



**REGIONAL DISTRICT OF CENTRAL KOOTENAY
PLANNING PROCEDURES AND FEES BYLAW NO. 2457, 2015**

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**LIST OF AMENDMENTS TO RDCK Planning procedures and fees bylaw no. 2457, 2015
UP TO (see date at bottom of last page of amendments), WHICH ARE INCLUDED IN
THIS CONSOLIDATED VERSION OF THE BYLAW**

Bylaw No. File No.	Adopted	Amendment	Purpose
2545 10-5110	February 16 th , 2017	General text amendments to include revised schedules for ALR Referrals and Calculation of Securities; in addition to minor amendments for extended referral periods and public notification.	To enable clarity of process and increase decision making transparency in land use.
2617 10-5110	September 20 th , 2018	General text amendments to include new schedule for Liquor and Cannabis Retail Licensing	To enable clarity of process and increase decision making transparency in responding to liquor and cannabis retail sales license referrals from the Province

September 2018

TABLE OF CONTENTS

	Page
Title.....	1
Schedules	1
Definitions	2
Scope	2
Application	3
Fees	3
Delegation of Development Permit Applications	3
Delegation of Referral Comments	3
Notification.....	4
Notice of Development Sign	4
Public Hearing	4
Approval, Issuance or Refusal	5
Re-Application	5
Expiry of Application	5
Severability.....	5
Repeal.....	5
SCHEDULE 'A': DEVELOPMENT APPLICATION	6
SCHEDULE 'B': FEE SCHEDULE	11
SCHEDULE 'C': NOTICE OF DEVELOPMENT SIGN SPECIFICATIONS	13
SCHEDULE 'D': LAND USE AMENDMENT PROCEDURE.....	15
SCHEDULE 'E': DEVELOPMENT PERMIT PROCEDURE	17
SCHEDULE 'F': DEVELOPMENT VARIANCE PERMIT PROCEDURE	19
SCHEDULE 'G': BOARD OF VARIANCE PROCEDURE	20
SCHEDULE 'H': TEMPORARY INDUSTRIAL AND/ OR COMMERCIAL USE PERMIT PROCEDURE	21
SCHEDULE 'I': SITE SPECIFIC FLOODPLAIN EXEMPTION PROCEDURE	23
SCHEDULE 'J': SOIL REMOVAL AND DEPOSIT PERMIT PROCEDURE.....	24
SCHEDULE 'K': MANUFACTURED HOME PARK PERMIT PROCEDURE	25
SCHEDULE 'L': STRATA TITLE CONVERSION PROCEDURE.....	26
SCHEDULE 'M': SUBDIVISION REFERRAL PROCEDURE.....	28
SCHEDULE 'N': INDUSTRY CANADA REFERRAL PROCEDURE.....	29
SCHEDULE 'O': LOCAL GOVERNMENT, CROWN, FOREST, NOTICE OF WORKS REFERRAL PROCEDURE....	30
SCHEDULE 'P': ACCRETION REFERRAL PROCEDURE.....	30
SCHEDULE 'Q': AGRICULTURAL LAND RESERVE APPLICATION PROCEDURE	32
SCHEDULE 'R': SECURITY DEPOSIT CALCULATION PROCEDURE	32

**REGIONAL DISTRICT OF CENTRAL KOOTENAY
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A Bylaw to establish procedures and fees within the Regional District of Central Kootenay in accordance with Part 10.1 and Part 14 of the *Local Government Act*.

WHEREAS the Board has adopted Comprehensive Land Use Bylaws, Official Community Plans, Zoning Bylaws, a Floodplain Management Bylaw, and a Subdivision Bylaw;

AND WHEREAS the Board has designated areas within which Development Permits and Temporary Industrial and Commercial Use Permits are required;

AND WHEREAS the Board has a duty, under the *Agricultural Land Commission Act*, to provide information and a resolution regarding Agricultural Land Reserve applications within the RDCK;

AND WHEREAS the Board must, pursuant to Section 460 of the *Local Government Act*, by Bylaw establish procedures to amend a plan, bylaw, or issue a permit;

AND WHEREAS the Board may, under Section 502 of the *Local Government Act*, require that the applicant for a permit under Division 7 and 8 of Part 14 of the *Local Government Act* provide security in an amount stated in the permit by an irrevocable letter of credit or the deposit of securities in a form satisfactory to the local government;

AND WHEREAS the Board may, under Section 154 of the *Community Charter* delegate its authority for the purposes of issuance of a Development Permit and for the purposes of commenting on Referrals;

AND WHEREAS the Board may, under Section 393 of the *Community Charter* and Section 462 of the *Local Government Act*, by Bylaw establish fees for applications and charges related to the provision of services;

NOW THEREFORE the Board of the Regional District of Central Kootenay in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

Titles

1. This Bylaw may be cited for all purposes as **Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015**.

Schedules

2. The following Schedules, are attached to, and form part of this Bylaw:
 - Schedule 'A' – Development Application Form
 - Schedule 'B' – Fee Schedule
 - Schedule 'C' – Notice of Development Sign Specifications

- Schedule 'D' – Land Use Amendment Procedure
- Schedule 'E' – Development Permit Procedure
- Schedule 'F' – Development Variance Permit Procedure
- Schedule 'G' – Board of Variance Procedure
- Schedule 'H' – Temporary Industrial and/or Commercial Use Permit Procedure
- Schedule 'I' – Site Specific Floodplain Exemption Procedure
- Schedule 'J' – Soil Removal and Deposit Permit Procedure
- Schedule 'K' – Manufactured Home Park Permit Procedure
- Schedule 'L' – Strata Title Conversion Procedure
- Schedule 'M' – Subdivision Referral Procedure
- Schedule 'N' – Industry Canada Referral Procedure
- Schedule 'O' – Local Government, Crown, Forest, Notice of Works Referral Procedure
- Schedule 'P' – Accretion Referral Procedure
- Schedule 'Q' – Agricultural Land Reserve Application Procedure
- Schedule 'R' – Security Deposit Calculation Procedure
- Schedule 'S' – Liquor and Cannabis Retail Licensing Procedure

Definitions

3. In this Bylaw:

APPLICANT means an owner of land or his/her authorized agent applying for approval of an amendment to a Regional District bylaw, or the issuance of a permit under Part 14 of the *Local Government Act*;

REGIONAL BOARD means the Board of Directors of the Regional District of Central Kootenay (RDCK);

REGIONAL DISTRICT means the Regional District of Central Kootenay (RDCK);

SECURITY DEPOSIT means an unconditional irrevocable letter of credit or the deposit of securities in a form satisfactory to the RDCK.

Scope

4. This Bylaw applies to Procedures and Fees for the following:
- a. Amendment of a Comprehensive Land Use Bylaw (CLUB), Official Community Plan (OCP), and/or Zoning Bylaw
 - b. Issuance and/or Amendment of a Development Permit, Development Variance Permit, Board of Variance, Temporary Industrial and/or Commercial Use Permit, Site Specific Floodplain Exemption, Soil Removal and Deposit Permit, Manufactured Home Park Permit, and/or Strata Title Conversion
 - c. Review and Approval of Applications referred to the RDCK for the purposes of Subdivision, Industry Canada, other Local Government, Accretions, Crown, Forest, Notice of Works, and applications to the Agricultural Land Commission (ALC)

5. This Bylaw applies to Administrative Fees for the following:
 - a. Title Searches
 - b. Registration, Amendment or Removal of Charges on Title
 - c. Assignment and Change of Address
 - d. Mapping Fees
 - e. Photocopy Charges
 - f. Survey Plans
 - g. NSF Cheques
 - h. Document Retrieval
 - i. Comfort Letters

Application

6. Applications as listed in Section 4 shall be made by the Owner of the land involved, and/or by a person authorized by the Owner.
7. Applications shall be made on the applicable form, attached hereto as Schedule 'A' of this Bylaw and be accompanied by the required information as identified on the submission checklist outlined in Schedule 'A'.

Fees

8. At the time of submission of an application and during the processing of an application, the applicant shall pay to the Regional District of Central Kootenay fees in the amount as set out in Schedule 'B' of this Bylaw.

Delegation of Development Permit Applications

9. The RDCK Board of Directors delegates the authority for the issuance of Development Permits to the General Manager of Development Services.
10. An applicant may request reconsideration of a delegated decision by the RDCK Board of Directors upon written request to the Secretary of the Board.

Delegation of Referral Comments

11. The RDCK Board of Directors delegates the authority to comment on applications referred to the RDCK for the purposes of Industry Canada, other Local Government, Accretions, Crown, Forest, and Notice of Works to the applicable Local Area Director in which the referral has been received.
12. A Local Area Director may request consideration of a delegated decision by the RDCK Board of Directors upon request. Referrals which impact three or more Electoral Areas will be presented to the RDCK Board for comment.

Notification

13. Pursuant to the *Local Government Act*, a notice, where required, shall be mailed or otherwise delivered to owners and any tenants of all parcels subject to application, and within a minimum distance of 100 metres (328 feet) or greater from all parcels subject to application.

Notice of Development Sign

14. In the case of applications to amend a Comprehensive Land Use Bylaw (CLUB), Official Community Plan (OCP), and/or Zoning Bylaw, or applications for Temporary Industrial and/or Commercial Use Permits, the applicant shall be responsible for erecting a development notification sign to the specifications outlined in Schedule 'C'.
15. In the case of block amendment applications put forward by the Regional District of Central Kootenay Board of Directors to amend a Comprehensive Land Use Bylaw (CLUB), Official Community Plan (OCP), and/or Zoning Bylaw, where a number of properties are proposed to be rezoned or re-designated, a development notification sign shall not be required.
16. In the case of an application to amend a Zoning Bylaw, where an Official Community Plan is in place, a public hearing may be waived subject to meeting the requirements of Section 464(2) of the *Local Government Act* and upon approval from the Regional District of Central Kootenay Board of Directors. In instances where a public hearing is waived, public notice must be published as required under Section 467 of the *Local Government Act*.

Public Hearing

17. In the case of applications to amend a Comprehensive Land Use Bylaw (CLUB), Official Community Plan (OCP), and/or Zoning Bylaw, or applications for Temporary Industrial and/or Commercial Use Permits, public hearings are governed by Section 465 of the *Local Government Act*. In the absence of the public, a public hearing may be adjourned after a minimum of 15 minutes from the advertised time of commencement of the public hearing.
18. The RDCK Board of Directors delegates the duty, under Section 469 of the *Local Government Act*, to hold a public hearing subject to availability, with stipend and expenses as follows:
 - a. To the Local Area Director where the affected parcel(s) under application are being considered;
 - b. To the Chair of the Rural Affairs Committee; and/or
 - c. To the Chair of the Board

Approval, Issuance or Refusal

19. The Board may, upon receipt of a staff report under Section '4 (a)' of this Bylaw proceed with an amendment bylaw, table or reject the application.
20. The Board may, upon receipt of a staff report under Section '4 (b)' of this Bylaw:
 - a. authorize the issuance of the permit;
 - b. authorize the issuance of the proposed permit as amended by the Board in its resolution;
or
 - c. refuse to authorize the issuance of the permit.
21. Where an application, amendment bylaw, or a permit has been refused by the Board, RDCK staff shall notify the applicant in writing within fifteen (15) days immediately following the date of refusal.

Re-Application

22. Subject to Section 225 of the *Local Government Act*, re-application for an amendment or permit that has been refused by the Board shall not be considered within a six (6) month period immediately following the date of refusal.

Expiry of Application

23. Every application not decided within eighteen (18) months of the date of application is deemed to have expired and requires a new application.

Severability

24. If any portion of this Bylaw is for any reason held to be invalid by a Court of competent jurisdiction, the invalid portion shall be severed and the portion that is invalid shall not affect the validity of the remainder of this bylaw.

Repeal

25. Regional District of Central Kootenay Land Development Applications Procedures Bylaw No. 2238, 2011 and all subsequent amendments thereto, is hereby REPEALED.
26. Regional District of Central Kootenay Photocopy Fees and Map Production Bylaw No. 1784, 2005 and all subsequent amendments thereto, is hereby REPEALED.
27. Regional District of Central Kootenay Delegation Bylaw No. 1808, 2006 is hereby REPEALED.

READ A FIRST TIME this 16th day of July, 2015.

READ A SECOND TIME this 16th day of July, 2015.

READ A THIRD TIME this 16th day of July, 2015.

ADOPTED this 16th day of July, 2015.

"K. Hamling"

"A. Winje"

Chair

Secretary

I HEREBY CERTIFY that this is a true and correct copy of **Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015.**

DATED this 16th day of July, 2015.

"A. Winje"

Secretary

SCHEDULE 'A': DEVELOPMENT APPLICATION



Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4
Phone: (250) 352-6665 Toll Free: 1-800-268-7325 Fax: (250) 352-9300
Email: rdck@rdck.bc.ca Website: www.rdck.bc.ca

DEVELOPMENT APPLICATION

Applicants are advised to consult with Planning Services staff before submitting an application.

Please note that applicants for a Development Permit and/or a Temporary Industrial or Commercial Use Permit may be required to provide security by an irrevocable letter of credit as a condition of the issue of the permit.

****This application will not be accepted unless it is complete and the required fee and plans are attached****

APPLICATION TYPE			
Check appropriate box(s)			
<input type="checkbox"/> Bylaw Amendment (Community Plan)	<input type="checkbox"/> Temporary Industrial or Commercial Use Permit		
<input type="checkbox"/> Bylaw Amendment (Zoning)	<input type="checkbox"/> Site Specific Floodplain Exemption		
<input type="checkbox"/> Development Permit	<input type="checkbox"/> Soil Removal and Deposit Permit		
<input type="checkbox"/> Development Variance Permit	<input type="checkbox"/> Manufactured Home Park Permit		
<input type="checkbox"/> Board of Variance	<input type="checkbox"/> Strata Title Conversion		
APPLICATION INFORMATION			
Please complete as appropriate			
LEGAL DESCRIPTION OF PROPERTY (under application)			
CIVIC ADDRESS OF PROPERTY (under application)			
CURRENT OCP DESIGNATION		PROPOSED OCP DESIGNATION	
CURRENT ZONING DESIGNATION		PROPOSED ZONING DESIGNATION	
ALR	YES <input type="checkbox"/>	NO <input type="checkbox"/>	FLOOD AND/OR HAZARD
WATERCOURSE	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NAME OF WATERCOURSE
EXISTING LAND USE & STRUCTURES			
PROPOSED LAND USE & STRUCTURES			
REQUESTED VARIANCE/ EXEMPTION			

FOR OFFICE USE ONLY	
Application Fee Paid: \$ _____	Receipt Number: _____
Received by: _____	
File Number: _____	

APPLICANT:	OWNER(S):
Name: _____	Name: _____
Mailing Address: _____ _____ _____	Mailing Address: _____ _____ _____
<i>(include Postal code)</i>	<i>(include Postal code)</i>
Phone: (Bus.): _____ (Home): _____	Phone: (Bus.): _____ (Home): _____
Email: _____	Email: _____

If the applicant is not the registered owner, complete the owner information and attach a letter of authorization from the property owner(s) or have the owner sign the following authorization:

As owner(s) of the land described in this application, I/we hereby authorize: _____
 to act as applicant in regard to this land development application.

Owner Signature: _____	Owner Signature: _____
Date: _____	Date: _____

I have attached the required documentation, as noted on the Development Application Submission Checklist, along with the required application fee and hereby agree to submit further information deemed necessary for processing this application. Furthermore, I hereby acknowledge that any fees paid are non-refundable except as noted on the fee schedule.

Applicant Signature: _____ Date: _____

The personal information on this form is being collected pursuant to Part 14 of the Local Government Act and Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015 for the purpose of processing the development application. The collection, use and disclosure of this personal information is subject to the provisions of the BC Freedom of Information and Protection of Privacy Act (FOIPPA). If you have any questions about the collection of your personal information, contact the Privacy Officer at 250.352.8166, awinje@rdck.bc.ca, or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

DEVELOPMENT APPLICATION SUBMISSION CHECKLIST

DEVELOPMENT APPLICATION TYPE	REQUIRED ATTACHMENTS
Bylaw Amendment (Community Plan)	A, B, C, D, E, F, G, H
Bylaw Amendment (Zoning)	A, B, C, D, E, F, G, H
Development Permit	A, B, C, D, E, F, G
Development Variance Permit	A, B, C, D, E, F
Board of Variance	A, B, C, D, E, F
Temporary Industrial or Commercial Permit	A, B, C, D, E, F, G, H
Site Specific Floodplain Exemption	A, B, C, D, E, F, I
Soil Removal and Deposit Permit	A, B, C, D, E, F, G
Manufactured Home Park Permit	A, B, C, D, E, F, G, K
Strata Title Conversion	A, B, C, D, E, F, G, J, K, L

NOTE: All applications may be subject to 'M'

REQUIRED DEVELOPMENT APPROVALS INFORMATION

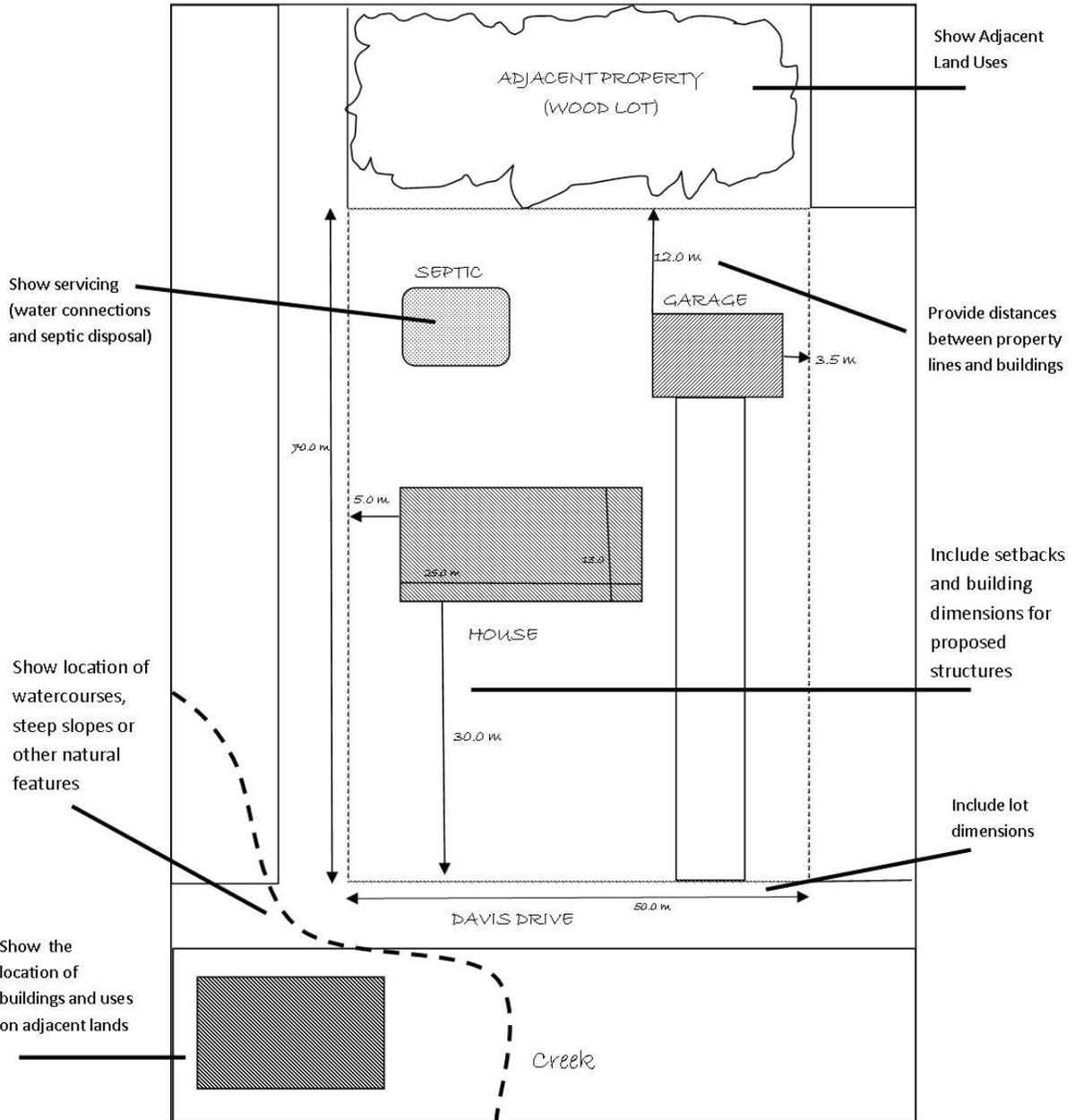
ATTACHMENT	DETAILS
A. CERTIFICATE OF TITLE	A copy of the Title, issued not more than 30 days prior to the application date, for any parcel of land subject to the application and a copy of all non-financial charges (i.e. restrictive covenants, easements and right-of-ways, etc.) registered on the subject property(s). A copy of the Title and the related documents can be obtained directly from our Office, the Land Title Office, a notary, lawyer, or search company.
B. AGENT AUTHORIZATION	Written consent of <u>ALL</u> property owners, with one or more owners appointing an applicant to act as agent for all purposes associated with the application.
C. APPLICATION FEE	An application fee as set out in Schedule 'B' of this Bylaw and amendments thereto.
D. PROVINCIAL SITE PROFILE	As per current Contaminated Sites Legislation.
E. SITE PLAN	<p>Site plan of the proposed development drawn to scale and showing dimensions. The site plan must include:</p> <ul style="list-style-type: none"> • The civic address and full legal description of the property • Lot dimensions • Existing or required rights-of-way or easements. • Location and dimensions (including setbacks) of existing and proposed buildings and structures on the site (a recent survey plan is preferable) • Detailed drawings of the proposed development, including building sections, elevations and floor plans proposed for the site. • Location of existing wells or other water sources on property • Location of any existing or proposed septic fields • Location of any watercourses, steep banks or slopes on or adjacent to the property • Location of any existing community services of sanitary sewer, water, storm drainage and rights-of-way on the site or adjacent to the site • Location and width of existing or proposed access(es) to the property, driveways, maneuvering aisles and parking layout <p>Submission must include one small scale (8/12" x 11") copy of the proposed site plan.</p>
F. PROPOSAL SUMMARY	<p>An outline of the 'type of development' or 'land use proposed' including:</p> <ul style="list-style-type: none"> • The number of proposed lots, units and/or increase to gross floor area • Explanation of proposed variance or exemption (if applicable) • Explanation of purpose or rationale for application
G. LANDSCAPE PLAN	<ul style="list-style-type: none"> • Site plan drawn to scale and showing dimensions; including any existing or proposed screening, landscaping and fencing.

ATTACHMENT	DETAILS
	<ul style="list-style-type: none"> • Timeline and cost estimate prepared by a Landscape Architect or other persons approved by RDCK staff in accordance with Schedule 'R' – Security Deposit Calculation Procedure
H. DEVELOPMENT SIGN	In accordance with the specifications outlined in Schedule 'C' of this Bylaw and amendments thereto.
I. ENGINEERS REPORT	As identified in the Requirements for Professional Engineers/Geoscientists undertaking Geotechnical Reports/Flood Hazard Assessment Reports.
J. STRUCTURAL ENGINEER OR ARCHITECT'S REPORT ON EXISTING STRUCTURE	<p>A report prepared by a professional engineer or architect. The report will evaluate the condition of the building, compare construction methods to the requirements of the current B.C. Building Code, and identify any areas where the building does not meet the health and safety requirements of the current B.C. Building Code. The report will specifically address the following:</p> <ul style="list-style-type: none"> • age and repair of all buildings or structures, physical condition, and state of repair • general condition and repair of the foundation • heating, plumbing and electrical systems and fixtures • roof structure and condition • elevator or other mechanical lift if applicable • fire and sound separations • common amenities if applicable • compliance with egress and exiting requirements • the methodology used to evaluate the building and source of information on which the report is based • the disclosure of any direct or indirect interest the writer of the declaration may have in the building or ownership
K. SERVICING REQUIREMENTS	<p>A current (dated not more than 12 months prior to the date of application) Compliance Letter and Septic Report addressing the state of the septic system from a Registered Onsite Wastewater Practitioner (ROWP). Where the scope of the project is sufficiently large, a community sewage disposal system with the appropriate permit from the Province will be required. Additionally, proof of an adequate supply of potable water must be submitted. This can be obtained by the following means:</p> <ul style="list-style-type: none"> • A letter from the owner/operator of the community water system confirming that all units can be or are currently connected to the water system and that fees have been paid for connection to the water system • Proof of application for a water license(s) • Proof of application for an amendment to an existing water license suitable for diversion, which entitles each unit in the proposed strata conversion to at least 2,270 litres (500 imp. gal.) of water per day for domestic purposes • A well log or pump test for each unit confirming that each well is capable of producing at least 15 litres (3 imp. gal.) per minute of water
L. RELOCATION OF EXISTING TENANTS PLAN	A list of the names and mailing addresses of the persons occupying the units, together with copies of any lease agreements and the proposal/intentions regarding the relocation of persons who may be affected by the proposed Strata Title Conversion.
M. ADDITIONAL INFORMATION THAT MAY BE REQUIRED	<ul style="list-style-type: none"> • Contour plan showing land contours before and after lot grading for the subject property and the adjacent properties • Geotechnical analysis • Survey certificate to identify the location of existing buildings/structures or watercourses, top of banks or other physical features • Location of existing or proposed refuse enclosures, refuse and recycling bins • Architectural rendering drawing which depicts the design, finish and color of proposed buildings, landscaping detail and signage location • Signage plans for free standing and fascia, canopy or projecting signs, including the location, dimensions, height, materials and total sign area for each sign

SAMPLE SITE PLAN

You must submit a site plan or sketch plan at the time of application.

The sketch may be drawn freehand or drawn by a professional. It must contain the following information.



Subject Property: 636 Davis Drive
 Lot A, District Lot 306 KD Plan NEP4366
 (PID 002-354-762)

Indicate the parcel under application, including civic address and full legal description

SCHEDULE 'B': FEE SCHEDULE

1. Land Development Application Fees:

DEVELOPMENT APPLICATION	FEE SCHEDULE
Amendment Application (Community Plan)	\$1600.00
Amendment Application (Zoning)	\$1600.00
Amendment Application (CLUB or RLUB)	\$1600.00
Amendment Application (Joint OCP/Zoning)	\$1800.00
Development Permit	\$500.00
Development Permit (and minor variance)	\$600.00
Development Permit (minor amendment)	\$100.00
Development Variance Permit	\$500.00
Board of Variance Permit	\$500.00
Temporary Industrial or Commercial Use Permit	\$1000.00
Site Specific Floodplain Exemption	\$500.00
Soil Removal and Deposit Permit	\$300.00
Manufactured Home Park Permit	\$600.00 for application \$100.00 per unit
Strata Title Conversion	\$600.00 for application \$100 per unit
Subdivision	\$550.00 for review \$90.00 per additional lot over 5 lots
Liquor and Cannabis Retail Licensing	\$500 for review and notification

2. In the case of applications to amend a Comprehensive Land Use Bylaw (CLUB), Official Community Plan (OCP), and/or Zoning Bylaw, or applications for Temporary Industrial and/or Commercial Use Permits; 50% of the application fee for an amendment to a shall be refunded, provided the application is withdrawn by the applicant, or is denied by the Board, prior to the Regional District incurring expenses towards public notifications of a public hearing.
3. In the case of development applications to amend a Comprehensive Land Use Bylaw (CLUB), Official Community Plan (OCP), and/or Zoning Bylaw, applications for Temporary Industrial and/or Commercial Use Permits, Development Permits, Soil Removal and Deposit Permits; or where applications are required to go before additional public hearings or public meetings, the applicant shall pay for the advertising costs (\$400.00 per additional public hearing or public meeting).
4. In the case of all other development applications; 50% of the application fee listed in Section 1 shall be refunded if the application is withdrawn prior to proceeding to the decision making authority as indicated: Board of Variance, to the Board, or to the Manager of Development Services for consideration.

5. Administrative Fees (where LTSA means Land Title and Survey Authority):

SERVICE AND MAPPING FEES	FEE SCHEDULE
Title Search	\$17.00 per title
Registration, Amendment or Removal of Charges on Title	Current LTSA Fee
Release or Amendment of Covenant	\$25.00
Assignment and Change of Address	\$25.00 per address
Mapping Fees Parcel Report (8 x 11) Parcel Report (11 x 17) Community Plan Map Zoning Map Cadastre Composite Contour Map Digital Data Special Order Mapping Large Format Mapping	\$20.00 \$20.00 \$25.00 \$25.00 \$25.00 \$25.00 \$150/mb \$75.00/hour \$75.00 per map
Photocopy Charges Individual Documents Bylaw (less than 100 pages) Bylaw (over 100 pages) Building Drawings – Full Size	\$0.25 per page (not to exceed \$10.00) \$10.00 per copy \$15.00 per copy \$5.00 per page
Survey Plans	\$25.00
NSF Cheques	\$50.00
Archived Document Retrieval	\$50.00 for initial review (one hour) \$15.00 per additional half hour increment
Comfort Letter	\$50.00 for initial review (one hour) \$15.00 per additional half hour increment \$15.00 annual renewal fee

SCHEDULE 'C': NOTICE OF DEVELOPMENT SIGN SPECIFICATIONS

These requirements apply to applications for amendments to Comprehensive Land Use Bylaws, Official Community Plans, Zoning Bylaws, and to applications for Temporary Industrial and Commercial Use Permits.

Where an application as referenced above is submitted the applicant shall prepare and post notification sign(s) on the subject property(s), and shall:

Location

1. Erect one sign on each street frontage of the site to inform the public about the nature and purpose of the application(s). The sign(s) shall be located within 6 metres (20 feet) of the street frontage and approximately the mid point of the subject property. The sign(s) shall be clearly visible from the street and be securely fixed to the ground. The sign shall be located a minimum 1.2 metres (4 feet) above the ground. Signage requirements, such as any additional signs, or for small corner sites will be at the discretion of Planning Division staff.

Posting

2. Prepare and post the notification sign in accordance with the sign specifications within 10 days of making the application to the Regional District and verify to RDCK planning staff that the sign(s) have been erected.
3. It is the responsibility of the applicant to make, buy, or rent the sign(s) and to post the same. Failure to install the sign(s) according to these requirements will result in a postponement in the processing of the application.
4. Remove the sign(s) within one week of the application being refused or approved by the Board or within one week of the application being withdrawn by the applicant.

Specifications

5. The Notice of Development sign(s) shall be a minimum of 1.2 m X 1.2 m (4 feet by 4 feet) in size and constructed of 1.3 cm (1/2 inch) plywood or other durable material with a white background and black letters. The Format Sheet specifies the requirements regarding the materials and format of the Notice of Development sign(s).

NOTICE OF DEVELOPMENT
SIGN FORMAT SHEET

NOTICE OF DEVELOPMENT

SITE DESCRIPTION:

FROM:

TO:

IN ORDER TO DEVELOP:

**FOR FURTHER INFORMATION PLEASE CONTACT:
PLANNING DEPARTMENT
REGIONAL DISTRICT OF CENTRAL KOOTENAY**

1-250-352-8165 or 1-800-268-7325 (RDCK)

NOTICE OF DEVELOPMENT SIGN SPECIFICATIONS

Sign Material: 1/2" (1.3 cm) plywood or durable material

Sign Size: 48" (122 cm) x 48" (122 cm)

Sign Lettering: Black enamel paint or Black vinyl block lettering (i.e., Helvetica, Switzerland Black)

"NOTICE OF DEVELOPMENT"

1. 3" (7.6 cm) black letters

"SITE DESCRIPTION" (and all wording therein)

"FROM" (and all wording therein)

"TO" (and all wording therein)

"IN ORDER TO DEVELOP" (and all wording therein)

2. 1 1/2" (3.8 cm) black letters

"FOR FURTHER INFORMATION PLEASE CONTACT:

PLANNING DEPARTMENT

REGIONAL DISTRICT OF CENTRAL KOOTENAY

1-250-352-6665 or 1-800-268-7325 (RDCK)

3. 1" (2.5 cm) black letters

SCHEDULE 'D': LAND USE AMENDMENT PROCEDURE

1. Upon receipt of an application accompanied by the required fees and attachments, RDCK planning staff will open a file and issue a fee receipt to the applicant.
2. RDCK planning staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. If the applicant does not provide the required information within a timeframe identified at the discretion of staff, the application and fee will be returned to the applicant.
3. Within ten (10) days of making application, the applicant is required to erect a Notice of Development Sign in accordance with the requirements outlined in Schedule 'C' of this Bylaw.
4. RDCK planning staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
5. RDCK planning staff will refer the application to all applicable Regional District departments, First Nations, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality.
6. Notice of proposal will also be given to owners and tenants of all parcels within a minimum distance of 100 metres (328 feet) of the subject property. This distance may be extended at the discretion of staff.
7. RDCK planning staff may require the applicant to host a public information meeting based on the proximity of the proposal to adjacent residential properties and based on receipt of public comments. The applicant will be required to pay the cost of any associated public meetings as outlined in Schedule 'B' of this Bylaw. Staff members of the Regional District may or may not be delegated to attend.
8. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board.
9. The applicant is invited to attend the Rural Affairs Committee (RAC) meeting at which the amendment application will be considered. After considering the applicant's proposal, referral agency comments and staff recommendations, RAC will make a recommendation to the Board.
10. The Board will, upon receipt, consider RAC's recommendation. If the Board decides to proceed with the amendment application, an amending bylaw will be prepared and given initial readings. The Board may alternatively decide to refer, table, or deny the application.

11. After the amending bylaw receives first and/or second reading, it will be advertised in an appropriate newspaper and if required, a public hearing will be held to permit the public to comment on the application. Notice of a public hearing will be given pursuant to the Local Government Act to owners and tenants of all parcels within a minimum distance of 100 metres (328 feet) of the property subject to the bylaw amendment. This distance may be extended at the discretion of staff.
12. The minutes of the public hearing will be presented on the next available Board agenda.
13. Following receipt of the public hearing minutes the Board will consider the amendment bylaw and may proceed with third reading, table or deny the application. Upon third reading, a zoning amendment bylaw may be forwarded to the Province for approvals if required before proceeding to the Board for adoption.
14. Once the applicant has adequately addressed all of the conditions identified at third reading, the Board will consider the adoption of the bylaw(s). Once the Board minutes have been prepared, the applicant will be notified in writing of the outcome. Any required covenants or other legal documents required as a condition of approval are the financial responsibility of the applicant.

SCHEDULE 'E': DEVELOPMENT PERMIT PROCEDURE

1. Upon receipt of an application accompanied by the required fees and attachments, RDCK planning staff will open a file and issue a fee receipt to the applicant.
2. RDCK planning staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. If the applicant does not provide the required information within a timeframe identified at the discretion of staff, the application and fee will be returned to the applicant.
3. RDCK planning staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
4. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality.
5. Notice of proposal will also be given to owners and tenants of all parcels within a minimum distance of 100 metres (328 feet) of the subject property. This distance may be extended at the discretion of staff.
6. RDCK planning staff may require the applicant to host a public information meeting based on the proximity of the proposal to adjacent residential properties and based on receipt of public comments. The applicant will be required to pay the cost of any associated public meetings as outlined in Schedule 'B' of this Bylaw.
7. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report to the General Manager of Development Services.
8. The staff report, draft Development Permit and comments from the applicant will be provided to the General Manager of Development Services for review.
9. The draft Development Permit and staff report will be sent to the applicant with an allowance of fourteen (14) days for comment. No response from the applicant within the 14 day period will be deemed as acceptance of the terms of the Development Permit. The Permit will become effective at the expiry of the 'Appeal Period' or the date the 'Waiver of Appeal' is received by the RDCK.
10. To guarantee the performance of the terms of the permit a security deposit may be recommended. In the case where security is required, the General Manager will issue the permit only upon receipt of deposit in accordance with Schedule 'R.'

11. No permit regarding commercial or industrial buildings exceeding 4,500 square metres in gross floor area near controlled access highways will be issued unless approved or exempted by the Minister of Transportation or his/her delegate.
12. If the applicant is dissatisfied with the decision of the General Manager of Development Services, the applicant can provide a signed 'Notice of Appeal' Declaration Form within 14 days to the General Manager of Development Services for subsequent consideration of the Rural Affairs Committee (RAC). The Permit is suspended until the Board renders a final decision.
13. The applicant making an appeal is encouraged to attend as a delegation to the Rural Affairs Committee (RAC). The RAC makes a recommendation to the Board based on the presentation and the staff report. The Board shall decide the matter and give direction to the General Manager of Development Services, who shall issue the permit accordingly.
14. Once the permit becomes effective, a Notice of Permit will be signed and sealed by the Secretary and registered against the title of the property(s) at the Land Title Office.
15. Once the permit has been issued notification is provided to the Building Department and relevant agencies. A building permit for the proposed development may be considered for issuance by the RDCK Building Department based on the provisions of the Development Permit.
16. RDCK planning staff shall administer any further conditions of the Development Permit as specified within each individual permit as required. Planning staff may conduct inspections, on an as-required basis, to ensure that the terms of the Development Permit are satisfied.

SCHEDULE 'F': DEVELOPMENT VARIANCE PERMIT PROCEDURE

1. Upon receipt of an application accompanied by the required fees and attachments, RDCK planning staff will open a file and issue a fee receipt to the applicant.
2. RDCK planning staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. If the applicant does not provide the required information within a timeframe identified at the discretion of staff, the application and fee will be returned to the applicant.
3. RDCK planning staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
4. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality. Notice of proposal will also be given to owners and tenants of all parcels within a minimum distance of 100 metres (328 feet) of the subject property. This distance may be extended at the discretion of staff.
5. Following the referral period, staff evaluation, referral agency comments and public comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board. The applicant is invited to attend the Rural Affairs Committee (RAC) meeting at which the permit application will be considered.
6. The Board will, upon receipt, consider RAC's recommendation and may grant the requested permit, or may refer, table or deny the application.
7. Once the Board minutes have been prepared, the applicant will be notified in writing of the outcome.
8. If a Permit is granted, a Notice of Permit will be signed and sealed by the Secretary and registered against the Title of the property(s) at the Land Title Office.
9. To guarantee the performance of the terms of the permit a security deposit may be recommended. In the case where security is required, the permit will be issued only upon receipt of deposit in accordance with Schedule 'R.'

SCHEDULE 'G': BOARD OF VARIANCE PROCEDURE

1. Upon receipt of an application accompanied by the required fees and attachments, RDCK planning staff will open a file and issue a fee receipt to the applicant.
2. RDCK planning staff will review the application to determine whether the application seeks to vary a matter within the jurisdiction of the Board of Variance under the *Local Government Act* and whether it is complete and, if incomplete, will request the required information from the applicant. If the applicant does not provide the required information within a timeframe identified at the discretion of staff, the application and fee will be returned to the applicant.
3. RDCK planning staff will arrange for a hearing of the Board of Variance upon receipt of the application in conjunction with the RDCK Board of Variance members. If the application is an appeal of a determination of damages to property under Section 531(1) of the *Local Government Act* made pursuant to Section 528 of the *Local Government Act*, the hearing and determination by the Board of Variance must be made within thirty (30) days of receipt.
4. RDCK planning staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
5. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies, and the local area director as applicable not less than ten (10) days prior to the hearing date as determined. Notice of proposal will also be given to owners and tenants of all parcels located immediately adjacent to the subject property. The notice of hearing shall state the date, place, and time of the hearing and shall state the subject matter of the application.
6. Following the referral period, staff evaluation, referral agency comments and public comments will be incorporated into a technical report to the Board of Variance.
7. The Board of Variance will, upon receipt, consider staff's recommendation and hold a hearing of the Board of Variance, in which they may grant the requested variance, or may refer, table or deny the application. The decision of the Board of Variance is final and binding, except in those cases where an appeal is provided for in the *Local Government Act*.
8. Once the hearing minutes have been prepared, the applicant will be notified in writing of the outcome within seven (7) days of the decision.

SCHEDULE 'H': TEMPORARY INDUSTRIAL AND/ OR COMMERCIAL USE PERMIT PROCEDURE

1. Upon receipt of an application accompanied by the required fees and attachments, RDCK planning staff will open a file and issue a fee receipt to the applicant.
2. RDCK planning staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. If the applicant does not provide the required information within a timeframe identified at the discretion of staff, the application and fee will be returned to the applicant.
3. Within ten (10) days of making application for a Temporary Industrial or Commercial Use Permit, the applicant is required to erect a Notice of Development Sign in accordance with the requirements outlined in Schedule 'C' of this Bylaw.
4. RDCK planning staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
5. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality. Notice of proposal will also be given to owners and tenants of all parcels within a minimum distance of 100 metres (328 feet) of the subject property. This distance may be extended at the discretion of staff.
6. RDCK planning staff may require the applicant to host a public information meeting based on the proximity of the proposal to adjacent residential properties and based on receipt of public comments. The applicant will be required to pay the cost of any associated public meetings as outlined in Schedule 'B' of this Bylaw.
7. Following the referral period, staff evaluation, referral agency comments and public comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board.
8. The applicant is invited to attend the Rural Affairs Committee (RAC) meeting at which the permit application will be considered. After considering the applicant's proposal, referral agency comments, staff recommendations and draft permit, RAC will make a recommendation to the Board. To guarantee the performance of the terms of the permit a security deposit may be recommended.
9. Should the Board choose to proceed with the processing of the permit, staff will arrange for a public hearing in accordance with the requirements of the *Local Government Act*.
10. Upon receipt of the minutes of the public hearing the Board may chose to issue the permit or deny the permit.

11. Once the Board minutes containing the Board's decision with respect to the permit have been prepared, the applicant will be notified in writing of the outcome.
12. If a Permit is granted, a Notice of Permit will be signed and sealed by the Secretary and registered against the Title of the property(s) at the Land Title Office. Once issued the owner of land has the right to put the land to the use described in the permit until the date that the permit expires. Unless otherwise stated, the permit is valid for a period of up to 3 years.

SCHEDULE 'I': SITE SPECIFIC FLOODPLAIN EXEMPTION PROCEDURE

1. Upon receipt of an application accompanied by the required fees and attachments, RDCK planning staff will open a file and issue a fee receipt to the applicant.
2. RDCK planning staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. If the applicant does not provide the required information within a timeframe identified at the discretion of staff, the application and fee will be returned to the applicant.
3. RDCK planning staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
4. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality.
5. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board.
6. The applicant is invited to attend the Rural Affairs Committee (RAC) meeting at which the permit application will be considered. After considering the applicant's proposal, referral agency comments, staff recommendations and draft permit, RAC will make a recommendation to the Board.
7. The Board will, upon receipt, consider RAC's recommendation and may grant the requested site specific exemption or amendment, or may refer, table or deny the application.
8. Once the Board minutes have been prepared, the applicant will be notified in writing of the outcome.
9. If an exemption or amendment is granted, a restrictive covenant under Section 219 of the *Land Title Act* will be prepared at the expense of the applicant to be signed and sealed by the Secretary and registered against the Title of the property(s) at the Land Title Office.

SCHEDULE 'J': SOIL REMOVAL AND DEPOSIT PERMIT PROCEDURE

1. Upon receipt of an application accompanied by the required fees and attachments, RDCK planning staff will open a file and issue a fee receipt to the applicant.
2. RDCK planning staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. If the applicant does not provide the required information within a timeframe identified at the discretion of staff, the application and fee will be returned to the applicant.
3. RDCK planning staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
4. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality. Notice of proposal will also be given to owners and tenants of all parcels within a minimum distance of 100 metres (328 feet) of the subject property. This distance may be extended at the discretion of staff.
5. RDCK planning staff may require the applicant to host a public information meeting based on the proximity of the proposal to adjacent residential properties and based on receipt of public comments. The applicant will be required to pay the cost of any associated public meetings as outlined in Schedule 'B' of this Bylaw.
6. Following the referral period, staff evaluation, referral agency comments and public comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board.
7. The applicant is invited to attend the Rural Affairs Committee (RAC) meeting at which the permit application will be considered. After considering the applicant's proposal, referral agency comments, staff recommendations and draft permit, RAC will make a recommendation to the Board. To guarantee the performance of the terms of the permit a security deposit may be recommended.
8. Upon receipt of the minutes of the public hearing the Board may chose to issue the permit or deny the permit.
9. Once the Board minutes containing the Board's decision with respect to the permit have been prepared, the applicant will be notified in writing of the outcome.
10. If a Permit is granted, a Notice of Permit will be signed and sealed by the Secretary and registered against the Title of the property(s) at the Land Title Office. Once issued the owner of land has the right to put the land to the use described in the permit until the date that the permit expires.

SCHEDULE 'K': MANUFACTURED HOME PARK PERMIT PROCEDURE

1. Upon receipt of an application accompanied by the required fees and attachments, RDCK planning staff will open a file and issue a fee receipt to the applicant.
2. RDCK planning staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. If the applicant does not provide the required information within a timeframe identified at the discretion of staff, the application and fee will be returned to the applicant.
3. RDCK planning staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
4. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality and to adjacent landowners if the proposal will require consideration of a variance.
5. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report to the Building Manager (Chief Building Official).
6. The staff report, draft Manufactured Home Park Permit and comments from the applicant will be provided to the Building Manager (Chief Building Official) for review. If the Building Manager (Chief Building Official) approves the permit, the applicant will be notified accordingly. To guarantee the performance of the terms of the permit a security deposit may be recommended.
7. Once any and all relevant conditions have been satisfied (i.e. a security deposit has been submitted if applicable) notification is provided to the Building Department and relevant agencies. A building permit for the proposed development may be considered for issuance by the RDCK Building Department based on the provisions of the Manufactured Home Park Permit.
8. RDCK planning staff shall administer any further conditions of the Manufactured Home Park Permit as specified within each individual permit as required. Planning staff may conduct inspections, on an as-required basis, to ensure that the terms of the Manufactured Home Park Permit are being satisfied.
9. If, after the issuance of a permit, construction of the manufactured home park is not commenced within six (6) months from the date of issuance of the permit, or if, for any cause other than weather conditions, strikes or lock outs, the work is not carried on continuously and in good faith, the permit may be revoked by the Building Manager (Chief Building Official).

SCHEDULE 'L': STRATA TITLE CONVERSION PROCEDURE

1. Upon receipt of an application accompanied by the required fees and attachments, RDCK planning staff will open a file and issue a fee receipt to the applicant.
2. RDCK planning staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. If the applicant does not provide the required information within a timeframe identified at the discretion of staff, the application and fee will be returned to the applicant.
3. RDCK planning staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
4. If it is determined during staff's review of the application that the proposal does not conform to relevant Regional District bylaws and policies, the applicant will be notified. RDCK planning staff will discuss with the applicant if the non-conformity can be considered through a land use amendment, development variance permit or development permit. The application for Strata Title Conversion will not be approved until the non-conformance is addressed.
5. RDCK planning staff will refer the application to The Regional District Building Department along with the Structural Engineer or Architect's Report to verify that the structure(s) meet current B.C. Building Code. The applicant will be required to submit plans to bring the structure(s) into compliance with the current B.C. Building Code.
6. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality.
7. If there is no associated plan amendment, or if the proposal is different or more detailed than a previously considered amendment application, property owners of land within a minimum 100 metres (328 ft.) radius of the property subject to the proposed Strata Title Conversion will be notified by mail advising of the application. This distance may be extended at the discretion of staff. The deadline for receipt of comments shall be consistent with the above referenced referral to applicable agencies.
8. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board.
9. The applicant is invited to attend the Rural Affairs Committee (RAC) meeting at which the application will be considered. After considering the applicant's proposal, referral agency comments, staff recommendations and draft strata plan, RAC will make a recommendation to the Board.

10. The Board will, upon receipt, consider RAC's recommendation The Board may approve the strata plan, approve the strata plan subject to terms and conditions, refuse to approve the strata plan, or refuse to approve the strata plan until terms and conditions are met. The Board's decision is final and cannot be appealed.
11. Once the Board minutes have been prepared, the applicant will be notified in writing of the outcome.
12. Once any and all relevant conditions have been satisfied, the Board will issue its endorsement of the strata plan.

SCHEDULE 'M': SUBDIVISION REFERRAL PROCEDURE

1. Upon receipt of an application referral from the Ministry of Transportation and Infrastructure (MoTI) accompanied by the required attachments, RDCK planning staff will open a file and issue an invoice to the applicant as defined in Schedule 'B' of this Bylaw.
2. Upon receipt of applicable fees, RDCK planning staff will evaluate the application referral for compliance with relevant Regional District bylaws and policies. The application referral may also be distributed to other applicable RDCK departments for comment. Staff may conduct a site visit to view the property as part of the evaluation process.
3. If it is determined during staff's review of the application referral that the proposal does not conform to relevant Regional District bylaws and policies, the applicant will be notified. RDCK planning staff will discuss with the applicant if the non-conformity can be considered through a land use amendment, development variance permit or development permit.
4. RDCK planning staff will forward copies of a Notice of Requirements letter to the Ministry and Applicant. The Notice of Requirements letter will outline the results of the application referral review; identifying any outstanding requirements, areas of the application that may conflict with applicable bylaws, and/or required amendment(s).
5. As any outstanding requirements are submitted by the Applicant, the RDCK will check any additional application materials to verify that the conditions of the Notice of Requirements letter have been satisfied.
6. Once all the requirements defined by the RDCK in the Notice of Requirements letter have been satisfied by the Applicant, the RDCK will notify the Ministry and the Applicant that there are no outstanding issues within the scope of the RDCK's jurisdiction.

SCHEDULE 'N': INDUSTRY CANADA REFERRAL PROCEDURE

1. Upon receipt of an application referral from Industry Canada accompanied by the required attachments, RDCK planning staff will open a file and forward the referral package to RDCK planning staff.
2. RDCK planning staff will evaluate the application referral for compliance with relevant Regional District bylaws and policies. The application referral may also be distributed to other applicable RDCK departments for comment.
3. If it is determined during staff's review of the application referral that the proposal does not conform to relevant Regional District bylaws and policies, the applicant will be notified. RDCK planning staff will discuss with the applicant if the non-conformity can be considered through a land use amendment, development variance permit or development permit.
4. A referral information package will be compiled by RDCK planning staff for referral to applicable local area director(s); information prepared will include notation of any relevant land use policy or regulations, general context statements from any relevant strategic level plans, a location map (where available) and any associated materials provided in support of the application. Draft comments as prepared by planning staff will be included in an electronic memo to the applicable local area director(s) with a referral response period of thirty (30) days.
5. Referral information packages will not be sent to local Advisory Planning Commission (APC) as it falls outside of their mandate, however a local area director may choose to solicit advice from their APC where it is deemed appropriate prior to submitting their comments.
6. Following the thirty (30) day comment period; planning staff will compile any planning staff comments and any comments received by the local area director(s) into any associated referral form (generally provided) for submission.
7. For Industry Canada specific referrals on Crown Land, response will include a corresponding letter of concurrence and a notation that the Province's Land Use Operational Policy – Communication Sites satisfies RDCK consultation requirements. RDCK planning staff will take into consideration the FCM (Federation of Canadian Municipalities) Antenna System Siting Protocol and are directed to conduct a site visit where practicable.
8. For Industry Canada specific referrals located on private lands, planning staff will be required to prepare an RDCK Board Report making recommendation for resolution to meet Industry Canada Requirements.

**SCHEDULE 'O': LOCAL GOVERNMENT, CROWN, FOREST, NOTICE OF WORKS
REFERRAL PROCEDURE**

1. Upon receipt of an application referral from the Province or other applicable authority accompanied by the required attachments, RDCK planning staff will open a file and forward the referral package for review.
2. RDCK planning staff will evaluate the application referral for compliance with relevant Regional District bylaws and policies. The application referral may also be distributed to other applicable RDCK departments for comment.
3. If it is determined during staff's review of the application referral that the proposal does not conform to relevant Regional District bylaws and policies, the applicant will be notified. RDCK planning staff will discuss with the applicant if the non-conformity can be considered through a land use amendment, development variance permit or development permit.
4. A referral information package will be compiled by RDCK planning staff for referral to applicable local area director(s); information prepared will include notation of any relevant land use policy or regulations, general context statements from any relevant strategic level plans, a location map (where available) and any associated materials provided in support of the application. Draft comments as prepared by planning staff will be included in an electronic memo to the applicable local area director(s) with a referral response period of thirty (30) days.
5. Referral information packages will not be sent to local Advisory Planning Commission (APC) as it falls outside of their mandate, however a local area director may choose to solicit advice from their APC where it is deemed appropriate prior to submitting their comments.
6. Referrals which impact three or more Electoral Areas will be presented to the Rural Affairs Committee to recommend a resolution for the Regional Board to endorse.
7. RDCK planning will submit planning staff comments, any comments received by the local area director(s) and any Board resolutions to the applicable authority.
8. Submissions will be saved both electronically and in hard copy with the associated referral file.

SCHEDULE 'P': ACCRETION REFERRAL PROCEDURE

The process of Accretion has remained an issue for those areas surrounding Kootenay Lake (Area A, D, E and F). Kootenay Lake currently receives just less than 60% of all accretion applications in the Province. The percentage of applications on Kootenay Lake has increased steadily since 2005, when Kootenay Lake was only 20% of the total Provincial applications.

There have been many RDCK Board resolutions in reference to the accretion process and staff response. Under RDCK Board Resolution 369/09 it was directed that staff continue to conduct site visits to ensure that the information submitted by the B.C. Land Surveyor is correct and to investigate into any issues that may affect the accretion process on a site by site basis.

Upon receipt of information relative to accretion applications made to the Surveyor General under Section 94(1) c. of the *Land Act*, staff will process the referral in the following manner:

1. Upon receipt of an application referral from the applicant and/or agent accompanied by the required attachments, RDCK planning staff will open a file and forward the referral package for review.
2. Planning staff will conduct a site visit or make use of data available through the RDCK mapping and/or property files to verify that the information submitted by the applicant and/or agent is complete and correct.
3. A referral information package will be compiled by RDCK planning staff for referral to applicable local area director(s); information prepared will include notation of any relevant land use policy or regulations, general context statements from any relevant strategic level plans, a location map (where available) and any associated materials provided in support of the application. Draft comments as prepared by planning staff will be included in an electronic memo to the applicable local area director(s) with a referral response period of thirty (30) days.

Referral information packages will not be sent to local Advisory Planning Commission (APC) as it falls outside of their mandate, however a local area director may choose to solicit advice from their APC where it is deemed appropriate prior to submitting their comments.

4. Following the thirty (30) day comment period, planning staff will compile any planning staff comments and any comments received by the local area director(s) into any associated referral form (generally provided) for submission to the Surveyor General.

SCHEDULE 'Q: AGRICULTURAL LAND RESERVE APPLICATION PROCEDURE

As with all Regional Districts and B.C. municipalities with lands in the Agricultural Land Reserve, the RDCK processes applications for ALR Inclusion, Exclusion, Subdivision of an ALR, and Non-Farm Use within an ALR. Applications are submitted through an on-line portal to the Agricultural Land Commission (ALC). Upon receipt of an ALR application, staff will process the application in the following manner:

1. Upon receipt of an application from the Agricultural Land Commission accompanied by the required attachments, RDCK planning staff will open a file. RDCK planning staff will review the application to determine whether it is complete and, if incomplete, will inform ALC staff of the required missing information.
2. RDCK planning staff will evaluate the application for compliance with relevant Regional District bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
3. If it is determined during staff's review of the application that the proposal does not conform to relevant Regional District bylaws and policies, the applicant will be notified. RDCK planning staff will discuss with the applicant if the non-conformity may be considered through a land use amendment, development variance permit or development permit.
4. RDCK planning staff will refer the application for information and comment to applicable RDCK departments, local area director(s), Ministry of Agriculture staff and agricultural advisory commission(s) for a period of thirty (30) days. The local area director(s) may solicit advice from the applicable advisory planning commission(s).
5. Following the referral period, staff evaluation, agency referral comments and public comments will be incorporated into a report to the Rural Affairs Committee (RAC) of the Board.
6. The applicant is invited to attend the Rural Affairs Committee (RAC) meeting at which the amendment application will be considered. After considering the applicant's proposal, referral agency comments and staff recommendations, RAC will make a recommendation to the Board.

AREAS WITH A ZONING BYLAW:

7. Under the ALC Act, applications that do not conform to a local zoning bylaw may not proceed unless authorized by a resolution of the local government. The Board will consider RAC's recommendation and will pass a resolution to deny the proposal or advance the proposal to the ALC. The local government resolution may include additional comments for the ALC to consider.

8. If the Board refuses the application, the \$600 ALC portion of the fee will be returned to the applicant.
9. If the Board supports the application, planning staff will submit the Board resolution, Staff Resolution and other associated materials to the ALC application Portal.
10. Upon receipt of a decision by the ALC, the resolution will be placed on the next RDCK Board agenda for information. Resolutions will be saved both electronically and in hard copy with the associated ALR File.

AREAS WITH NO ZONING BYLAW:

11. The Board will consider RAC's recommendation and will pass a resolution with comments for the ALC to consider.
12. Planning staff will submit the Board resolution, Staff Report and other associated materials to the ALC Portal.
13. Upon receipt of a decision by the ALC, the resolution will be placed on the next RDCK Board agenda, and forwarded to any applicable RDCK department or Provincial agencies impacted by the decision. Resolutions will be saved both electronically and in hard copy with the associated ALR File.

SCHEDULE 'R': SECURITY DEPOSIT CALCULATION PROCEDURE

Under the *Local Government Act* (S.502), the RDCK Board or delegate may require security as condition for the issuance of Development Permits, Development Variance Permits and Temporary Use Permits. A local government may require that the applicant provide security for the following purposes:

- a. a condition in a permit respecting landscaping has not been satisfied;
- b. an unsafe condition has resulted as a consequence of a contravention of a condition in a permit; or
- c. damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit (e.g., watercourse setback protection fencing, channel reconstruction, riparian replanting).

Form of security: Security will be provided in a form chosen by the applicant as either an automatically renewing irrevocable letter of credit or security deposit satisfactory to the General Manager of Development Services. 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 amount of the security.

Amount: The amount of security must be specified in the permit and will be calculated according to the following: (all estimates or quotes will be provided by the applicant at the applicant's expense)

- a. Landscaping security. The amount of security will be 125% of an itemized estimate or quote of the cost of works submitted by a Landscape Architect, Qualified Environmental Professional, landscaping company or other professional approved by the General Manager of Development Services.
- b. Remediation security may be required to rectify an unsafe condition or damage to the natural environment that may result as a consequence or a contravention of a condition in a permit. The amount of security will be 125% of an itemized estimate or quote of the cost of works reflecting the nature of the permit conditions. The estimate must be submitted by a Professional approved by the General Manager of Development Services.

In extraordinary circumstances, alternate methodologies to calculate the amount of security may be approved by the General Manager of Development Services.

Return of Security

If a permit is cancelled by the applicant and no work has occurred related to the security deposit, the security deposit will be returned to the applicant at the approval of the General Manager of Development Services. When required works are completed, the applicant may contact planning staff to request an inspection prior to obtaining a refund of the security.

SCHEDULE 'S': LIQUOR AND CANNABIS LICENSING PROCEDURE

The process for the issuance of retail licensing for Liquor and Cannabis Retail is the sole jurisdiction of the Provincial government under the Liquor and Cannabis Regulations Branch. Local governments have been provided opportunity to provide recommendation on all license applications and must provide opportunity for community feedback prior to making formal recommendation of support or non-support. The process requirements are similar for both types of licensing and as such the RDCK will process the licensing of both liquor and cannabis in a similar manner. This procedure does not apply for Liquor Licensing for the purposes of establishments licensed under the *Liquor Control and Licensing Act*, such as food and beverage establishments or special event permits.

1. Upon receipt of a notice of intent to apply for or obtain a license for Liquor or Non-medical Cannabis Retail Sales, RDCK planning staff will open a file and issue a fee receipt to the applicant.
2. RDCK planning staff will evaluate the notice of intent for compliance with relevant Regional District bylaws and policies. The notice of intent may also be distributed to other applicable RDCK departments for comment.
3. If it is determined during staff's review of the notice of intent that the proposal does not conform to relevant Regional District bylaws and policies, the applicant/agent will be notified. RDCK planning staff will discuss with the applicant if the non-conformity can be considered through a land use amendment, development variance or development permit.
4. A referral information package will be compiled by RDCK planning staff for notification to the local area director, local fire department, local law enforcement and adjacent property owners. Information prepared will include: notation of any relevant land use policy or regulations, general context statements from any relevant strategic level plans, a location map (where available) and any associated materials provided in support of the application. The referral information package will be provided electronically and by mail with a referral response period of thirty (30) days.
5. A newspaper notification will also be placed to solicit further public comment.
6. Referral information packages will not be sent to local Advisory Planning Commissions (APCs) as it falls outside of their mandate, however a local area director may choose to solicit advice from their APC where it is deemed appropriate prior to submitting their comments.
7. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board. Preference will be provided for applications that take into consideration the following guidelines:
 - a. Conformance with relevant Regional District bylaw and policies
 - b. Proximity to other specified land uses such as day cares, health care facilities, libraries, parks, playgrounds, schools and other liquor or cannabis related businesses (recommended minimum distance of 300 metres)
 - c. Licenses will not be supported in a dwelling place or as a home based occupation

8. The applicant is invited to attend the Rural Affairs Committee (RAC) meeting at which their application will be considered. After considering the applicant's proposal, referral agency comments and staff recommendations, RAC will make a recommendation to the Board.
9. The RDCK Board will, upon receipt, consider RAC's recommendation. The Board may support the application, not support the application, or request that the applicant provide further information.
10. Once the Board minutes have been prepared, the applicant and the appropriate approval authority will be notified in writing of the outcome.