



REGIONAL DISTRICT OF BULKLEY-NECHAKO DEVELOPMENT PROCEDURES BYLAW NO. 1422, 2007

*A bylaw to establish Development Approval
and Notification Procedures*

WHEREAS Part 26 of the Local Government Act provides for Applications for: amending an official community plan, a zoning bylaw, and a land use contract; the issuance of development permits, development variance permits, and temporary use permits; and the establishment of procedures pertaining to process and the notification of property owners;

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

AND WHEREAS under Section 931 of the Local Government Act a local government may adopt a bylaw which imposes fees payable upon Application to amend an official community plan or zoning bylaw or for the issuance of a permit under Part 26 of the Local Government Act;

AND WHEREAS a local government must, pursuant to Sections 892, 893, 921 and 922 of the Local Government Act, give notice of a public hearing, the waiving of a public hearing, an Application for a temporary use permit, and an Application for a development variance permit and may, by bylaw, specify distances for giving notice.

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. 1422, 2007”.

2. REPEAL AND DATE OF EFFECT

- 2.1. The “Regional District of Bulkley-Nechako Development Approval Procedures Bylaw No. 621, 1990” and any amendments thereto are hereby repealed.
- 2.2. This Bylaw shall not come into force or effect until December 1st, 2007.



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 amend an official community plan or zoning bylaw; or receive or amend a development permit, development variance permit, temporary commercial use permit, or temporary industrial use permit must make Application to the Regional District in accordance with this Bylaw.
- 3.3. In this bylaw the following definitions apply:
- “Application”** means a written request by an Applicant to amend an official community plan, zoning bylaw, or land use contract or for the issuance or amendment of a development permit, development variance permit, or temporary commercial or industrial use permit according to the provisions of this bylaw.
- “Applicant”** means the owner of property that is the subject of the application or a representative of the owner duly authorized to act on the owner’s behalf in relation to the Application.
- “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.
- “Parcel”** means an area of land which is designated under the Land Title Act as a separate and distinct Parcel on a legally recorded plan or description registered in the Land Title Office and includes a strata Parcel pursuant to the Strata Property Act.
- 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. Applications 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 or provide written authorization to an agent acting on their behalf as the Applicant. Section 4.2 does not apply to Applications submitted by the Regional District of Bulkley-Nechako.
- 4.3. The following information shall be submitted, at the Applicant's expense, as part of an Application. The Director or the Board may waive the requirement to provide information if the Director or the 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.
 - 4.3.2. A complete Application form.
 - 4.3.3. A Contaminated Sites Regulation Questionnaire where required by Provincial legislation.
 - 4.3.4. A site plan drawn to scale showing the following:
 - 4.3.4.1. boundaries and dimensions of the Parcel(s) involved;
 - 4.3.4.2. size and location of all existing and proposed buildings, structures, and uses on the site including measurements from all proposed and existing structures to the nearest Parcel line;
 - 4.3.4.3. location and name of road(s) adjacent to property;
 - 4.3.4.4. existing and proposed parking and driveways
 - 4.3.4.5. topographic features, water bodies and waterways including measurements from all proposed and existing structures to the natural boundary, stream centre line or top of bank, whichever is applicable
 - 4.3.4.6. proposed subdivision layout, showing the number and approximate location of lots and/or consolidation of the Parcel(s)
 - 4.3.4.7. north arrow and scale



- 4.4. The Director or the Board may request additional information as necessary to evaluate the impact of the Application.
- 4.5. Every Application shall be processed under the direction of the Director who shall present a report to the Board that discusses the application.

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. Processing and review of an Application may only proceed upon full payment of required Application fees.
- 5.4. An Application shall be deemed not to have been made until the required Application fee and information has been received by the Regional District of Bulkley-Nechako.
- 5.5. The Application fee for official community plan, zoning bylaw, or land use contract amendments shall be refunded as follows.
 - 5.5.1. 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.
 - 5.5.2. no fee shall be refunded once notice of a public hearing has been provided.
- 5.6. The Application fee for a development permit, development variance permit, temporary commercial use permit, or temporary industrial use permit shall be refunded as follows.
 - 5.6.1. 50% of the fee shall be refunded if the Application is withdrawn prior to provision of notice of Board consideration of a permit.
 - 5.6.2. no fee shall be refunded once notice of a permit has been provided, or the permit has been considered by the Board.
- 5.7. The Application fee for an official community plan, zoning bylaw, or land use contract amendment Application 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 \$600 Application fee is required for each additional Public Hearing.

- 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.

6. PROCESS TO AMEND AN OFFICIAL COMMUNITY PLAN, ZONING BYLAW, LAND USE CONTRACT, AND ISSUE OR AMEND A PERMIT

- 6.1 Where notice of a public hearing, the waiving of a public hearing, or the issuance of a permit is required under the *Local Government Act*, the notice shall be mailed or otherwise delivered as follows.

6.1.1 For a development permit, development variance permit, or a temporary commercial or industrial use permit, notice shall be delivered to the owners and tenants in occupation of the Parcel that is the subject of the Application and all Parcels any part of which is within 50 metres of the Parcel that is the subject of the permit.

6.1.2 For an official community plan, zoning bylaw, or land use contract amendment or discharge by bylaw notice shall be delivered to tenants in occupation of the Parcel that is the subject of the Application and all Parcels any part of which is within 50 metres of the Parcel that is the subject of the permit, and the owners of the Parcel that is the subject of the Application and all Parcels any part of which is within 200 metres of the Parcel that is the subject of the permit.

- 6.2 Where notice of a public hearing is required under the *Local Government Act* the applicant shall post at least 10 days before the public hearing, and maintain, a sign on the parcel that is the subject of the application.

- 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 1.2 metres in dimension.

6.3.2 The sign shall be constructed of plywood, corrugated plastic, or other such durable material.



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- 6.3.3 The sign shall have a white background and dark blue or black block capital lettering that is not less than 6 cm in height.
- 6.3.4 The sign shall contain the following wording.
“This site is the subject of an application to change land use or density. 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 in a 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, 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.
- 6.3.11 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 the sign shall be paid by the applicant prior to the advertising of the public hearing.
- 6.4 Where a sign required under Section 6.2 is removed, destroyed, or altered due to vandalism or the actions of unknown persons the validity of any bylaw that is the subject of the relevant application and public hearing shall not be impacted.



- 6.5 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.
- 6.6 The Board shall consider an Application to amend an official community plan, zoning bylaw or land use contract, or issue or amend a permit upon the Board's receipt of the Application pursuant to Section 4 of this Bylaw and a staff report discussing the Application.
- 6.7 Where an applicant has offered to register a covenant on title of a property in association with an Application, it shall be the Applicant's responsibility to prepare and file the document and provide proof of Land Title registration to the satisfaction of the Regional District.
- 6.8 Development permits, development variance permits and temporary use permits shall take the general form identified in Schedule B, C and D, which form part of this bylaw.

7 BYLAW LAPSE AND RE-APPLICATION

- 7.1 Where the Board has considered an Application for a bylaw amendment or a permit, 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.
- 7.1.1 The time limit specified in Section 7.1 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.
- 7.2 If a bylaw amending an official community plan, zoning bylaw, or land use contract 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. A new Application shall be required to proceed with the amendment that was the subject of the lapsed bylaw.

THIS DOCUMENT HAS BEEN REPRODUCED FOR CONVENIENCE ONLY and is a consolidation of the following:

1. RDBN Development Procedures Bylaw No. 1422, 2007
2. RDBN Development Procedures Bylaw Amendment Bylaw No. 1571, 2010
3. RDBN Development Procedures Bylaw Amendment Bylaw No. 1631, 2012



READ A FIRST TIME this 20th day of September, 2007

READ A SECOND TIME this 20th day of September, 2007

RE-READ A SECOND TIME AS AMENDED this 25th day of October, 2007

READ A THIRD TIME this 25th day of October, 2007

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

“Regional District of Bulkley-Nechako Development Approval and Notification
Procedures Bylaw No. 1422, 2007”.

Dated at Burns Lake, B.C. this day of , 2007

Corporate Administrator

ADOPTED this 25th day of October, 2007

Chairperson

Corporate Administrator

Schedule A
to Regional District of Bulkley-Nechako
Development Procedures Bylaw No. 1422, 2007

APPLICATION FEES

APPLICATION TYPE	FEE*
Official Community Plan (OCP) Amendment	\$900
Zoning Bylaw / Land Use Contract (LUC) Amendment	\$700 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	\$1100 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
Development Variance Permit	\$300
Board of Variance	\$300
Development Permit	\$200
Temporary Commercial or Industrial Use Permit	\$500

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

Schedule B
to Regional District of Bulkley-Nechako
Development Procedures Bylaw No. 1422, 2007



REGIONAL DISTRICT OF BULKLEY-NECHAKO
DEVELOPMENT VARIANCE PERMIT NO. _____

ISSUED TO: (name and address of property owner)

WITH RESPECT TO THE FOLLOWING LANDS: (civic address and legal description)

1. This Development Variance Permit varies (Regional District of Bulkley-Nechako Zoning Bylaw No. 700 or Land Use Contract No. _____) as follows:
 (description of variance)
2. This variance applies only to the development shown on the plans attached as Schedule(s) _____, which form part of this permit.
3. The lands shall be developed in accordance with the terms and provisions of this permit and the plans and specifications attached hereto as Schedule(s) _____, which form part of this permit.
4. This permit is not a building permit nor does it relieve the owner or occupier from compliance with all other bylaws of the Regional District of Bulkley-Nechako applicable thereto, except as specifically varied or supplemented by this permit.
5. If a Building Permit for the development that is the subject of this permit has not been issued (if required), and the construction substantially commenced within (typically 2 years) years after the date of this permit's issuance, this permit shall lapse.
6. As a condition of the issuance of this permit, the Regional District of Bulkley-Nechako (has required / has not required) security in the amount of \$ in the form of _____, to guarantee the performance of the terms of the permit. (to be removed from Permit if not applicable)

AUTHORIZING RESOLUTION NO. _____ passed by the Regional Board on the ___ day of _____, _____.

PERMIT ISSUED on the ___ day of _____, _____.

Corporate Administrator

Schedule C
to Regional District of Bulkley-Nechako
Development Procedures Bylaw No. 1422, 2007



REGIONAL DISTRICT OF BULKLEY-NECHAKO
DEVELOPMENT PERMIT NO. _____

ISSUED TO: (name and address of property owner)

WITH RESPECT TO THE FOLLOWING LANDS: (civic address and legal description)

1. This Development Permit varies Regional District of Bulkley-Nechako Zoning Bylaw No. 700 as follows:

 (description of variance, if any) (to be removed from Permit if not applicable)

2. Variances approved as part of this permit apply only to the development shown on the plans attached as Schedule(s) _____, which form part of this permit.

3. The lands shall be developed in substantial accordance with the terms and provisions of this permit and the plans and specifications attached hereto as Schedule(s) _____, which form part of this permit.

4. This permit is not a building permit nor does it relieve the owner or occupier from compliance with all other bylaws of the Regional District of Bulkley-Nechako applicable thereto, except as specifically varied or supplemented by this permit.

5. If a Building Permit for the development that is the subject of this permit has not been issued (if required), and the construction substantially commenced within (typically 2 years) years after the date of this permit's issuance, this permit shall lapse.

6. As a condition of the issuance of this permit, the Regional District of Bulkley-Nechako (has required / has not required) security in the amount of \$ in the form of _____, to guarantee the performance of the terms of the permit. (to be removed from Permit if not applicable)

AUTHORIZING RESOLUTION NO. _____ passed by the Regional Board on the ___ day of _____, _____.

PERMIT ISSUED on the ___ day of _____, _____.

Corporate Administrator

Schedule D
to Regional District of Bulkley-Nechako
Development Procedures Bylaw No. 1422, 2007



REGIONAL DISTRICT OF BULKLEY-NECHAKO
TEMPORARY COMMERCIAL OR INDUSTRIAL
USE PERMIT NO. _____

ISSUED TO: (name and address of property owner)

WITH RESPECT TO THE FOLLOWING LANDS: (civic address and legal description)

1. This Temporary Commercial or Industrial Use Permit authorizes the following temporary commercial or industrial use:

 (description of uses)
2. The temporary commercial or industrial use identified in Section 1 may occur only on the lands identified in Schedule(s) _____, which forms part of this permit.
3. The temporary commercial or industrial use identified in Section 1 may occur only in substantial accordance with the terms and provisions of this permit and the plans and specifications attached hereto as Schedule(s) _____, which form part of this permit.
4. This Permit authorizes the temporary commercial or industrial use identified in Section 1 of this Permit to occur only from the date of issuance of this permit until the ____ day of _____, _____.
5. As a term of this permit the owner of the land has undertaken to restore the land upon which this temporary commercial or industrial use is occurring to the condition identified in Schedule(s) _____ by the ____ day of _____, _____. (to be removed from Permit if not applicable)
6. As a condition of the issuance of this permit, the Regional District of Bulkley-Nechako (has required / has not required) security in the amount of \$ _____ in the form of _____, to guarantee the performance of the terms of this permit. (to be removed from Permit if not applicable)

If a term or provision of this permit is contravened or not met, or if the Applicant or property owner suffers or permits any act or thing to be done in contravention of or in violation of any term or provision of this permit, or refuses, omits, or neglects to fulfill, observe, carry out or perform any duty, obligation, matter or thing prescribed or imposed or required by this permit the Applicant and / or property owner are in default of this permit, and the security provided pursuant to this permit may be forfeit to the Regional District of Bulkley-Nechako.

7. This permit is not a building permit nor does it relieve the owner or occupier from compliance with all other bylaws of the Regional District of Bulkley-Nechako applicable thereto, except as specifically varied or supplemented by this permit.

AUTHORIZING RESOLUTION NO. _____ passed by the Regional Board on the ___ day of _____, _____.

PERMIT ISSUED on the ___ day of _____, _____.

Corporate Administrator