



District of Tumbler Ridge Development Procedures Manual

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1.0 SUBDIVISION AND DEVELOPMENT

Scope

There are two types of subdivisions governed by the *Local Government Act* (R.S.B.C. 2015, c.1) that are possible within the boundaries of the District of Tumbler Ridge (District):

- *Land Title Act* Subdivisions
- *Strata Property Act* Subdivisions

The District's Approving Officer is appointed by Council. The Approving Officer may permit either type of subdivision for lands within the District's boundaries. The Approving Officer has the authority to approve subdivision plans. The Approving Officer is consulted before the issuance of Preliminary Layout Approval and signs the final subdivision plan. The *Local Government Act* and *Land Title Act* give the Approving Officer discretionary powers to refuse the approval of a subdivision plan if:

- The subdivision does not conform to all applicable provisions of the Local Government Act, District of Tumbler Ridge Zoning Bylaw and any Subdivision and Development Servicing Bylaw that may apply; or
- The subdivision plan is, in the Officer's opinion, against the public interest.

In accordance with section 85 of the *Land Title Act*, an application for subdivision must be approved or rejected by the Approving Officer within two (2) months after the date it is tendered for examination. If the Approving Officer rejects the subdivision plan, the applicant must be notified in writing of the rejection and state briefly the reason and the approving officer's requirements, if any. The approving officer may refuse to approve the subdivision plan if he or she considers that the plan is against the public interest.

Any person, being the owner of land, has the right to apply for subdivision. Under section 89 (1) of the *Land Title Act*, the decision of the Approving Officer to deny an application for subdivision may be appealed by the applicant to the Supreme Court within one (1) month of rejection or one (1) month after the time frame for approval has passed.

In areas where the District of Tumbler Ridge has designated a Development Permit Area, a Development Permit, under section 489 of the *Local Government Act* (R.S.B.C. 2015, c.1), is



required prior to subdivision of land, construction, alteration or addition to a structure located on land within a designated Development Permit Area.

A **Minor Subdivision** is a subdivision that consists of only a parcel line adjustment, consolidation, or the creation of three or less residential parcels in a R1, R2, R3 or R4 zone. Roads fronting the property to be subdivided may already have been constructed to full District standards and/or utility services may be readily available without further extension. In these cases, some of the requirements listed in the process section below may not be necessary, however each subdivision proposal is unique. Exact requirements for approval of subdivision can only be determined after planning and engineering staff have had the opportunity to review the proposal and discuss the matter with the applicant. The general process for approval of subdivisions under both the *Land Title Act* and the *Strata Property Act* is outlined below.

A **Major Subdivision** is any other subdivision of land that does not meet the requirements of a *Minor Subdivision* as described in this manual. This includes all bare land strata subdivisions.

Once subdivided, the owner of the property may choose to develop the property. Development includes anything that changes the use of any land or building, or carrying out any construction, engineering, or other operations that impact the land.

The processes set out in this section identify the general steps associated with subdivision and development; however specific development requirements are set out in the District's bylaws, such as the *Subdivision and Development Servicing Bylaw* and *Building Bylaw*. The District's *Official Community Plan* and *Zoning Bylaw* may also influence and guide development. For any subdivision and/or development applications, it is anticipated that the applicant would work closely with the District of Tumbler Ridge.

Minor Subdivision Process

Preliminary Inquiry

- 1.1 The applicant should hold preliminary discussions with the Approving Officer and/or delegate to identify the scope and nature of the proposal. The delegate could include the District's planning and engineering consultants. The Approving Officer or delegate will use this opportunity to provide information regarding the requirements of the various bylaws and explain the process.



The Approving Officer should also determine if the proposal is appropriate according to the requirements of the District of Tumbler Ridge Zoning, Official Community Plan (OCP) and a Subdivision and Development Servicing Bylaws that may apply. If the proposal does not conform to land use policies for the area, it will be suggested that the applicant consider changes to the proposal or pursue other avenues such as an amendment to the Official Community Plan and/or Zoning Bylaws to accommodate the proposed use.

Submission of Application

1.2 If the Approving Officer determines that the proposal is consistent with the requirements identified above, the appropriate and most current application form is given to the applicant. The application form must be filled out with respect to:

- Applicant's Name & Address
- Registered Owner's Name & Address
- Legal Description of Property
- Location of Property (street address; general description or map)
- Parcel size
- Current OCP Designation
- Current Zoning Designation
- Description of Current Land Use/Development
- Description of Proposed Development
- Proposed Use of Parcels Created
- Current Number of Parcels (i.e. number of units)
- Proposed Number of Parcels (i.e. number of units)
- Description of Existing or Readily Available Services
- Proposed Water Supply Method
- Proposed Sewage Disposal Method
- Proposed Storm Drainage Method
- Commencement Date of Proposed Project
- Additional Information (reasons and comments in support of the application)

Other necessary materials that must be submitted includes:

- Application Fee
- Application Fee for Site Profile
- Completed Site Profile (Schedule 1) as identified in sections 556 and 557 of the *Local Government Act* and the Contaminated Sites Regulation. The Approving Officer is



prohibited by section 85.1 of the *Land Title Act* from approving a subdivision until a site profile has been received and sent to the appropriate representative of the provincial contaminated sites program or the representative has otherwise indicated that the site contamination issues have been resolved. Exemptions to this requirement are also indicated in section 85.1 of the *Land Title Act*.

A completed Site Profile (Schedule 1) is not required if:

- None of the activities listed in Schedule 2 of the Contaminated Sites Regulation has occurred, (unless the Director of Waste Management or the District requires parts of the profile to be completed for their own records), or
- If a site has been used exclusively for residential use.
- Certificate of Title (a title search record dated no more than 30 days prior to submission of the application for proof of ownership)
- Authorization of Owner written authorization from the registered property owner is required if the applicant is not the registered owner. This allows the applicant to apply on behalf of the owner
- Site Plan five (5) copies of a plan or plans, including a digital copy, drawn to a minimum of 1:1,000 scale clearly indicating:
 - a) The legal description of the parcel or parcels to be subdivided
 - b) The dimensions of the parcel or parcels to be subdivided with the boundaries outlined in red
 - c) The arrangement of parcels and streets which would be created by the subdivision, including the widths of the proposed streets and the approximate dimensions and area of each proposed parcel complete with parcel numbers
 - d) The relationship of the proposed subdivision to adjacent and existing streets and parcels and the connections of proposed streets thereto
 - e) The existing and proposed uses of the parcel or parcels to be subdivided
 - f) Existing buildings and/or structures located and identified, and illustrating the dimensions and the relationship of same to existing and proposed property lines
 - g) The approximate location of any buildings to be demolished upon approval of the subdivision
 - h) Existing property lines and streets to be eliminated by the proposed subdivision
 - i) Utility and other existing rights-of-way located and identified, including flood plain areas where applicable
 - j) Existing topography based upon true datum with contour lines at no greater than one (1) metre intervals



- k) Existing streams, watercourses, natural drainage channels and other pertinent topographic features, including all large or desirable trees on or near proposed roadways
- l) The location of all existing roads, pipelines and utilities
- m) The location of existing septic tank and septic tank drainage fields where applicable
- n) The location of any wells within 30 metres of the parcel or parcels to be subdivided if the proposed parcels are to be served by septic systems
- o) The location of any existing drainage facilities, such as storm sewers, tile drains or culverts, whether in use or not
- p) The proposed water and sewer main extensions to service the subdivision
- q) The proposed storm sewer connections, if applicable
- r) The proposed road grades where steep and uneven terrain exists
- s) A scale, north arrow and any other plan identification that shall be considered relevant

At the time of providing application forms, the Approving Officer or delegate may require that the following information accompany the application prior to Preliminary Layout Review:

- Any elevations, cross-sections or detail drawings which may be relevant
- Copies of any previous studies or reports made on the subject property relating to its present condition and suitability for the proposed use/development, e.g. geotechnical reports, site contamination and remediation studies
- Under the District of Tumbler Ridge Subdivision and Development Servicing Bylaw, a geotechnical overview, topographic mapping and development servicing and phasing analysis, if the proposed subdivision meets the outlined criteria
- Area Development, Neighbourhood or Detailed Site Area Plans may be required as outlined in the Official Community Plan

Preliminary Layout Review

1.3 The Approving Officer can proceed with the Preliminary Layout Review of the proposed subdivision if:

- All the necessary information has been submitted and
- All planning considerations have been addressed.



To facilitate the Approving Officer's review, the applicant must provide information regarding various servicing and utility requirements. This can include but is not limited to:

- Roads – Are changes to the road system going to be required as a result of the proposed subdivision?
- Sidewalks/Trails – Are changes to the sidewalk and/or trail system going to be required as a result of the proposed subdivision?
- Water – Is there sufficient capacity in the available water system? Will extensions or upgrading be required?
- Sanitary Sewer – Will the current systems be sufficient? Is an upgrade in capacity going to be necessary? Will a community systems extension be required?
- Storm Sewer/Drainage Ditches – Will the current system be sufficient? Will upgrading of the system's capacity be necessary?
- Electrical/Street Lighting
- Telephone/Cablevision
- Natural Gas

The Approving Officer may investigate the following aspects of the application as part of the Preliminary Layout Review:

- Floodplain – Is the subject property located in the floodplain?
- Highway – Is the subject property located adjacent to a provincial or controlled access highway?
- Taxes – Does the owner of the subject property owe any outstanding property taxes to the District?
- Public Open Space – Will the applicant be required to provide parkland or cash-in-lieu of parkland under to section 510 of the *Local Government Act*?
- Other applicable bylaws – Are their requirements under municipal bylaws? (For example, the OCP has policies regarding the preparation of Area Development Plans to accommodate new growth).

After the Preliminary Layout Review has been completed, the Approving Officer has four options:

- Grant Preliminary Layout Approval
- Ask the applicant for additional information to further consider the application
- Refer the application and the results of the technical review to the District's planning and engineering consultants and/or other agencies for their comments
- Deny the application



The Approving Officer may choose to consult with the District's planning and engineering consultants once the Preliminary Layout has been submitted.

Under section 85 of the *Land Title Act*, the Approving Officer must approve or reject a subdivision application within two (2) months of the date it is tendered for examination. In accordance with section 85 of the *Land Title Act*, if the application is denied the Approving Officer must immediately notify the Applicant in writing of the rejection. The Approving Officer must briefly state the reason for rejection and the officer's requirements if applicable.

Under section 89 of the *Land Title Act*, the Applicant may appeal the decision to deny the application to the Supreme Court within one (1) month of receiving the Approving Officer's rejection.

Referral to Government Agencies

1.4 At the discretion of the Approving Officer, the application for subdivision may be referred to appropriate agencies whose interests may be affected. These agencies may include but are not limited to:

- District of Tumbler Ridge Public Works Department
- District of Tumbler Ridge Fire Department
- Peace River Regional District
- Ministry of Energy, Mines & Petroleum Resources
- Ministry of Environment & Climate Change Strategy
- Ministry of Municipal Affairs & Housing
- Ministry of Transportation and Infrastructure

Note: Section 80 of the Land Title Act mandates that the approval from the Ministry of Transportation and Infrastructure is required if a subdivision affects land adjacent to a controlled access highway (e.g. Highway 29).

- Forests, Lands, Natural Resource Operations & Rural Development
- Fisheries and Oceans Canada
- BC Assessment
- Northern Health Authority
- School District #59 (Peace River South)
- Canada Post Corporation
- Utility Companies (e.g. gas, hydro, cablevision)



Design Drawings Submitted & Approved

1.5 In order to receive Subdivision Design Approval, works or services may be required. The Approving Officer may require the applicant to submit detailed engineering drawings for review by District Staff or the District's planning and engineering consultants. The Approving Officer will also require the applicant to submit:

- Minimum of six (6) copies of the original survey plans
- Minimum of three (3) copies of design plans as per the Subdivision and Development Servicing Bylaw
- Notice that taxes have been paid
- Connection fees and payments
- Off-site works or payment for off-site works
- Park land or cash-in-lieu of parkland, as outlined in the Official Community Plan

The Approving Officer will determine whether or not to grant Design Approval only after the Approving Officer has:

- Reviewed all design drawings and documentation submitted by the Applicant
- Received a decision from the 'Director' under the Environmental Management Act regarding a site profile (if required)
- Received subdivision approval from the Ministry of Transportation and Infrastructure (if required)
- Received water system approval and construction permit from Northern Health Authority (if required)
- Referred the subdivision application to the relevant agencies identified in Step 4 and given sufficient time to allow for the referred agencies to respond

The Approving Officer will notify the applicant in writing whether Design Approval has been granted or not.

Final Subdivision Approval

1.6 The Approving Officer will either grant Final Subdivision Approval or notify the Applicant in writing that Final Approval is being withheld. Under section 87 of the *Land Title Act*, Final Approval may be withheld for the following reasons only:



- The completed works are not constructed as per the plans submitted to the District
- The required works have not been constructed according to the requirements of the Subdivision and Development Servicing Bylaw (if adopted), or an agreement satisfactory to the District has not been achieved relating to the provision of these works
- Taxes and charges have not been paid
- Ministry of Transportation and Infrastructure approval has not been given if the subdivision is adjacent to a controlled access highway

Signing of Plans/Evidence of Registration

- 1.7 Once Final Subdivision Approval has been granted and the Approving Officer signs the plans, they are returned to the applicant. The Applicant must submit the approved plans to the New Westminster Land Title Office for registration.

Following registration, the applicant must submit the following to the Approving Officer:

- The subdivision plans and any rights-of-way or easement plans that effect the subject property
- Text documents
- Proof of title

These documents assure the Approving Officer that registration has occurred.



Major Subdivision Process

Preliminary Inquiry

- 1.1 The applicant should hold preliminary discussions with the Approving Officer and/or delegate to identify the scope and nature of the proposal. The delegate could include the District's planning and engineering consultants. The Approving Officer or delegate will use this opportunity to provide information regarding the requirements of the various bylaws and explain the process.

The Approving Officer should also determine if the proposal is appropriate according to the requirements of the District of Tumbler Ridge Zoning, Official Community Plan (OCP) and a Subdivision and Development Servicing Bylaws that may apply. If the proposal does not conform to land use policies for the area, it will be suggested that the applicant consider changes to the proposal or pursue other avenues such as an amendment to the Official Community Plan and/or Zoning Bylaws to accommodate the proposed use.

Application

- 1.2 If the Approving Officer determines that the proposal is consistent with the requirements identified above, the appropriate and most current application form is given to the applicant. The application form must be filled out with respect to:

- Applicant's Name & Address
- Registered Owner's Name & Address
- Legal Description of Property
- Location of Property (street address; general description or map)
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- Description of Proposed Development
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- Current Number of Parcels (i.e. number of units)
- Proposed Number of Parcels (i.e. number of units)
- Description of Existing or Readily Available Services
- Proposed Water Supply Method
- Proposed Sewage Disposal Method



- Proposed Storm Drainage Method
- Commencement Date of Proposed Project
- Additional Information (reasons and comments in support of the application)

Other necessary materials that must be submitted includes:

- Application Fee
- Application Fee for Site Profile
- Completed Site Profile (Schedule 1) as identified in sections 556 and 557 of the *Local Government Act* and the Contaminated Sites Regulation. The Approving Officer is prohibited by Section 85.1 of the *Land Title Act* from approving a subdivision until a site profile has been received and sent to the appropriate representative of the provincial contaminated sites program or the representative has otherwise indicated that the site contamination issues have been resolved. Exemptions to this requirement are also indicated in Section 85.1 of the *Land Title Act*.
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 - None of the activities listed in Schedule 2 of the Contaminated Sites Regulation has occurred, (unless the Director of Waste Management or the District requires parts of the profile to be completed for their own records), or
 - If a site has been used exclusively for residential use.
- Certificate of Title (a title search record dated no more than 30 days prior to submission of the application for proof of ownership)
- Authorization of Owner written authorization from the registered property owner is required if the applicant is not the registered owner. This allows the applicant to apply on behalf of the owner
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 - d) The relationship of the proposed subdivision to adjacent and existing streets and parcels and the connections of proposed streets thereto
 - e) The existing and proposed uses of the parcel or parcels to be subdivided



- f) Existing buildings and/or structures located and identified, and illustrating the dimensions and the relationship of same to existing and proposed property lines
- g) The approximate location of any buildings to be demolished upon approval of the subdivision
- h) Existing property lines and streets to be eliminated by the proposed subdivision
- i) Utility and other existing rights-of-way located and identified, including flood plain areas where applicable
- j) Existing topography based upon true datum with contour lines at no greater than one (1) metre intervals
- k) Existing streams, watercourses, natural drainage channels and other pertinent topographic features, including all large or desirable trees on or near proposed roadways
- l) The location of all existing roads, pipelines and utilities
- m) The location of existing septic tank and septic tank drainage fields where applicable
- n) The location of any wells within 30 metres of the parcel or parcels to be subdivided if the proposed parcels are to be served by septic systems
- o) The location of any existing drainage facilities, such as storm sewers, tile drains or culverts, whether in use or not
- p) The proposed water and sewer main extensions to service the subdivision
- q) The proposed storm sewer connections, if applicable
- r) The proposed road grades where steep and uneven terrain exists
- s) A scale, north arrow and any other plan identification that shall be considered relevant

At the time of providing application forms, the Approving Officer or delegate may require that the following information accompany the application prior to Preliminary Layout Review:

- Any elevations, cross-sections or detail drawings which may be relevant
- Copies of any previous studies or reports made on the subject property relating to its present condition and suitability for the proposed use/development, e.g. geotechnical reports, site contamination and remediation studies
- Under the District of Tumbler Ridge Subdivision and Development Servicing Bylaw, a geotechnical overview, topographic mapping and development servicing and phasing analysis, if the proposed subdivision meets the outlined criteria



- Area Development, Neighbourhood or Detailed Site Area Plans may be required as outlined in the Official Community Plan

Site Profile (Contaminated Sites)

1.3 Once a completed Site Profile has been received, the Approving Officer or delegate must:

1. Determine if the site profile has been satisfactorily completed
2. Determine if the site profile is legally required
3. Assess the site profile. Once a completed Site Profile has been received, the Approving Officer or delegate has 15 business days to do the following:
 - Forward the Site Profile to the Director under the Environmental Management Act if there are any "YES" answers to the checklist in the site profile (the application is then 'frozen' until a response is received from the Director).
 - Forward the Site Profile to the Site Registrar if there are no "YES" answers to the checklist in the site profile (and the application process proceeds), and
 - Notify the applicant in writing whether or not the site profile has been forwarded to the Director.

Once the Director receives the site profile from the District, he or she has 15 business days to do the following:

- Determine if a site investigation is needed
- Notify the District and the applicant of the decision

The Director may extend, by an extra 15 business days, the time to reach a decision on the need for a site investigation. If a site investigation is needed, the application cannot proceed until the District obtains written consent from the Director.

Preliminary Layout Review

1.4 The Approving Officer can proceed with the Preliminary Layout Review of the proposed subdivision if:

- All the necessary information has been submitted and
- All planning considerations have been addressed.



To facilitate the Approving Officer's review, the applicant must provide information regarding various servicing and utility requirements. This can include but is not limited to:

- Roads – Are changes to the road system going to be required as a result of the proposed subdivision?
- Sidewalks/Trails – Are changes to the sidewalk and/or trail system going to be required as a result of the proposed subdivision?
- Water – Is there sufficient capacity in the available water system? Will extensions or upgrading be required?
- Sanitary Sewer – Will the current systems be sufficient? Is an upgrade in capacity going to be necessary? Will a community systems extension be required?
- Storm Sewer/Drainage Ditches – Will the current system be sufficient? Will upgrading of the system's capacity be necessary?
- Electrical/Street Lighting
- Telephone/Cablevision
- Natural Gas

The Approving Officer may investigate the following aspects of the application as part of the Preliminary Layout Review:

- Floodplain – Is the subject property located in the floodplain?
- Highway – Is the subject property located adjacent to a provincial or controlled access highway?
- Taxes – Does the owner of the subject property owe any outstanding property taxes to the District?
- Public Open Space – Will the applicant be required to provide parkland or cash-in-lieu of parkland under to section 510 of the *Local Government Act*?
- Other applicable bylaws – Are their requirements under municipal bylaws? (For example, the OCP has policies regarding the preparation of Area Development Plans to accommodate new growth).

Referral to Government Agencies

- 1.5 At the discretion of the Approving Officer, the application for subdivision may be referred to appropriate agencies whose interests may be affected. These agencies may include but are not limited to:



- District of Tumbler Ridge Public Works Department
- District of Tumbler Ridge Fire Department
- Peace River Regional District
- Ministry of Energy, Mines & Petroleum Resources
- Ministry of Environment & Climate Change Strategy
- Ministry of Municipal Affairs & Housing
- Ministry of Transportation and Infrastructure

Note: Section 80 of the Land Title Act mandates that the approval from the Ministry of Transportation and Infrastructure is required if a subdivision affects land adjacent to a controlled access highway (e.g. Highway 29).

- Forests, Lands, Natural Resource Operations & Rural Development
- Fisheries and Oceans Canada
- BC Assessment
- Northern Health Authority
- School District #59 (Peace River South)
- Canada Post Corporation
- Utility Companies (e.g. gas, hydro, cablevision)

Preliminary Layout Approval

1.6 After the Preliminary Layout Review has been completed, the Approving Officer has four options:

- Grant Preliminary Layout Approval
- Ask the applicant for additional information in order to further consider the application
- Refer the application and the results of the technical review to the District's planning and engineering consultants and/or other agencies for their comments
- Deny the application

The Approving Officer may choose to consult with the District's planning and engineering consultants once the Preliminary Layout has been submitted.

Under section 85 of the *Land Title Act*, the Approving Officer must approve or reject a subdivision application within two (2) months of the date it is tendered for examination. In accordance with section 85 of the *Land Title Act*, if the application is denied the Approving Officer must immediately notify the Applicant in writing of the rejection. The Approving Officer must briefly state the reason for rejection and the officer's requirements if applicable.



Under section 89 of the *Land Title Act*, the Applicant may appeal the decision to deny the application to the Supreme Court within one (1) month of receiving the Approving Officer's rejection.

Public Notification

- 1.7 The Approving Officer may forward a Notice of Application to all parties who have an interest in land within 100 metres of the land under application for Subdivision.

Under section 86 of the *Land Title Act*, the Approving Officer is under no obligation to hear from surrounding landowners or any other person in the community. However, the Approving Officer may decide that a public meeting may be beneficial to gain input with respect to the proposed subdivision. Notice of the meeting should state the subject matter of the application, the date, time and place where copies of the proposed application may be inspected and the time and place when the matter will be discussed.

Applicant Notification

- 1.8 The Approving Officer advises the applicant in writing if the application has been either denied or granted Preliminary Layout Approval. If granted, the Preliminary Layout Approval is valid for a period of one (1) year. After a period of one (1) year, if the subdivision has not proceeded as per the conditions outlined by the Approving Officer at the Preliminary Layout Approval Stage, the Applicant must reapply for subdivision.

Design Approval (DEVELOPMENT PROCESS)

- 1.9 In order to receive Subdivision Design Approval, works or services may be required. The Approving Officer may require the applicant to submit detailed engineering drawings for review by District Staff or the District's planning and engineering consultants. The Approving Officer will also require the applicant to submit:

- Minimum of six (6) copies of the original survey plans
- Minimum of three (3) copies of design plans as per the Subdivision and Development Servicing Bylaw
- Notice that taxes have been paid
- Connection fees and payments
- Off-site works or payment for off-site works
- Park land or cash-in-lieu of parkland, as outlined in the Official Community Plan



Provision of Insurance (DEVELOPMENT PROCESS)

1.10 Prior to issuing construction permits, the Approving Officer will require evidence of a minimum \$2 million in liability insurance (unless otherwise required by the Approving Officer) with appropriate clauses indemnifying and saving harmless the District of Tumbler Ridge and its employees. This must identify, but will not be limited to the:

- Level of insurance
- Name of insured
- Standard time period where amendments are not permitted
- Coverage (type of policy)

Construction Permits (DEVELOPMENT PROCESS)

1.11 If design approval and evidence of liability insurance and security for works and services are provided, the Approving Officer will issue Construction Permits to the applicant. The Approving Officer may choose to consult with the District's planning and engineering consultants before issuing the permit.

Construction of Works (DEVELOPMENT PROCESS)

1.12 The applicant proceeds with construction of works.

Inspection of Works (DEVELOPMENT PROCESS)

1.13 During construction, the Applicant's Engineer and the Approving Officer or delegate will conduct inspections. Upon completion of works, the Applicant's Engineer will submit a Construction Certificate and the Approving Officer or delegate will certify that the works have been constructed generally in accordance with the design specifications. The District may, at the applicant's expense, provide additional inspection services.

Additional Information Provided by the Applicant (DEVELOPMENT PROCESS)

1.14 Once the construction of works is complete, the applicant must provide the following for review:



- As-built drawings
- Property record cards
- Evidence of substantial completion
- Deficiency list
- Other information requested by the Approving Officer

Certificate of Works (DEVELOPMENT PROCESS)

1.15 Following receipt of the Engineer’s Construction Certificate, the Approving Officer shall approve the Completion Certificate. This will not occur however, until the Approving Officer is satisfied that the works are constructed as per the submitted engineering drawings.

Construction Record Security (DEVELOPMENT PROCESS)

1.16 If the applicant wishes to have the Approving Officer sign the Final Subdivision Plan prior to the Approving Officer receiving the Construction Record Drawings (As-Built), the Applicant must provide Construction Record Security. The District will hold this security until the Final Approval is granted for the subdivision.

Provision of Performance Security of Works Not Completed (DEVELOPMENT PROCESS)

1.17 In the event that the applicant does not plan to construct the works immediately, the applicant may enter into a Subdivision Servicing Agreement with the District. Design plans must be submitted and approved by the Approving Officer. Subdivision Servicing Agreements are available for the Approving Officer to consider only after all buried utilities are installed and roads are constructed to top of Granular Sub-Base.

Under section 509 of the *Local Government Act*, the servicing agreement will require posting of security (Maintenance Bond) in the amount specified in a form and amount satisfactory to the approving officer or building inspector (suggest 110% minimum of engineering and construction estimates) or as indicated in the Subdivision and Development Servicing Bylaw (if adopted). If the applicant does not construct and install the works and services by the date specified in the agreement, the applicant will be required to forfeit the security.

If the Approving Officer enters into an agreement with the applicant, Final Approval of the subdivision may be provided.



Final Subdivision Approval

1.18 The Approving Officer will either grant Final Subdivision Approval or notify the Applicant in writing that Final Approval is being withheld. Under section 87 of the *Land Title Act*, Final Approval may be withheld for the following reasons only:

- The completed works are not constructed as per the plans submitted to the District
- The required works have not been constructed according to the requirements of the Subdivision and Development Servicing Bylaw (if adopted), or an agreement satisfactory to the District has not been achieved relating to the provision of these works
- Taxes and charges have not been paid
- Ministry of Transportation and Infrastructure approval has not been given if the subdivision is adjacent to a controlled access highway

Signing of Plans/Evidence of Registration

1.19 Once Final Subdivision Approval has been granted and the Approving Officer signs the plans, they are returned to the applicant. The Applicant must submit the approved plans to the New Westminster Land Title Office for registration.

Following registration, the applicant must submit the following to the Approving Officer:

- The subdivision plans and any rights-of-way or easement plans that effect the subject property
- Text documents
- Proof of title

These documents assure the Approving Officer that registration has occurred.



2.0 OFFICIAL COMMUNITY PLAN AMENDMENTS

Scope

An Official Community Plan (OCP) is a general statement of the broad planning objectives and policies of the District of Tumbler Ridge (District). The objectives and policies respect the form and character of existing and proposed land use and servicing requirements. The District may accept an application to amend the land use designation of lands, as well as any other provision of the OCP.

An OCP Amendment may be required in conjunction with a Zoning Bylaw Amendment when the use identified in the Zoning Bylaw is inconsistent with the proposed or amended use in the OCP for the same parcel of land.

Process

The general process for an amendment to the Official Community Plan is outlined below.

Preliminary Inquiry

- 2.1 The applicant should hold preliminary discussions with the Approving Officer or his or her designate to identify the scope and nature of the proposal. The Approving Officer or designate will use this opportunity to provide information regarding the requirements of the various bylaws and explain the process.

The Approving Officer should also determine if the proposal is appropriate according to the requirements of the District of Tumbler Ridge Zoning and Subdivision and Development Servicing Bylaws. If the proposal does not conform to land use policies for the area, it will be suggested that the applicant consider changes to the proposal or pursue other avenues such as an amendment to the Zoning Bylaw to accommodate the proposed use.

Submission of Application

- 2.2 The applicant meets with District Staff and completes the appropriate and most current application form and submits the \$500 application fee (made payable to the District of Tumbler Ridge) plus a \$400 deposit for the Development Proposal Notice (refundable upon removal of the Notice by the applicant). In the event the application creates a need for an



amendment to the Zoning Bylaw, the applicant must submit an additional fee of \$500 for the Zoning Bylaw Amendment Application and the \$50 application fee for the Site Profile (Schedule 1) if required. The OCP application form must be filled out with respect to:

- Applicant's Name & Address
- Registered Owner's Name & Address
- Legal Description of Property
- Location of Property (street address, general description or map)
- Parcel Size
- Current OCP Designation
- Current Zoning Designation
- Description of Current Land Use/Development
- Description of Proposed OCP Designation
- Description of Proposed Development
- Approximate Commencement Date of Proposed Project
- Additional Information (Reasons and comments in support of the application)

Additional information and materials that are required to be submitted along with the application form include:

- Application Fee
- Development Proposal Notice Fee (deposit)
- Certificate of Title (a title search dated no more than 30 days prior to submission of the application for proof of ownership)
- Authorization of Owner written authorization from the registered property owner is required if the applicant is not the registered owner. This allows the applicant to apply on behalf of the owner
- Dimensioned Sketch Plan drawn to a minimum scale of 1:1,000 showing the parcel or parcels to be re-designated and the location (dimensioned from property lines) of existing buildings, structures and any natural features on or adjacent to the property
- Dimensioned Site Development Plan drawn to a minimum scale of 1:1,000 showing proposed buildings, structures, vehicle access, parking layout (with individual parking stalls clearly indicated) and site landscaping
- Contour Map (plan) drawn to a minimum scale of 1:1,000 with a contour interval of one (1) metre, if warranted by the topographic condition of the property
- Area Development, Neighbourhood or Detailed Site Area Plans as required in the Official Community Plan



- Copies of any Previous Studies or Reports made on the subject property relating to its present condition and suitability for the proposed use/development (e.g. geotechnical reports, site contamination and remediation studies)

Technical Review

- 2.3 The Approving Officer conducts a technical review and assesses the application. The assessment should be conducted with respect to the objectives and policies of the Official Community Plan.

The Bylaw amending the OCP must be examined in conjunction with the District's most recent financial plan and any waste management plan or economic strategy plan that is applicable to ensure consistency between these plans under section 447 of the *Local Government Act*.

Review by Internal Commission/Committee

- 2.4 If applicable, the Approving Officer or his or her designate sets a time for the Advisory Planning Commission (APC) or Standing Committee to meet. If an APC has been appointed, the applicant will be informed of the time at which the meeting will take place as the Applicant is entitled to attend meetings of the APC and be heard as per section 461 of the *Local Government Act*. However, if a Standing Committee will be reviewing the application, there is no requirement under the *Local Government Act* or *Community Charter* for the Committee to consider public input or input from an applicant. This does not preclude any Public Hearing requirements as required under the *Local Government Act*.

After the review has taken place, the Commission then submits its report to the Approving Officer for submission to Council. Minutes of all the meetings of the Advisory Planning Commission must be kept and, on request, made available to the public.

Prepare Draft Amendment Bylaw and Submit Report to Council

- 2.5 District Staff review the application and prepare a draft amendment Bylaw and report to Council based on the technical review. If applicable, comments from the Advisory Planning Commission or Standing Committee may also be submitted. Prior to this step, the applicant may be required to submit additional information for technical review.



The Approving Officer introduces the draft amendment Bylaw and application to Council for First Reading.

First Reading

- 2.6 Council gives the amendment Bylaw First Reading. At First Reading, Council may, by simple majority, proceed with Second Reading of the amendment Bylaw and application or reject the amendment Bylaw and application at this stage.

If denied, the applicant may not reapply for an amendment to the OCP until six (6) months after the date of refusal. In accordance with section 460 of the *Local Government Act* (R.S.B.C. 2015, c. 1), the time limit for any reapplication may be varied by an affirmative vote of at least 2/3 of the local government members eligible to vote on the reapplication. Also, if the application is denied at this stage, the Applicant is entitled to a refund of fifty percent (50%) of the application fee.

Second Reading

- 2.7 Council gives Second Reading to the Bylaw and either approves or rejects the amendment. This may occur at the same meeting as First Reading. Also, if the application is denied at this stage, the Applicant is entitled to a refund of fifty percent (50%) of the application fee.

If the bylaw is defeated, the applicant may not reapply for an amendment to the OCP until six (6) months after the date of refusal. In accordance with section 460 of the *Local Government Act*, the time limit for any reapplication may be varied by an affirmative vote of at least 2/3 of the local government members eligible to vote on the reapplication. Also, if the application is denied at this stage, the Applicant is entitled to a refund of fifty percent (50%) of the application fee.



Referral to Government Agencies

2.8 Depending on the complexity of the amending Bylaw and application, the following agencies may be considered for referral by the Approving Officer or designate:

- District of Tumbler Ridge Public Works Department
- District of Tumbler Ridge Fire Department
- Peace River Regional District
- Ministry of Energy, Mines & Petroleum Resources
- Ministry of Environment & Climate Change Strategy
- Ministry of Municipal Affairs & Housing
- Ministry of Transportation and Infrastructure

Note: Section 80 of the Land Title Act mandates that the approval from the Ministry of Transportation and Infrastructure is required if a subdivision affects land adjacent to a controlled access highway (e.g. Highway 29).

- Forests, Lands, Natural Resource Operations & Rural Development
- Fisheries and Oceans Canada
- BC Assessment
- Northern Health Authority
- School District #59 (Peace River South)
- Canada Post Corporation
- Utility Companies (e.g. gas, hydro, cablevision)

In addition, the Approving Officer may seek input from the District's planning consultants.

On-Site Notification

2.9 The District of Tumbler Ridge requires that the applicant or developer post a Development Proposal Notice (sign) on the lands that are the subject of the application. If a Zoning Bylaw Amendment Application is concurrent with an Official Community Plan Amendment Application, a sign is only required for the Zoning Bylaw Amendment Application.

The District has a number of pre-printed signs on a "first come, first served" basis. At the time of application for an Official Community Plan Bylaw Amendment, in addition to the application fees(s), the applicant shall pay a refundable deposit of \$400. The applicant is responsible to pick up the sign from the District of Tumbler Ridge during normal business hours and provide all materials necessary for installation in a sound, workmanlike manner, capable of withstanding wind and weather.



The sign shall be posted in accordance with the following:

- A sign shall not interfere with pedestrian or vehicular traffic, or obstruct visibility from the streets or driveways so as to create a hazard. The sign is to be centrally located on the subject site parcel like adjacent to the public street the property abuts
- The map area will be white with map details in black. The map will show adjoining roads, land involved and a north arrow. Land involved shall be shaded in red with red subject arrow, large enough to identify the subject property
- The applicant is required to submit a written statement on the intent and purpose of the redesignation as it will appear on the sign
- The applicant shall install all signs within seven (7) days after Second Reading of the OCP Amendment and shall remain in place continuously until the Public Hearing is held. The applicant shall be required to deposit \$400 with the District upon application for an amendment to the OCP for the use of the sign
- Following installation, the applicant is responsible to contact the District planning and engineering staff so that an inspection can be made to confirm the sign is suitably located on the subject property for visibility by the public. The applicant accepts all responsibility for installation and maintenance of the sign and there shall be no liability on the part of the District for failure of the sign, or the supporting structure, or any injury to any person, or property resulting therefrom
- All signs shall remain in place continuously until the Public Hearing is held, and must be removed within seven (7) days after the Public Hearing. If the sign is not removed, the District may have the sign removed without further notice, and the District will retain the \$400 deposit. Should the application be defeated at First Reading, the deposit shall be returned to the applicant
- Failure to post the sign shall result in the postponement of the Public Hearing and any costs incurred by the District for public notification as a result of such postponement shall be the responsibility of the applicant

Calling the Public Hearing

- 2.10 If the Second Reading is given, under section 465 of the *Local Government Act*, a public hearing is called. All persons who believe that their interest in property is affected by the proposed Bylaw must be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the Bylaw that is the subject of the hearing. Under section 465 (1) of the *Local Government Act*, the public hearing must be held after first reading of the bylaw and before third reading.



Notification of Public Hearing

2.11 Under section 466 of the *Local Government Act*, Council must give notice of the public hearing. The notice must state the following:

- The time and date of the hearing
- The place of the hearing
- In general terms, the purpose of the Bylaw
- The land or lands that are the subject of the Bylaw
- The place where and the times and dates when copies of the Bylaw may be inspected
- A sketch of the land or lands that are the subject of the Bylaw

The notice must be published in at least 2 consecutive issues of the local newspaper, the last publication to appear not less than 3 and not more than 10 days before the public hearing.

If the amendment alters use or density, Council must also mail or hand-deliver notices at least 10 days before the public hearing to property owners and/or tenants within a 100 metre radius of the subject lands, unless the amendment applies to 10 or more parcels owned by 10 or more persons.

Public Hearing

2.12 The Public Hearing is held. Eligible parties are given an opportunity to speak before Council or submit written submissions. Once this occurs, Council must officially adjourn the meeting before convening Council to address the application. Council may convene on the same day of the Hearing.

As per section 464 (2) of the *Local Government Act* the District may waive the holding of a public hearing on a proposed bylaw if the Official Community Plan is in effect for the area that is subject to a proposed zoning bylaw, and the proposed bylaw is consistent with the Plan.

Third Reading

2.13 When Council chooses to reconvene, it may either defeat or give the Amendment Bylaw Third Reading. Once returned to Council, the Bylaw may be reconsidered and adopted. Council may adopt the Bylaw at the same meeting at which the Bylaw received Third Reading as per section 477 (6) of the *Local Government Act*.



Bylaw Adopted

- 2.14 Following the Third Reading of the Amendment Bylaw, Council reconsiders and adopts the Bylaw. This could occur at the same meeting at which the Bylaw received Third Reading.

Applicant Notified/Amendment Recorded

- 2.15 The applicant is notified of Council's decision and the OCP Amendment is recorded.



3.0 ZONING BYLAW AMENDMENTS

Scope

A Zoning Bylaw governs the use, density and siting of land, buildings and structures by establishing zones and corresponding regulations. The District of Tumbler Ridge (District) may amend the provisions of the Zoning Bylaw when applications for variances are considered inappropriate. Zoning amendments are required for any proposed changes to use or density. An amendment to the Zoning Bylaw may affect the Official Community Plan, which may consequently require an amendment.

Process

The general process for an amendment to the Zoning Bylaw is outlined below.

Preliminary Inquiry

- 3.1 The applicant should hold preliminary discussions with the Approving Officer or his or her designate to identify the scope and nature of the proposal. The Approving Officer or delegate will use this opportunity to provide information regarding the requirements of the various bylaws and explain the process. The Approving Officer should also determine if the proposal is appropriate according to the requirements of the District of Tumbler Ridge Zoning, Official Community Plan (OCP) and Subdivision and Development Servicing Bylaws (if adopted). If the proposal does not conform to land use policies for the area, it will be suggested that the applicant consider changes to the proposal or pursue other avenues such as an amendment to the Official Community Plan and/or Zoning Bylaws to accommodate the proposed use.

Submission of Application

- 3.2 The applicant meets with District Staff and completes the appropriate and most current application form. The applicant then submits a \$500 application fee for rezoning (made payable to the District of Tumbler Ridge), plus a \$400 deposit for a development proposal notice (refundable upon removal).



In the event the application creates a need for an amendment to the Official Community Plan, the applicant must submit an additional fee of \$500 for the Official Community Plan Amendment application. The zoning application form must be filled out with respect to:

- Applicant's Name & Address
- Registered Owner's Name & Address
- Legal Description of Property
- Location of Property (street address, general description or map)
- Parcel Size
- Current OCP Designation
- Current Zoning Designation
- Description of Current Land Use/Development
- Proposed Zoning Designation
- Description of Proposed Use and Development
- Description of Existing or Readily Available Services
- Proposed Water Supply Method
- Proposed Sewage Disposal Method
- Proposed Storm Drainage Method
- Commencement Date of Proposed Project
- Additional Information (reasons and comments in support of the application)

Additional information and materials that are required to be submitted along with the application form include:

- Application Fee
- Development Proposal Notice Fee (deposit)
- Application Fee for Site Profile;
- Completed Site Profile (Schedule 1) as identified in sections 556 and 557 of the *Local Government Act* and the Contaminated Sites Regulation. The Approving Officer is prohibited by section 85.1 of the *Land Title Act* from approving a subdivision until a site profile has been received and sent to the appropriate representative of the provincial contaminated sites program or the representative has otherwise indicated that the site contamination issues have been resolved. Exemptions to this requirement are also indicated in section 85.1 of the *Land Title Act*.

A completed Site Profile (Schedule 1) is not required if:

- None of the activities listed in Schedule 2 of the Contaminated Sites Regulation has occurred, (unless the Director of Waste Management or the District requires parts of the profile to be completed for their own records), or



- If a site has been used exclusively for residential use
- Certificate of Title (a title search dated no more than 30 days prior to submission of the application for proof of ownership)
- Authorization of Owner written authorization from the registered property owner is required if the applicant is not the registered owner. This allows the applicant to apply on behalf of the owner
- Dimensioned Sketch Plan drawn to a minimum scale of 1:1,000 showing the parcel or parcels to be rezoned and the location (dimensioned from property lines) of existing buildings, structures and any natural features on or adjacent to the property
- Dimensioned Site Development Plan drawn to a minimum scale of 1:1,000 showing proposed buildings, structures, vehicle access, parking layout (with individual parking stalls clearly indicated) and site landscaping
- Contour Map (plan) drawn to a minimum scale of 1:1,000 with a contour interval of one (1) metre, if warranted by the topographic condition of the property
- Copies of any Previous Studies or reports made on the subject property relating to its present condition and suitability for the proposed use/development, e.g. geotechnical reports, site contamination and remediation studies

Site Profile (Contaminated Sites)

- 3.3 As per section 40 (1) of the *Environmental Management Act*, a site profile must be provided when an application is made for zoning of land that was used for industrial or commercial activity.

Once a completed Site Profile has been received, the Approving Officer or delegate must:

1. Determine if the site profile has been satisfactorily completed
2. Determine if the site profile is legally required
3. Assess the site profile. Once a completed Site Profile has been received, the Approving Officer or delegate has 15 business days to do the following:
 - Forward the Site Profile to the Director under the *Environmental Management Act* if there are any "YES" answers to the checklist in the site profile (the application is then 'frozen' until a response is received from the Director)
 - Forward the Site Profile to the Site Registrar if there are no "YES" answers to the checklist in the site profile (and the application process proceeds)
 - Notify the applicant in writing whether or not the site profile has been forwarded to the Director



Once the Director receives the site profile from the District, he or she has 15 business days to do the following:

- Determine if a site investigation is needed
- Notify the District and the applicant of the decision

The Director may extend, by an extra 15 business days, to the time to reach a decision on the need for a site investigation. If a site investigation is needed, the application cannot proceed until the District obtains written consent from the Director.

Technical Review

3.4 The Approving Officer conducts a technical review, assessing the application with respect to:

- Official Community Plan and Council Policies
- Land Use (the appropriateness of the use)
- Setbacks, including setbacks from watercourses
- Road Access
- Parking
- Water Supply
- Sewage Disposal
- Storm Sewers and Stormwater Management
- Fire Flows and Hydrant Location and Spacing
- Contaminated Sites
- Hydro
- Telephone
- Natural Gas
- Cable Television
- Health and Safety
- Height
- Landscaping
- Other appropriate community planning considerations

In addition, the Approving Officer or designate may seek input from the District's planning consultants.



The review may reveal that further or more detailed information is required from the applicant. Under section 484 of the *Local Government Act*, the District may require the applicant to submit additional information regarding the impact of the proposed development on the following:

- Transportation patterns including traffic flow
- Local infrastructure
- Public facilities including schools and parks
- Community services
- The natural environment of the area affected

Review by Internal Commission/Committee (if applicable)

- 3.5 If applicable, the Approving Officer or his or her designate sets a time for the Advisory Planning Commission (APC) or Standing Committee to meet. If an APC has been appointed, the applicant will be informed of the time at which the meeting will take place as the applicant is entitled to attend meetings of the APC and be heard as per section 461 of the *Local Government Act*. However, if a Standing Committee will be reviewing the application, there is no requirement under the *Local Government Act* or *Community Charter* for the Committee to consider public input or input from an applicant. This does not preclude any Public Hearing requirements as required under the *Local Government Act*.

After the review has taken place, the Commission then submits its report to the Approving Officer for submission to Council. Minutes of all the meetings of the Advisory Planning Commission must be kept and, on request, made available to the public.

Preparation of Draft Amendment Bylaw and Submit Report to Council

- 3.6 District Staff review the application and prepare a draft amendment Bylaw and report to Council based on the technical review. If applicable, comments from the Advisory Planning Commission or Standing Committee may also be submitted. Prior to this step, the applicant may be required to submit additional information for technical review.

The Approving Officer introduces the draft amendment Bylaw and application to Council for First Reading.



First Reading

- 3.7 Council gives the amendment Bylaw First Reading. At First Reading, Council may, by simple majority, proceed with Second Reading of the amendment Bylaw and application or reject the amendment Bylaw and application at this stage.

If the bylaw is defeated, the applicant may not reapply for an amendment to the Zoning Bylaw until six (6) months after the date of refusal. In accordance with section 460 (3) of the *Local Government Act*, the time limit for any reapplication may be varied by an affirmative vote of at least 2/3 of the local government members eligible to vote on the reapplication. Also, if the application is denied at this stage, the Applicant is entitled to a refund of fifty percent (50%) of the application fee (not including the application fee for the Site Profile).

Second Reading

- 3.8 Council gives Second Reading to the Bylaw and either approves or rejects the amendment. This may occur at the same meeting as First Reading.

If the bylaw is defeated, the applicant may not reapply for an amendment to the OCP until six (6) months after the date of refusal. In accordance with section 460 (3) of the *Local Government Act*, the time limit for any reapplication may be varied by an affirmative vote of at least 2/3 of the local government members eligible to vote on the reapplication. Also, if the application is denied at this stage, the Applicant is entitled to a refund of fifty percent (50%) of the application fee (not including the application fee for the Site Profile).

Referral to Government Agencies

- 3.9 The following agencies may be considered for referral by the Approving Officer or designate:

- District of Tumbler Ridge Public Works Department
- District of Tumbler Ridge Fire Department
- Peace River Regional District
- Ministry of Energy, Mines & Petroleum Resources
- Ministry of Environment & Climate Change Strategy
- Ministry of Municipal Affairs & Housing



- Ministry of Transportation and Infrastructure
Note: Section 80 of the Land Title Act mandates that the approval from the Ministry of Transportation and Infrastructure is required if a subdivision affects land adjacent to a controlled access highway (e.g. Highway 29).
- Forests, Lands, Natural Resource Operations & Rural Development
- Fisheries and Oceans Canada
- BC Assessment
- Northern Health Authority
- School District #59 (Peace River South)
- Canada Post Corporation
- Utility Companies (e.g. gas, hydro, cablevision)

In addition, the Approving Officer may seek input from the District's planning consultants.

Notification of Public Hearing

- 3.10 The District of Tumbler Ridge requires that the applicant or developer post a Development Proposal Notice (sign) on the lands that are the subject of the application. If the Zoning Bylaw Amendment Application is concurrent with an Official Community Plan Amendment Application, a sign is only required for the Zoning Bylaw Amendment Application. The District has a number of pre-printed signs on a "first come, first served" basis. At the time of application for a Zoning Bylaw Amendment, in addition to the application fees(s), the applicant shall pay a refundable deposit of \$400. The applicant is responsible to pick up the sign from the District of Tumbler Ridge during normal business hours and provide all materials necessary for installation in a sound, workmanlike manner, capable of withstanding wind and weather.

The sign shall be posted in accordance with the following:

- A sign shall not interfere with pedestrian or vehicular traffic, or obstruct visibility from the streets or driveways so as to create a hazard. The sign is to be centrally located on the subject site parcel like adjacent to the public street the property abuts
- The map area will be white with map details in black. The map will show adjoining roads, land involved and a north arrow. Land involved shall be shaded in red with red subject arrow, large enough to identify the subject property
- The applicant is required to submit a written statement on the intent and purpose of the redesignation as it will appear on the sign
- The applicant shall install all signs within seven (7) days after Second Reading of the Zoning Bylaw Amendment and shall remain in place continuously until the Public



Hearing is held. The applicant shall be required to deposit \$400 with the District upon application for an amendment to the zoning bylaw for the use of the sign

- Following installation, the applicant is responsible to contact the District planning and engineering staff so that an inspection can be made to confirm the sign is suitably located on the subject property for visibility by the public. The applicant accepts all responsibility for installation and maintenance of the sign and there shall be no liability on the part of the District for failure of the sign, or the supporting structure, or any injury to any person, or property resulting therefrom
- All signs shall remain in place continuously until the Public Hearing is held, and must be removed within seven (7) days after the Public Hearing. If the sign is not removed, the District may have the sign removed without further notice, and the District will retain the \$400 deposit. Should the application be defeated at First Reading, the deposit shall be returned to the applicant
- Failure to post the sign shall result in the postponement of the Public Hearing and any costs incurred by the District for public notification as a result of such postponement shall be the responsibility of the applicant

Calling the Public Hearing

- 3.11 If the Second Reading is given, under section 464 of the *Local Government Act*, a public hearing is called. All persons who believe that their interest in property is affected by the proposed Bylaw must be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the Bylaw that is the subject of the hearing. Under section 465 (1) of the *Local Government Act*, the public hearing must be held after first reading of the bylaw and before third reading.

On-Site Notification

- 3.12 Under section 466 of the *Local Government Act*, Council must give notice of the public hearing. The notice must state the following:
- The time and date of the hearing
 - The place of the hearing
 - In general terms, the purpose of the Bylaw
 - The land or lands that are the subject of the Bylaw
 - The place where and the times and dates when copies of the Bylaw may be inspected
 - A sketch of the land or lands that are the subject of the Bylaw



The notice must be published in at least 2 consecutive issues of the local newspaper, the last publication to appear not less than 3 and not more than 10 days before the public hearing.

If the amendment alters use or density, Council must also mail or hand-deliver notices at least 10 days before the public hearing to property owners within a 100 metre radius of the subject lands, unless the amendment applies to 10 or more parcels owned by 10 or more persons.

Public Hearing

- 3.13 The Public Hearing is held. Eligible parties are given an opportunity to speak before Council or submit written submissions. Once this occurs, Council must officially adjourn the meeting before convening Council to address the application. Council may convene on the same day of the Hearing.

As per section 464 (2) of the *Local Government Act* the District may waive the holding of a public hearing on a proposed bylaw if the Official Community Plan is in effect for the area that is subject to a proposed zoning bylaw, and the proposed bylaw is consistent with the Plan.

Third Reading

- 3.14 When Council chooses to reconvene, it may either defeat or give the amendment Bylaw Third Reading. Once returned to Council, the Bylaw may be reconsidered and adopted. Council may adopt the Bylaw at the same meeting at which the Bylaw received Third Reading.

Ministry of Transportation and Infrastructure Approval

- 3.15 Under section 52 of the *Transportation Act* and section 505 of the *Local Government Act*, where the amendment applies to land or improvements within a radius of 800 metres of the intersection of a "controlled access highway" and any other highway, the bylaw, before its adoption, requires the approval of the Ministry of Transportation and Infrastructure.



Bylaw Adopted

3.16 Following Third Reading of the Amendment Bylaw and approval by the Ministry of Transportation and Infrastructure, Council reconsiders and adopts the Bylaw. This could occur at the same meeting at which the Bylaw received Third Reading if Ministry of Transportation and Infrastructure approval is not required.

Applicant Notified/Amendment Recorded

3.17 The applicant is notified of Council's decision and the zoning amendment is recorded.



4.0 DEVELOPMENT PERMITS

Scope

In areas where the District of Tumbler Ridge has designated a Development Permit Area, a Development Permit, under section 488 of the *Local Government Act* (R.S.B.C. 2015, c.1), is required prior to subdivision of land, construction, alteration or addition to a structure located on land within a designated Development Permit Area.

Under section 488 (1) and 490 (1) of the *Local Government Act*, the District of Tumbler Ridge (District) can designate a Development Permit Area for one or more of the following:

- Protection of the natural environment, its ecosystems and biological diversity
- Protection of development from hazardous conditions
- Protection of farming
- Revitalization of an area in which a commercial use is permitted
- Establishment of objectives for the form and character of intensive residential development
- Establishment of objectives for the form and character of commercial, industrial or multi-family residential development

Before requiring or accepting an application under this category, the District must first determine if the subject property is within a Development Permit Area.

The District of Tumbler Ridge cannot accept applications which intend to vary the use or density permitted in the applicable Bylaw, under section 490 (3) of the *Local Government Act*. An exception to this is set out in section 491 (3) of the *Local Government Act* where the conditions or requirements may vary use or density, but only as they relate to health, safety or the protection of property from damage. Also, under section 490 (4) a development permit must not vary a floodplain specification.

In the event that the applicant proposes changes in use or density, the District should advise the applicant to explore other avenues. These can include amendments to the District of Tumbler Ridge Zoning Bylaw or Official Community Plan. In the event that the proposed application for development requires an application for rezoning and/or an Official Community Plan (OCP) Amendment, the Development Permit Application may occur simultaneously.



Process

The general process for the issuance of a Development Permit is outlined below.

Preliminary Inquiry

- 4.1 The applicant meets with with the Approving Officer or designate to discuss the proposal and confirm that a Development Permit is required for their proposal. In the event that the application varies the use or density, it will be suggested that the applicant consider other avenues such as an amendment to the Official Community Plan and/or Zoning Bylaws.

Submission of Application

- 4.2 The appropriate and most current application form is given to the applicant. The application form must be submitted with a Site Profile (Contaminated Sites) and must be filled out with respect to:

- Applicant's Name & Address
- Registered Owner's Name & Address
- Legal Description of Property
- Location of Property (street address, general description or map)
- Parcel Size
- Current OCP Designation
- Current Zoning Designation
- Development Permit Area
- Description of Current Land Use/Development
- Description of Proposed Development
- Description of Existing or Readily Available Services
- Proposed Water Supply Method
- Proposed Sewage Disposal Method
- Proposed Storm Drainage Method
- Approximate Commencement Date of Proposed Project
- Proposed Use
- Additional Information (reasons and comments in support of the application)

Additional information and materials that are required to be submitted along with the application form include:



- Application Fee for the Development Permit
- Development Proposal Notice Fee (deposit)
- Application Fee for the Site Profile
- Completed Site Profile Form (Schedule 1) as stated under section 556 and 557 of the *Local Government Act*. A completed Site Profile (Schedule 1) is not required if:
 - None of the activities listed in Schedule 2 of the Contaminated Sites Regulation has occurred, (unless the Director of Waste Management or the District requires parts of the profile to be completed for their own records)
 - If a site has been used exclusively for residential use
 - The application does not involve soil excavation
- Certificate of Title (a title search dated no more than 30 days prior to submission of the application for proof of ownership)
- Authorization of Owner written authorization from the registered property owner which allows the applicant to apply on behalf of the owner, if the applicant is not the registered owner
- Covenants/Rights-of-Way/Easements (where applicable)
- Dimensioned Sketch Plan showing the location of existing buildings, structures, uses and any natural features on or adjacent to the property
- Dimensioned Site Development Plan showing proposed buildings, structures, vehicle access, parking layout, etc.
- Contour Map (plan) drawn to a specified scale
- Information required in relation to the Development Permit Guidelines of the Official Community Plan

The Approving Officer may require the applicant to submit notice that:

- Notice of taxes have been paid
- Connection fees and payments
- Off-site works or payment for off-site works

At the time of providing application forms, the Approving Officer or designate shall indicate which of the following information shall accompany the application:

- Dimensioned Sketch Plan drawn to a minimum scale of 1:1,000 showing the parcel which requires a development permit and the location (dimensioned from property lines) of existing buildings, structures and any natural features on or adjacent to the property



- Dimensioned Site Development Plan drawn to a minimum of 1:1,000 showing proposed buildings, structures, vehicle access, parking layout (with individual parking stalls clearly indicated) and site landscaping
- Contour Map (plan) drawn to a minimum scale of 1:1,000 with a contour interval of one metre, if warranted by the topographic condition of the property
- Any other relevant technical information

Site Profile (Contaminated Sites)

- 4.3 As per section 40 (1) of the Environmental Management Act, a site profile must be provided when an application is made for a development permit for land that was used for industrial or commercial activity.

Once a completed Site Profile has been received, the Approving Officer or delegate must:

1. Determine if the site profile has been satisfactorily completed
2. Determine if the site profile is legally required
3. Assess the site profile. Once a completed Site Profile has been received, the Approving Officer or delegate has 15 business days to do the following:
 - Forward the Site Profile to the Director under the *Environmental Management Act* if there are any "YES" answers to the checklist in the site profile (the application is then 'frozen' until a response is received from the Director)
 - Forward the Site Profile to the Site Registrar if there are no "YES" answers to the checklist in the site profile (and the application process proceeds)
 - Notify the applicant in writing whether or not the site profile has been forwarded to the Director

Once the Director receives the site profile from the District, he or she has 15 business days to do the following:

- Determine if a site investigation is needed
- Notify the District and the applicant of the decision

The Director may extend, by an extra 15 business days, to the time to reach a decision on the need for a site investigation. If a site investigation is needed, the application cannot proceed until the District obtains written consent from the Director.



Preparation of Draft Permit

- 4.4 Once the completed application is received, the Approving Officer or delegate reviews the application and prepares a first draft of the Development Permit and submits it along with the application form and any other pertinent information for Council's preliminary consideration.

Council Authorizes Notification

- 4.5 After Council reviews the information submitted, it has two (2) options:
- Authorize notification of Council's approval in principle and proceed with the technical review or
 - Deny the application

Council will notify the applicant as to whether the application will proceed or if the application is denied. If denied, the applicant may not reapply for a Development Permit until six (6) months after the date of refusal. In accordance with section 460 of the *Local Government Act*, the time limit for any reapplication may be varied by an affirmative vote of at least 2/3 of the local government members eligible to vote on the reapplication.

Notification

- 4.6 The District notifies all owners and tenants in occupation of land that is the subject of the application as well as owners and tenants within a 100 metre radius of the subject property. The notice must state the subject matter of the application and the time and place where the application will be heard.

On-Site Notification

- 4.7 The District of Tumbler Ridge requires that the applicant or developer post a Development Proposal Notice (sign) on the lands that are the subject of the application.

The District has a number of pre-printed signs on a "first come, first served" basis. At the time of application for a Development Permit, in addition to the application fees(s), the applicant shall pay a refundable deposit of \$400. The applicant is responsible to pick up the sign from the District of Tumbler Ridge during normal business hours and provide all



materials necessary for installation in a sound, workmanlike manner, capable of withstanding wind and weather.

The sign shall be posted in accordance with the following:

- A sign shall not interfere with pedestrian or vehicular traffic, or obstruct visibility from the streets or driveways so as to create a hazard. The sign is to be centrally located on the subject site parcel like adjacent to the public street the property abuts
- The map area will be white with map details in black. The map will show adjoining roads, land involved and a north arrow. Land involved shall be shaded in red with red subject arrow, large enough to identify the subject property
- The applicant is required to submit a written statement on the intent and purpose of the redesignation as it will appear on the sign
- The applicant shall install all signs within seven (7) days after Council authorizes notification to the applicant that the application has been approved in principle. The sign shall remain in place continuously until the Development Permit is either issued or denied after final consideration by Council. The applicant shall be required to deposit \$400 with the District upon application for a Development Permit for the use of the sign
- Following installation, the applicant is responsible to contact the District planning and engineering staff so that an inspection can be made to confirm the sign is suitably located on the subject property for visibility by the public. The applicant accepts all responsibility for installation and maintenance of the sign and there shall be no liability on the part of the District for failure of the sign, or the supporting structure, or any injury to any person, or property resulting therefrom
- All signs shall remain in place continuously until the Development Permit is either issued or denied after final consideration by Council, and must be removed within seven (7) days after the Development Permit is issued or denied. If the sign is not removed, the District may have the sign removed without further notice, and the District will retain the \$400 deposit. Should the application be defeated at following Council's first review of the application, the deposit shall be returned to the applicant
- Failure to post the sign shall result in the postponement of the Development Permit application process and any costs incurred by the District for public notification as a result of such postponement shall be the responsibility of the applicant



Technical Review

- 4.8 The Development Permit Application is reviewed according to the criteria set out in the Development Permit Section of the District of Tumbler Ridge Official Community Plan.

This review must address the appropriateness of the application with respect to the Development Permit Area guidelines established for the parcel within the District of Tumbler Ridge Official Community Plan.

The review may reveal that further or more detailed information is required from the applicant. Under section 484 of the *Local Government Act*, the District may require the applicant to submit additional information regarding the impact of the proposed development on such matters as:

- Transportation patterns including traffic flow
- Local infrastructure
- Public facilities including schools and parks
- Community services
- The natural environment of the area affected

In addition, the Approving Officer may seek input from the District's planning consultants.

Referral to Government Agencies

- 4.9 At the discretion of the Approving Officer, the Development Permit application may be referred to appropriate agencies whose interests may be affected. These agencies may include but are not be limited to:

- District of Tumbler Ridge Public Works Department
- District of Tumbler Ridge Fire Department
- Peace River Regional District
- Ministry of Energy, Mines & Petroleum Resources
- Ministry of Environment & Climate Change Strategy
- Ministry of Municipal Affairs & Housing
- Ministry of Transportation and Infrastructure

Note: Section 80 of the Land Title Act mandates that the approval from the Ministry of Transportation and Infrastructure is required if a subdivision affects land adjacent to a controlled access highway (e.g. Highway 29).

- Forests, Lands, Natural Resource Operations & Rural Development



- Fisheries and Oceans Canada
- BC Assessment
- Northern Health Authority
- School District #59 (Peace River South)
- Canada Post Corporation
- Utility Companies (e.g. gas, hydro, cablevision)

Under section 505 of the *Local Government Act*, approval of the Ministry of Transportation and Infrastructure is required if the application is for a commercial or industrial development over 4,500m² gross floor area within 800 metres of a controlled access highway.

Submission of Report to Council

- 4.10 The Approving Officer submits the technical report, application form, draft permit and a recommendation to Council.

Council may decide that a public meeting may be beneficial to gain input with respect to the proposed permit. Such a meeting is neither mandatory nor required by the *Local Government Act*.

Final Consideration by Council

- 4.11 The Council of the District of Tumbler Ridge will consider the proposed Development Permit application in light of the input received. Council then has four (4) options:
- By resolution, issue the Development Permit
 - By resolution, issue the Development Permit as amended
 - Request additional information before a resolution is passed
 - Deny the application for a Development Permit

If denied, the applicant may not reapply for a Development Permit until six (6) months after the date of refusal. In accordance with section 460 of the *Local Government Act*, the time limit for any reapplication may be varied by an affirmative vote of at least 2/3 of the local government members eligible to vote on the reapplication.



Provision of Security

4.12 Under section 502 (1) of the *Local Government Act*, Council may require that the Development Permit applicant provide security through any of the following forms acceptable to the District of Tumbler Ridge:

- An irrevocable letter of credit or
- The deposit of securities in a form satisfactory to the District (i.e. cash or certified cheque)

Council may, under section 496 of the *Local Government Act*, establish the amount of security to guarantee the performance of the permit. If Council decides to exercise its option to require security, the amount must be clearly identified in the Development Permit.

Under section 502 (3), if the applicant does not satisfy the conditions of the Development Permit, the District may undertake, at the expense of the holder of the permit, the works, construction or other activities required to:

- Satisfy the landscaping condition
- Correct the unsafe condition or
- Correct the damage to the environment

The security supplied to the District of Tumbler Ridge may be used to pay for the cost of these works, with any excess to be returned to the holder of the Permit.

As outlined in section 504 of the *Local Government Act*, if the holder of a Development Permit does not substantially start any construction with respect to the project for which the Permit was issued within two (2) years of the date of issue, the Permit lapses.

Preparation of Development Permit

4.13 If the application is approved by Council resolution, the Approving Officer or designate prepares the final Development Permit and prepares a record of the Development Permit for District files.



Issuance of Permit

- 4.14 The Approving Officer or his or her designate then issues the permit and notifies the applicant in writing.

Notice Filed at Land Title Office

- 4.15 Under section 503 (1) of the *Local Government Act*, when the District issues a Development Permit, it must file notice with the New Westminster Land Title Office that the land described in the notice is subject to the Development Permit. On filing, the registrar will make a note of the filing against the title to the land affected.

The District of Tumbler Ridge may also send a copy of the Development Permit to other government agencies whose interest may be affected.

If the Development Permit is amended or cancelled, under section 503 (3) of the *Local Government Act*, the District of Tumbler Ridge must file notice with the New Westminster Land Title Office. On filing, the registrar will make note of the filing against the title to the land affected.



5.0 BOARD OF VARIANCE

Scope

The Board's Authority

Where a local government has adopted a Zoning Bylaw, it must, by Bylaw, establish a Board of Variance. Section 536 of the *Local Government Act*, (R.S.B.C. 2015, c.1) provides the Board of Variance with the authority to consider applications from individuals who allege that compliance with any of the following would cause the person hardship:

- A Bylaw respecting the siting, dimensions or size of a building or structure, or the siting of a manufactured home in a manufactured home park
- A Bylaw respecting the protection of trees
- The prohibition of a structural alteration or addition to a non-conforming use
- Subdivision servicing requirements under section 506 (1) (c) of the *Local Government Act* in an area zoned for agricultural or industrial use

Hardship may be defined as a grievous circumstance that results from aspects of the site (e.g. a steep slope that makes a portion of the parcel unsuitable for development), as opposed to hardships generated by the owner.

An individual may also apply to the Board of Variance under section 544 (1) of the *Local Government Act* if the person alleges that the building inspector is in error in determining the extent of damage preventing reconstruction as a non-conforming use.

Minor Variances

The Board of Variance's authority is limited to provide minor variances. A minor variance is a term that limits the scope of the variances that the Board of Variance may allow. Bylaw requirements cannot be varied significantly. With respect to buildings and structures, the Board of Variance has the jurisdiction to deal with existing development. With these applications, a commonly used approach is to limit variances to 10% of the current requirements of the Bylaw.



Other Options

If the applicant requests a variance in excess of 10% of a Bylaw, a variance for new development, or a variance affecting the permitted uses and densities under the applicable bylaw, then the Approving Officer or his or her delegate will advise the applicant to pursue other options. These alternative options include:

- Development Variance Permits
- Official Community Plan Amendments
- Zoning Bylaw Amendments

The general procedures for applications to the Board of Variance are outlined below.

Process

The general procedure for applications to the Board of Variance is as follows:

Preliminary Inquiry

- 5.1 The applicant makes a preliminary inquiry to the Approving Officer or his or her delegate regarding the proposed application. Only applications that are appropriate to the Board of Variance jurisdiction will be accepted. In the event that the application is not appropriate, the applicant will be advised of other avenues to consider.

Submission of Application

- 5.2 The appropriate and most current application form is provided to the applicant and must be filled out with respect to:
 - Applicant's Name & Address
 - Registered Owner's Name & Address
 - Legal Description of Property
 - Location of Property
 - Parcel Size
 - Current OCP Designation
 - Current Zoning Designation
 - Description of Current Land Use/Development
 - Description of Proposed Use/Development



- Proposed Variation and/or Supplement to the Existing Regulations
- Additional Information (reasons and comments in support of the application)

Additional information and materials that are required to be submitted along with the application form include:

- Application Fee
- Certificate of Title (a title search dated no more than 30 days prior to submission of the application for proof of ownership)
- Authorization of Owner written authorization from the registered property owner which allows the applicant to apply on behalf of the owner, if the applicant is not the registered property owner

At the time of providing application forms, the Approving Officer or designate shall indicate which of the following information shall accompany the application:

- Dimensioned Sketch Plan showing the location of existing buildings, structures and uses
- Dimensioned Site Development Plan indicating the proposed use, future buildings or structures and highway access points
- Front and Side Elevation Drawings to a minimum scale of 1:50
- Contour Map (plan) drawn to specified scale
- Other relevant technical information

Applicant Notified of Hearing

- 5.3 The Approving Officer, or designate, sets the time and date of the Board of Variance Hearing in consultation with the Chairperson of the Board. The applicant is notified of the time, date and place of the Hearing. If invited to make a presentation, the applicant shall be informed in writing.

Notification of Neighbouring Owners & Tenants

- 5.4 Where the applicant alleges hardship under section 540 of the *Local Government Act*, the Board of Variance must notify all owners and tenants in occupation of land that are the subject of the application, as well as adjacent owners and tenants within 100 metres of the subject property. The notice must state the subject matter of the application and the time and place where the application will be heard.



Technical Review

- 5.5 The Approving Officer, delegate or the Building Inspector reviews the application and submits a report and recommendation to the Board of Variance.

Board of Variance Hearing

- 5.6 At the Board of Variance meeting, the Board must hear any person who wishes to speak to the application. Board meetings are open to the public.

Decision of the Board of Variance

- 5.7 The Board of Variance has three (3) options available once the application is considered:
- Approving the application
 - Denying the application
 - Tabling the application pending further information

The reasons for the decision shall be recorded in the minutes of the meeting.

Applicant Notified of Decision

- 5.8 The Board of Variance must notify the applicant in writing and issue the variance if it is approved.

Appeals to the Board of Variance

- 5.9 The decision of the Board of Variance is final except that the decision may be appealed to the Supreme Court if it respects a determination of the Building Inspector under section 544 of the *Local Government Act*.

Variance Filed with District

- 5.10 The Board of Variance shall maintain a record of all its decisions, and shall ensure that the record is available for public inspection during normal business hours under section 539 (4) of the *Local Government Act*.



6.0 DEVELOPMENT VARIANCE PERMITS

Scope

A Development Variance Permit, under section 498 of the *Local Government Act* (R.S.B.C. 2015, c.1), is a permit issued by Council that varies the provisions of a number of District of Tumbler Ridge (District) Bylaws, including provisions pertaining to:

- Zoning (e.g. setback and height restrictions)
- Parking (e.g. number of spaces required)
- Signs (e.g. dimensions, placement)
- Subdivision and development servicing (e.g. services required, pipe sizes)
- Section 8 (3) (g) of the *Community Charter* in relation to trailer courts, manufactured home parks and camping grounds

The Approving Officer should not accept applications that intend to vary the use or density specified in District Bylaws. If the applicant seeks to vary use or density, it should be suggested that the applicant consider other avenues such as an amendment to the Official Community Plan and/or Zoning Bylaws.

Process

The general process for the issuance of a Development Variance Permit is outlined below.

Preliminary Inquiry

- 6.1 The applicant makes a preliminary inquiry to the Approving Officer or his or her delegate regarding the proposed application. Only applications that are appropriate for a Development Variance Permit will be accepted. If it is determined that the request does not fall under the normal parameters of a development variance permit (i.e. request for variance is less than 10% of a Bylaw), a suggestion will be made to the applicant to consider a Board of Variance Application.



Submission of Application

6.2 The appropriate and most current application form is provided to the applicant. The application form must be filled out with respect to:

- Applicant's Name & Address
- Registered Owner's Name & Address
- Legal Description of Property
- Location of Property
- Parcel Size
- Current OCP Designation
- Current Zoning Designation
- Description of Current Land Use/Development
- Description of Proposed Use/Development
- Proposed Variation and/or Supplement to the Existing Regulations
- Additional Information (reasons and comments in support of the application)

Additional information and materials that are required to be submitted along with the application form include:

- Application Fee for the Development Variance Permit
- Application Fee for the Site Profile
- Completed Site Profile Form (Schedule 1) as stated under section 556 and 557 of the *Local Government Act*. A completed Site Profile (Schedule 1) is not required if:
 - None of the activities listed in Schedule 2 of the Contaminated Sites Regulation has occurred, (unless the Director of Waste Management or the District requires parts of the profile to be completed for their own records)
 - If a site has been used exclusively for residential use
 - The application does not involve soil excavation
- Certificate of Title (a title search dated no more than 30 days prior to submission of the application for proof of ownership)
- Authorization of Owner written authorization from the registered property owner which allows the applicant to apply on behalf of the owner, if the applicant is not the registered property owner

At the time of providing application forms, the Approving Officer or designate shall indicate which of the following information shall accompany the application:



- Dimensioned Sketch Plan showing the location of existing buildings, structures and uses
- Dimensioned Site Development Plan indicating the proposed use, future buildings or structures and highway access points
- Contour Map (plan) drawn to a specified scale
- Other relevant technical information.

Site Profile (Contaminated Sites)

6.3 As per section 40 (1) of the *Environmental Management Act*, a site profile must be provided when an application is made for a development variance permit for land that was used for industrial or commercial activity.

Once a completed Site Profile has been received, the Approving Officer or delegate must:

1. Determine if the site profile has been satisfactorily completed
2. Determine if the site profile is legally required
3. Assess the site profile. Once a completed Site Profile has been received, the Approving Officer or delegate has 15 business days to do the following:
 - Forward the Site Profile to the Director under the *Environmental Management Act* if there are any "YES" answers to the checklist in the site profile (the application is then 'frozen' until a response is received from the Director)
 - Forward the Site Profile to the Site Registrar if there are no "YES" answers to the checklist in the site profile (and the application process proceeds)
 - Notify the applicant in writing whether or not the site profile has been forwarded to the Director

Once the Director receives the site profile from the District, he or she has 15 business days to do the following:

- Determine if a site investigation is needed
- Notify the District and the applicant of the decision

The Director may extend, by an extra 15 business days, to the time to reach a decision on the need for a site investigation. If a site investigation is needed, the application cannot proceed until the District obtains written consent from the Director.



Preparation of Draft Permit

6.4 The Approving Officer or designate prepares a first draft of the permit and submits it along with the application form and any other pertinent information to Council for their preliminary consideration.

Council Authorizes Notification

6.5 After Council reviews the information submitted, there are two (2) options:

- Authorize notification of Council's approval in principle and proceed with the technical review
- Deny the application

If denied, the applicant may not reapply for a Development Variance Permit until six (6) months after the date of refusal. In accordance with section 460 (3) of the *Local Government Act*, the time limit for any reapplication may be varied by an affirmative vote of at least 2/3 of the local government members eligible to vote on the application.

Notification of Neighbouring Owners & Tenants

6.6 The District notifies all owners and tenants in occupation of land that is the subject of the application, as well as owners and tenants within a 100 metre radius of the subject property. The notice must state the subject matter of the application and the time and place where the application will be heard.

Technical Review

6.7 Once Council authorizes notification, the Approving Officer, with the appropriate District Staff, conduct a technical review. The review will consider the nature of the application and its potential impact on:

- Health and safety
- Visual appearance
- Site rehabilitation plans
- Linkages to parks and trails
- Good planning and engineering practices



In addition, the Approving Officer may seek input from the District's planning consultants.

The review may reveal that further information is required from the applicant. If so, the application may be held until the required information is obtained.

Referral to Government Agencies

6.8 The application may also be forwarded to other agencies as necessary, including:

- District of Tumbler Ridge Public Works Department
- District of Tumbler Ridge Fire Department
- Peace River Regional District
- Ministry of Energy, Mines & Petroleum Resources
- Ministry of Environment & Climate Change Strategy
- Ministry of Municipal Affairs & Housing
- Ministry of Transportation and Infrastructure

Note: Section 80 of the Land Title Act mandates that the approval from the Ministry of Transportation and Infrastructure is required if a subdivision affects land adjacent to a controlled access highway (e.g. Highway 29).

- Forests, Lands, Natural Resource Operations & Rural Development
- Fisheries and Oceans Canada
- BC Assessment
- Northern Health Authority
- School District #59 (Peace River South)
- Canada Post Corporation
- Utility Companies (e.g. gas, hydro, cablevision)

Under section 505 of the *Local Government Act*, approval of the Ministry of Transportation and Infrastructure is required if the application is for a commercial or industrial development over 4,500 m² gross floor area within 800 metres of a controlled access highway.

Submission of Report to Council

6.9 The Approving Officer or designate submits the technical report, application form, draft permit and a recommendation to Council.



Final Consideration by Council

- 6.10 Council receives the report from the Approving Officer or designate. Council will consider the application in light of the information received. Council then has four (4) options:
1. By resolution, issue the Development Variance Permit
 2. By resolution, issue the Development Variance Permit as amended
 3. Table consideration of the application so additional information can be provided
 4. Deny the application

If denied, the applicant may not reapply for a Development Variance Permit until six (6) months after the date of refusal. In accordance with section 460 (3) of the *Local Government Act*, the time limit for any reapplication may be varied by an affirmative vote of at least 2/3 of the local government members eligible to vote on the application.

Preparation of Development Variance Permit

- 6.11 If the application is approved by Council resolution, the Approving Officer or designate issues the permit and prepares a record of the permit for District files.

Issuance of Permit

- 6.12 The Approving Officer or designate then issues the permit and notifies the applicant in writing of the decision.

As outlined in section 504 of the *Local Government Act*, if the holder of a Development Variance Permit does not substantially start any construction with respect to the project for which the Permit was issued within two (2) years of the date of issue, the Permit lapses.

Permit Filed at Land Title Office

- 6.13 Under section 503 (1) of the *Local Government Act*, when the District issues a Development Variance Permit, it must file notice with the New Westminster Land Title Office that the land described in the notice is subject to the Permit. On filing, the registrar will make a note of the filing against the title to the land affected.

The District may also send a copy of the Development Variance Permit to other government agencies whose interest may be affected.



If the Development Variance Permit is amended or cancelled, under section 503 (3) of the *Local Government Act*, the District of Tumbler Ridge must file notice with the New Westminster Land Title Office. On filing, the registrar will make note of the filing against the title to the land affected.



7.0 TEMPORARY COMMERCIAL AND INDUSTRIAL PERMITS

Scope

Under section 492 of the *Local Government Act*, the District of Tumbler Ridge may designate areas in which temporary commercial and industrial uses may occur by means of a Temporary Use Permit. In areas identified in the Official Community Plan, under section 492 of the *Local Government Act*, Temporary Industrial and Commercial Permits may, by Council resolution:

- Allow for any commercial or industrial use, including the provision of temporary tourist accommodations and the processing of natural materials
- Permit the construction or use of buildings and structures to accommodate those people who work there
- Specify the conditions under which the temporary commercial or industrial work may be undertaken

Once the District has issued a Temporary Industrial or Commercial Permit, the permit holder has the right to use the land in the manner described in the permit until the permit expires or two years after the permit was issued, whichever occurs first. Under section 497 of the *Local Government Act*, the permit holder may apply to have the permit renewed for another specified period but the Temporary Industrial or Commercial Permit may only be renewed once.

Under section 495 (1) of the *Local Government Act*, the District may require the applicant, as a condition of the permit, to demolish or remove a building and restore the land to a specified condition by a certain date. If the Permit Holder fails to comply with those conditions, under section 495 (3) of the *Local Government Act*, the District may enter the property and carry out the work at the Permit Holder's expense.

The District may also require the applicant to give security to guarantee the performance of the permit conditions. Under to section 496 (1) and (2) of the *Local Government Act*, the permit will set out the form of security and the means for determining when there is a default under the permit and the amount forfeited to the District for that default.

The general process for issuing Temporary Commercial and Industrial Permits is outlined below.



Process

Preliminary Inquiry

- 7.1 The applicant meets with the Approving Officer or designate to discuss the application and confirm that a Temporary Commercial or Industrial Permit is required for their proposal. In the event that the application addresses land that is not designated as a Temporary Commercial and Industrial Area, it should be suggested that the applicant consider other avenues such as an amendment to the Official Community Plan and/or Zoning Bylaws.

Submission of Application

- 7.2 The appropriate and most current application form is given to the applicant. The application form must be filled out with respect to:

- Applicant's Name and Address
- Registered Owner's Name and Address
- Legal Description of Property
- Location of Property (street address of property, general description or map)
- Parcel Size (area, number of parcels)
- Current OCP Designation
- Current Zoning Designation
- Description of Current Land Use/Development
- Description of Proposed Use/Development
- Proposed Variation and/or Supplement to Existing Regulations
- Commencement Date of Proposed Project
- Additional Information (reasons and comments in support of application)

Other necessary material that must be submitted includes:

- Application Fee for the Temporary Commercial and Industrial Permit
- Certificate of Title (a title search dated no more than 30 days prior to submission of the application for proof of ownership)
- Authorization of Owner written authorization from the registered property owner which allows the applicant to apply on behalf of the owner, if the applicant is not the registered owner



At the time of providing application forms, the Approving Officer or designate shall indicate which of the following information shall accompany the application:

- Dimensioned Sketch Plan showing the location of existing buildings, structures, uses and any natural features on or adjacent to the property
- Dimensioned Site Development Plan showing proposed buildings, structures, vehicle access, parking layout, etc.
- Contour Map (plan) drawn to a specified scale
- Other relevant technical information

Preparation of Draft Permit

7.3 Once the completed application is received, the Approving Officer or his or her designate reviews the application and prepares a first draft of the Temporary Commercial and Industrial Permit and submits it along with the application form and any other pertinent information for Council's preliminary consideration.

Council Authorizes Notification

7.4 After Council reviews the information submitted it has two (2) options:

- Authorize notification of Council's approval in principle and proceed with the technical review
- Deny the application

If denied, the applicant may not reapply for a Temporary Commercial and Industrial Permit until six months (6) after the date of refusal. In accordance with section 460 (3) of the *Local Government Act*, the time limit for any reapplication may be varied by an affirmative vote of at least 2/3 of the local government members eligible to vote on the reapplication.



Technical Review

7.5 Once Council authorizes notification of approval in principle to proceed, the Approving Officer or designate proceeds with the technical review of the application. This review should address the appropriateness of the application according to:

- Impacts on adjacent properties
- Views and privacy
- Appropriateness of use
- Health and safety
- Height
- Setbacks
- Other appropriate planning considerations

In addition, the Approving Officer may seek input from the District's planning and engineering consultants.

Referral to Government Agencies

7.6 At the discretion of the Approving Officer or designate, the Temporary Commercial and Industrial Permit application may be referred to appropriate agencies whose interests may be affected. These agencies may include but should not be limited to:

- District of Tumbler Ridge Public Works Department
- District of Tumbler Ridge Fire Department
- Peace River Regional District
- Ministry of Energy, Mines & Petroleum Resources
- Ministry of Environment & Climate Change Strategy
- Ministry of Municipal Affairs & Housing
- Ministry of Transportation and Infrastructure
Note: Section 80 of the Land Title Act mandates that the approval from the Ministry of Transportation and Infrastructure is required if a subdivision affects land adjacent to a controlled access highway (e.g. Highway 29).
- Forests, Lands, Natural Resource Operations & Rural Development
- Fisheries and Oceans Canada
- BC Assessment
- Northern Health Authority
- School District #59 (Peace River South)
- Canada Post Corporation



- Utility Companies (e.g. gas, hydro, cablevision)

Notification

7.7 Under section 494 of the *Local Government Act*, the District must publish a notice in local newspaper at least 3 and not more than 14 days before the adoption of the resolution to issue the permit. The notice must state:

- the purpose of the proposed permit
- the land that is the subject of the proposed permit
- the date, time and place where copies of the proposed permit may be inspected
- the date, time and place where the application will be heard

Submission of Report to Council

7.8 The Approving Officer or designate submits the technical report, application form, draft permit and a recommendation to Council.

Council may decide that a public meeting may be beneficial to gain input with respect to the proposed permit. Such a meeting is neither mandatory nor required by the *Local Government Act*.

Final Consideration by Council

7.9 Council will consider the proposed Temporary Industrial and Commercial Permit application in light of the input received. Council then has four (4) options:

- By resolution, issue the Temporary Industrial and Commercial Permit
- By resolution, issue the Temporary Industrial and Commercial Permit as amended
- Request additional information before a resolution is passed
- Deny the application for a Temporary Industrial and Commercial Permit

If denied, the applicant may not reapply for a Temporary Commercial and Industrial Permit until 6 months after the date of refusal. In accordance with section 460 (3) of the *Local Government Act*, the time limit for any reapplication may be varied by an affirmative vote of at least 2/3 of the local government members eligible to vote on the reapplication.



As outlined in section 504 of the *Local Government Act*, if the holder of a Temporary Commercial and Industrial Permit does not substantially start any construction with respect to the project for which the Permit was issued within two years of the date of issue, the Permit lapses.

Provision of Security

7.10 Under section 496 (1) of the *Local Government Act*, Council may require that the Temporary Use Permit applicant provide security through any of the following forms acceptable to the District of Tumbler Ridge:

- An irrevocable letter of credit or
- The deposit of securities in a form satisfactory to the District (i.e. cash or certified cheque)

Council may, under section 496 (1) of the *Local Government Act*, establish the amount of security to guarantee the performance of the permit. If Council decides to exercise its option to require security, the amount must be clearly identified in the Development Permit.

Under section 495 (3) if the applicant does not satisfy the conditions of the Development Permit, the District may undertake, at the expense of the holder of the permit, the works, construction or other activities required to:

- Satisfy the landscaping condition
- Correct the unsafe condition
- Correct the damage to the environment

The security supplied to the District of Tumbler Ridge may be used to pay for the cost of these works, with any excess to be returned to the holder of the Permit.

Issuance of Permit

7.11 If the application is approved by Council resolution, the Approving Officer or designate prepares the final Temporary Industrial and Commercial Permit. Once the necessary approvals are received, the District issues the Temporary Industrial and Commercial Permit and prepares a record of the Temporary Industrial and Commercial Permit for District files.



Notice Filed at Land Title Office

- 7.12 Under section 503 (1) of the *Local Government Act*, when the District issues a Temporary Industrial and Commercial Permit, it must file notice with the New Westminster Land Title Office that the land described in the notice is subject to the Temporary Commercial and Industrial Permit. On filing, the registrar will make a note of the filing against the title to the land affected.

The District may also send a copy of the Temporary Commercial or Industrial Permit to other government agencies whose interest may be affected.

If the Temporary Industrial and Commercial Permit is amended or cancelled, under to section 503 (3) of the *Local Government Act*, the District of Tumbler Ridge must file notice with the New Westminster Land Title Office. On filing, the registrar will make note of the filing against the title to the land affected.