

District of Barriere

REPORT TO COUNCIL

Request for Decision

Date: February 2, 2026	File: 530.20/Rpts
To: Council	From: Corporate Officer
Re: DRAFT Development Approvals Procedures Bylaw No. 269	
Recommendation: THAT Council give first three readings to Draft Development Applications Procedures Bylaw No. 269 that includes the repeal of the current District of Barriere Development Approval Procedures Bylaw No. 0049, 2009, including all Schedules.	

Purpose

The purpose of this report is to present Draft Development Applications Procedures Bylaw No. 269 to Council for consideration. The proposed bylaw repeals and replaces the District's current Development Approval Procedures Bylaw No. 0049, adopted in 2009, and establishes a modern, comprehensive, and legislatively aligned framework for the processing of development-related applications.

Background

The current Development Approval Procedures Bylaw No. 0049 was adopted in 2009 and has not undergone a comprehensive update since that time. While incremental legislative changes have occurred at the Provincial level, the existing bylaw relies on outdated terminology, references superseded legislation, and contains application processes and schedules that no longer reflect current best practices in development approvals.

In 2024–2025, the District undertook a comprehensive Development Approvals Procedures Review, completed by TRUE Consulting, with funding support secured through a successful Provincial grant. This review assessed the District's existing development approvals framework, internal processes, application requirements, and public notification practices, and provided detailed recommendations to improve clarity, transparency, efficiency, and legislative compliance. The review was presented to Council for review in September of 2025 and Council directed staff to prepare an updated Bylaw draft for consideration.

As directed by Council, Draft Development Applications Procedures Bylaw No. 269 has been prepared directly in response to the recommendations of the TRUE Consulting review and reflects current provincial legislation, including amendments to the *Local Government Act*, as well as contemporary best practices used by local governments across British Columbia.

Discussion

Summary of the Proposed Bylaw

Draft Bylaw No. 269 is intended to codify the development application process by clearly outlining:

- ✓ The types of development applications accepted by the District (OCP amendments, Zoning Bylaw

- ✓ amendments, Development Permits, Development Variance Permits, and Temporary Use Permits);
- ✓ The application requirements and submission procedures for applicants;
- ✓ How applications are reviewed and processed by District staff and Council;
- ✓ The applicable legislative authority for each application type;
- ✓ Notification and public engagement requirements;
- ✓ Delegated authority to staff where permitted under legislation; and
- ✓ The use and administration of security deposits.

The bylaw improves transparency for applicants and the public while providing staff with clear procedural authority and consistency in processing development applications.

It is important to note that Draft Bylaw No. 269 is procedural in nature and does not regulate the technical standards of subdivision or infrastructure installation. Those technical requirements (including servicing standards, construction specifications, warranty periods, and service agreements) will be addressed through a separate *Subdivision and Development Bylaw*, which is currently under development and is anticipated to be presented to Council for consideration in a future Council meeting, likely in the spring.

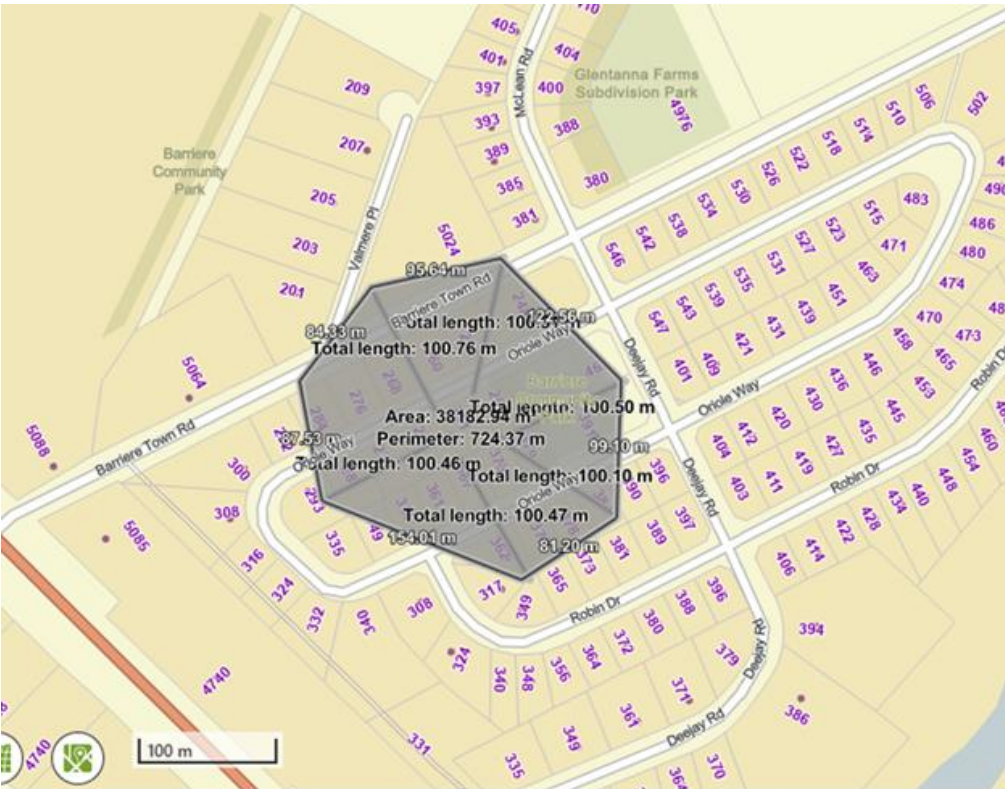
Key Differences Between Bylaw No. 0049 (2009) and Draft Bylaw No. 269

The table below summarizes the key differences between the current bylaw and the proposed replacement:

Area	Bylaw No. 0049 (2009)	Draft Bylaw No. 269
Legislative Framework	References outdated provisions and terminology	Fully aligned with current <i>Local Government Act</i> provisions
Structure & Clarity	Relies heavily on forms and flowcharts spread across multiple schedules	Consolidated, clearly written procedures with structured schedules by application type
Application Scope	Includes Land Use Contracts (now obsolete)	Removes Land Use Contracts and reflects current planning tools
Application Requirements	Generic application form and limited clarity on required materials	Detailed, application-specific requirements, including professional studies where applicable
Delegation of Authority	No clear delegation provisions	Explicit delegation to CAO/Designate for Development Permits and minor Development Variance Permits, consistent with legislation & best practices
Minor Variance Criteria	Not defined	Clearly defines criteria for what constitutes a “minor” development variance
Public Hearing Rules	Based on pre-2023 legislative framework	Reflects updated provincial legislation regarding when public hearings are required, waived, or prohibited through the new Housing Legislation
Notification Distance	100 metres	Reduced to 40 metres, consistent with current best practices and comparable jurisdictions
Notification Signs	Limited detail	Expanded and modernized sign requirements, timing, and inspection process
Security Deposits	Limited guidance	Clear authority, calculation methodology, and release process for security deposits
Transparency & Predictability	Procedural gaps and ambiguity	Clear timelines, lapse provisions, reconsideration process, and applicant expectations

To further highlight the notification distance change, the following images show the properties within the current notification area of a random property on Oriole Way, vs. the proposed 40m notification area of the same random property:

Current 100m radius:



vs. Proposed 40m radius:



Benefits or Impact

General

Adoption of Draft Bylaw No. 269 will modernize the District's development approvals framework, improve transparency for applicants and the public, and ensure that development applications are processed in a consistent, efficient, and legislatively compliant manner. The bylaw reflects current best practices and supports orderly growth and development within the community.

Finances

There are no direct financial impacts associated with the adoption of Draft Bylaw No. 269. Application fees will continue to be set through the District's Fees and Charges Bylaw. Improved clarity and efficiency in processing applications may result in indirect administrative efficiencies over time. However, by utilizing security deposits for applicable developments, the District can help ensure compliance and reduce the burden of enforcement costs to the taxpayer.

Strategic Impact

The proposed bylaw supports Council's strategic objectives related to good governance, regulatory clarity, and efficient service delivery. It also aligns with provincial initiatives encouraging modernization of development approvals processes to support housing and economic development. Efficiency/Reduced cost due to notification radius reduction to 40m.

Risk Assessment

Compliance: Adoption of Draft Bylaw No. 269 reduces legislative risk by ensuring alignment with the current Local Government Act and provincial requirements.

Risk Impact: Failure to update the bylaw may result in continued reliance on outdated processes, increased administrative risk, and potential procedural challenges.

Internal Control Process: The bylaw establishes clear authority, decision-making processes, and procedural safeguards, improving internal controls.

Next Steps / Communication

Following Council's consideration and readings of Draft Bylaw No. 269:

- The bylaw will be placed on the next Council Meeting Agenda for adoption;
- Staff will update application forms and internal procedures to align with the new bylaw;
- Public-facing materials will be updated to reflect the new development application process; and
- Work will continue on the Subdivision and Development Bylaw, which will be brought forward to Council in a future report.

Attachments

- Draft Development Approvals Bylaw No. 269
- Current Development Approvals Bylaw No. 0049, 2008

Recommendation

Recommendation: THAT Council give first three readings to Draft Development Applications Procedures Bylaw No. 269 that includes the repeal of the current District of Barriere Development Approval Procedures Bylaw No. 0049, 2009, including all Schedules.

Alternative Options

1. Council could choose not to adopt the Draft Bylaw as presented.
2. Council could choose to amend the Draft Bylaw prior to subsequent readings.

Prepared by: T. Buchanan, Corporate Officer

Reviewed by:
D. Drexler, Chief Administrative Officer

DISTRICT OF BARRIERE
DRAFT - BYLAW NO. 269 – DEVELOPMENT APPLICATIONS PROCEDURES BYLAW

**A BYLAW TO ESTABLISH THE PROCEDURES FOR THE PROCESSING OF
DEVELOPMENT APPLICATIONS**

WHEREAS the District of Barriere has adopted an Official Community Plan and a Zoning Bylaw;

NOW THEREFORE, Council of the District of Barriere, in open meeting assembled, enacts as follows:

1 CITATION

- 1.1 This Bylaw may be cited for all purposes as the “*District of Barriere Development Applications Procedures Bylaw No. 269*”.

2 DEFINITIONS

- 2.1 In this bylaw:

Applicant	means any landowner who makes Application under the provision 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, development permit, development variance permit, or temporary use permit
Application Form	means a form provided by the District of Barriere for the purposes of Application for an official community plan amendment, zoning bylaw amendment, development permit, development variance permit, or temporary use permit
CAO	means the Chief Administrative Officer of the District of Barriere, or their designate
Council	means the elected council of the District
District	means the District of Barriere
District Office	means the Municipal office of the District of Barriere located at Box 219, 4936 Barriere Town Rd, Barriere, BC, V0E 1E0

Dwelling Unit	shall have the same meaning as set out in the District's Zoning Bylaw, as amended from time to time
Local Government Act (LGA)	means the <i>Local Government Act [RSBC 2015]</i> , as amended
Neighbourhood Project Introduction Meeting	means a meeting organized by, and at the expense of, an Applicant which gives the Applicant an opportunity to share their development concept with the community and allows members of the public to ask questions and to discuss concerns related to the development proposal but does not constitute notification as outlined in this bylaw
Riparian assessment area	is defined as: <ul style="list-style-type: none"> a) for a stream, the 30 m strip on both sides of the stream, measured from the high-water mark; b) for a ravine less than 60 m wide, a strip on both sides of the stream measured from the high-water mark to a point that is 30 m beyond the top of the ravine bank; and, c) for a ravine 60 m wide or greater, a strip on both sides of the stream measured from the high-water mark to a point that is 10 m beyond the top of the ravine bank.
Security Deposit	means an unconditional irrevocable letter of credit or deposit of securities in a form allowable under the <i>Local Government Act</i> and satisfactory to the District.
Staff	means District staff including the CAO and those employees and contractors under the direction of the CAO including Corporate Administration, Planning, Public Works and Bylaw Enforcement.
Stream	is defined as including any of the following that provides fish habitat: <ul style="list-style-type: none"> a) a watercourse, whether it usually contains water or not; b) a pond, lake, river, creek or brook; or c) a ditch, spring, or wetland that is connected by surface flow to something referred to in (a) or (b) above.

3 SCOPE & PURPOSE

3.1 This Bylaw establishes procedures in relation to the following:

- a) An Amendment to the Official Community Plan;
- b) An Amendment to the Zoning Bylaw;
- c) A development permit;
- d) A development variance permit;
- e) A temporary use permit.

4 APPLICATION

- 4.1 Applications shall be made by the owner(s) of the land or by a person authorized by the owner(s) to act as an agent for the owner(s).
- 4.2 Applications shall be submitted to the District, on an Application Form provided by Staff.
- 4.3 The applicant shall pay to the District the fees as prescribed in the District's Fees and Charges Bylaw, as amended from time to time.
- 4.4 The District may require a site visit or further information to be provided after the application has been submitted.
- 4.5 Applications shall contain all applicable information and generally 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 in **Schedule 1** of this Bylaw;
 - b) Procedures for Application for a **Development Permit** are outlined in **Schedule 2** of this Bylaw;
 - c) Procedures for Application for a **Development Variance Permits** (including permits deemed minor under section 5.2 of this Bylaw) are outlined in **Schedule 3** of this Bylaw; and
 - d) Procedures for Application for a **Temporary Use Permit** are outlined in **Schedule 4** of this Bylaw.
- 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 or their Delegate referred to in Section 5, Staff 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 Staff, has deemed the Application to be substantially different from that originally submitted.
- 4.9 Applications under this Bylaw shall be considered lapsed and a new Application shall be required, including payment of new Application fees, where:
 - a) The Applicant has not communicated and/or submitted requested outstanding materials or information within six (6) months of the date of receipt of correspondence from the District specifying the Application is incomplete and listing the outstanding information required to complete the Application. The date of receipt of correspondence is deemed to be seven days after it is mailed or emailed.
 - b) Prior to lapse of an Application, upon written request by an Applicant, Council may extend the deadline referred to in section 4.9(a) for a period of six (6) months from the date of request, by resolution.

5 DELEGATION

- 5.1 Council hereby delegates to the CAO (the 'Delegate') all the powers, duties, and functions of Council with respect to:
- a) Development permits pursuant to section 490 of the *Local Government Act*, except in the case of new Industrial or Commercial developments;
 - i. the Delegate will report to Council approved Development Permits made under S.51(a) through development updates during scheduled Council Meetings.
 - b) Development variance permits, if the variance is minor, pursuant to Section 498.1 of the *Local Government Act* regarding bylaws governing:
 - i. the siting, size, or dimensions of a building, mobile home, or other structure.
- 5.2 The criteria for determining whether a proposed variance is minor is as follows:
- a) Setback: the proposed variance to the setback from building(s), mobile home(s), or structure(s) to a property line result in a setback that is greater than, or equal to, 1.5 metres.
 - b) Height: the proposed variance to the height of building(s), mobile home(s), or structure(s) is 10% or less in excess of the allowed height as set out in the District's Zoning Bylaw for the applicable use and zone.
 - c) Parcel Coverage: the proposed variance to parcel coverage is 10% or less in excess of the allowed parcel coverage as set out in the District's zoning bylaw in the applicable zone (e.g. if the parcel coverage maximum is 50% a minor variance would be no greater than 55% (50% x 1.1)).
- 5.3 The Delegate must consider the following in deciding whether to issue a development variance permit and must not issue a development variance permit if, in their opinion, the proposed variance would result in any of the following:
- a) Inappropriate development of the site;
 - b) Adverse effects on the natural environment;
 - c) Substantial negative effects on the use and enjoyment of adjacent land;
 - d) Vary permitted uses and densities under the applicable bylaw; or,
 - e) Defeat the intent of the bylaw.
- 5.4 In the Delegate's sole discretion, the Delegate may refer any Application for a development permit or minor development variance permit to Council for decision.
- 5.5 All of the following apply to any decision by the Delegate under section 5.1:
- a) An Applicant that is dissatisfied with the decision made under section 5.1 is entitled to have the decision reconsidered by Council in accordance with this section;
 - b) An Applicant who wishes to have Council reconsider a decision must apply in writing to the Corporate Officer within thirty (30) days after the decision has been communicated by the District in writing to the Applicant, setting out all of the following:
 - i. the reasons why the Applicant wishes Council to reconsider the decision;
 - ii. the new decision the Applicant requests Council to make, with brief reasons to support the new decision; and
 - iii. a copy of any materials the Applicant considers relevant to the reconsideration.

- c) Council must reconsider the decision at a regular meeting of Council held within forty-five (45) days after the date on which the reconsideration request is delivered to the Corporate Officer.
- d) The Delegate must compile a report with a recommendation to be considered by Council.
- e) The Corporate Officer must:
 - i. place each reconsideration request on the agenda of a regular meeting of Council in accordance with section 5.5(c);
 - ii. before each reconsideration by Council, deliver to each Council member the materials that were provided by the Applicant in accordance with section 5.5(b) as well as a copy of the report from the Delegate in accordance with section 5.5(d).
- f) In reconsidering a decision, Council must consider the material that was considered by the Delegate in making the decision;
- g) At a reconsideration of a decision, the Applicant and any other person who is interested in the decision are entitled to be heard by Council;
- h) Council is entitled to adjourn a reconsideration of a decision;
- i) After having reconsidered a decision, Council must either confirm the decision or may set aside the decision and substitute the decision of Council.

5.6 The CAO is hereby delegated authority to execute Security Deposit agreements, including servicing agreements, on behalf of the District.

6 PUBLIC HEARING

6.1 A public hearing, in accordance with the *Local Government Act*:

- a) Is mandatory for Official Community Plan bylaws and amendments thereto;
- b) May be waived for a proposed zoning amendment which is consistent with the Official Community Plan;
- c) Is prohibited for a proposed residential zoning amendment if that zoning amendment:
 - i. is consistent with the Official Community Plan;
 - ii. is for residential development, in whole or in part; and
 - iii. where the residential component is at least half the gross floor area of all buildings and structures.

Notice of Public Hearing

6.2 Notice of public hearing, or notice of no public hearing, must be given in accordance under Section 94 of the *Community Charter* and 466 of the *Local Government Act*.

7 NOTIFICATION

Purpose of Notification Signs

7.1 For OCP and Zoning Bylaw Amendment (when applicable) applications, applicants are required to post a sign on the subject property to provide the general public with the basic facts relating to the application.

Notification Sign Timing

- 7.2 Where a notification sign(s) is required to be posted in accordance with this bylaw in Section 7.1:
- a) the applicant shall post the notification sign(s) on the subject property within ten (10) days from the date of the first reading of the bylaw; and
 - b) shall be erected and approved as per section 7.4 at least fourteen (14) days prior to the date of a public hearing or public meeting date scheduled by Council; and
 - c) the applicant shall advise District staff once the sign(s) has been erected.
- 7.3 Signs shall remain in place until the bylaw is adopted or Council denies the application and must be removed within seven (7) days of a decision.
- 7.4 District staff will complete a site inspection to verify compliance with the sign requirements. All sign requirements must be complied with before an application can be taken forward to Council for consideration.

Notification Sign Location & Siting

- 7.5 Signs are to be located adjacent to the street frontages with at least one sign on each street frontage. There shall be a minimum of one sign for every 150m of street frontage. No sign shall interfere with pedestrian or vehicular traffic or obstruct visibility from streets, lanes, walkways or driveways.
- 7.6 All signs must be installed and maintained by the Applicant in a sound, workmanlike manner, capable of withstanding wind and weather. Sign format and installation standards are as follows:
- a) Size: 4 ft. by 8 ft.
 - b) Structure & Materials: Sturdy weather resistant materials properly secured to posts
 - c) Contents: Must contain a legal map of the subject site and surrounding context. A description of the proposal and clearly display the date and time of any proposed public meeting (e.g. public hearing).

**Sample Sign for reference only*

THIS PROPERTY IS SUBJECT TO AN APPLICATION FOR:

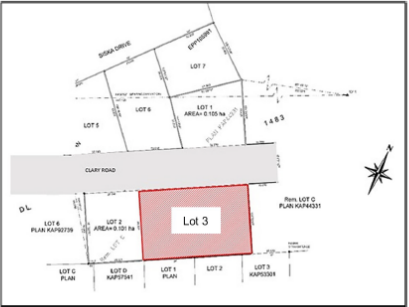
REZONING

From R (Residential) to RM (Residential Multi-Family) with site specific exception to limit the maximum number of dwelling units or townhomes to six (6) with a maximum building height of eight (8) metres at Lot 3, Plan EPP111168 DL 1482 and 1483 located on Clary Road and shown hatched on the map on this Notice.

The Council of the District of Barriere will hold a Public Hearing pursuant to the provisions of the Local Government Act in Council Chambers at 4936 Barriere Town Rd. "The Ridge" as well as via zoom audio conference on March 14, 2022 commencing at 7:00 pm, to consider the following amendment to the District of Barriere Zoning Bylaw No. 111, Amendment Bylaw No. 212, Barriere, BC.

For More information please contact the District of Barriere
250-672-9751

NOTICE OF PUBLIC HEARING MARCH 14, 2022 - 7pm



Development Variance Permit

- 7.7 At least ten (10) days prior to Council consideration of issuance of a development variance permit, excepting a development variance permit application deemed to be minor as per section 5.2 of this bylaw, District staff must mail or otherwise deliver notice to all owners within 40 metres of the subject property before the consideration of the resolution.

Notice of Temporary Use Permit

- 7.8 Notice of consideration of a temporary use permit must be given in accordance of Section 94 of the *Community Charter*. If the permit alters use or density, notice must be mailed or otherwise delivered to all owners within 40 metres of the subject property at least ten (10) days before the consideration of the resolution.

Distance for Notice

- 7.9 The specified distance for the notices required in the processing of each application in this bylaw shall be forty (40) metres from the property under application.

Notices Mailed or Otherwise Delivered

- 7.10 Where notice requires letters to surrounding property owners, the District will provide the date, time, and location of the public hearing, or the meeting date where Council will consider the Application.

Electronic Notification

- 7.11 For the purposes of notifying the public of proposed official community plan amendments and/or zoning amendments, and for temporary use permits, complete Applications may be listed on the District's website or other form of public notification as notice of proposal.

8 PROCESS FOR SECURITY DEPOSIT

- 8.1 The *Local Government Act* enables the District to require a Security Deposit as a condition of the issuance of a development permit, development variance permit (including those deemed minor under section 5.2 of this Bylaw), and temporary use permit for the following purposes:
- a) 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 District's satisfaction.
 - b) 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.
 - c) To remedy damages to the natural environment that has resulted as a consequence of contravention of a condition in a development permit, development variance, or temporary use permit remediation.

Form of Security Deposit

- 8.2 A Security Deposit may be required as a condition of issuance in a form allowable under the *Local Government Act*, satisfactory to District Staff.

Amount of Security Deposit

- 8.3 The amount of a Security Deposit must be specified in the permit and will be calculated as follows:
- a) Up to 125% of an itemized estimate or quote of the cost of work submitted by a landscape architect, qualified environmental professional, engineer, landscaping company or other professional or firm approved by District Staff, or
 - b) Up to 125% of the construction value prescribed by the Building Inspector on the Building Permit related to the cost of work.

Return of Security Deposit

- 8.4 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.
- 8.5 When works are required to be completed, the Applicant may contact staff to request inspection prior to obtaining refund of the Security Deposit. 80% of the Security Deposit shall be returned following initial inspection if the works have been completed to the satisfaction of the District. The remaining 20% of the Security Deposit will be withheld for a period of one (1) year following the completion of works to ensure they are maintained.
- a. The District may require that any inspection to authorize the release of a Security Deposit be carried out by the landscape architect, qualified environmental professional, engineer, or other professional that provided recommendation, to ensure that the performance of conditions associated with the issuance of the development permit, development variance permit, or temporary use permit are completed as approved.

9 SCHEDULES

- 9.1 The following Schedules are attached to, and form part of this Bylaw:
- a) Schedule 1: Procedures for Application to amend the Official Community Plan 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

10 REPEAL

- 10.1 The "*District of Barriere Development Approval Procedures Bylaw No. 0049, 2009*", and all its amendments, are hereby repealed.

READ A FIRST TIME this	DAY OF _____, 2026
READ A SECOND TIME this	DAY OF _____, 2026
READ A THIRD TIME this	DAY OF _____, 2026
ADOPTED this	DAY OF _____, 2026

Mayor Rob Kerslake

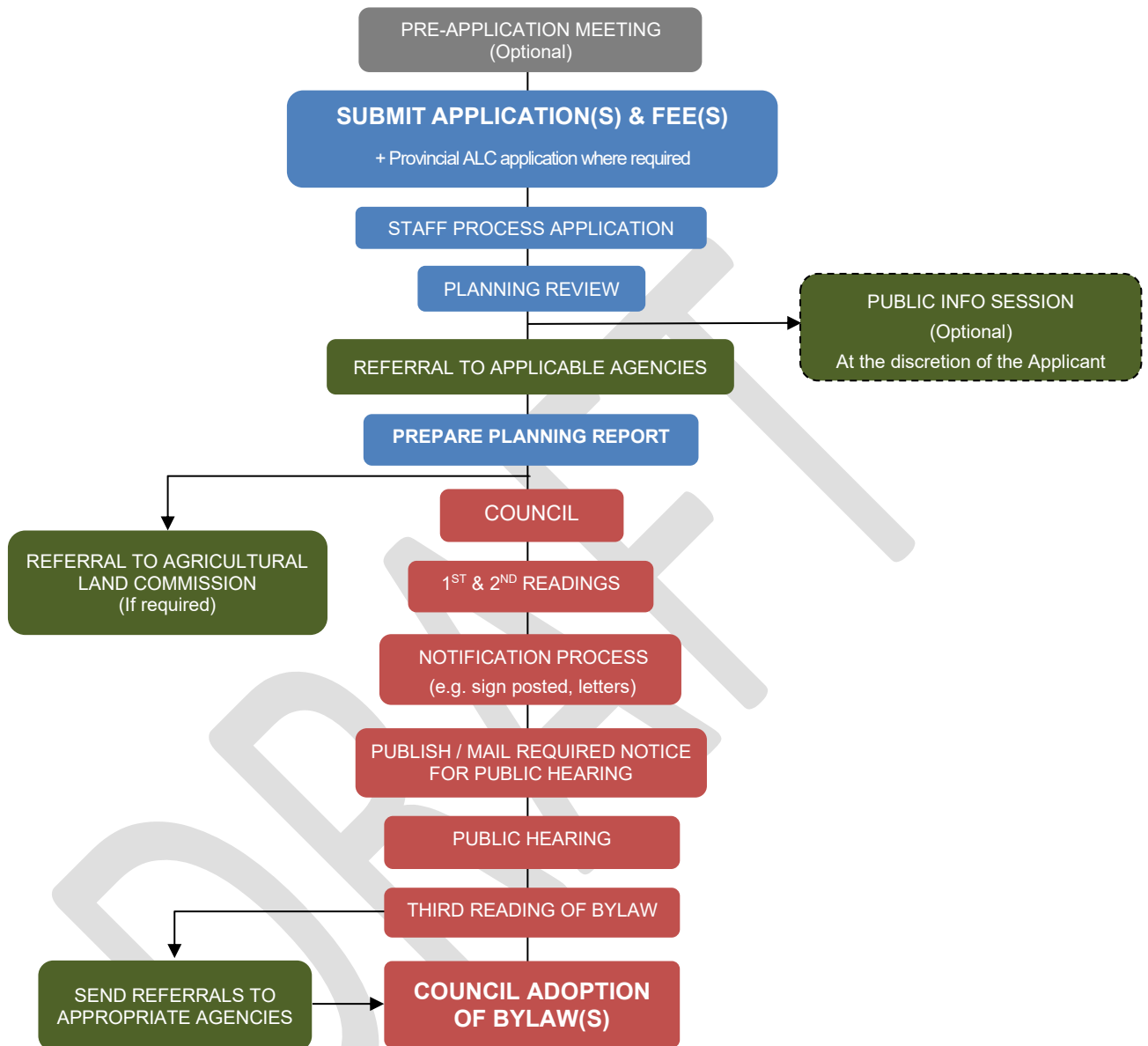
Tasha Buchanan, Corporate Officer

SCHEDULES

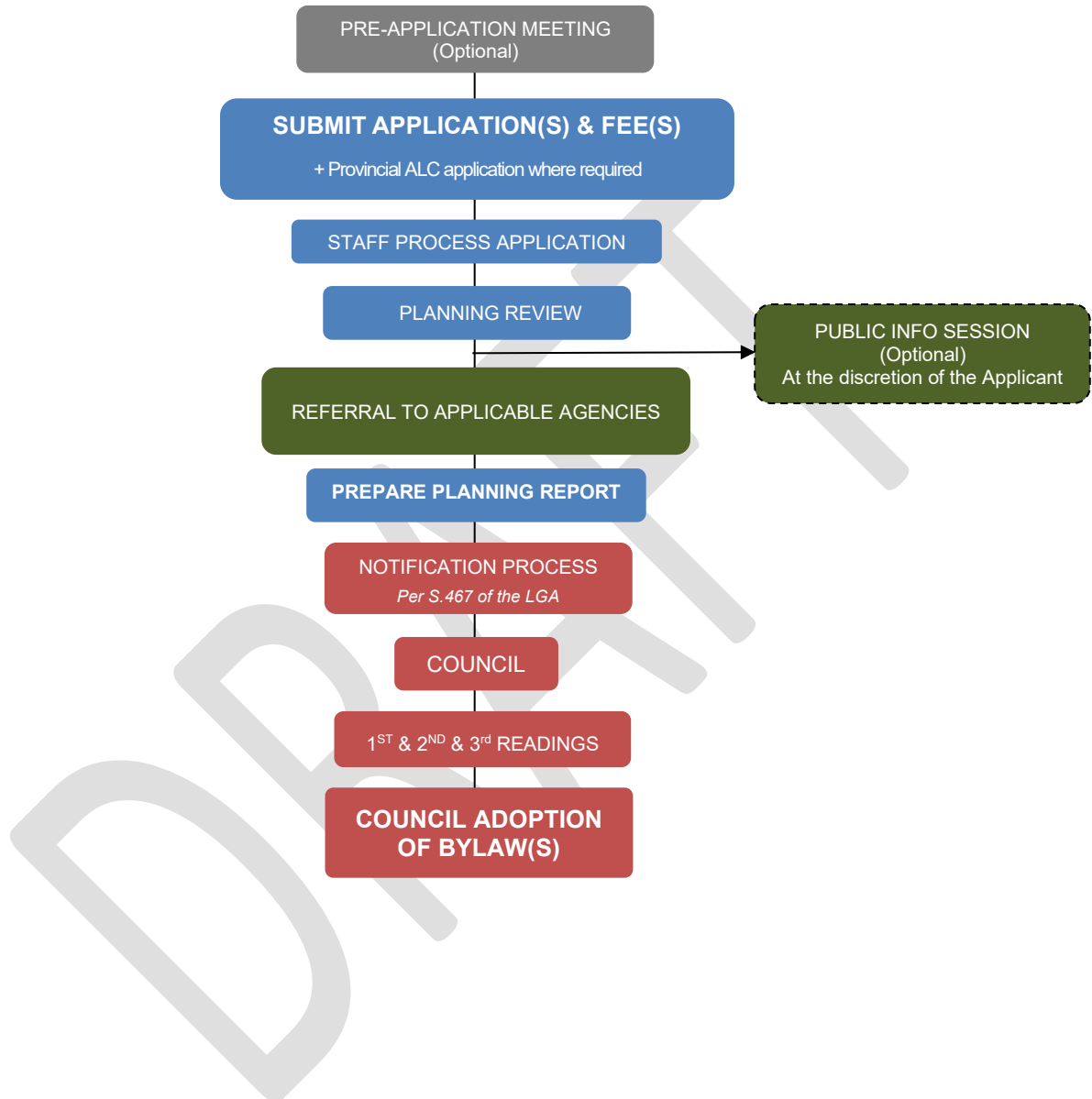
Schedule 1: Procedures for Application to amend the Official Community Plan and Zoning Bylaw

REQUIRED DOCUMENTATION	NOTES
1. Completed Application Form	The Applicant will provide a completed Application Form as provided by the District, including agent authorization if not the property owner. Applicant will pay the prescribed Application Fee.
2. Project Proposal	The Applicant will provide detail about their development proposal and what changes to the current regulations are being requested, including any known effects on, or anticipated benefits to, adjacent properties.
3. Site Plan	A Site Plan shall be provided including: <ul style="list-style-type: none"> • location and siting of all proposed and existing development, including dimensions and measurements using the Metric System, from property lines; and • location and detail of existing rights of way, easements, and restrictive covenants.
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 or industrial activity per <u>Schedule 2</u> of the <u>Environmental Management Act Contaminated Sites Regulation</u> .
5. Title	A State of Title Certificate dated within 30 days of the Application submission shall be provided by the Applicant.
6. Additional Requirements	Professional reports or other supportive material may be required by the District. Supportive material may include, but is not limited to: <ul style="list-style-type: none"> • traffic impact assessment • geotechnical assessment • land contour and topographic condition • infrastructure impact analysis • environmental assessment • property survey • drainage plan • fire flow assessment • civil engineering • slope assessment • forest fuel management prescription <p>Required supportive material for development approval must be prepared by a Qualified Professional (QP) and provided at the Applicant's cost. Independent third-party review of supportive material may be initiated by the District at the Applicant's cost. The Applicant may be required to sign an agreement to pay the costs of the District's third-party review at market rates.</p>

APPROVAL PROCESS FOR OFFICIAL COMMUNITY PLAN AND ZONING BYLAW AMENDMENTS



APPROVAL PROCESS FOR ZONING BYLAW AMENDMENTS (CONFORMING TO OCP – NO PUBLIC HEARING)



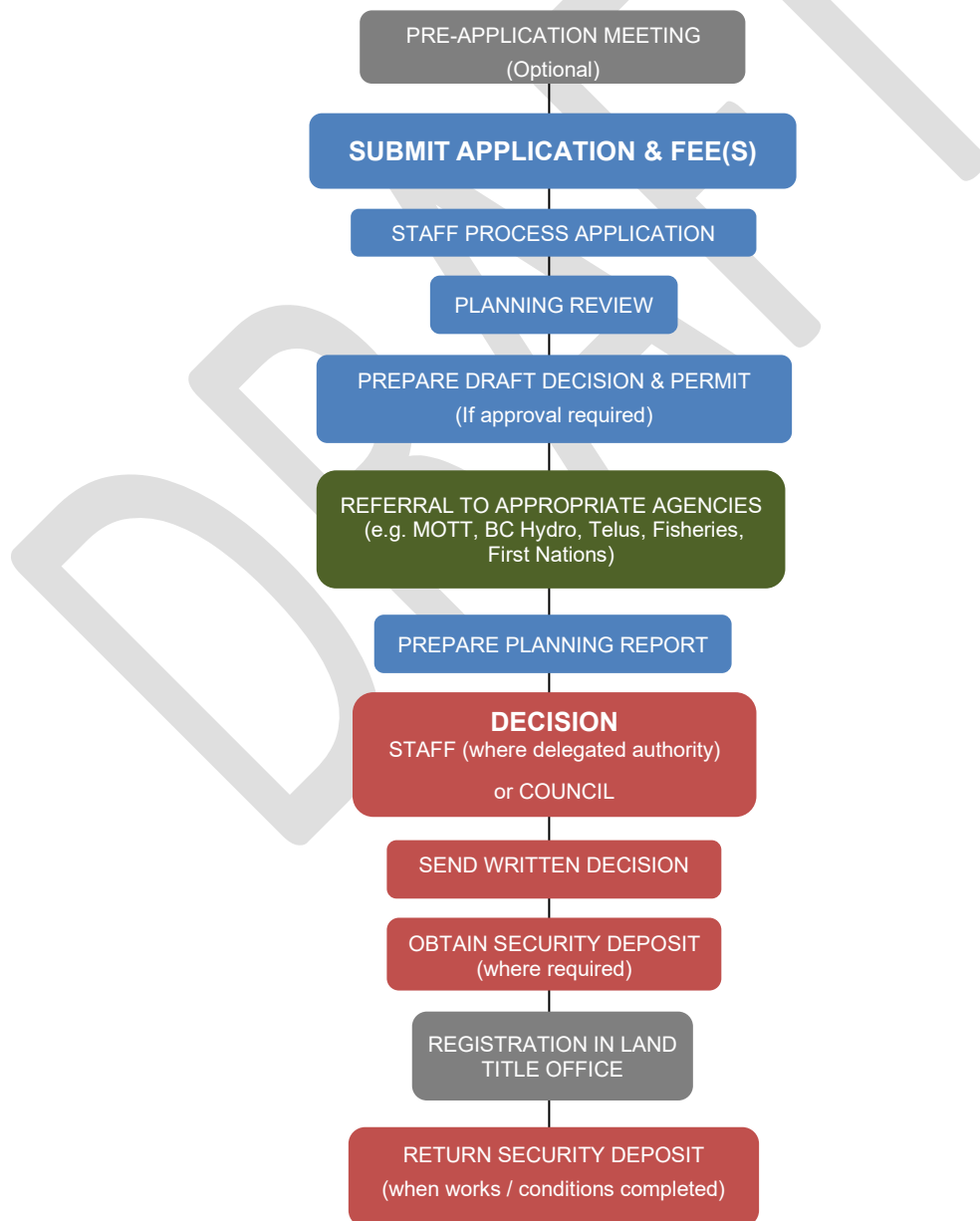
Schedule 2: Procedures for Application for a Development Permit

REQUIRED DOCUMENTATION	NOTES
1. Completed Application Form	<p>Applicant will provide a completed Application Form as provided by the District, including agent authorization if not the property owner.</p> <p>Applicant will pay the prescribed Application fee.</p>
2. Project Proposal	Applicant will provide detail as to their development proposal.
3. Site Plan	<p>Applicant will provide a detailed site plan for each property under Application, including:</p> <ul style="list-style-type: none"> • location and siting of all proposed and existing development on the property, including dimensions and measurements using the Metric System, from property lines; • location and detail of existing rights of way, easements, and restrictive covenants; • location, siting and dimensions of any proposed screening, landscaping or other improvements; • standard building elevation drawings; • additional site plan requirements may include landscape and streetscape drawings.
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 or industrial activity per Schedule 2 of the <i>Environmental Management Act</i> Contaminated Sites Regulation
5. Title	A state of title certificate dated within 30 days of the Application submission shall be provided.
6. Additional Requirements	<p>Professional reports or other supportive material may be required by the District. Supportive material may include, but is not limited to:</p> <ul style="list-style-type: none"> • traffic impact assessments • geotechnical assessments • land contour and topographic condition • infrastructure impact analysis • environmental assessments • property survey • drainage plan • fire flow assessment • civil engineering • slope assessment • forest fuel management prescription <p>Required supportive material for development approval must be prepared by a Qualified Professional (QP) and provided at the Applicant's cost. Independent third-party review of supportive material may be initiated by the District at the Applicant's cost. The Applicant may be required to sign an agreement to pay the costs of the District's third- party review at market rates.</p>

APPROVAL PROCESS FOR DEVELOPMENT PERMITS

Unless otherwise exempted from the requirement to obtain a development permit by the official community plan, an owner of land designated as a development permit area in the official community plan must obtain a development permit before subdividing land; constructing, adding to, or altering a Structure as defined in the District's zoning bylaw; or altering land in an area designated for the protection of the natural environment or hazardous area.

Staff will review the completed Application and may recommend conditions including a requirement for a Security Deposit to provide assurance of performance, requirements of the District's Subdivision and Development Servicing Bylaw, as amended, any other applicable Bylaw of the District's in effect at the time of Application, or any applicable provincial legislation.



Schedule 3: Procedures for Application for a Development Variance Permit

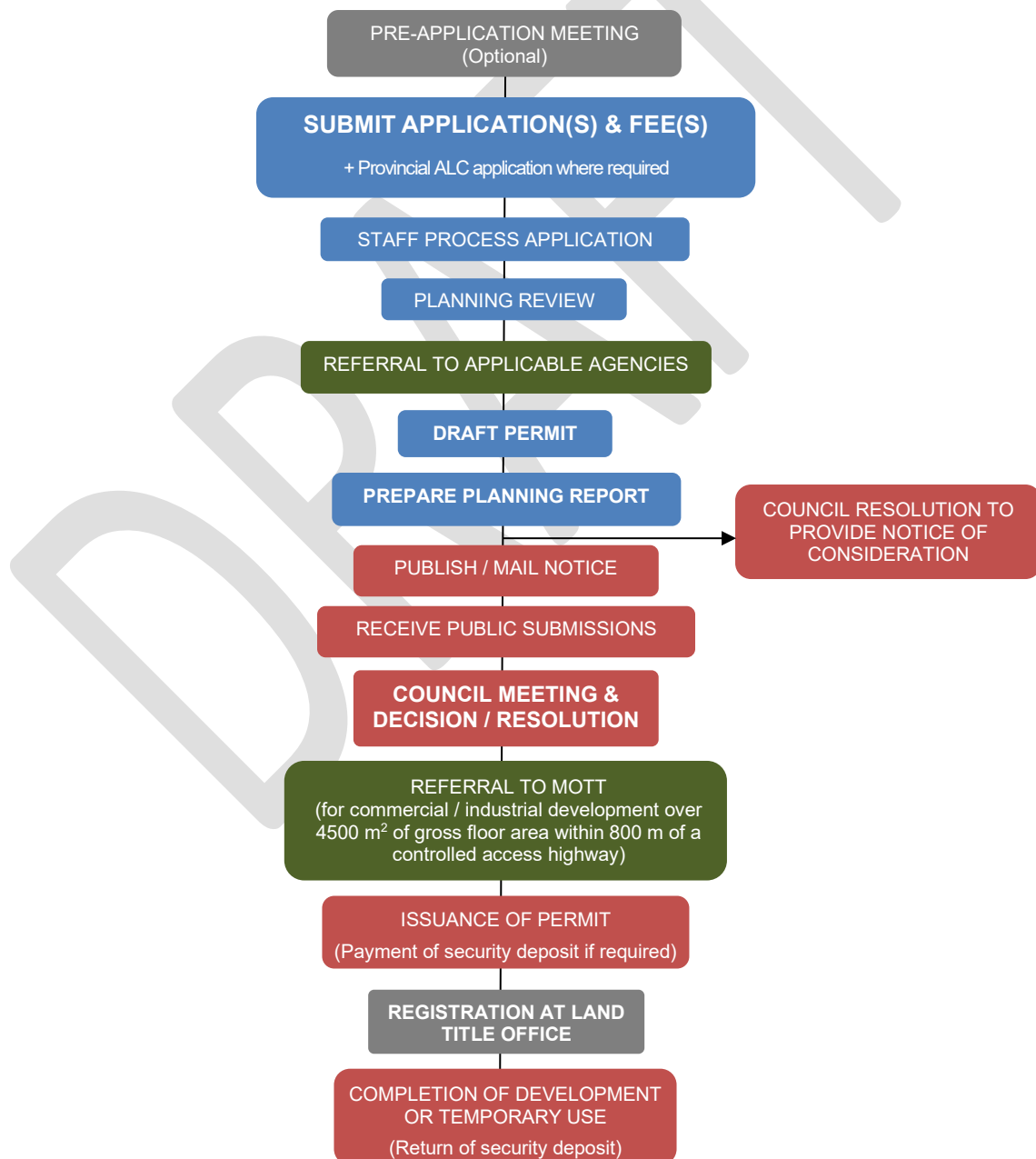
REQUIRED DOCUMENTATION	NOTES
1. Completed Application Form	<p>Applicant will provide a completed Application Form as provided by the District, including agent authorization, if not the property owner.</p> <p>Applicant will pay the prescribed Application fee.</p>
2. Project Proposal	<p>Applicant will provide detail as to their development proposal and what variances to the current regulations are being requested. Applicants should include any known effects on, or anticipated benefits to, adjacent properties.</p> <p>Development variance permit Applications shall be considered only for the District's zoning bylaw, sign bylaw, or subdivision development and servicing bylaw. Common variances include: setback variances; parking variances; oversized signs; height; and site coverage. Each proposed variance Application is considered on a site-specific basis to determine the potential impacts of varying the bylaw regulation. A variance permit may not vary density or use.</p>
3. Site Plan	<p>Applicant will provide a detailed site plan for each property under Application, including:</p> <ul style="list-style-type: none"> • location and siting of all proposed and existing development, including dimensions and measurements using the Metric System, from property lines; and • location and detail of existing rights of way, easements, and restrictive covenants.
4. Title	<p>A state of title certificate dated within 30 days of the Application submission shall be provided by the Applicant.</p>
5. Site Profile	<p>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 or industrial activity per <u>Schedule 2</u> of the <u>Environmental Management Act Contaminated Sites Regulation</u>.</p>
6. Additional Requirements	<p>Professional reports or other supportive material may be required by the District.</p> <p>Required supportive material for development approval must be prepared by a Qualified Professional (QP) and provided at the Applicant's cost. Independent third-party review of supportive material may be initiated by the District at the Applicant's cost. The Applicant may be required to sign an agreement to pay the costs of the District's third-party review at market rates.</p>

PROCESS FOR TEMPORARY USE PERMIT APPROVAL FOR APPLICATIONS MADE WITHIN AN OFFICIAL COMMUNITY PLAN AND DEVELOPMENT VARIANCE PERMITS

Staff will review the completed Application and may impose conditions including a requirement for a Security Deposit to provide assurance of performance, requirements of the District's Subdivision and Development Servicing Bylaw, any other applicable Bylaw of the District's in effect at the time of Application, or any applicable provincial legislation. Development variance permits deemed minor under section 5.2 of this bylaw may be decided by the Delegate and are not subject to a notification period.

For all development variance permits:

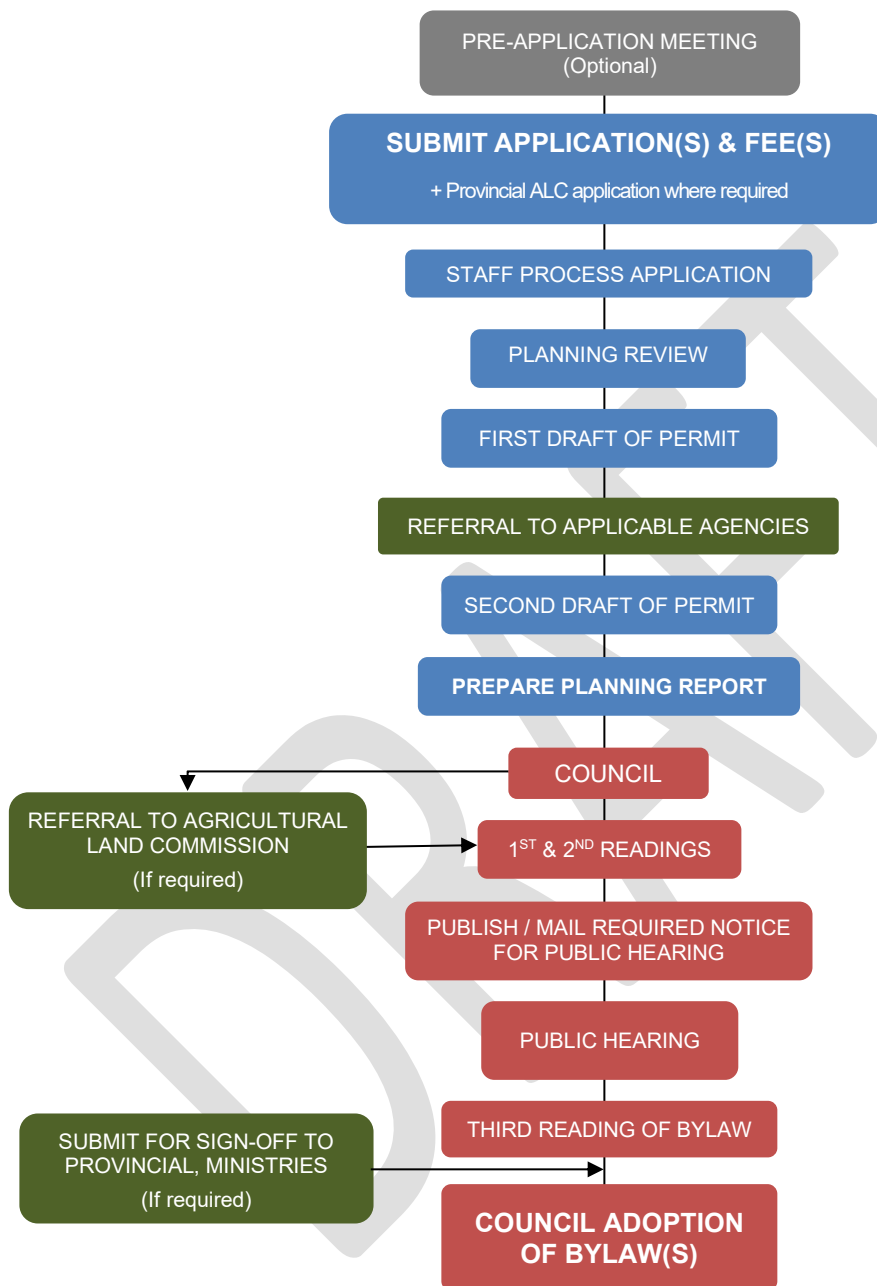
- If applicable, a Security Deposit must be received prior to the issuance of the development variance permit. Staff register a notice of the approved development variance permit in the Land Titles Office.



Schedule 4: Procedures for Application for a Temporary Use Permit

REQUIRED DOCUMENTATION	NOTES
1. Completed Application Form	<p>Applicant will provide a completed Application Form as provided by the District, including agent authorization if not the property owner.</p> <p>Applicant will pay the prescribed Application fee.</p>
2. Project Proposal	<p>Applicant will provide details as to their development proposal and the seasonal or temporary nature of the proposal. Applicants should include any anticipated benefits or impacts to the District and surrounding property owners.</p>
3. Site Plan	<p>Applicant will provide a detailed site plan for each property under Application, including:</p> <ul style="list-style-type: none"> • location and siting of all proposed and existing development, including dimensions and measurements using the Metric System, from property lines; and • location and detail of existing rights of way, easements, and restrictive covenants.
4. Site Profile	<p>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 or industrial activity per <u>Schedule 2 of the <i>Environmental Management Act Contaminated Sites Regulation</i></u></p>
5. Title	<p>A state of title certificate dated within 30 days of the Application submission shall be provided by the Applicant.</p>
6. Additional Requirements	<p>Professional reports or other supportive material may be required by the District. Supportive material may include, but is not limited to:</p> <ul style="list-style-type: none"> • traffic impact assessments • geotechnical assessments • land contour and topographic condition • infrastructure impact analysis • environmental assessments • property survey • drainage plan • fire flow assessment • civil engineering • slope assessment • forest fuel management prescription <p>Required supportive material for development approval must be prepared by a Qualified Professional (QP) and provided at the Applicant's cost. Independent third-party review of supportive material may be initiated by the District at the Applicant's cost. The Applicant may be required to sign an agreement to pay the costs of the District's third- party review at market rates.</p>

PROCESS FOR TEMPORARY USE PERMIT APPROVAL FOR APPLICATIONS MADE OUTSIDE AN OFFICIAL COMMUNITY PLAN



DISTRICT OF BARRIERE

BYLAW NO. 0049

A BYLAW TO ESTABLISH DEVELOPMENT APPROVAL PROCEDURES

WHEREAS pursuant to the Local Government Act Council may, by bylaw, set development approval procedures;

The Council of the District of Barriere, in open meeting assembled, enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as the “District of Barriere Development Approval Procedures Bylaw No. 0049, 2009”.

2. PURPOSE

2.1 Applications for the following shall be submitted to the District of Barriere and shall substantially be in the form of application attached hereto as Schedule “A”:

- a) amendments to Official Community Plans;
- b) amendments to Zoning Bylaws;
- c) amendments to Land Use Contracts;
- d) the issuance of Development Variance Permits;
- e) the issuance of Development Permits; or
- f) the issuance of Temporary Commercial or Industrial Use Permits.

3. APPLICATION FORM AND FEES

3.1 The application form must be fully completed and at the time of application the applicant shall pay to the District an application fee in the amount as set out in Schedule “B”.

4. PROCESSING OF APPLICATIONS

4.1 Official Community amendments shall be processed substantially as illustrated by the flowchart attached hereto as Schedule “C”.

4.2 Zoning Bylaw amendments shall be processed substantially as illustrated by the flowchart attached hereto as Schedule “C”.

- 4.3 Land Use Contract amendments relating to density or use shall be processed substantially as illustrated by the flowchart attached hereto as Schedule “C”.
 - 4.4 Development Permits shall be processed substantially as illustrated by the flowchart attached hereto as Schedule “D”.
 - 4.5 Development Variance Permits shall be processed substantially as illustrated by the flowchart attached hereto as Schedule “E”.
 - 4.6 Temporary Commercial or Industrial Use Permits shall be processed substantially as illustrated by the flowcharts attached hereto as Schedules “E” and “F”.
5. FORM OF PERMIT
- 5.1 Development Variance Permits shall be substantially in the form of permit attached hereto as Schedule “G”.
 - 5.2 Development Permits shall be substantially in the form of permit attached hereto as Schedule “H”.
 - 5.3 Temporary Commercial or Industrial Use Permits shall be substantially in the form of permit attached hereto as Schedule “I”.
6. DISTANCE FOR NOTICE
- The specified distance for the notices required in the processing of each application in this bylaw shall be one hundred (100) metres from the property under application.
7. NOTIFICATION SIGNS
- Applications for the following:
- a) amendments to the Official Community Plan;
 - b) amendments to the Zoning Bylaw; or
 - c) amendments to Land Use Contracts
- Are required to install a notification sign on the subject property within ten (10) days from the date the completed application is submitted as shown on Schedule J attached to and forming part of this Bylaw.
8. SUNDRY
- 8.1 Schedules “A”, “B”, “C”, “D”, “E”, “F”, “G”, “H”, “I” and “J” attached hereto are incorporated in and form part of this bylaw.

9. RIPARIAN AREAS REGULATION

Any application which will authorize or approve development within a riparian assessment area (as defined in Section 9.1) must complete and submit an Assessment Report prepared by a Qualified Environmental Professional (QEP) in conformity with the provisions of the Riparian Areas Regulation (RAR).

9.1 “Riparian assessment area” is defined as:

- a) for a stream, the 30 m strip on both sides of the stream, measured from the high water mark;
- b) for a ravine less than 60 m wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 m beyond the top of the ravine bank; and
- c) for a ravine 60 m wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 m beyond the top of the ravine bank.

9.2 “Stream” is defined as including any of the following that provides fish habitat:

- a) a watercourse, whether it usually contains water or not;
- b) a pond, lake, river, creek or brook; or
- c) a ditch, spring, or wetland that is connected by surface flow to something referred to in Sections 9.2 (a) or (b).

Read for a first time this 1st day of June , 2009.

Read for a second time this 1st day of June , 2009.

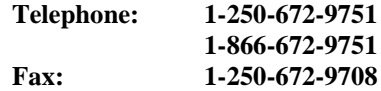
Read for a third time this 1st day of June , 2009.

Reconsidered and adopted this 15th day of June , 2009.

Original signed by Mayor Mike Fennell
Mayor

Original signed by Wayne Vollrath
Chief Administrative Officer

DISTRICT OF BARRIERE



1.

2.

3. Street address for property: _____

SCHEDULE 'A'

4. This is an application for:
- ___ An Official Community Plan Amendment.
- If so, what is the proposed designation? _____
- ___ Rezoning. If so, what is the proposed Zoning? _____
- ___ A Land Use Contract Amendment.
- ___ A Development Variance Permit. What Section(s) require amending? _____
- ___ A Development Permit.
- ___ A Temporary Commercial or Industrial Use Permit
5. Existing Zone _____
- Existing Official Community Plan Designation _____
6. Describe the existing use of the subject property: _____
- _____
- _____
7. Describe the existing land use and buildings on all lots adjacent to and surrounding the subject property:
- a) North _____
- b) East _____
- c) South _____
- d) West _____
8. Describe the proposed development of the subject property and any variances or amendments to existing plans, bylaws or permits that are necessary to accomplish the proposed development: _____
- _____
- _____
9. Describe the services available to the subject property or the possibility of providing services:
- a) Roads _____
- b) Water _____

SCHEDULE ‘A’

- c) Sewage Disposal _____
 - d) Others _____
10. Is the subject property affected by the Agricultural Land Reserve? Yes ____ No ____
11. Is the subject property affected by Contaminated Sites? Yes ____ No ____
(if yes, please fill out attached Site Profile.)
12. This application must be fully completed and supported by the following documents:
- a) A State of Title Certificate from the Land Titles Office.
 - b) A fee made payable to the District of Barriere as per Schedule “B” of Bylaw No. 0049, 2009.
 - c) Two Plans to appropriate scale showing the following in metric:
 - i) boundaries and dimensions of subject property;
 - ii) size and location of existing and proposed building(s) on the site(s) including distances to the boundary lines of the property;
 - iii) location and name of road(s) adjacent to the property;
 - iv) north arrow and scale;
 - v) location of bodies of water adjacent to or on the site(s);
 - vi) topographic information in the form of contours or spot elevations;
 - vii) high water mark of any adjacent stream, river or lake;
 - viii) proposed subdivision layout showing the number and approximate location of lots; and
 - ix) any other information as required in order to obtain as much information as possible regarding the proposed development.
 - d) Detailed description of access to the subject property, including:
 - i) traffic site plan;
 - ii) name of the closest major highway;
 - iii) point of intersection with access road; and
 - iv) distances and landmarks.

SCHEDULE 'A'

13. Any other information or comments: _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

I hereby declare the information contained herein is, to the best of my knowledge, factual and correct.

(Signature of Owner(s)/Agent*)

(Date)

***(If agent is handling application, please supply written authorization from owner.)**

SCHEDULE “B”

FEE SCHEDULE

1. Every application for amendment to an Official Community Plan shall be charged a fee of Seven Hundred Fifty Dollars (\$750.00)
2. Every application for amendment to a Zoning Bylaw shall be charged a fee of Seven Hundred Fifty Dollars (\$750.00). In addition, there shall be a supplementary charge of \$5.00 for each parcel or dwelling unit in excess of 3 parcels or dwelling units as prescribed in the parcel size and/or density provisions of the respective zone.
3. Every application for amendment to a Land Use Contract that requires a public hearing shall be charged a fee of Seven Hundred Fifty Dollars (\$750.00).
4. Every application for amendment to an Official Community Plan in conjunction with an application for amendment to the Zoning Bylaw and/or a Land Use Contract shall be charged a fee of Seven Hundred Fifty Dollars (\$750.00).
5. Every application for a Development Variance Permit or Development Permit shall be charged a fee of Two Hundred Fifty Dollars (\$250.00).
6. Every application for a Temporary Commercial or Industrial Use permit shall be charged a fee of Two Hundred Fifty Dollars (\$250.00).

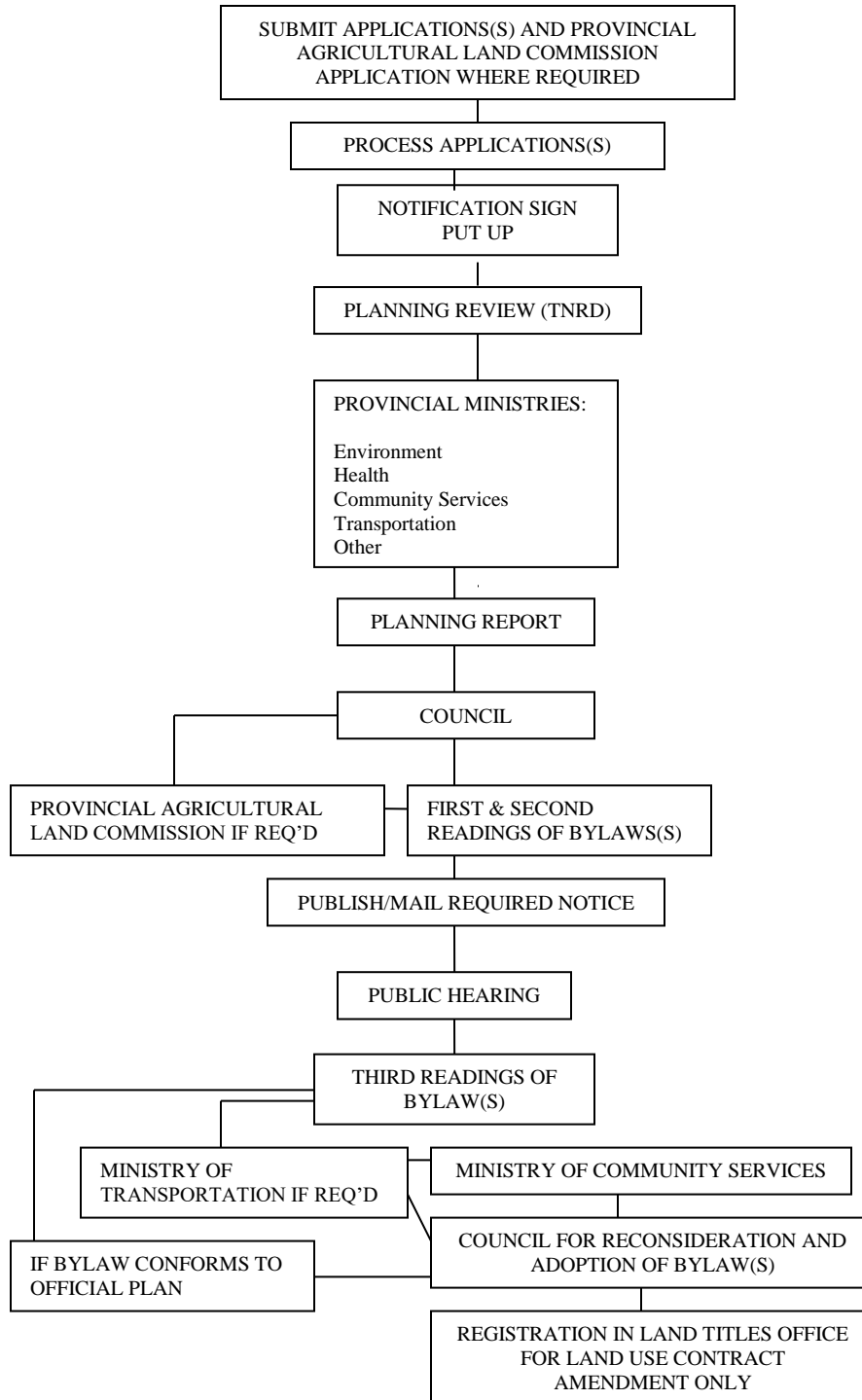
FEE PAYMENT AND REFUND PROCEDURE

1. Every application shall be accompanied by the full payment as determined in accordance with the fee schedule.
2. There shall be no refunds except when any of the following is refused or withdrawn prior to advertising the required notice in a newspaper:
 - a) an application for amendment to an Official Community Plan; or
 - b) an application for amendment to the Zoning Bylaw; or
 - c) an application for amendment to a Land Use Contract involving a public hearing;
 - d) or an application for a Temporary Commercial or Industrial Use Permit.

The amount of refund in the above situations shall be Three Hundred Seventy Five Dollars (\$375.00) if the original fee was Seven Hundred Fifty Dollars (\$750.00).

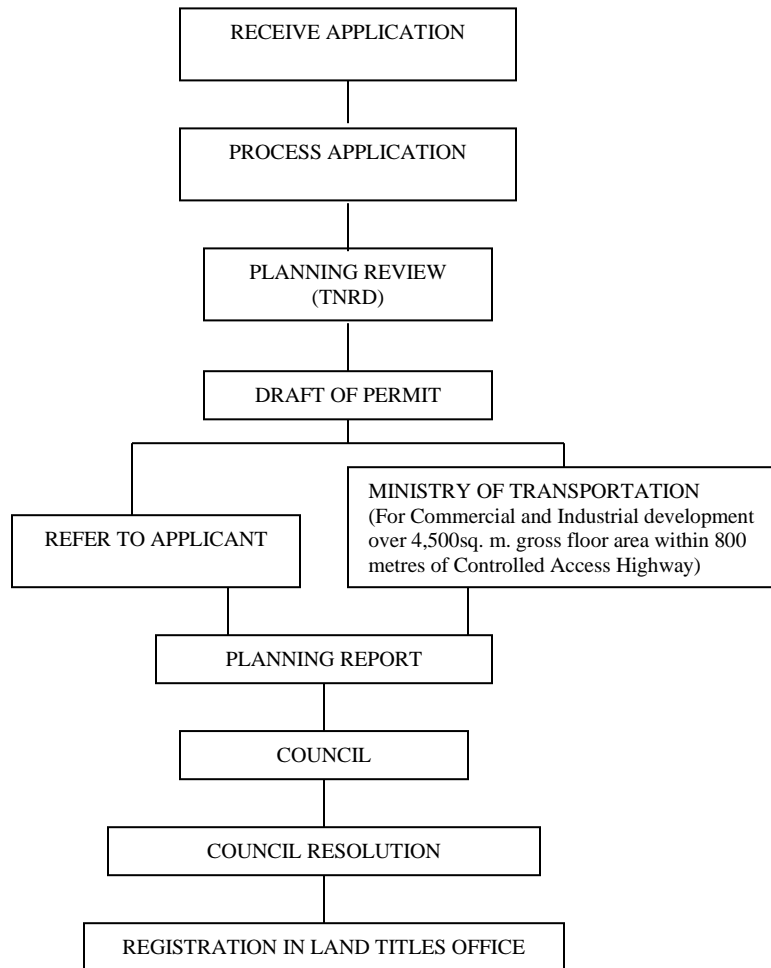
SCHEDULE “C”

**APPROVAL PROCESS FOR OFFICIAL COMMUNITY PLAN, ZONING BYLAW AND
LAND USE CONTRACT AMENDMENTS**



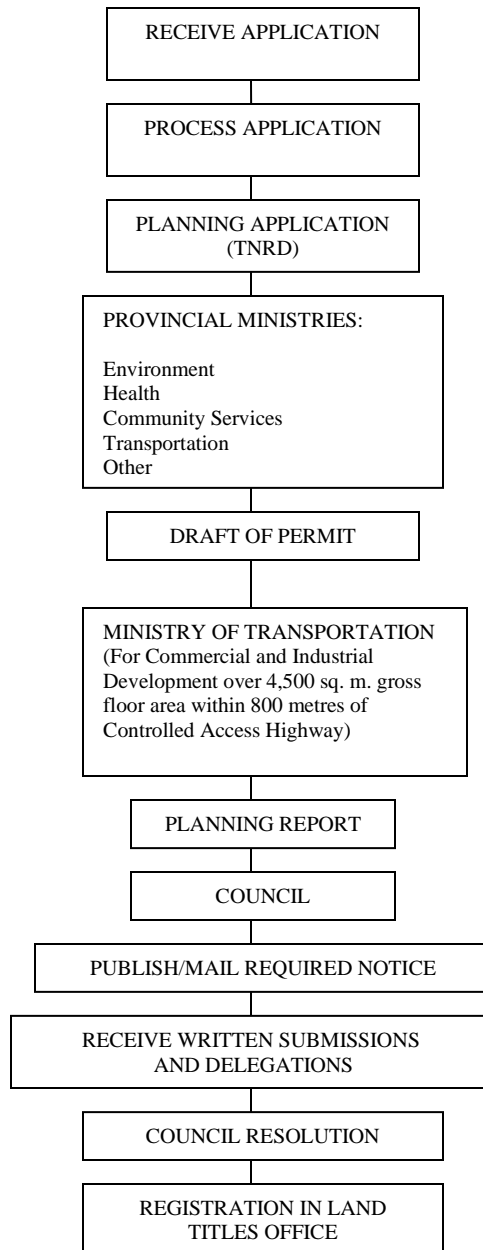
SCHEDULE “D”

DEVELOPMENT PERMIT APPROVAL PROCESS



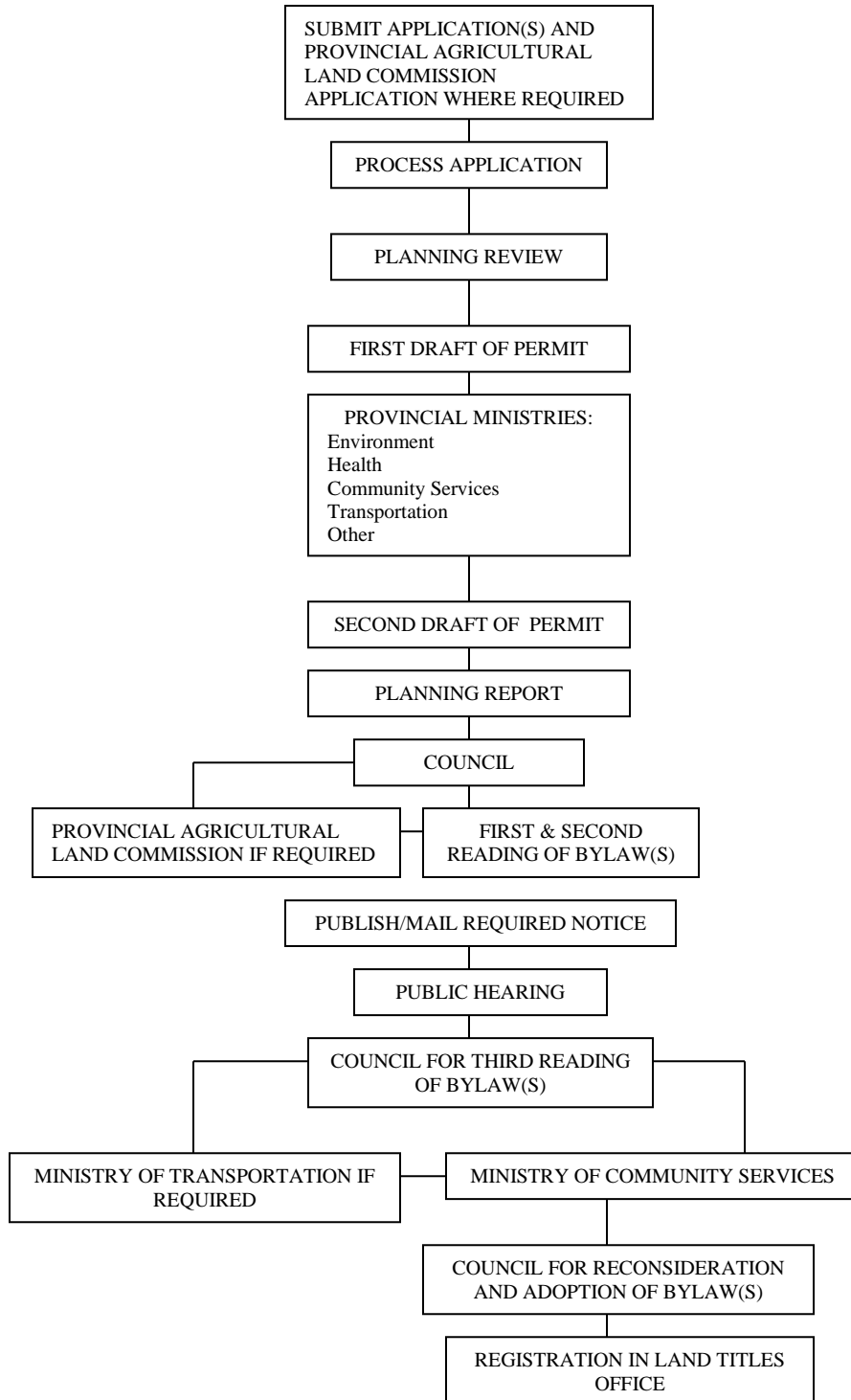
SCHEDULE “E”

**TEMPORARY COMMERCIAL OR INDUSTRIAL USE PERMIT
APPROVAL PROCESS FOR APPLICATIONS MADE WITHIN
AN OFFICIAL COMMUNITY PLAN AND DEVELOPMENT VARIANCE PERMITS**



SCHEDULE “F”

**TEMPORARY COMMERCIAL OR INDUSTRIAL USE
PERMIT APPROVAL PROCESS FOR APPLICATIONS MADE
OUTSIDE AN OFFICIAL COMMUNITY PLAN**



SCHEDULE “G”

DISTRICT OF BARRIERE
DEVELOPMENT VARIANCE PERMIT NO. _____

Permittee:

Address:

Application No.:

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the District applicable thereto, except as specifically varied or supplemented by this Development Variance Permit.

2. This Development Variance Permit applies to and only to those lands within the District described below, and any and all building, structures and other development thereon:

(Legal Description of Property)

as shown outlined in red on the map attached hereto as Schedule “A”.

3. The Zoning Bylaw of the District is varied as follows:

(Insert Variations)

4. The development shall be carried out according to the following time schedule:

(Set out Time Schedule for Development)

5. As a condition of the issuance of this Development Variance Permit, the District is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Development Variance Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Development Variance Permit within the time provided, the District may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development permitted by this Development Variance Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

a) An Irrevocable Letter of Credit in the amount of \$ _____;

b) A Certified Cheque in the amount of \$ _____; or

c) A Bank Draft in the amount of \$ _____.

6. The land described herein shall be developed strictly in accordance with the terms, conditions and provisions of this Development Variance Permit and any plans and specifications attached to this Development variance Permit shall form a part hereof.

SCHEDULE “G” con’t

7. If the Permittee does not commence the development permitted by this Development Variance Permit within six (6) months of the date of the authorization of this Development Variance Permit, this Development Variance Permit shall lapse.
8. Any application to amend this Development Variance Permit shall be considered as a new application.
9. This Development Variance Permit is not a Building Permit.

Site Plan Approved by the Ministry of Transportation this day of , 20__.

Authorizing resolution passed by the Council this day of , 20__.

Certified Correct:

Corporate Administrator

SCHEDULE “H”

DISTRICT OF BARRIERE
DEVELOPMENT PERMIT NO. _____

Permittee:

Address:

Application No:

1. This Development Permit is issued subject to compliance with all the bylaws of the District applicable thereto, except as specifically varied or supplemented by this Development Permit.
2. This Development Permit applies to and only to those lands within the District described below, and any and all buildings, structures and other development thereon:
(Legal Description of Property)

as shown outlined in red on the map attached hereto as Schedule “A”.
3. The development shall be carried out according to the following time schedule:
(Set out Time Schedule for Development)
4. As a condition of the issuance of this Development Permit, the District is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Development Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Development Permit within the time provided, the District may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development permitted by this Development Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:
 - a) An Irrevocable Letter of Credit in the amount of \$_____;
 - b) A Certified Cheque in the amount of \$_____; or
 - c) A Bank Draft in the amount of \$_____.
5. The land described herein shall be developed strictly in accordance with the terms, conditions and provisions of this Development Permit and any plans and specifications attached to this Development Permit shall form a part hereof.

SCHEDULE “H” con’t

6. If the Permittee does not commence the development permitted by this Development Permit within six (6) months of the date of the authorization of this Development Permit, this Development Permit shall lapse.
7. Any application to amend this Development Permit shall be considered as a new application.
8. This Development Permit is not a Building Permit.

Site Plan Approved by the Ministry of Transportation this day of , 20__.

Authorizing resolution passed by the Council this day of , 20__.

Certified Correct:

Corporate Administrator

SCHEDULE “I”

DISTRICT OF BARRIERE
TEMPORARY COMMERCIAL OR INDUSTRIAL USE PERMIT NO. _____
PERMIT FOR TEMPORARY COMMERCIAL OR INDUSTRIAL USE

Permittee:

Address:

Application No.:

1. This Temporary Use permit is issued subject to the compliance with all of the bylaws of the District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Temporary Use Permit applies to and only to those lands within the District described below, and any and all buildings, structures and other development thereon:
(Legal Description of Property)

as shown outlined in red on the map attached hereto as Schedule “A”.
3. In addition to the existing provisions of the Zoning Bylaw, the following use(s) is/are permitted:
(List specific Commercial or Industrial Uses)
4. The above use(s) is/are subject to the following conditions:
(Insert all conditions of use applicable to the subject property(ies))
5. As a condition of the issuance of this Temporary Use Permit, the Council is holding the security set out below to ensure that the development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Temporary Use Permit within the time provided, the District may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development permitted by this Temporary Use Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:
 - a) An Irrevocable Letter of Credit in the amount of \$_____;
 - b) A Certified Cheque in the amount of \$_____; or
 - c) A Bank Draft in the amount of \$_____.

SCHEDULE “I” con’t

6. The land described herein shall be developed strictly in accordance with the terms, conditions and provisions of this Temporary Use Permit and any plans and specifications attached to this Temporary use Permit shall form a part hereof.
7. This Temporary Use Permit expires on _____.
8. Any application to amend this Temporary Use Permit shall be considered as a new application.
9. This Temporary Use Permit is not a Building Permit.

Site Plan Approved by the Ministry of Transportation this day of , 20__.

Authorizing resolution passed by Council this day of , 20__.

Certified Correct:

Corporate Administrator

SCHEDULE “J”

NOTIFICATION SIGNS FOR REZONING OFFICIAL COMMUNITY PLAN AND LAND USE CONTRACT AMENDMENT APPLICATIONS

1. Purpose

For OCP and LUC Amendment rezoning applications, applicants are required to post a sign on the subject property to provide the general public with the basic facts relating to the application.

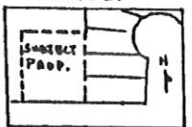
2. Timing

The rezoning sign(s) must be installed by the applicant within ten (10) days of the date that a completed application is submitted to the District. Signs shall remain in place until the bylaw is adopted or Council denies the application. The applicant is to advise the Department once the signs have been erected. Department staff will complete a site inspection to verify compliance with the sign requirements. All sign requirements must be complied with before an application can be taken forward to Council for consideration.

3. Location and Siting Specification

Signs are to be located adjacent to the street frontages with at least one sign on each street frontage. There shall be a minimum of one sign for every 150m of street frontage. No sign shall interfere with pedestrian or vehicular traffic or obstruct visibility from streets, lanes, walkways or driveways.

All signs must be installed and maintained by the applicant in a sound, workmanlike manner, capable of withstanding wind and weather. Sign format and installation standards are as follows:

REZONING APPLICATION	
<div>(PLACE SUBJECT PROPERTY MAP HERE)</div> <div>SAMPLE: </div>	Lot _____, Plan _____
	(Civic Address) _____
	From _____
	To _____
	To Permit _____
For More Information, Contact _____ (Applicant Name, Address, Phone)	
For copies of background material submitted by the applicant and/or the Development Services Department's Report to Council, please contact the Development Services Department at 828-3561.	

2' 2' 6" 14' 5 Feet