing in association with the application. Where another public hearing is required, as a result of the actions of the applicant, an additional fee is required as prescribed in Schedule A.
 - 5.7. Where a public hearing is required prior to the amendment of a covenant, an additional fee is required as prescribed in Schedule A.
 - 5.8. Where an application is for the purpose of legalizing an existing bylaw contravention, the application fee shall be one and a half times the total amount prescribed in Schedule A.
 - 5.9. Application fees are non-refundable once the application review process has been initiated by staff, except as stated in Section 5 of this bylaw.

6. PUBLIC HEARING NOTICE AND SIGNAGE

- 6.1 Where notice of a public hearing is required to be mailed or otherwise delivered in accordance with Section 466 (4) of the *Local Government Act* that notice must be delivered to parcels within a distance of 200 metres of the area that is subject to the bylaw alteration.
- 6.2 Where notice of a public hearing is required in accordance with Section 466 (4) of the *Local Government Act* the Applicant shall post, and maintain, a sign at least 10 days before the public hearing.



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- 6.3 A sign required under Section 6.2 must be posted, and removed, in accordance with the following:
- 6.3.1 The sign shall be a minimum of 1.2 x 0.9 metres in dimension.
 - 6.3.2 The sign shall be constructed of plywood, corrugated plastic, or other such durable material.
 - 6.3.3 The sign shall have clearly visible lettering that is not less than 5.5 cm in height.
 - 6.3.4 The sign shall contain the following wording.
"This site is the subject of an application that may impact the use or development of land. For further information please contact the Regional District of Bulkley-Nechako at (insert phone number)."
 - 6.3.5 The sign shall be located within 3 metres of a property line abutting a public road in a location facing and clearly visible from the road.
 - 6.3.6 If the placement of the notice in accordance with Section 6.3.5 is not feasible the sign shall be located on the nearest abutting road or in another location approved by the Director.
 - 6.3.7 The sign shall be placed so as not to interfere with pedestrian or vehicle traffic flow, or obstruct visibility from a highway, lane, walkway or driveway.
 - 6.3.8 The sign shall be installed in a safe and sturdy manner, and be capable of withstanding typical wind and other weather conditions.
 - 6.3.9 The sign shall be removed within 3 days of the conclusion of the related public hearing.
 - 6.3.10 Prior to the public hearing the applicant shall provide the Director with a letter signed by the applicant stating that the sign has been posted in accordance with this bylaw, and a photograph of the posted sign.
- 6.4 Failure to post and keep posted the sign in accordance with this bylaw may result in the postponement of the public hearing. Any additional notification costs incurred by the Regional District of Bulkley-Nechako resulting from a failure to post, and keep posted, the sign shall be paid by the applicant prior to the advertising of the public hearing.
- 6.5 Where a sign required under this bylaw is removed, destroyed, or altered due to vandalism or theft the validity of any bylaw that is the subject of the relevant application and public hearing shall not be impacted.



- 6.6 If no members of the public attend a public hearing at the time and location of the hearing the public hearing shall be adjourned after 15 minutes and the public hearing shall be considered to have been held as required.

7 LAND USE PERMIT NOTICE, SIGNAGE, AND SECURITY

- 7.1 Where notice relating to a land use permit is required to be mailed or otherwise delivered in accordance with Section 494 or 499 of the *Local Government Act* that notice must be delivered to parcels within a distance of 100 metres of the area that is subject to the permit.
- 7.2 Where an application for a development variance permit proposes to reduce a minimum parcel area requirement the applicant shall post and maintain, in accordance with Section 7.4 of this bylaw, a sign at least 10 days before the Board considers the permit.
- 7.3 Where an application is for a temporary use permit the applicant shall post and maintain, in accordance with Section 7.4 of this bylaw, a sign at least 10 days before the Board considers the permit.
- 7.4 A sign required under Section 7.2 and 7.3 of this bylaw must be posted, and removed, in accordance with the following:
- 7.4.1 The sign shall be a minimum of 1.2 x 0.9 metres in dimension.
- 7.4.2 The sign shall be constructed of plywood, corrugated plastic, or other such durable material.
- 7.4.3 The sign shall have clearly visible lettering that is not less than 5.5 cm in height.
- 7.4.4 The sign shall contain the following wording.
"This site is the subject of an application that may impact the use or development of land. For further information please contact the Regional District of Bulkley-Nechako at (insert phone number)."
- 7.4.5 The sign shall be located within 3 metres of a property line abutting a public road in a location facing and clearly visible from the road.
- 7.4.6 If the placement of the notice in accordance with Section 7.4.5 is not feasible the sign shall be located on the nearest abutting road or in another location approved by the Director.



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- 7.4.7 The sign shall be placed so as not to interfere with pedestrian or vehicle traffic flow, or obstruct visibility from a highway, lane, walkway or driveway.
 - 7.4.8 The sign shall be installed in a safe, sturdy, manner and be capable of withstanding typical wind and other weather conditions.
 - 7.4.9 The sign shall be removed within 3 days of the Board's consideration of the related land use permit.
 - 7.4.10 Prior to the Board's consideration of the related land use permit the applicant shall provide the Director with a letter signed by the applicant stating that the sign has been posted in accordance with this bylaw, and a photograph of the posted sign.
- 7.5 Failure to post and keep posted the sign in accordance with this bylaw may result in the postponement of the Board's consideration of the related land use permit. Any additional notification costs incurred by the Regional District of Bulkley-Nechako resulting from a failure to post, and keep posted, the sign shall be paid by the applicant prior to the Board's consideration of the related land use permit.
- 7.6 Where a sign required under this bylaw is removed, destroyed, or altered due to vandalism or theft the validity of any bylaw that is the subject of the relevant application and public hearing shall not be impacted.
- 7.7 Security required by permits will be in the form of a certified cheque, or an irrevocable letter of credit that is clean and unconditional, automatically renewing and redeemable at a bank located within the Village boundaries. The letter of credit may be subject to additional conditions to be specified by the CAO or Council.

8 BYLAW LAPSE AND RE-APPLICATION

- 8.1 Where the Board has considered an application that is subject to this bylaw, and that application is denied or defeated, the Board shall not give consideration to another application that is the same or similar for a period of one year following the Board's consideration of that application.
- 8.2 The time limit specified in Section 8.1 may be varied in relation to a specific re-application by an affirmative vote of at least two-thirds (2/3) of Board Members eligible to vote.



- 8.3 If a bylaw amending an official community plan or zoning bylaw is not adopted within a period of 24 months after the date of first reading of that bylaw the bylaw shall lapse and will be of no force or effect and the application shall be cancelled. A new application and fee shall be required to proceed with the amendment that was the subject of the lapsed bylaw.

9 SEVERABILITY

- 9.1 If any section, subsection, paragraph, subparagraph or clause of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remaining portions of this Bylaw.

10 ENFORCEMENT

- 10.1 The Director or Bylaw Enforcement Officer may enter any land, building or other structure at any reasonable time for the purpose of ascertaining whether this bylaw, a land use regulation, or any terms or conditions of a land use permit issued pursuant to this bylaw are being observed, or have been met.
- 10.2 No person shall interfere with or obstruct the entry of the Director or Bylaw Enforcement Officer onto any land or into any building or other structure to which entry is made or attempted pursuant to the provisions of this bylaw.
- 10.3 No person shall suffer or permit any land, building or other structure to be used, occupied, developed, constructed, erected, altered, modified, replaced, located, enlarged, or maintained in a manner contrary to any term or condition of a land use permit issued pursuant to this bylaw.
- 10.4 Every person who violates any provision of this Bylaw; permits, suffers or allows any act to be done in violation of any provision of this Bylaw; or neglects to do anything required to be done by any provision of this Bylaw; commits an offence punishable upon summary conviction and is subject to a fine not less than \$2,000.00 and not more than \$10,000.00.
- 10.5 Each day during which any violation, contravention or breach of this Bylaw continues shall be deemed a separate offence.



READ A FIRST TIME this 23 day of January, 2020

READ A SECOND TIME this 23 day of January, 2020

READ A THIRD TIME this 23 day of January, 2020

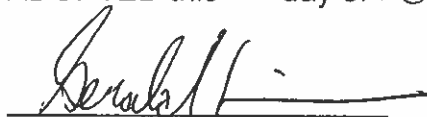
I hereby certify that the foregoing is a true and correct copy of

"Regional District of Bulkley-Nechako Development Procedures Bylaw No. 1898, 2020".

Dated at Burns Lake, B.C. this 20 day of February 2020


Corporate Administrator

ADOPTED this 20 day of February 2020


Chairperson


Corporate Administrator

Schedule A
to Regional District of Bulkley-Nechako
Development Procedures Bylaw No. 1898, 2020

APPLICATION FEES

APPLICATION TYPE	FEE*
Official community plan (OCP) Amendment	\$1,000
Zoning bylaw / Land Use Contract (LUC) Amendment	\$1000 plus the following fees for the potential new Parcels the proposed amendment would allow. Parcels 1-50 = \$20 per Parcel Parcels 51 and up = \$10 per Parcel
Combined OCP and Zoning bylaw / LUC Amendment	\$1,500 plus the following fees for the potential new Parcel the proposed amendment would allow. Parcels 1-50 = \$20 per Parcel Parcels 51 and up = \$10 per Parcel
Additional Public Hearing	\$800 per additional public hearing
Exemption from a flood plain specification	\$500
Development Variance Permit	\$500
Development Permit	\$200
Temporary Use Permit	\$700
Board of Variance	\$1000
Strata Conversion or Marketing of a shared interest in land.	\$500
Covenant Amendment	\$500

*For applications to legalize an existing bylaw contravention the fee is increased by an additional 50% (see Section 5.8).