



# **Planning and Development Procedures and Fees**

Bylaw 1336

Effective 2020 December

**CASTLEGAR**

### **A bylaw to establish procedures and fees for the processing of land development applications.**

WHEREAS the Council of the City of Castlegar shall, by bylaw, define procedures under which an owner of land may apply for amendment to an official community plan, zoning bylaw, or for the issuance of a permit pursuant to Section 460 of the *Local Government Act*;

AND WHEREAS Council has designated areas within where a Temporary Use Permit may be issued and within which Development Permits are required;

AND WHEREAS Council may, by bylaw, specify a distance from a property under application for the purposes of notifying owners and occupants of proposed bylaw amendments and permits;

AND WHEREAS Council may, by bylaw, delegate its powers, duties and functions to an officer or employee of the municipality;

NOW THEREFORE the Council of the City of Castlegar in open meeting assembled enacts as follows:

#### **1 PART 1: TITLE**

- 1.1 This Bylaw may be cited for all purposes as 'Planning and Development Procedures and Fees Bylaw No. 1336, 2020'.

#### **2 PART 2: DEFINITIONS**

- 2.1 In this Bylaw, unless context requires otherwise:

**Applicant** means any landowner who makes application under the provisions of this Bylaw or anyone who is authorized by the owner of the lands to make application.

**Application** means an application for an official community plan amendment, zoning bylaw amendment, temporary use permit, development variance permit, or development permit.

**Application Form** means a form provided by the City of Castlegar for the purposes of application for an official community plan amendment, zoning bylaw amendment, temporary use permit, development variance permit, or development permit.

**Minor Development Permit** means a permit approved by an officer or employee of the City of Castlegar as delegated by Council which conforms to the Development

Permit Guidelines of the Official Community Plan and does not require any development variances and that meets the following criteria:

- a. the addition of floor space of less than 20 square meters or 20% of the existing gross floor area, whichever is greater;
- b. façade improvements for buildings that do not require any structural alterations;
- c. additions or exterior improvements that do not exceed \$10,000 in value; and
- d. landscaping and screening

**Minor Temporary Use Permit** means a permit approved by an officer or employee of the City of Castlegar as delegated by Council that does not require any development variances and that meets the following criteria:

- a. is not within a designated residential zone
- b. does not exceed 12 months in duration
- c. is appropriate to the zone in which it is proposed

**Security Deposit** means an unconditional irrevocable letter of credit or deposit of securities in a form satisfactory to the City of Castlegar.

### 3 PART 3: SCOPE

- 3.1 This Bylaw establishes fees and procedures in relation to the following:
  - a. An Amendment to the Official Community Plan and/or Zoning Bylaw
  - b. A Development Permit
  - c. A Development Variance Permit
  - d. A Temporary Use Permit

### 4 PART 4: APPLICATION

- 4.1 Applications shall be made by the owner of the land or by the person authorized by the owner.
- 4.2 Applications shall be submitted to the Manager of Planning, Development and Sustainability or their designate, on the applicable form provided by the City of Castlegar.
- 4.3 The City may require a site visit or further information to be provided after the initial application and prior to proceeding to Council.

- 4.4 Applications shall contain all applicable information and follow the procedures as prescribed in the following Schedules, which are attached to, and form part of this Bylaw:
- a. Procedures for application to amend the Official Community Plan and/or Zoning Bylaw are outlined as Schedule 1 of this Bylaw.
  - b. Procedures for application for a Development Permit are outlined as Schedule 2 of this Bylaw.
  - c. Procedures for application for a Development Variance Permit are outlined as Schedule 3 of this Bylaw.
  - d. Procedures for application for a Temporary Use Permit are outlined as Schedule 4 of this Bylaw.
  - e. Procedures for the calculation and release of a security deposit as required as part of a Development Permit, Development Variance Permit or Temporary Use Permit are outlined as Schedule 5 of this Bylaw.
- 4.5 Application fees, in accordance with Schedule 6 of this Bylaw, are payable to the City of Castlegar at the time of application submission.
- 4.6 Applications will not be considered complete and will not be processed until all the necessary documentation and application fees have been received.
- 4.7 Where an application has been refused by Council, the Manager of Planning, Development or Sustainability, or their designate, shall notify the applicant in writing within fifteen (15) days immediately following the date of refusal.
- 4.8 Applications that are refused by Council will not be reconsidered within six (6) months of refusal, unless the City has deemed the application to be substantially different from that originally submitted.
- 4.9 Applications under this Bylaw shall be considered lapsed and new application required where the applicant has not communicated and/or submitted outstanding materials or information within six (6) months of the initial receipt of the application by the City or where a decision on the application has not been made within eighteen (18) months of the initial receipt of application. Upon written request by an applicant prior to lapse of an application, Council, may extend the deadline for a period of six (6) months from the date of request, by resolution.

## **5 PART 5: DELEGATION**

- 5.1 Council delegates its authority to issue and amend minor Development Permits and minor Temporary Use Permits to the Manager of Planning, Development and Sustainability or their designate.

- 5.2 Where the Manager of Planning, Development and Sustainability or their designate has refused issuance or required amendment of a minor Development Permit or minor Temporary Use Permit, the applicant may request that Council reconsider the decision, within thirty (30) days immediately following the date of refusal or amendment. Requests must be received in writing.

## 6 PART 6: NOTIFICATION

- 6.1 At least fourteen (14) working days prior to consideration of First Reading for an amendment to an Official Community Plan and/or Zoning Bylaw, the Manager of Planning, Development and Sustainability, or their designate, must:
- Mail or otherwise deliver written notification of application to the applicant, advisory planning commission, applicable agencies and registered owners or occupiers of real property located within 60 meters of the subject property or properties.
  - This requirement is not applicable to amendments of the Official Community Plan and/or Zoning Bylaw that involve more than ten (10) properties.
- 6.2 At least fourteen (14) working days prior to a Public Hearing for an amendment to the Official Community Plan and/or Zoning Bylaw, the Manager of Planning, Development and Sustainability, or their designate, must:
- Mail or otherwise deliver written notification of the Public Hearing to the applicant and registered owners or occupiers of real property located within 60 meters of the subject property or properties.
  - This requirement is not applicable to amendments of the Official Community Plan and/or Zoning Bylaw that involve more than ten (10) properties.
  - Publish notice in accordance with the requirements of the *Local Government Act*.
- 6.3 At least fourteen (14) working days prior to consideration of issuance of a Development Variance Permit, the Manager of Planning, Development and Sustainability, or their designate, must:
- Mail or otherwise deliver written notification of application to the applicant, advisory planning commission, applicable agencies and registered owners or occupiers of real property located within 60 meters of the subject property or properties.
- 6.4 At least fourteen (14) working days prior to consideration of the issuance of a Temporary Use Permit, the Manager of Planning, Development and Sustainability, or

their designate, must:

- a. Mail or otherwise deliver written notification of application to the applicant, advisory planning commission, applicable agencies and registered owners or occupiers of real property located within 60 meters of the subject property or properties.
- b. Publish notice in accordance with the requirements of the *Local Government Act*.

- 6.5 Applications for an amendment to an Official Community Plan and/or Zoning Bylaw or Temporary Use Permit shall be required to post a Notice of Proposal sign as provided by the City at the time of notification as outlined in Sections 6.1 and 6.4 of this Bylaw and as per the specifications of Schedule 7 of this Bylaw.

## **7 PART 7: SCHEDULES**

- 7.1 The following Schedules are attached to, and form part of this Bylaw:
- a. Schedule 1: Procedures for application to amend the Official Community Plan and/or Zoning Bylaw
  - b. Schedule 2: Procedures for application for a Development Permit
  - c. Schedule 3: Procedures for application for a Development Variance Permit
  - d. Schedule 4: Procedures for application for a Temporary Use Permit
  - e. Schedule 5: Procedures for the calculation and release of a Security Deposit
  - f. Schedule 6: Fees and Charges
  - g. Schedule 7: Notice of Proposal Signage

## **8 PART 8: SEVERABILITY AND REPEAL**

- 8.1 If any portion of this Bylaw is declared invalid by a court, the invalid portion shall be severed and the remainder of the Bylaw is deemed valid.
- 8.2 City of Castlegar Development Approvals Bylaw No. 781, 1996 and all amendments thereto are hereby repealed.

READ a first time this 7<sup>th</sup> day of December, 2020.

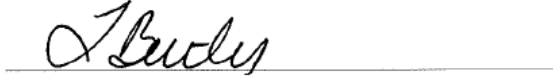
READ a second time this 7<sup>th</sup> day of December, 2020.

READ a third time this 7<sup>th</sup> day of December, 2020.

ADOPTED this 21<sup>st</sup> day of December, 2020.



Bruno Tassone  
Mavor



Tracey Butler  
Director of Corporate Services

**SCHEDULE 1: Procedures for application to amend the Official Community Plan and/or Zoning Bylaw**

REQUIRED DOCUMENTATION	NOTES
1. Completed Application Form	Applicant will provide a Completed Application Form as provided by the City of Castlegar, including agent authorization, if not the property owner.
2. Project Proposal	Applicant will provide detail as to their development proposal and what changes to the current regulations are being requested. Applicants should include any anticipated benefits or impacts to the city and surrounding property owners.
3. Site Plan	Applicant will provide a detailed site plan for each property under application, including: <ul style="list-style-type: none"> <li>• Location and siting of proposed development (including dimensions and measurements from property lines)</li> <li>• Location and detail of existing right of ways, easements, restrictive covenants</li> <li>• Location and siting of any proposed screening, landscaping or other improvements</li> <li>• Location and siting of any existing and/or proposed infrastructure such as water, sewer and drainage</li> </ul>
4. Site Profile	A completed site profile is required for any property where it is reasonably known to have been used, or is currently being used, for commercial and/or industrial activity.
5. Title	A Certificate of Title as issued within the last thirty (30) days of making application.
6. Additional Requirements	Professional reports or other supportive material may be requested. Supportive material may include traffic impact assessments, geotechnical assessments, infrastructure impact analysis, environmental assessments or other supportive documentation applicable to the proposed development.

**PROCESS FOR OFFICIAL COMMUNITY PLAN AND/OR ZONING BYLAW AMENDMENTS**

- Applicant makes arrangements to have a pre-application meeting where staff can advise on application requirements and timelines.
- Completed Application Form and Required Documentation is submitted and reviewed by staff. This includes notification and review by other applicable City of Castlegar departments. Staff will notify the applicant of any deficiencies. Incomplete Applications will not be processed until such a time as required documentation is received.
- Applicants will be required to post a Notice of Proposal sign as provided by the City at the time of notification.
- Staff will prepare a referral package for notification of the applicant, advisory planning commission, applicable agencies and registered owners or occupiers of real property located



within 60 meters of the subject property or properties. If appropriate, a Public Information Meeting will be requested, at the applicant's expense.

- Following the notification period staff will prepare a report to Council for consideration of First and/or Second Reading and referral to Public Hearing.
- If Council provides First and/or Second Reading and referral to Public Hearing, notification of Public Hearing shall be prepared and delivered accordingly to the requirements of the Local Government Act. The requirements of a Public Hearing may be waived in circumstances in which the proposed amendments are in alignment with the Official Community Plan.
- Following the Public Hearing, Council may consider the proposed amendments further and may choose to refuse, table or impose conditions on the amendments. No further public submission is permitted following a Public Hearing. Specific amendments may require Provincial approval prior to Adoption. These include proposals within 800 metres of a controlled access highway or proposals involving commercial or industrial buildings exceeding 4,500 square metres in gross floor area.

**SCHEDULE 2: Procedures for application for a Development Permit**

REQUIRED DOCUMENTATION	NOTES
1. Completed Application Form	Applicant will provide a Completed Application Form as provided by the City of Castlegar, including agent authorization, if not the property owner.
2. Project Proposal	Applicant will provide detail as to their development proposal. Applicants should include any anticipated benefits or impacts to the city and surrounding property owners.
3. Site Plan	Applicant will provide a detailed site plan for each property under application, including: <ul style="list-style-type: none"> <li>• Location and siting of proposed development (including dimensions and measurements from property lines)</li> <li>• Location and detail of existing right of ways, easements, restrictive covenants</li> <li>• Location and siting of any proposed screening, landscaping or other improvements</li> <li>• Location and siting of any existing and/or proposed infrastructure such as water, sewer and drainage</li> <li>• Additional requirements may include: standard building elevation drawings, landscape and streetscape drawings</li> </ul>
4. Site Profile	A completed site profile is required for any property where it is reasonably known to have been used or is currently being used for commercial and/or industrial activity.
5. Title	A Certificate of Title as issued within the last thirty (30) days of making application.
6. Additional Requirements	Professional reports or other supportive material may be requested. Supportive material may include traffic impact assessments, geotechnical assessments, infrastructure impact analysis, environmental assessments or other supportive documentation applicable to the proposed development.
PROCESS FOR DEVELOPMENT PERMITS	
<ul style="list-style-type: none"> <li>• Applicant makes arrangements to have a pre-application meeting where staff can advise on application requirements and timelines.</li> <li>• Completed Application Form and Required Documentation is submitted and reviewed by staff. This includes notification and review by other applicable City of Castlegar departments. Staff will notify the applicant of any deficiencies. Incomplete Applications will not be processed until such a time as required documentation is received.</li> <li>• Staff will review the completed Application and may impose conditions including a request for security to provide assurance of performance.</li> </ul>	

- Minor Development Permits shall be reviewed by the Manager of Planning, Development and Sustainability or their delegate, and issued or refused accordingly. If refused, the applicant may request reconsideration by Council within thirty (30) days of the refusal. Requests must be made in writing.
- Major Development Permits shall be presented for Council consideration. Council may consider to issue the Development Permit, issue the Development Permit with conditions, or refuse the Development Permit based on the applicable Development Permit Guidelines. Specific Development Permits may require Provincial approval prior to Issuance. These include proposals within 800 metres of a controlled access highway or proposals involving commercial or industrial buildings exceeding 4,500 square metres in gross floor area.
- Any Development Permit that requires variances to the specifications of a Zoning Bylaw or Subdivision and Development Servicing Bylaw will be required to make separate application for a Development Variance Permit.

**SCHEDULE 3: Procedures for application for a Development Variance Permit**

REQUIRED DOCUMENTATION	NOTES
1. Completed Application Form	Applicant will provide a Completed Application Form as provided by the City of Castlegar, including agent authorization, if not the property owner.
2. Project Proposal	Applicant will provide detail as to their development proposal and what variances to the current regulations are being requested. Applicants should include any anticipated benefits or impacts to the city and surrounding property owners.
3. Site Plan	Applicant will provide a detailed site plan for each property under application, including: <ul style="list-style-type: none"> <li>Location and siting of proposed development (including dimensions and measurements from property lines)</li> <li>Location and detail of existing right of ways, easements, restrictive covenants</li> <li>Location and siting of any existing and/or proposed infrastructure such as water, sewer, and drainage</li> </ul>
4. Site Profile	A completed site profile is required for any property where it is reasonably known to have been used or is currently being used for commercial and/or industrial activity.
5. Title	A Certificate of Title as issued within the last thirty (30) days of making application.
6. Additional Requirements	Professional reports or other supportive material may be requested.

PROCESS FOR DEVELOPMENT VARIANCE PERMITS
<ul style="list-style-type: none"> <li>Applicant makes arrangements to have a pre-application meeting where staff can advise on application requirements and timelines.</li> <li>Completed Application Form and Required Documentation is submitted and reviewed by staff. This includes notification and review by other applicable City of Castlegar departments. Staff will notify the applicant of any deficiencies. Incomplete Applications will not be processed until such a time as required documentation is received.</li> <li>Staff will review the completed Application and may impose conditions including a request for security to provide assurance of performance.</li> <li>Staff will prepare a referral package for notification of the applicant, advisory planning commission, applicable agencies and registered owners or occupiers of real property located within 60 meters of the subject property or properties.</li> </ul>

- 
- Following the notification period staff will prepare a report to Council. Council may consider to issue the Development Variance Permit, issue the Development Variance Permit with conditions, or refuse the Development Variance Permit based on the feedback received.

**SCHEDULE 4: Procedures for application for a Temporary Use Permit**

REQUIRED DOCUMENTATION	NOTES
1. Completed Application Form	Applicant will provide a Completed Application Form as provided by the City of Castlegar, including agent authorization, if not the property owner.
2. Project Proposal	Applicant will provide detail as to their development proposal and the seasonality or temporary nature of the proposal. Applicants should include any anticipated benefits or impacts to the city and surrounding property owners.
3. Site Plan	Applicant will provide a detailed site plan for each property under application, including: <ul style="list-style-type: none"> <li>Location and siting of proposed development (including dimensions and measurements from property lines)</li> <li>Location and detail of existing right of ways, easements, restrictive covenants</li> <li>Location and siting of any existing and/or proposed infrastructure such as water, sewer and drainage</li> </ul>
4. Site Profile	A completed site profile is required for any property where it is reasonably known to have been used or is currently being used for commercial and/or industrial activity.
5. Title	A Certificate of Title as issued within the last thirty (30) days of making application.
6. Additional Requirements	Professional reports or other supportive material may be requested. Supportive material may include traffic impact assessments, geotechnical assessments, infrastructure impact analysis, environmental assessments or other supportive documentation applicable to the proposed development.

PROCESS FOR TEMPORARY USE PERMITS
<ul style="list-style-type: none"> <li>Applicant makes arrangements to have a pre-application meeting where staff can advise on application requirements and timelines.</li> <li>Completed Application Form and Required Documentation is submitted and reviewed by staff. This includes notification and review by other applicable City of Castlegar departments. Staff will notify the applicant of any deficiencies. Incomplete Applications will not be processed until such a time as required documentation is received.</li> <li>Applicants will be required to post a Notice of Proposal sign as provided by the City at the time of notification.</li> </ul>

- Staff will prepare a referral package for notification of the applicant, advisory planning commission, applicable agencies and registered owners or occupiers of real property located within 60 meters of the subject property or properties and place notice accordingly to the requirements of the *Local Government Act*. If appropriate, a Public Information Meeting will be requested, at the applicant's expense
- Minor Temporary Use Permits shall be reviewed by the Manager of Planning, Development and Sustainability or their delegate, and issued or refused accordingly. If refused, the applicant may request reconsideration by Council within thirty (30) days of the refusal. Requests must be made in writing.
- Major Temporary Use Permits shall be presented for Council consideration. Council may consider to issue the Temporary Use Permit, issue the Temporary Use Permit with conditions, or refuse the Temporary Use Permit based on the feedback provided. Specific Temporary Use Permits may require Provincial approval prior to Issuance. These include proposals within 800 metres of a controlled access highway or proposals involving commercial or industrial buildings exceeding 4,500 square metres in gross floor area.

**SCHEDULE 5: Procedures for the calculation and release of Security Deposit**

The *Local Government Act* enables the City of Castlegar to require security as a condition of the issuance of a Development Permit, Development Variance Permit and Temporary Use Permit for the following purposes:

- To ensure that the performance of conditions associated with the issuance of Development Permit, Development Variance Permit or Temporary Use Permit are completed to the City's satisfaction.
- To remedy an unsafe condition that has resulted as a consequence of contravention of a condition in a Development Permit, Development Variance Permit or Temporary Use Permit
- To remedy damages to the natural environment that has resulted as a consequence of contravention of a condition in a Development Permit, Development Variance Permit or Temporary Use Permit

**PROCESS FOR THE CALCULATION OF SECURITY DEPOSIT****Form of Security**

Security shall be provided in a form allowable under the *Local Government Act* as either an automatically renewing irrevocable letter of credit or security deposit satisfactory to the Chief Financial Officer. Interest earned on the security accrues to the holder of the permit and must be paid to the holder immediately on return of the security, or on default, becomes part of the security amount.

**Amount of Security**

The amount of security must be specified in the permit and will be calculated as follows:

- a. Landscaping security shall be 125% of an itemized estimate or quote of the cost of work submitted by a Landscape Architect, Qualified Environmental Professional, landscaping company or other professional approved by the Manager of Planning, Development and Sustainability, or their designate.
- b. Remediation security shall be 125% of an itemized estimate or quote of the cost of work submitted by a Landscape Architect, Qualified Environmental Professional, landscaping company or other professional approved by the Manager of Planning, Development and Sustainability, or their designate.
- c. Security must be received prior to the issuance and registration of the applicable permit.

**Return of Security**

- d. If a permit is cancelled by the applicant and no work has occurred related to the security deposit, the security deposit will be returned in full.



- e. When works are required to be completed, the applicant may contact staff to request inspection prior to obtaining refund of the security. 80% of the security shall be returned following initial inspection if the landscaping and remediation works have been completed to the satisfaction of the City of Castlegar. The remaining 20% will be withheld for a period of two (2) years following the completion of works to ensure they are maintained.
- f. The City of Castlegar may require that the security inspection be carried out by the Landscape Architect, Qualified Environmental Professional, landscaping company or other professional that provided recommendation to ensure that the performance of conditions associated with the issuance of Development Permit, Development Variance Permit or Temporary Use Permit are completed as recommended.

**SCHEDULE 6: Fees and Charges**

APPLICATION TYPE	FEES AND CHARGES
Official Community Plan Amendment	\$ 1000
Zoning Bylaw Amendment	\$ 1000
Joint Official Community Plan and Zoning Amendment	\$ 1500
Public Notice Fee	\$ 500/per notice
Major Development Permit	\$ 1000
Minor Development Permit	\$ 500
Development Variance Permit	\$ 500
Major Temporary Use Permit	\$ 700
Minor Temporary Use Permit	\$ 500
Public Notice Fee	\$ 500/per notice
<p>Fees and charges are refundable under the following circumstances:</p> <ol style="list-style-type: none"> <li>1. Application fees for an Official Community Plan and/or Zoning Bylaw Amendment shall be refunded 50% of the application fee if the application is withdrawn or refused by Council prior to Public Hearing.</li> <li>2. Application fees for a Development Permit, Development Variance Permit or Temporary Use Permit shall be refunded 50% of the application fee if the application is withdrawn prior to proceeding to Council or to the Delegated Authority for minor Development Permits and minor Temporary Use Permits.</li> <li>3. Applications that are withdrawn or lapse prior to referral shall be refunded for the full amount of the application fee but charged a \$100 administrative fee.</li> </ol>	

**SCHEDULE 7: Notice of Proposal Signage**

Notice of Proposal Signage is required for the purposes of notification of the public of proposed Official Community Plan Amendments and/or Zoning Amendments and for Temporary Use Permits. Signage is intended to make it easier for residents to understand what is being proposed for their neighbourhood, learn more about proposed development applications and how to provide input. Once the public hearing for a proposed development is scheduled, applicants will be required to add a decal with the date and time to the sign to let the public know about the input opportunity. Public notice letters and advertisements advising the community of proposed changes to land use will also be distributed as required under the Local Government Act.

- Applicants will be required to post a Notice of Proposal sign as provided by the City at the time of notification.
- Notice of Proposal Signage shall stay in place until such a time as Council has made a decision regarding the proposed development.
- Signage shall be at a minimum of 8 feet by 4 feet and comprised of corrugated plastic or another durable material.
- Signage shall be coloured with a white background and include the following information:
  - Development Proposal
  - Property Address
  - Type of Application
  - Where to Find Additional Information
- Proposal text shall be prepared by Planning Staff and include an Application Number for tracking as assigned by Planning Staff and will include the Applicant's Name and Contact Information.
- Sign Installation shall meet the following requirements:
  - The bottom edge of the sign must be at minimum 1 metre above the ground and not more than 1.5 metres above the ground
  - The sign shall be located within 3 metres of the edge of pavement on any fronting road in a manner that is clearly visible by passer-bys
  - The sign shall be freestanding and installed in a manner that is capable of withstanding wind and weather events
- A Public Hearing decal is to be installed by the Applicant on the location specified after the Public Hearing date has been determined and as instructed by Planning Staff. This decal shall indicate the date, time and location of the Public Hearing.
- Notice of Proposal Signage shall be in the form provided by the City of Castlegar and as may change from time to time.

