

**VILLAGE OF VALEMOUNT  
BYLAW NO. 580, 2005**

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Being a Bylaw to establish Procedures for the Development of Land and Premises within the Village of Valemount

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WHEREAS, the Council of the Village of Valemount has adopted an Official Community Plan and a Zoning Bylaw;

AND WHEREAS, Section 895 of the Local Government Act requires the adoption of a bylaw to establish procedures for amendment to an Official Community Plan or Zoning Bylaw, and for the issuance of permits related to such Plans or Bylaws.

NOW THEREFORE, the Council of the Village of Valemount, in open meeting lawfully assembled, hereby enacts as follows;

1. This Bylaw may be cited for all purposes as "Village of Valemount Development Procedures Bylaw No. 580, 2005".
2. Village of Valemount Procedures Bylaw No. 497, 2001 and Amendment Bylaw No. 512, 2001 are repealed in their entirety.
3. That Procedures are hereby established for the amendment of the Village's Official Community Plan and Zoning Bylaw, and for the issuance of Development Permits, Development Variance Permits and Temporary Commercial and Industrial Permits as set out in Sections "1" through "6" as attached hereto;

Section "1"	Introduction
Section "2"	Development Permits
Section "3"	Development Variance Permits
Section "4"	Temporary Commercial and Industrial Permits
Section "5"	Zoning Bylaw Amendments
Section "6"	Official Community Plan Amendments

4. That Schedules "1" through "10" form an integral part of this bylaw;

Schedule "1"	Development Permit Application
Schedule "2"	Development Variance Permit Application
Schedule "3"	Temporary Commercial and Industrial Permit Application
Schedule "4"	Rezoning and Official Community Plan Amendment Application
Schedule "5"	Development Permit
Schedule "6"	Development Variance Permit
Schedule "7"	Temporary Commercial and Industrial Permit
Schedule "8"	Notice to Registrar
Schedule "9"	Cancellation of Notice to Registrar
Schedule "10"	Irrevocable Letter of Credit

5. If any section, paragraph or phrase of this bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

Read a First time this 12th day of July, 2005.

Read a Second time this 12th day of July, 2005.

Read a Third time this 26th day of July, 2005.

Reconsidered and Adopted this 9th day of August, 2005.

\_\_\_\_\_  
Jeannette Townsend  
Mayor

\_\_\_\_\_  
D.B. (Doug) Fleming  
Chief Administrative Officer

Certified a true and correct copy of "Village of Valemount Development Procedures Bylaw No. 580, 2005".

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D.B. (Doug) Fleming  
Chief Administrative Officer

**VILLAGE OF VALEMOUNT  
BYLAW NO. 580, 2005**

**INTRODUCTION**

**SECTION “1”**

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Processing development related applications can be complicated and time consuming if the proper procedures are not followed. This guide clarifies and simplifies these procedures by providing a step by step description of the necessary tasks for each application. A clearer understanding of these tasks also ensures provincial and local regulations are met.

The five (5) application procedures described in this guide are:

- ~ Development Permits;
- ~ Development Variance Permits;
- ~ Temporary Commercial and Industrial Permits;
- ~ Zoning Bylaw Amendments; and
- ~ Official Community Plan Amendments.

The tasks required to process each of these applications are numbered and contained in separate sections of this document. This format makes it easier to follow the tasks and allows the sections to be removed and reproduced if necessary.

Included within each section of the guide is:

- ~ a flow chart which outlines the steps in the application process;
- ~ a section of text which explains the steps outlined in the flow chart.

Application forms and proforma permits are included in the attached schedules section.

It is important to note that each application is described in its most basic form. Additional tasks may be required.

The Village of Valemount Development Procedures Bylaw requires permit and amendment applications to be addressed to the Chief Administrative Officer. The Chief Administrative Officer may delegate responsibilities for processing these applications to other Village Staff.

**VILLAGE OF VALEMOUNT  
BYLAW NO. 580, 2005**

**DEVELOPMENT PERMITS**

**SECTION "2"**

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**SCOPE:**

A Development Permit is required prior to:

- ~ any subdivision of land located within a designated Development Permit Area;
- ~ construction, alteration, or addition of a structure located on land within a designated Development Permit Area.

Before accepting an application under this category, it must first be determined if the subject property is located within a Development Permit Area as identified in the Village of Valemount Official Community Plan. The designation of a Development Permit Area is pursuant to Section 919.1 of the Local Government Act as amended from time to time, whereby areas may be designated for the:

- ~ protection of the natural environment;
- ~ protection of development from hazardous conditions;
- ~ revitalization of an area in which a commercial use is permitted, if the area has been designated for that purpose by the Minister; or
- ~ establishment of objectives and the provision of guidelines for the form and character of commercial, industrial or multi-family residential development.

Development Permit Applications cannot vary the use or density of land or flood plain specifications, pursuant to Section 920 of the Local Government Act, as amended from time to time.

In the event the applicant proposes changes in use or density, the applicant may wish to explore other avenues. These can include:

- ~ Zoning Bylaw Amendments; and
- ~ Official Community Plan Amendments.

**FLOWCHART**  
**Procedures for Development Permit Applications**

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Applicant submits application to Chief Administrative Officer  
(If less than \$50,000 in value, CAO can approve without council approval)



Village staff and government agencies review application



Application submitted to Council Meeting for Review  
(owner/developer may be asked to attend meeting)



Council approves or denies application



Upon approval, applicant submits required security



Chief Administrative Officer prepares final permit, issues permit and prepares  
record for applicant and Village files.



Chief Administrative Officer files Notice with Land Titles Office

## Development Permit Procedure

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The general process for issuing a Development Permit is identified below.

### 1. Applicant Submits Application to the Village Chief Administrative Officer

The applicant holds a preliminary discussion with the Chief Administrative Officer to determine if the application is consistent with the requirements established by the Village's bylaws and policies. If the application is consistent with those requirements, the applicant may complete the form, "Application for a Development Permit". The applicant must submit the application to the Chief Administrative Officer with the following:

- ~ the \$200.00 application fee;
- ~ State of Title Certificate. A State of Title Certificate indicates property information such as the registered owner's name, charges and liens, etc;
- ~ a completed application form;
- ~ a written authorization from the registered property owner which allows the applicant to apply on behalf of the owner, if the applicant is not the registered owner;
- ~ two (2) site plans which illustrate existing and proposed development of the subject property. The site plan should be drawn at a reasonable scale, and shall include information respecting:
  - ~ legal information,
  - ~ setbacks,
  - ~ parking,
  - ~ access,
  - ~ the outer perimeter of buildings and all structures,
  - ~ significant topographic features or watercourses,
  - ~ any proposed elevations, cross sections or detailed drawings which may be relevant; and
  - ~ any other information required to support the application.

If a proposed development involves cosmetic improvements totalling \$50,000 or less in value, the Chief Administrative Officer has the option to approve or deny the development permit application without first obtaining a resolution from Council. This option may be exercised at the sole discretion of the CAO, and is not applicable if the development permit in question includes a proposed variance to the Village of Valemount Zoning Bylaw No. 610, as amended. The applicant must still meet all other legislative requirements as set out by the Village of Valemount prior to

receiving a development permit. In the event that the applicant is denied a development permit by the CAO, that person has the right to request that the application be brought before Council for reconsideration. Such a request must be made in writing within 14 days of the original application being denied.

## 2. Chief Administrative Officer and Government Agencies Review Application

Once the completed application package is received, the Chief Administrative Officer consults with other Village departments and prepares a technical report assessing the application according to the criteria set out in the Development Permit section of the Village of Valemount Official Community Plan.

The technical report should be submitted to Village Council as background information. It must address the appropriateness of the application with respect to the Development Permit Area criteria within the Village of Valemount Official Community Plan and with respect to regulations set out in the Village of Valemount Zoning Bylaw. This review may consider the appropriateness of the application according to:

- ~ impacts on adjacent properties;
- ~ views and privacy;
- ~ health and safety;
- ~ site rehabilitation plans;
- ~ height;
- ~ setbacks;
- ~ linkages to parks, walkways and green ways; and
- ~ basic infrastructure.

The technical report may reveal that further or more detailed information is required from the applicant. If so, the application process may be delayed until the required information is submitted.

It may be necessary to refer the Development Permit application to outside agencies whose interests may be affected. These agencies may include but should not be limited to:

- ~ Ministry of Transportation (e.g.: highway access required);
- ~ Ministry of Water, Land and Air Protection (e.g.: air or water emissions);
- ~ Ministry of Health (e.g.: air or water emissions);
- ~ Agricultural Land Commission (e.g.: agricultural land involved);
- ~ Regional District of Fraser-Fort George (e.g.: impacts on lands within Regional District).

3. Village Council Reviews Application with Developer/Owner

When all necessary information has been received, the following must be submitted to the Village Council for review and consideration:

- ~ application form;
- ~ technical review; and
- ~ agency comments.

Upon review of the application, Council has three (3) options including:

- ~ if the application is acceptable, authorizing staff to prepare the permit ; or
- ~ if necessary, requesting additional information from the applicant; or
- ~ if the application is unacceptable, denying the application.

4. Village Council Denies Application

If the application is denied, the applicant may not reapply for a Development Permit until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the Local Government Act, as amended from time to time.

5. Upon Approval, Applicant Submits Required Security

Pursuant to Section 925 of the Local Government Act as amended from time to time, Council may require the Development Permit applicant to provide security with respect to landscaping or unsafe conditions through, at the applicant's option, either:

1. an irrevocable letter of credit; or
2. cash

6. Chief Administrative Officer Issues Permit

If the application is approved by Council resolution, the Chief Administrative Officer prepares the final Development Permit. The Permit is issued and a record is prepared of the Development Permit for the Owner and the Village's files. A building permit may be issued at this time.

7. Chief Administrative Officer Files Notice with the Appropriate Land Titles Office

Pursuant to Section 927 of the Local Government Act as amended from time to time, when the Village issues a Development Permit, the Chief Administrative Officer must file notice with the appropriate Land Titles Office that the land described in the notice is subject to a Development Permit. On filing, the registrar will make a note of the filing against the title to the land affected.

8. Use of Security

As per Section 925 of the Local Government Act, as amended from time to time, if the Council considers that:

- a) A condition in a permit respecting landscaping and including paving has not been satisfied;
- b) An unsafe condition has resulted as a consequence of contravention of a condition in the permit; or
- c) Damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit;

The Council will:

- a) Undertake, at the expense of the holder of the permit, the works, construction or other activities required to satisfy the landscaping condition, correct the unsafe condition or correct the damage to the environment; and
- b) Apply the security in payment of the cost of the works, construction or other activities, with any excess to be returned to the holder of the permit.

As a general guideline, the amount of security should be adequate to undertake all works that may be in default, all landscaping, all work that may be required to rectify any potential unsafe conditions, and all work required to restore a site to its original condition.

Pursuant to Section 920 of the Local Government Act, as amended from time to time, Council may specify other conditions under which the development permit may be carried on.

**VILLAGE OF VALEMOUNT  
BYLAW NO. 580, 2005**

**DEVELOPMENT VARIANCE PERMITS**

**SECTION “3”**

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**SCOPE:**

Development Variance Permits may, by Council resolution, vary the provisions of a number of Village bylaws. These provisions may pertain to:

- ~ zoning (e.g.: setback and height restrictions);
- ~ parking (e.g.: number of spaces required);
- ~ signage (e.g.: size, materials);
- ~ subdivision servicing (e.g.: services required, pipe size);
- ~ mobile home parks (e.g.: setback and separation regulations);
- ~ other regulatory bylaws

Development Variance Applications cannot vary the use or density of land or flood plain specifications, pursuant to Section 922 of the Local Government Act, as amended from time to time.

If the application deals with issues of use or density, the applicant may wish to consider other avenues. These can include:

- ~ Zoning Bylaw amendments; and
- ~ Official Community Plan amendments.

**FLOWCHART**  
**Procedures for Development Variance Permit Applications**

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Applicant submits application to Chief Administrative Officer



*Preliminary review with Council (optional)*



Village staff and government agencies review application



Application submitted to Council Meeting for Review  
(owner/developer may be asked to attend meeting)



Council denies application or gives approval to proceed with notices (sets date for  
consideration of application – notices sent)



Council considers application, technical reports and input from public



Council may deny or approve application



If approved, applicant submits required security



Chief Administrative Officer prepares final permit, issues permit and prepares record for  
applicant and Village files



Chief Administrative Officer files Notice with Land Titles Office

## **Development Variance Permit Procedure**

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The general process for issuing a Development Variance Permit is identified below.

### 1. Applicant Submits Application to the Chief Administrative Officer

The applicant holds a preliminary discussion with the Chief Administrative Officer to determine if the application is consistent with the requirements established by the Village's bylaws & policies. If the application is consistent with those requirements, the applicant may complete the form, "Application for a Development Variance Permit".

The applicant must submit the application with the following:

1. the \$300.00 application fee;
2. State of Title Certificate. A State of Title Certificate indicates property information such as the registered owner's name, charges and liens, etc;
3. a completed application form;
4. a written authorization from the registered property owner which allows the applicant to apply on behalf of the owner, if the applicant is not the registered owner;
5. two (2) site plans which illustrate existing and proposed development of the subject property. The site plan should be drawn at a reasonable scale, and shall include information respecting:
  - ~ legal information,
  - ~ setbacks,
  - ~ parking,
  - ~ access,
  - ~ the outer perimeter of buildings and all structures,
  - ~ significant topographic features or watercourses,
  - ~ any elevations, cross sections or detailed drawings which may be relevant; and
  - ~ any other information required to support the application.

### 2. Preliminary Review with Council

Before proceeding with this application further a preliminary review may be conducted with Council to ensure Council's conceptual support for the development variance being requested.

### 3. Chief Administrative Officer and Government Agencies Review Application

Once the completed application package is received, the Chief Administrative Officer consults with other Village departments and prepares a technical report assessing the application according to the criteria set out in the Development Variance Permit section of the Village of Valemount Official Community Plan. A preliminary review of the application may be made with Council prior to agency referrals.

The technical report should assess the application for presentation to Council. It will consider the nature of the application and its potential impact on adjacent properties with respect to:

- ~ views and privacy;
- ~ health and safety;
- ~ site rehabilitation plans;
- ~ height;
- ~ setbacks;
- ~ linkages to parks, walkways and green ways; and
- ~ basic infrastructure

The technical report may reveal that further or more detailed information is required from the applicant. If so, the application may be held until the required information is submitted.

It may be necessary to refer the Development Variance Permit application to outside agencies whose interests may be affected. These agencies may include but should not be limited to:

- ~ Ministry of Transportation (e.g.: highway access required or within 800m of Highway #5 if variance to zoning regulations);
- ~ Ministry of Water, Land and Air Protection (e.g.: air or water emissions);
- ~ Ministry of Health (e.g.: air or water emissions);
- ~ Agricultural Land Commission (e.g.: agricultural land involved);
- ~ Regional District of Fraser-Fort George (e.g.: impacts on lands within Regional District).

### 4. Village Council Reviews Application with Developer/Owner

When all necessary information has been received, the following must be submitted to the Village Council for review and consideration:

- ~ application form;
- ~ technical review; and
- ~ agency comments.

Upon review of the application, Council has three (3) options including:

- ~ if the application is acceptable, authorizing staff to prepare the draft permit and to notify the public of Council's intention to issue the permit; or
- ~ if necessary, requesting additional information from the applicant; or
- ~ if the application is unacceptable, denying the application.

5. Village Council Denies Application

If the application is denied, the applicant may not reapply for a Development Variance Permit until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the Local Government Act, as amended from time to time.

6. Upon Preliminary Approval, Chief Administrative Officer Notifies Property Owners of Permit Application

If Council authorizes the Chief Administrative Officer to notify property owners of their intent to issue the Permit, notice must be given in accordance with the provisions of Section 922 of the Local Government Act as amended from time to time.

The notice shall state:

- ~ in general terms, the purpose of the proposed Development Variance Permit;
- ~ the land or lands that are subject to the proposed Development Variance Permit;
- ~ the place where, and the times when, copies of the proposed Development Variance Permit may be inspected; and
- ~ the date, time and place where the resolution will be considered.

The notice must be mailed or otherwise delivered at least ten (10) days before adoption of the resolution to:

- ~ the owners as shown on the assessment role on the date of application for the Development Variance Permit; and
- ~ any tenants in occupation, on the date of the mailing or delivery of the notice, of all parcels which are:

1. the subject of the Development Variance Permit, or

2. directly adjacent to the property subject to the Development Variance application.

Additionally, notice of the intent to consider the Development Variance Permit application shall be placed on the Village of Valemount website, not less than ten (10) days before the date upon which the Development Variance Permit will be considered by the Council.

7. Village Council Holds Final Review of Application

Once Council considers the application and input from the public, it has three (3) options, including:

- ~ by resolution, issuing the Development Variance Permit (as amended if required); or
- ~ requesting additional information or minor adjustments; or
- ~ refusing to issue the Development Variance Permit.

8. Village Council Denies Application

If the application is denied, the applicant may not reapply for a Development Variance Permit until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the Local Government Act, as amended from time to time.

9. Upon Approval, Applicant Submits Required Security

Pursuant to Section 925 of the Local Government Act as amended from time to time, Council may require the Development Variance Permit applicant to provide security with respect to landscaping or unsafe conditions through, at the applicant's option, either:

- ~ an irrevocable letter of credit; or
- ~ cash

10. Chief Administrative Officer Issues Permit

If the application is approved by Council resolution, the Chief Administrative Officer prepares the final Development Variance Permit.

The Permit is issued and a record is prepared of the Development Variance Permit for the Owner and the Village's files. A building permit may be issued at this time.

11. Chief Administrative Officer Files Notice with the Appropriate Land Titles Office

Pursuant to Section 927 of the Local Government Act, as amended from time to time, when the Village issues a Development Variance Permit, the Chief Administrative Officer must file notice with the appropriate Land Titles Office that the land described in the notice is subject to a Development Variance Permit. On filing, the registrar will make a note of the filing against the title to the land affected.

12. Use of Security

As per Section 925 of the Local Government Act, as amended from time to time, if the Council considers that:

- a) A condition in a permit respecting landscaping and including paving has not been satisfied;
- b) An unsafe condition has resulted as a consequence of contravention of a condition in the permit; or
- c) Damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit;

The Council will:

- a) Undertake, at the expense of the holder of the permit, the works, construction or other activities required to satisfy the landscaping condition, correct the unsafe condition or correct the damage to the environment; and
- b) Apply the security in payment of the cost of the works, construction or other activities, with any excess to be returned to the holder of the permit.

As a general guideline, the amount of security should be adequate to undertake all works that may be in default, all landscaping, all work that may be required to rectify any potential unsafe conditions, and all work required to restore a site to its original condition.

Pursuant to Section 922 of the Local Government Act, as amended from time to time, Council may specify other conditions under which the development variance permit may be carried on.

**VILLAGE OF VALEMOUNT  
BYLAW NO. 580, 2005**

**TEMPORARY COMMERCIAL AND INDUSTRIAL PERMITS      SECTION "4"**

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**SCOPE:**

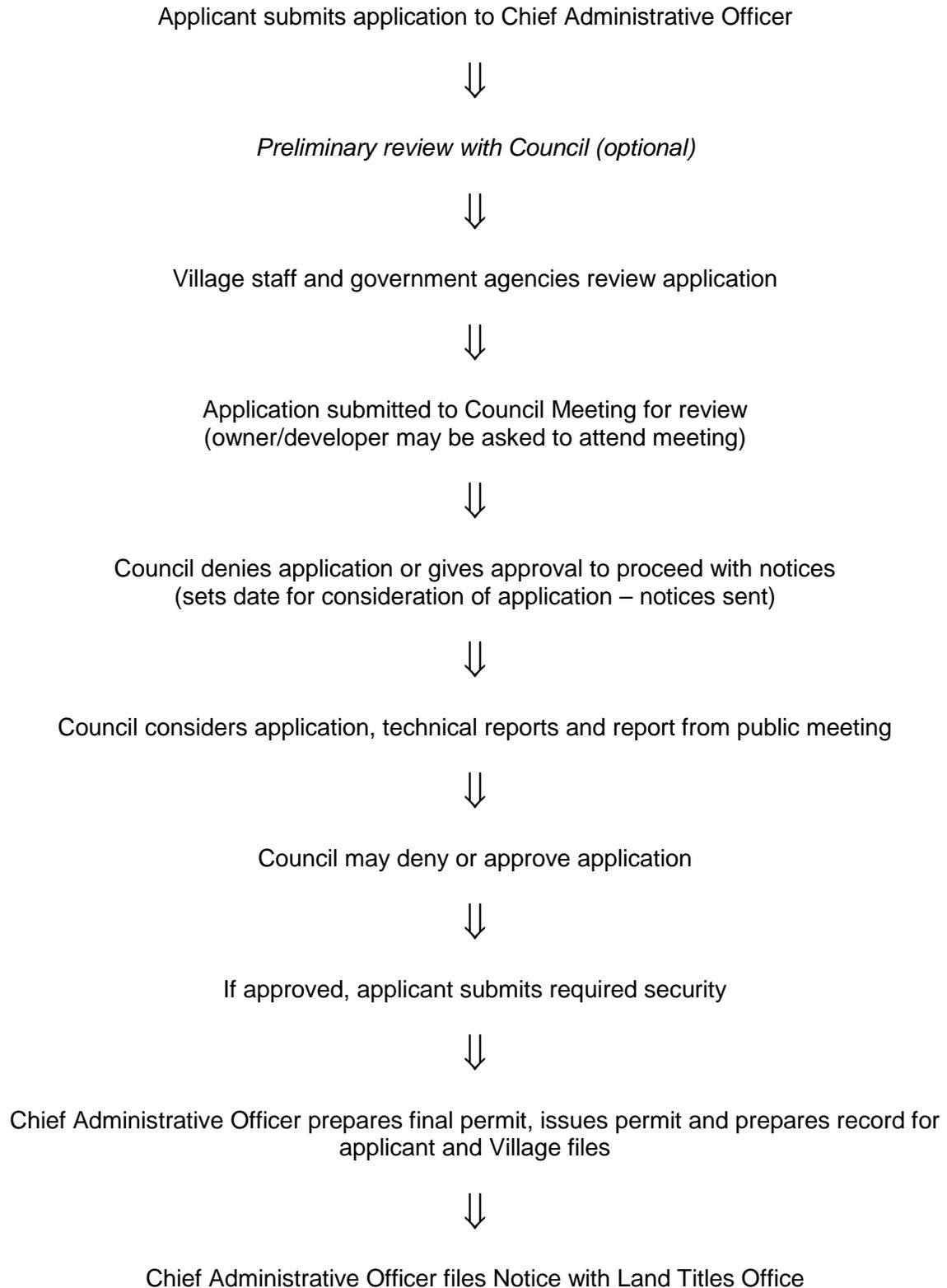
Temporary Commercial and Industrial Permits provide the property owner with the authority to conduct industrial or commercial uses on a temporary basis.

Staff may only accept applications for a Temporary Commercial and Industrial Permit in area designated for this use in the Official Community Plan or Zoning Bylaw, pursuant to Section 921 of the Local Government Act as amended from time to time.

## FLOWCHART

### Procedures for Temporary Commercial and Industrial Permits

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## Temporary Commercial and Industrial Permits Procedure:

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The general process for issuing a Temporary Commercial and Industrial Permit is identified below.

### 1. Applicant Submits Application to the Chief Administrative Officer (CAO)

The applicant has a preliminary discussion with the Chief Administrative Officer. At that time the CAO must confirm that the site is located within a Temporary Commercial and Industrial Permit area by referring to the Village of Valemount Official Community Plan or Zoning Bylaw. The general policies and conditions for temporary uses will provide guidance while reviewing the feasibility of the proposal.

If it is determined that the application is consistent with the requirements set out above, the applicant may complete the form, "Application for a Temporary Commercial and Industrial Permit".

The applicant must submit the application with the following:

- (a) the \$450.00 application fee;
- (b) State of Title Certificate. A State of Title Certificate indicates property information such as the registered owner's name, changes and liens, etc;
- (c) a completed application form;
- (d) a written authorization from the registered property owner which allows the applicant to apply on behalf of the owner, if the applicant is not the registered owner;
- (e) two (2) site plans which illustrate existing and proposed development of the subject property. The site plan should be drawn at a reasonable scale, and shall include information respecting:
  - ~ legal information,
  - ~ set backs,
  - ~ parking
  - ~ access,
  - ~ outer perimeter of buildings and structures,
  - ~ significant topographic features or watercourses,
  - ~ any elevations cross sections or detailed drawings which may be relevant; and
  - ~ any other information required to support the application.
- (f) A preliminary review of the application may be made with Council prior to agency referrals.

## 2. Preliminary Review with Council

Before proceeding with this application further a preliminary review may be conducted with Council to ensure Council's conceptual support for the temporary commercial or industrial use being requested.

## 3. Chief Administrative Officer and Government Agencies Review Application

Once the completed application package is received, the Chief Administrative Officer consults with other Village departments and prepares a technical report. The technical report should assess the application for presentation to Council. It will consider the nature of the application and its potential impact on adjacent properties with respect to:

- ~ views and privacy;
- ~ appropriateness of use;
- ~ the times of day the use will occur;
- ~ length of use;
- ~ season of use;
- ~ health and safety;
- ~ screening;
- ~ site rehabilitation plans;
- ~ height and setbacks;
- ~ impacts on adjacent properties; and
- ~ basic infrastructure .

The technical report may reveal that further or more detailed information is required from the applicant. If so, the application can be delayed until the required information is submitted.

It may be necessary to refer the request for a Temporary Commercial and Industrial Permit application to outside agencies whose interests may be affected, these agencies may include but should not be limited to:

- ~ Ministry of Transportation (e.g. highway access required, subject property is within 800m of Highway # 5);
- ~ Ministry of Water, Land and Air Protection (e.g. air or water emissions);
- ~ Ministry of Health (e.g. air or water emissions);
- ~ Agricultural Land Commission (e.g. agricultural land involved);
- ~ Regional District of Fraser Fort George (e.g. impact on lands within regional district).

#### 4. Village Council Reviews Application with Developer/Owner

When all necessary information has been received, the following must be submitted to Village Council for review and consideration:

- ~ application form;
- ~ technical review; and
- ~ agency comments

Upon review of the application, Council has three (3) options including:

- ~ if the application is acceptable, authorizing staff to prepare the draft permit and advertise the Council's intention to issue the permit; or
- ~ if necessary, requesting additional information from the applicant; or
- ~ if the application is unacceptable, denying the application.

#### 5. Village Council Denies Application

If the application is denied, the applicant may not reapply for a Temporary Commercial and Industrial Permit until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the Local Government Act.

#### 6. Village Advertises Notice in Newspaper

When Council proposes to pass a resolution to issue a Temporary Commercial and Industrial Permit, the Chief Administrative Officer must give notice according to the provisions of Section 921 of the Local Government Act, as amended from time to time. The notice shall state:

- ~ in general terms, the purpose of the proposed Temporary Commercial and Industrial Permit;
- ~ the land or lands that are subject to the proposed Temporary Commercial and Industrial Permit;
- ~ the place where, and the times when, copies of the proposed Temporary Commercial and Industrial Permit may be inspected; and
- ~ the date, time and place where the resolution will be considered.

The notice shall also be published in a newspaper not less than three (3) days, nor more than fourteen (14) days before the adoption of the resolution to issue the Temporary Commercial and Industrial Permit.

7. Village Council Holds Final Review of Application

Once Council considers the application and input from the public, it has three (3) options, including:

- ~ by resolution, issuing the Temporary Commercial and Industrial Permit (as amended if required); or
- ~ requesting additional information or minor adjustments; or
- ~ refusing to issue the Temporary Commercial and Industrial Permit.

8. Council Denies Application

If the application is denied, the applicant may not reapply for a Temporary Commercial and Industrial Permit until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the Local Government Act.

9. Upon Approval Applicant Submits Required Security

Pursuant to Section 925 of the Local Government Act as amended from time to time, Council may require the Temporary Commercial and Industrial Permit applicant to provide security with respect to landscaping or unsafe conditions through, at the applicant's option, either:

- ~ an irrevocable letter of credit; or
- ~ cash

10. Chief Administrative Officer Issues Permit

If the application is approved by Council resolution, the Chief Administrative Officer prepares the final Temporary Commercial and Industrial Permit. Once the necessary approvals are received, the Permit is issued and a record is prepared of the Temporary Commercial and Industrial Permit for the applicant and the Village's files. A building permit may be issued at this time.

11. Chief Administrative Officer Files Notice with the Appropriate Land Titles Office

Pursuant to Section 927 of the Local Government Act as amended from time to time, when the Village issues a Temporary Commercial and Industrial Permit, the Chief Administrative Officer must file notice with the

appropriate Land Title Office that the land described in the notice is subject to the Temporary Commercial and Industrial Permit. On filing, the Registrar will make a note of the filing against the title of the land affected.

## 12. Use of Security

As per Section 925 of the Local Government Act, as amended from time to time, if the Council considers that:

- a) A condition in a permit respecting landscaping and including paving has not been satisfied;
- b) An unsafe condition has resulted as a consequence of contravention of a condition in the permit; or
- c) Damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit;

The Council will:

- a) Undertake, at the expense of the holder of the permit, the works, construction or other activities required to satisfy the landscaping condition, correct the unsafe condition or correct the damage to the environment; and
- b) Apply the security in payment of the cost of the works, construction or other activities, with any excess to be returned to the holder of the permit.

Pursuant to Section 921 of the Local Government Act in addition to any security required above, Council may require as a condition of issuing the permit, that the owner of the land give the local government security to guarantee the performance of the terms of the permit.

As a general guideline, the amount of security should be adequate to undertake all works that may be in default, all landscaping, all work that may be required to rectify any potential unsafe conditions, and all work required to restore a site to its original condition.

Pursuant to Section 921 of the Local Government Act, as amended from time to time, Council may specify other conditions under which the temporary commercial or industrial use may be carried on.

**VILLAGE OF VALEMOUNT  
BYLAW NO. 580, 2005**

**ZONING BYLAW AMENDMENTS**

**SECTION "5"**

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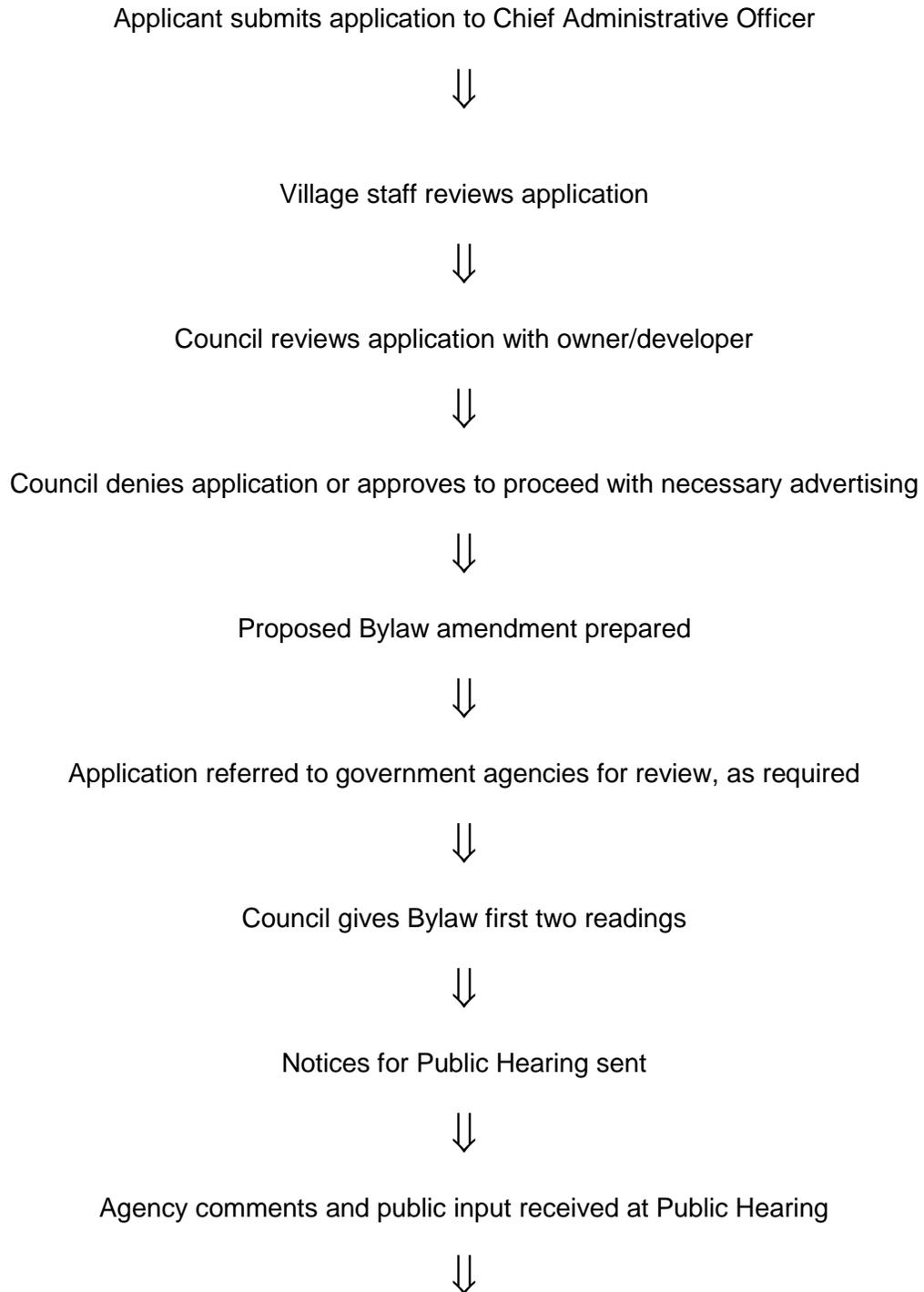
**SCOPE:**

The Village may amend any provision of its Zoning Bylaw. However, prior to initiating any change, it is important to determine how the Village of Valemount Official Community Plan applies to the subject property. Generally speaking, it must be determined if the proposed amendment is consistent with the provisions of the Village's Official Community Plan.

In the event the proposed amendment contradicts the provisions of the Official Community Plan, an amendment to the Official Community Plan is required. This can be conducted either concurrent with or before any Zoning Bylaw amendment.

## FLOWCHART Procedures for Zoning Bylaw Amendment Applications

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Third reading of Bylaw given



Bylaw referred to Ministry of Transportation for signature, where applicable



Council adopts Bylaw



Owner notified of Bylaw completion

Note: Council may elect not to proceed with the Bylaw at any stage of the process.

## **Zoning Amendments Bylaw Procedure:**

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The general procedure for amendments to Zoning Bylaws is identified below.

1. Applicant Submits Application to the Chief Administrative Officer

The applicant has a preliminary discussion with the Chief Administrative Officer. If it is determined that the applicant requires a Zoning Bylaw amendment, the applicant may complete the form, "Application for a Zoning Bylaw Amendment".

The applicant must submit the application with the following:

1. the \$450.00 application fee, (see section 16);
2. State of Title Certificate. A State of Title Certificate indicates property information such as the registered owner's name, charges and liens, etc;
3. a completed application form;
4. a written authorization from the registered property owner which allows the applicant to apply on behalf of the owner, if the applicant is not the registered owner;
5. two (2) site plans which illustrate existing and proposed development of the subject property. The site plan should be drawn at a reasonable scale, and shall include information respecting:
  - ~ legal information,
  - ~ setbacks,
  - ~ parking,
  - ~ access,
  - ~ the outer perimeter of buildings and all structures,
  - ~ significant topographic features or watercourses, and
  - ~ any elevations, cross sections or detail drawings which may be relevant;
  - ~ any other information required to support the application.

2. Chief Administrative Officer Reviews Application

Once the completed application package is received, the Chief Administrative Officer consults with other Village departments and prepares a technical report. The technical report should assess the application for presentation to Council.

Council will consider the nature of the application and its potential impact on adjacent properties with respect to:

- ~ appropriateness of use;
- ~ past precedents;
- ~ Council policy, and
- ~ compliance with the Official Community Plan.

The technical report must also consider the general nature and appropriateness of the proposal, and the potential impact of the application on adjacent properties with respect to:

- ~ land use;
- ~ views and privacy;
- ~ health and safety;
- ~ height;
- ~ setbacks;
- ~ basic infrastructure; and
- ~ other impacts on adjacent properties.

The technical report may reveal that further or more detailed information is required from the applicant. If so, the application may be delayed until the required information is submitted.

### 3. Village Council Reviews Application with Developer/Owner

When all necessary information has been received, the following must be submitted to Village Council for review and consideration:

- ~ application form;
- ~ technical review; and
- ~ agency comments.

Upon review of the application, Council has three (3) options, including:

- ~ if satisfied, beginning the referral process as outlined below,  
or
- ~ requesting additional information, if required, or
- ~ if dissatisfied, denying the application.

4. Village Council Denies Application

If Council denies the application, the applicant may not reapply for an amendment to the Zoning Bylaw until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the Local Government Act, as amended from time to time.

5. Chief Administrative Officer Refers Application to Government Agencies and Prepares Amending Bylaw

If Council chooses the referral process, the Chief Administrative Officer will refer the application to Government Agencies that may include, but should not be limited to:

- ~ Ministry of Transportation (e.g.: highway access required, subject property is within 800m of Highway #5);
- ~ Ministry of Water, Land and Air Protection (e.g.: air or water emissions);
- ~ Ministry of Energy, Mines & Petroleum Resources (e.g.: gravel pit);
- ~ Agricultural Land Commission (e.g.: agricultural land involved);
- ~ Regional District of Fraser-Fort George (e.g.: impacts on lands within the regional district).

6. Chief Administrative Officer Submits Amending Bylaw to Village Council

Once the recommendations and comments are received from government agencies, the Chief Administrative Officer prepares the following for submission to the Council:

- ~ the amending bylaw; and
- ~ recommendations/comments from the government agencies

7. Council Considers Giving Bylaw First and Second Readings

Council considers the Zoning Amendment and proceeds with one of the following options:

- ~ giving the Bylaw First and Second readings; or
- ~ requesting additional information or minor adjustments; or

- ~ tabling the Bylaw; or
- ~ refusing First and Second readings and defeating the Bylaw.

8. Council Defeats Bylaw

If Council denies the application, the applicant may not reapply for an amendment to the Zoning Bylaw until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the Local Government Act, as amended from time to time.

9. Upon First and Second Readings, Chief Administrative Officer Advertises Notice in Newspaper

Pursuant to Section 890 of the Local Government Act, as amended from time to time, Council must hold a Public Hearing if it intends to proceed with the application. Prior to a Public Hearing, the Chief Administrative Officer must advertise the Hearing in not less than two (2) consecutive issues of a newspaper. Pursuant to Section 892 of the Local Government Act, as amended from time to time, the notice shall state:

- ~ the time and date of the Hearing;
- ~ the place of the Hearing;
- ~ in general terms, the purpose of the amending Zoning Bylaw;
- ~ the land or lands that are subject to the amending Zoning Bylaw; and
- ~ the place where, and the times and dates when, copies of the proposed Bylaw may be inspected.

Where the amendment alters the permitted use or density of the Zoning Bylaw affecting the subject area, pursuant to Section 892 of the Local Government Act, as amended from time to time, the Chief Administrative Officer must also mail or otherwise deliver notices to:

- ~ the owners as shown on the assessment roll on the date of application for the amendment; and
- ~ any tenants in occupation, on the date of the mailing or delivery of the notice, of all parcels, any part of which is:

- the subject of the amending Zoning Bylaw, or
- directly adjacent to the property subject to the rezoning application

Pursuant to Section 892 of the Local Government Act, as amended from time to time, Council is not required to send notification if the amending Zoning Bylaw applies to ten (10) or more parcels owned by ten (10) or more persons.

If the amending Zoning Bylaw is consistent with the Official Community Plan, Council may waive the Public Hearing. However, waiving of a Public Hearing is a rare occurrence and should only be done in consultation with the Village's Solicitor. If a Public Hearing is waived, the Chief Administrative Officer must still advertise and mail notices of the amending Zoning Bylaw, in accordance with Section 893 of the Local Government Act, as amended from time to time.

10. Council Holds Public Hearing

When the Public Hearing is held, eligible parties are given an opportunity to speak before Council. Once this occurs, Council must officially adjourn the Hearing before convening again to address the application. Council may reconvene on the same day of the Hearing.

11. Council Gives Third Reading of Bylaw

Village Council gives Third Reading of the Bylaw. Prior to this task, Council may consider other factors potentially affecting the Bylaw. This is done by ensuring:

- ~ regulations in other Village Bylaws have been met (e.g.: subdivision servicing);
- ~ all guidelines set out in Development Permit area (DPA's) affecting the subject property are met (if the subject property is located within a DPA);
- ~ response received at the Public Hearing has been considered; and
- ~ the complexity of the proposal is considered.

12. Council Defeats Bylaw

If Council denies the application, the applicant may not reapply for an amendment to the Zoning Bylaw until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the Local Government Act, as amended from time to time.

13. Upon Third Reading, Chief Administrative Officer Refers Amending Bylaw to the Ministry of Transportation

If the amending Zoning Bylaw is given Third Reading and it applies to an area within eight hundred (800) metres of a controlled access highway (Highway #5), it must be referred to the Regional Approving Officer at the Ministry of Transportation for approval, pursuant to Section 54 of the Highways Act.

14. Council Adopts Bylaw

Once the necessary provincial approvals are in place, the amending Zoning Bylaw can be considered and adopted by Council.

15. Upon Adoption, Chief Administrative Officer Notifies the Applicant

The Chief Administrative Officer will notify the applicant of the final disposition of the Bylaw.

16. Amendment to the Village's Official Community Plan

Where an application is made for an amendment to the Village's Official Community Plan at the same time as an amendment to the Zoning Bylaw, a combined fee of \$850.00 will be charged.

**VILLAGE OF VALEMOUNT  
BYLAW NO. 580, 2005**

**OFFICIAL COMMUNITY PLAN AMENDMENTS**

**SECTION "6"**

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**SCOPE:**

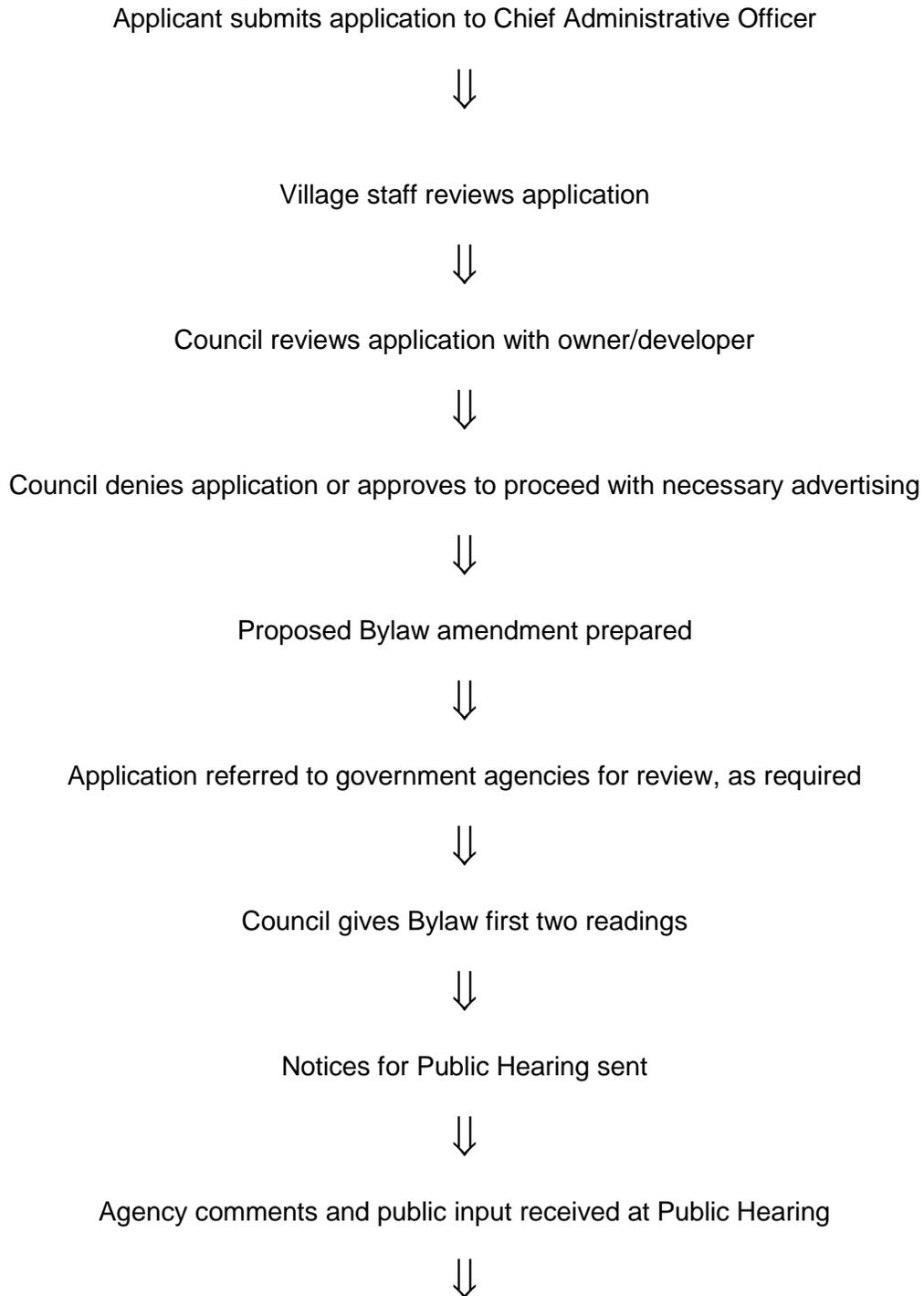
An Official Community Plan (OCP) is a general statement of Council's broad objectives and policies. These objectives and policies address the form and character of existing and proposed land use in the area covered by the OCP.

The Chief Administrative Officer may accept an application to amend any provision of the OCP.

## FLOWCHART

### Procedures for Official Community Plan Amendment Applications

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Third reading of Bylaw given



Bylaw referred to appropriate Ministries for signature, as required



Council adopts Bylaw



Owner notified of Bylaw completion

Note: Council may elect not to proceed with the Bylaw at any stage of the process.

## Official Community Plan Amendments:

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### PROCEDURE:

The general procedure for amendments to the Village's Official Community Plan (OCP) is identified below.

1. Applicant Submits Application to the Chief Administrative Officer

The applicant has a preliminary discussion with the Chief Administrative Officer. If it is determined that the applicant requires an OCP amendment, the applicant may complete the form, "Application for an Official Community Plan Amendment".

The Applicant must submit the application with the following;

- a. The \$450.00 application fee, (see Section 15);
- b. State of Title Certificate. A State of Title Certificate indicates property information such as the registered owner's name, charges and liens, etc;
- c. A completed Application form;
- d. A written authorization from the registered property owner which allows the applicant to apply on behalf of the owner, if the applicant is not the registered owner;
- e. Two (2) site plans which illustrate existing and proposed development of the subject property. The site plan should be drawn at a reasonable scale, and shall include information respecting:
  - ~ legal information,
  - ~ setbacks,
  - ~ parking,
  - ~ access,
  - ~ the outer perimeter of buildings and all structures,
  - ~ significant topographic features or watercourses,
  - ~ any elevations, cross sections or detail drawings which may be relevant; and
  - ~ any other information required to support the application.

## 2. Chief Administrative Officer Review Application

Once the completed application package is received, the Chief Administrative Officer consults with other Village departments and prepares a technical report.

The technical report should assess the application for presentation to Council. The assessment should be conducted according to the objectives and policies set out in the Village's Official Community Plan. It will consider the nature of the application and its potential impact on adjacent properties with respect to:

- ~ land use;
- ~ views and privacy;
- ~ health and safety;
- ~ site rehabilitation plans;
- ~ height;
- ~ setbacks;
- ~ basic infrastructure; and
- ~ other impacts on adjacent properties.

The technical report may reveal that further or more detailed information is required from the applicant. If so, the application may be delayed until the required information is submitted.

## 3. Village Council Reviews Application with Developer/Owner

When necessary information has been received, the following must be submitted to Council for review and consideration:

- ~ application form;
- ~ technical review; and
- ~ agency comments.

Upon review of the application, Council has three (3) options, including:

- ~ if satisfied, beginning the referral process as outlined below;
- or
- ~ requesting additional information, or
- ~ if dissatisfied, denying the application.

4. Village Council Denies Application

If Council denies the application, the applicant may not reapply for an amendment to the Official Community Plan until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the Local Government Act, as amended from time to time.

5. Chief Administrative Officer refers Application to Government Agencies and prepares Amending Bylaw

The Chief Administrative Officer may refer the application to Government Agencies that may include, but should not be limited to:

- ~ Ministry of Transportation (eg. Highway access required, subject property is within 800 m of Highway #5);
- ~ Ministry of Water, Land and Air Protection (eg. Air or water emissions);
- ~ Ministry of Energy, Mines & Petroleum Resources (eg. gravel pit);
- ~ Agricultural Land Commission (eg. agricultural land involved);
- ~ Regional District of Fraser-Fort George (e.g.: impacts on lands within the regional district).

6. Chief Administrative Officer Submits amending Bylaw to Village Council

Once the recommendations and comments are received from government agencies, the Chief Administrative Officer prepares the following for submission to the Council:

- ~ the amending Bylaw; and
- ~ recommendations/comments from the government agencies.

7. Village Council Considers giving Bylaw First and Second Readings

Council considers one of the following options for the amending OCP Bylaw:

- ~ giving the Bylaw First and Second readings; or

- ~ requesting additional information or minor adjustments; or
- ~ tabling the Bylaw; or
- ~ refusing First and Second readings and defeating the Bylaw.

If Council wishes to advance the amending OCP Bylaw, Council gives it First Reading and examines the amending OCP Bylaw in conjunction with the Village's most recent capital expenditure program and any waste management or economic strategy plan. The purpose of this review is to ensure consistency between the OCP and these plans. Council may then give the amending OCP Bylaw Second Reading and shall authorize the calling of a Public Hearing.

8. Village Council Defeats Bylaw

If Council denies the application, the applicant may not reapply for an amendment to the OCP until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the Local Government Act, as amended from time to time.

9. Upon First and Second Readings, Chief Administrative Officer Advertises Notice in Newspaper

Pursuant to Section 890 of the Local Government Act, as amended from time to time, Council must hold a Public Hearing if it intends to proceed with the application. Prior to a Public Hearing, the Chief Administrative Officer must advertise the hearing in not less than two (2) consecutive issues of a newspaper. Pursuant to Section 892 of the Local Government Act, as amended from time to time, the notice shall state:

- ~ the time and date of the Hearing;
- ~ the place of the Hearing;
- ~ in general terms, the purpose of the amending Bylaw;
- ~ the land or lands that are subject to the amending Bylaw; and
- ~ the place where, and the times and dates when, copies of the proposed Bylaw may be inspected.

Where the amendment alters the permitted use or density of the Official Community Plan affecting the subject area, pursuant to Section 892 of the Local Government Act, as amended from time to

time, the Chief Administrative Officer must also mail or otherwise deliver notices to:

- ~ the owners as shown on the assessment roll on the date of application for the amendment; and
- ~ any tenants in occupation, on the date of the mailing or delivery of the notice, of all parcels, any part of which is:
  - ~ the subject of the amending Official Community Plan, or
  - ~ directly adjacent to the property subject to the Official Community Plan amendment.

Pursuant to Section 892 of the Local Government Act, as amended from time to time, Council is not required to send notification if the amending Official Community Plan Bylaw applies to ten (10) or more parcels owned by ten (10) or more persons.

10. Village Council Holds Public Hearing

When the Public Hearing is held, eligible parties are given an opportunity to speak before Council. Once this occurs, Council must officially adjourn the Hearing before convening again to address the application. Council may reconvene on the same day of the Hearing.

11. Village Council Gives Third Reading of Bylaw

Council gives Third Reading of the Bylaw. Prior to this task, Council may consider other factors potentially affecting the Bylaw. This is done by ensuring:

- ~ regulations in other Village bylaws have been met (e.g.: subdivision servicing);
- ~ all guidelines set out in Development Permit area (DPA's) affecting the subject property are met (if the subject property is located within a DPA;
- ~ response received at the Public Hearing has been considered; and
- ~ the complexity of the proposal is considered.

12. Council Defeats Bylaw

If Council denies the application, the applicant may not reapply for an amendment to the OCP until six (6) months after the date of refusal. The time limit for any reapplication may be varied by an affirmative vote of at least two thirds (2/3) of eligible Council members, pursuant to Section 895 of the Local Government Act, as amended from time to time.

13. Upon Third Reading, Council can Proceed with Reconsideration and Adoption of the Bylaw

14. Upon Adoption, Chief Administrative Officer Notifies the Applicant

Chief Administrative Officer will notify the applicant of the final disposition of the Bylaw.

15. Amendment to the Village's Zoning Bylaw

Where an application is made for an amendment to the Village's Zoning Bylaw at the same time as an amendment to the Official Community Plan, a combined fee of \$850.00 will be charged.