

PEACE RIVER REGIONAL DISTRICT

Bylaw No. 2449, 2021

A bylaw to establish application procedures and fees for the processing of land development applications, including amendments to an Official Community Plan, Zoning Bylaw, or for permits under Part 14 of the *Local Government Act*

WHEREAS the *Local Government Act* provides that a local government that has adopted an Official Community Plan bylaw or Zoning bylaw must, by bylaw, define procedures under which an owner of land may apply for an amendment to a plan, or bylaw, or for the issuance of a permit under that section;

AND WHEREAS the Regional Board has designated areas in the Official Community Plan within which temporary use permits and development permits are required;

AND WHEREAS the *Local Government Act* provides that a local government may, by bylaw, impose application fees;

NOW THEREFORE the Regional Board of the Peace River Regional District, in open meeting assembled, enacts as follows:

Section 1 – General Provisions

1. This bylaw may be cited for all purposes as "Development Application Procedures, Fees and Delegation Bylaw No. 2449, 2021."
2. If any portion of this bylaw is declared invalid by a court, the invalid portion shall be severed and the remainder of the bylaw is deemed valid.
3. The headings used in this bylaw are for convenience only and do not form part of this bylaw, and are not to be used in the interpretation of this bylaw.
4. Any enactment referred to herein is a reference to an enactment of the Province of British Columbia and regulations thereto, as amended, revised, consolidated, or replaced from time to time.
5. A reference in this bylaw to any bylaw, policy, or form of the Peace River Regional District is a reference to the bylaw, policy, or form, as amended, revised, consolidated, or replaced from time to time.
6. "Peace River Regional District Development Permit Delegation Bylaw No. 1908, 2010", "Development Application Procedures and Fees Bylaw No. 2165, 2016" , and "Development Application, Fee, and Amendment Procedure Amendment Bylaw No. 2199, 2015 are hereby repealed.

Section 2 – Applicability

7. This bylaw shall apply to the following land use applications:
 - a) Official Community Plan bylaw amendment;
 - b) Zoning bylaw amendment;
 - c) Temporary Use Permit;
 - d) Development Permit;
 - e) Development Variance Permit; and
 - f) Exclusion from the Agricultural Land Reserve.

Section 3 – Application Requirements

8. This bylaw applies to:
 - a) All applications for 7 a) to f) above.
 - b) The submission of a Contaminated Site Declaration Form as part of a zoning amendment or development permit application. Depending on the response in the Contaminated Site Declaration Form, a Site Disclosure Statement is to be submitted to the Ministry of Environment and Climate Change Strategy as part of the Ministry's site identification process.
9. An application shall be submitted on the applicable form as prescribed by the Peace River Regional District.
10. The Peace River Regional District may require a site visit or further information to be provided after the initial application and prior to the application being presented to the Regional Board.
11. An owner of land, who has submitted an application to the Regional District, may authorize an agent in writing to act on their behalf and must notify the Regional District in writing if the ownership changes in the midst of the application process.
12. An applicant requesting a bylaw amendment, permit or approval referred to in Clause 7 must submit the following information required by the Regional District which includes at a minimum the following:
 - a) a completed application form that includes all information requested on the form as supplied by the Regional District;
 - b) a sketch plan of the subject property or properties, showing:
 - i. the legal boundaries and dimensions of the subject property;
 - ii. boundaries, dimensions and area of any proposed lots (if subdivision is being proposed);
 - iii. the location and size of existing buildings and structures on the subject property, with distances to property lines;
 - iv. the location of any existing sewage disposal systems;
 - v. the location of any existing or proposed water source(s).

13. If the sketch plan provided under Clause 12(b) above, and/or a site visit does not conclusively and definitively identify building location and size, to allow determination of total built floor area, and conformity with parcel line setbacks, the applicant will also be required to submit a legal survey prepared by a British Columbia Land Surveyor.

Section 4 - Fees

14. The fees for development applications listed in Clause 7 of this bylaw shall be as set out in Schedule 'A' – Development Application Fees and Charges which is attached hereto and forms part of this bylaw.

Section 5 – Public Notice Requirements

15. Public Notice for land use applications, as required under Part 14 of the *Local Government Act*, shall include being mailed or otherwise delivered to landowners of all parcels that are within a distance of 1.5 kilometres of the parcel that is subject to the bylaw amendment, except Development Variance Permit applications in which case notification shall be given to landowners within a distance of 100 metres. The Public Notice area shall not extend more than 100 metres into municipal boundaries.

Section 6 – Public Notice Sign Requirements

16. A development application sign shall be posted on the subject property for any parcel that is that are subject to an application for:
- a) Amendment to an Official Community Plan and / or Zoning bylaw; or
 - b) Temporary Use Permit.
17. The Peace River Regional District shall provide the applicant with a development application sign which shall be posted by the applicant on the subject property as outlined below:
- a) The sign must be placed at the driveway entrance or midpoint of the property fronting the main service road, providing the most effective legibility and visibility for passersby from the road;
 - b) The sign shall be erected on the property at a minimum of fourteen (14) days prior to the Regional Board considering the application, and the applicant must submit to the Regional District a photograph clearly showing the sign posted on the property;
 - c) The sign shall be placed in a manner that does not interfere with pedestrian or vehicle traffic flow, or create a potential hazard by obstructing visibility from a highway, road or lane;
 - d) The sign shall be installed in a safe, sturdy manner, capable of withstanding typical wind and other weather conditions;

- e) The sign shall remain in place continuously until the conclusion of the Public Hearing or issuance of the permit, as the case may be, and shall be removed within fourteen (14) days after the decision(s) of the Regional Board on the said application. Applicants are encouraged to dispose of the signs by recycling them.
- f) Failure to post and keep the sign in accordance with this bylaw may result in a delay or postponement of the Public Hearing and / or Board decision process;
- g) Any additional notification costs incurred by the Regional District as a result of the applicant failing to post the required sign shall be payable by the applicant prior to advertising of the Public Hearing or delivering public notification;
- h) Where a sign required by this bylaw 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;
- i) If a land owner receives any written comments regarding the land use application, those comments must be delivered to the Peace River Regional District office as soon as they are received so that this information may be considered with the subject application.

Section 7 – Reapplication

18. The Peace River Regional District will refuse consideration of any application for a land use permit, an amendment to an Official Community Plan or a Zoning bylaw, or for exclusion from the Agricultural Land Reserve, that has been refused by the Board of the Peace River Regional District within the previous six months unless the re-application time limit is varied by the Board for a specific application by Board resolution, adopted with 2/3 majority of those eligible to vote, as authorized by the *Local Government Act*.

Section 8 – Reduction of Fees

19. Applications received from not-for-profit societies are eligible for a 50% reduction of fees upon provision of documentary proof of status of their organization.

Section 9 – Refunds

20. The Regional District will proceed with file closure in accordance with the Development Services File Closure policy and will refund part of an application fee, if appropriate, as follows:

- a) Fifty percent (50%) of application fee(s) shall be refunded if an Official Community Plan Bylaw amendment application does not proceed to the Public Hearing stage of the amendment process.
- b) Fifty percent (50%) of application fee(s) shall be refunded if a Zoning bylaw amendment application does not proceed to the Public Hearing or Public Notification stage of the rezoning process.
- c) One hundred percent (100%) of application fee(s) for any development application shall be refunded if the application is withdrawn by the applicant prior to the application being reviewed or processed.
- d) Fifty percent (50%) of application fee(s) shall be refunded if an application for Exclusion from the Agricultural Land Reserve does not receive the Regional Board's support to proceed to the Agricultural Land Commission.

Section 10 – Delegation

21. The Regional Board hereby delegates to the General Manager of Development Services the power and authority to approve issuance of Development Permits pursuant to the *Local Government Act* in regard to development permit areas established by Peace River Regional District Official Community Plans.

22. For the purposes of this bylaw, the Chief Administrative Officer may act for the General Manager of Development Services in exercising the power delegated herein wherever the General Manager of Development Services is absent or unable to act for any reason.

Section 11 – Reconsideration

23. The owner of the land subject to the decision of the delegate in regard to issuance of a Development Permit under this bylaw is entitled to have the Regional Board reconsider the matter pursuant to the following procedure:

- a) Within 30 days of being notified of the decision, the owner must submit a request for reconsideration in writing to the Chief Administrative Officer, including reasons in support of the request;
- b) The Chief Administrative Officer shall ensure that the request for reconsideration, including the original application, supporting documentation and any staff reports are forwarded to the next available Regional Board meeting;
- c) The owner of the land shall be notified of the date and time that the Regional Board will be reconsidering the decision, and provided opportunity to address the Regional Board regarding the matter; and
- d) In undertaking a reconsideration the Regional Board has the same authority as that which is conferred on the delegate as set out in this bylaw.

READ A FIRST TIME THIS _____ day of _____, 2021.

READ A SECOND TIME THIS _____ day of _____, 2021.

READ A THIRD TIME THIS _____ day of _____, 2021.

ADOPTED THIS _____ day of _____, 2021.

Chair

(Corporate Seal has been affixed to the original bylaw)

Corporate Officer

(Schedule A attached)

I hereby certify this to be a true and correct copy of
"PRRD Development Application Procedures, Fees and Delegation Bylaw
No. 2449, 2021" as adopted by the Peace River
Regional District Board on _____, 2021.

Schedule 'A'
Development Application Fee Schedule

Application Type	Fee
Official Community Plan Amendment	\$1,000.00
Zoning Amendment	\$ 650.00
Official Community Plan and Zoning Amendment Combined	\$1,050.00
Temporary Use Permit	\$ 350.00
Development Permit	\$ 165.00
Development Variance Permit	\$ 165.00
Sign Requirement (non-refundable)	\$ 150.00
Board of Variance	\$ 90.00
Agricultural Land Reserve Exclusion [Bill 15 – ALC Amendment Act, 2019] <i>(Applicant responsible for additional costs associated with the advertisements, signage, and facility rental, if applicable)</i>	\$1,500.00
Site Disclosure Statement Processing Fee <i>(to be forwarded to Ministry of Environment and Climate Change)</i>	\$ 50.00