

**Village of Valemount**  
**Development Procedures Bylaw**  
**No. 789, 2018**

VILLAGE OF VALEMOUNT  
DEVELOPMENT PROCEDURES BYLAW NO. 789, 2018.

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A BYLAW TO ESTABLISH PROCEDURES FOR THE DEVELOPMENT OF  
LAND AND PREMISES WITHIN THE VILLAGE OF VALEMOUNT

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**WHEREAS** Council has adopted an Official Community Plan and Zoning Bylaw;

**AND WHEREAS** 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 Title**

- 1.1 This bylaw may be cited for all purposes as “Village of Valemount Development Procedures Bylaw No. 789, 2018”.

**2 Repeal**

- 2.1 Village of Valemount Development Procedures Bylaw No. 580, 2005, Amendment Bylaw No. 756, 2016 and Amendment Bylaw No. 773, 2017 are repealed in their entirety.

**3 Introduction**

- 3.1 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.
- 3.2 The schedules attached to this bylaw form part of this bylaw.
- 3.3 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 Use Permits as set out in Sections “1” through “6” as attached hereto;

Section 1	Development Permits
Section 2	Development Variance Permits
Section 3	Temporary Use Permits
Section 4	Zoning Amendments
Section 5	Official Community Plan Amendments

- 3.4 That Schedules “1” through “4” form an integral part of this bylaw;

Schedule 1	Application Examples: Exhibits 1 - 5
Schedule 2	Permit Examples: Exhibits 6 - 8
Schedule 3	Unconditional, Irrevocable Letter of Credit
Schedule 4	Land Title and Survey Authority of BC


- 3.5 Each application is described in its most basic form. Additional tasks may be required.
- 3.6 The Village of Valemount Development Procedures Bylaw No. 789, 2018 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.

Read a First time this 11<sup>th</sup> day of December 2018.


Read a Second time this 11<sup>th</sup> day of December 2018.

Read a Third time this 11<sup>th</sup> day of December 2018.

Reconsidered and Adopted this 8<sup>th</sup> day of January, 2019.

  
\_\_\_\_\_  
Owen Torgerson  
Mayor  
\_\_\_\_\_  
Doug Fleming  
Interim Chief Administrative  
Officer

Certified a true and correct copy of "Village of Valemount Development Procedures Bylaw No. 789, 2018".

  
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Doug Fleming  
Interim Chief Administrative  
Officer

**SECTION “1”**

**DEVELOPMENT PERMITS**

**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 the *Local Government Act*, whereby areas may be designated for the:

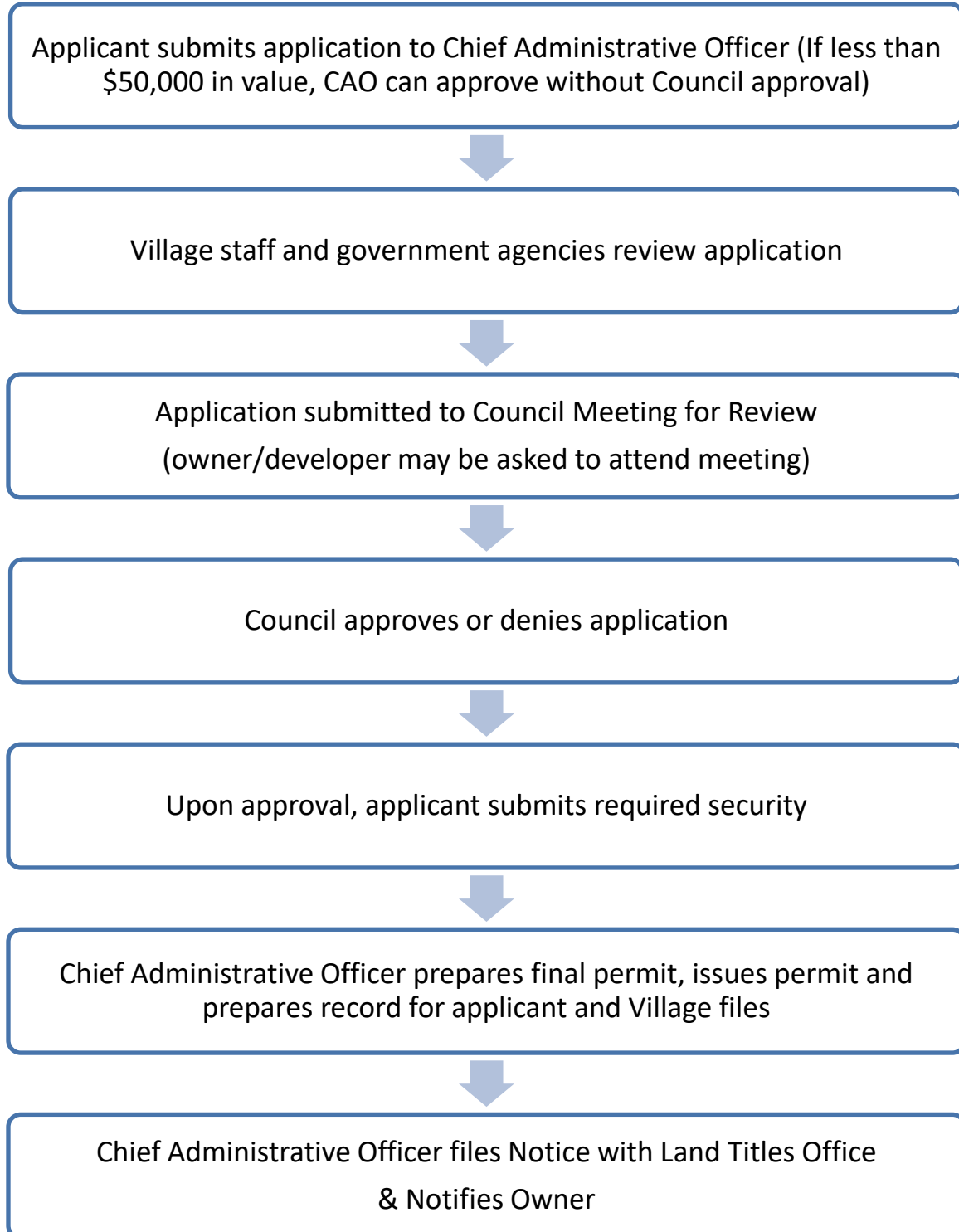
- protection of the natural environment;
- protection of development from hazardous conditions;
- revitalization of an area in which a commercial use is permitted, if the area has been designated for that purpose by the Minister; or
- establishment of objectives and the provision of guidelines for the 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 the *Local Government Act* and other relevant provincial legislation.

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.

## PROCEDURES FOR DEVELOPMENT PERMIT APPLICATIONS



## **DEVELOPMENT PERMIT PROCEDURE**

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 completed application form;
- a written authorization from the registered property 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;
- building 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 and Infrastructure (e.g.: highway access required);
- Ministry of Environment and Climate Change Strategy (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 and Technical Report

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

- application form;
- technical report; 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 the *Local Government Act*.

5. Upon Approval, Applicant Submits Required Security

Pursuant to the *Local Government Act*, Council may require the Development Permit applicant to provide security with respect to landscaping or unsafe conditions through, at the applicant's option:

1. An unconditional, irrevocable letter of credit; or
2. A certified cheque or bank draft; or
3. Cash.

6. Chief Administrative Officer Issues Permit

If the application is approved by Council resolution, the Chief Administrative Officer prepares the final Development Permit. When security is provided and conditions are met, 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 Land Title and Survey Authority of BC (LTSA)

Pursuant to the *Local Government Act*, when the Village issues a Development Permit, the Chief Administrative Officer must file notice with LTSA 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 the *Local Government Act*, 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 the *Local Government Act*, Council may specify other conditions under which the development permit may be carried on.

## SECTION “2”

### DEVELOPMENT VARIANCE PERMITS

#### SCOPE:

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

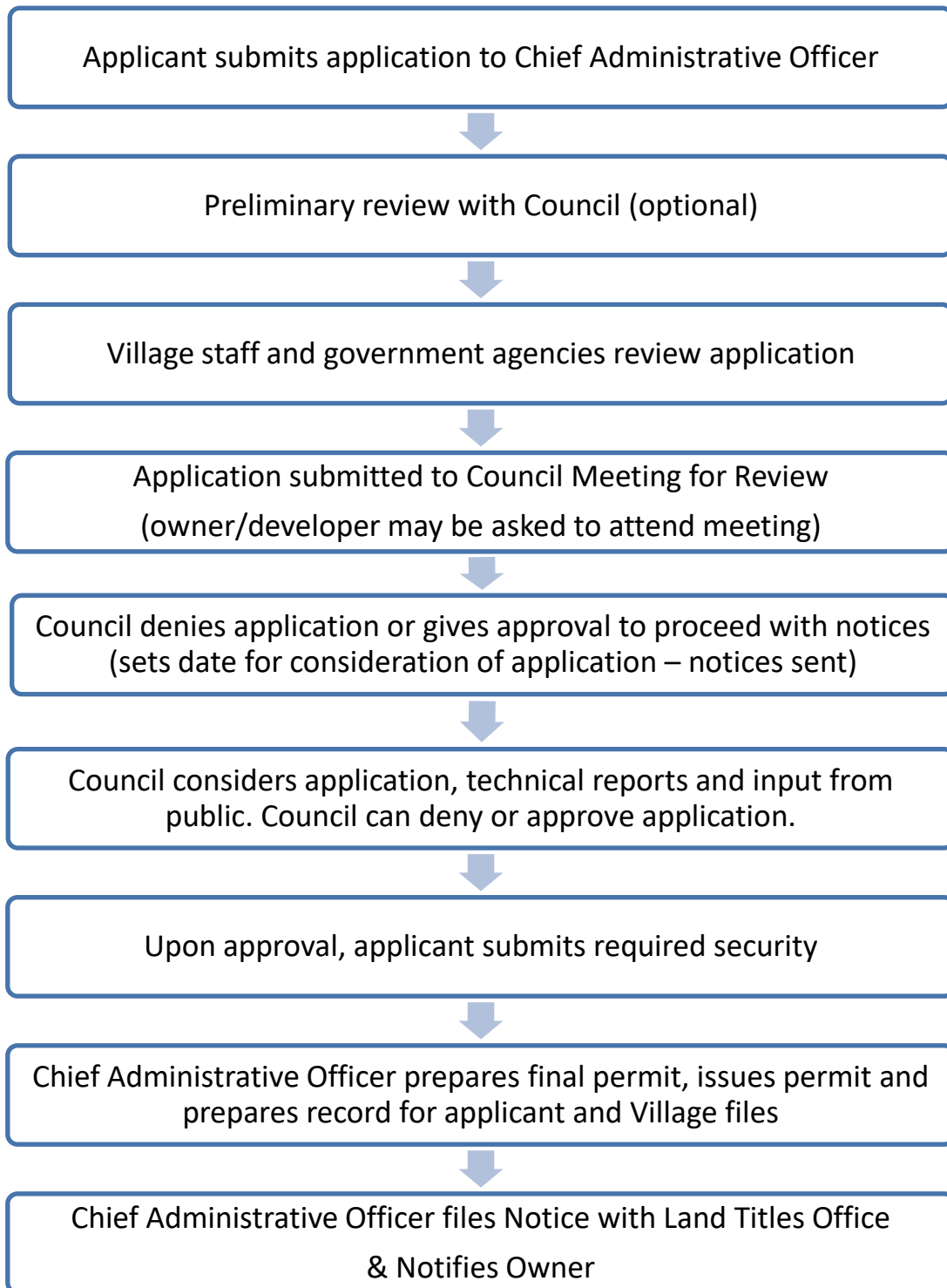
- zoning (e.g.: setback and height restrictions);
- parking (e.g.: number of spaces required);
- signage (e.g.: size, materials);
- subdivision servicing (e.g.: services required, pipe size);
- mobile home parks (e.g.: setback and separation regulations);
- other regulatory bylaws

Development Variance Applications cannot vary the use or density of land or flood plain specifications, pursuant to the *Local Government Act* and other relevant legislation.

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.

## PROCEDURES FOR DEVELOPMENT VARIANCE PERMIT APPLICATIONS



## **DEVELOPMENT VARIANCE PERMIT PROCEDURE**

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:

- the \$450.00 application fee;
- State of Title Certificate;
- a completed application form;
- a written authorization from the registered property 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.

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;
- building 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 and Infrastructure (e.g.: highway access required or within 800m of Highway #5 if variance to zoning regulations);
- Ministry of Environment and Climate Change Strategy (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 and Technical Report

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

- application form;
- technical report; 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 the *Local Government Act*.

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 the *Local Government Act*.

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 to issue the permit 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:
  - the subject of the Development Variance Permit, or
  - 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 and in one newspaper, not less than five (5) 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 the *Local Government Act*.

9. Upon Approval, Applicant Submits Required Security

Pursuant to the *Local Government Act*, 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:

1. An unconditional, irrevocable letter of credit; or
2. A certified cheque or bank draft; or
3. 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.

When security is provided and conditions are met, 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 LTSA

Pursuant to the *Local Government Act*, when the Village issues a Development Variance Permit, the Chief Administrative Officer must file notice with LTSA 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 the *Local Government Act*, 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 the *Local Government Act*, Council may specify other conditions under which the development variance permit may be carried on.



**SECTION “3”**

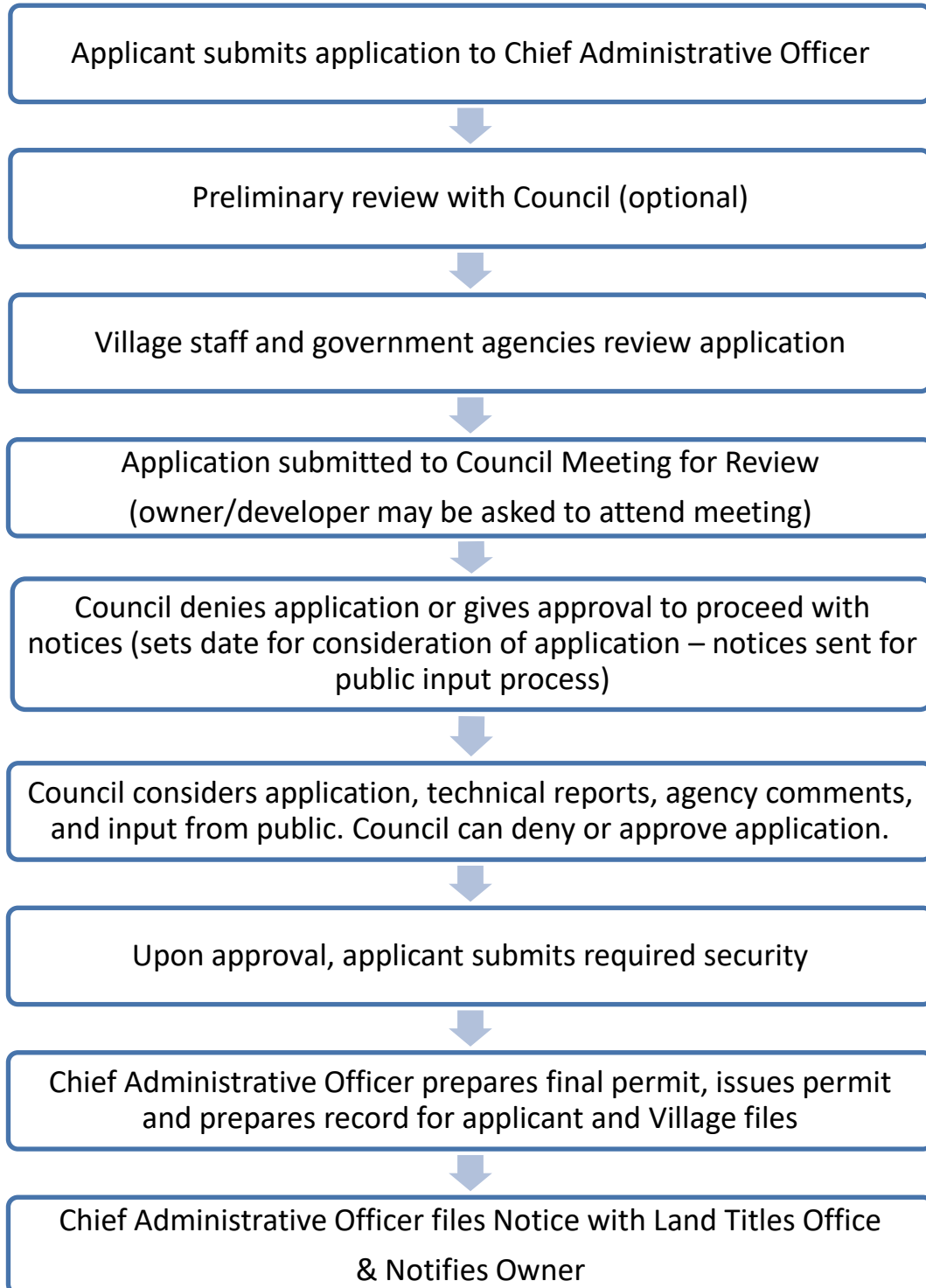
**TEMPORARY USE PERMITS**

**SCOPE:**

Temporary Use Permits provide the property owner with the authority to conduct uses not permitted by the Zoning Bylaw on a temporary basis.

Staff may only accept applications for a Temporary Use Permit in area designated for this use in the Official Community Plan or Zoning Bylaw, pursuant to the *Local Government Act*.

## PROCEDURES FOR TEMPORARY USE PERMIT APPLICATIONS



## **TEMPORARY USE PERMIT PROCEDURE**

The general process for issuing a Temporary Use Permit is identified below.

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

The applicant has a preliminary discussion with the Chief Administrative Officer and confirms that the site is located within a Temporary Use 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 Use Permit". The applicant must submit the application with the following:

- the \$650.00 application fee;
- State of Title Certificate;
- a completed application form;
- a written authorization from the registered property 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.

### **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 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;
- building height and setbacks;
- impacts on adjacent properties;
- 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 Use Permit application to outside agencies whose interests may be affected, these agencies may include but should not be limited to:

- Ministry of Transportation and Infrastructure (e.g.: highway access required or within 800m of Highway #5 if variance to zoning regulations);
- Ministry of Environment and Climate Change Strategy (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 and Technical Report

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

- application form;
- technical report; 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 Temporary Use 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 the *Local Government Act*.

6. Village Advertises Notice in Newspaper

When Council proposes to pass a resolution to issue a Temporary Use Permit, the Chief Administrative Officer must give notice according to the provisions of the *Local Government Act*. The notice shall state:

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

The notice shall also be published in a newspaper not less than three (3) days, nor more than ten (10) days before the adoption of the resolution to issue the Temporary Use Permit and posted on the Village's website.

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 Use Permit (as amended if required); or
- requesting additional information or minor adjustments; or
- refusing to issue the Temporary Use Permit.

8. Council Denies Application

If the application is denied, the applicant may not reapply for a Temporary Use 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 the *Local Government Act*.

9. Upon Approval Applicant Submits Required Security

Pursuant to the *Local Government Act*, Council may require the Temporary Use Permit applicant to provide security with respect to landscaping or unsafe conditions through, at the applicant's option, either:

1. An unconditional, irrevocable letter of credit; or
2. A certified cheque or bank draft; or
3. Cash.

10. Chief Administrative Officer Issues Permit

If the application is approved by Council resolution, the Chief Administrative Officer prepares the final Temporary Use Permit. When security is posted and conditions are met, the Permit is issued and a record is prepared of the Temporary Use 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 LTSA

Pursuant to the *Local Government Act*, when the Village issues a Temporary Use 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 Use 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 the *Local Government Act*, 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 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 the *Local Government Act*, Council may specify other conditions under which the temporary use may be carried on.

**SECTION “4”**

**ZONING BYLAW AMENDMENTS**

**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 that 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.



## PROCEDURES FOR ZONING BYLAW AMENDMENT APPLICATIONS



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

## **ZONING BYLAW AMENDMENT PROCEDURE**

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:

- the \$450.00 application fee, (see section 16);
- State of Title Certificate
- a completed application form;
- a written authorization from the registered property 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, 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;
- building 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 and Technical Report

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

- application form;
- technical report; 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 the *Local Government Act*.

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 and Infrastructure (e.g.: highway access required or within 800m of Highway #5 if variance to zoning regulations);
- Ministry of Environment and Climate Change Strategy (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).

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 the *Local Government Act*.

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

Pursuant to the *Local Government Act*, 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 the *Local Government Act*, the notice shall state:

- the time, date and place of the Hearing;
- 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 the *Local Government Act*, 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 zoning amendment application

Pursuant to the *Local Government Act*, 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 the *Local Government Act*.

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);
- responses received at the Public Hearing have 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 the *Local Government Act*.

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

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 and Infrastructure for approval, pursuant to the *Highway 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 \$1000.00 will be charged.

**SECTION “5”**

**OFFICIAL COMMUNITY PLAN AMENDMENTS**

**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.

## PROCEDURES FOR OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT APPLICATIONS



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



## **OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT 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;

- The \$650.00 application fee, (see Section 15);
- State of Title Certificate.
- A completed Application form;
- A written authorization from the registered property 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 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;
- building 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 and Technical Report

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

- application form;
- technical report; 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 the *Local Government Act*.

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 and Infrastructure (e.g.: highway access required or within 800m of Highway #5 if variance to zoning regulations);
- Ministry of Environment and Climate Change Strategy (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).

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 the *Local Government Act*.

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

Pursuant to the *Local Government Act*, 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 the *Local Government Act*, the notice shall state:

- the time, date and place of the Hearing;
- 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 the *Local Government Act*, 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 the *Local Government Act*, 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. Consultation with Affected Parties

The *Local Government Act* requires a Council to hold one or more opportunities it considers appropriate for consultation with persons, organizations, and authorities it considers affected by the proposed OCP amendment. Council will determine the manner in which an effective consultation process will be conducted.

#### 11. 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.

#### 12. 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.

13. 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 the *Local Government Act*.

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

15. Upon Adoption, Chief Administrative Officer Notifies the Applicant

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

16. 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 \$1000.00 will be charged.

**SCHEDULE 1:**  
**APPLICATION EXAMPLES**



**Village of Valemount**  
**Development Procedures Bylaw**  
**No. 789, 2018**

EXAMPLE



## APPLICATION FOR A DEVELOPMENT PERMIT

I/We hereby make an application for a Development Permit.

1.	<b>Name of Applicant(s):</b>		
2.	<b>Physical and Mailing Address of Applicant:</b>		
3.	<b>Name of Owner(s):</b> (If different from applicant)		
4.	<b>Physical Address of Subject Property:</b> (if different from above)		
5.	<b>Contact Details:</b>	Phone:	Email:
6.	<b>Legal Description of Subject Property:</b>		
7.	<b>Existing Use of Subject Property:</b>		
8.	<b>OCP Map Designation &amp; Present Zoning:</b>		
9.	<b>Existing Uses &amp; Zones of Adjacent Properties:</b>	North: South:	East: West:
10.	<b>Detailed Description of Permit:</b> (Include as much detail as possible, all proposed uses and buildings, etc)		
11.	<b>Required Attachments:</b>	<input type="checkbox"/> <b>Site Plan</b> (setbacks, existing & proposed structures, parking, topographic features, relevant detail drawings, etc) <input type="checkbox"/> <b>State of Title Certificate</b> <input type="checkbox"/> <b>Application Fee</b> <input type="checkbox"/> <b>Letter of Consent from the Owner</b> (if applicable)	

EXAMPLE

I/We hereby declare that the above statements and the information contained in the material submitted in support of this application are to the best of my/our belief true and correct in all respects.

Name of applicant

Signature

Date

Name of applicant

Signature

Date

**NOTE:**

1. The *Local Government Act* states that a development permit shall not vary:
  - a. Use or density of land from that specified in the Bylaw; or
  - b. Prior to the issuance of a development permit, the Village may require, as a condition of issuing the Permit, security to guarantee the performance of obligations under the Permit.



EXAMPLE



## APPLICATION FOR A DEVELOPMENT VARIANCE PERMIT

I/We hereby make an application for a Development Variance Permit.

1.	<b>Name of Applicant(s):</b>	
2.	<b>Physical and Mailing Address of Applicant:</b>	
3.	<b>Name of Owner(s):</b> (If different from applicant)	
4.	<b>Physical Address of Subject Property:</b> (if different from above)	
5.	<b>Contact Details:</b>	Phone: _____ Email: _____
6.	<b>Legal Description of Subject Property:</b>	
7.	<b>Existing Use of Subject Property:</b>	
8.	<b>OCP Map Designation &amp; Present Zoning:</b>	
9.	<b>Existing Uses &amp; Zones of Adjacent Properties:</b>	North: _____ East: _____ South: _____ West: _____
10.	<b>Detailed Description of Variance:</b> (Include as much detail as possible, all proposed uses and buildings, etc)	
11.	<b>Requesting to Vary the Following Bylaws:</b>	Zoning: _____ (Applicable Sections: _____) Subd & Dev Servicing: _____ (Applicable Sections: _____)
12.	<b>Required Attachments:</b>	<input type="checkbox"/> <b>Site Plan</b> (setbacks, existing & proposed structures, parking, topographic features, relevant detail drawings, etc) <input type="checkbox"/> <b>State of Title Certificate</b> <input type="checkbox"/> <b>Application Fee</b> <input type="checkbox"/> <b>Letter of Consent from the Owner</b> (if applicable)

EXAMPLE

I/We hereby declare that the above statements and the information contained in the material submitted in support of this application are to the best of my/our belief true and correct in all respects.

\_\_\_\_\_  
Name of applicant

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of applicant

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**NOTE:**

1. The *Local Government Act* states that a development variance permit shall not vary:
  - a. Use or density of land from that specified in the Bylaw; or
  - b. A flood plain specification.
2. Prior to the issuance of a development variance permit, the Village may require, as a condition of issuing the Permit, security to guarantee the performance of obligations under the Permit.

EXAMPLE



VILLAGE OF  
VALEMOUNT

*Let the mountains move you*

## APPLICATION FOR A TEMPORARY USE PERMIT

I/We hereby make an application for a Temporary Use Permit.

1.	<b>Name of Applicant(s):</b>	
2.	<b>Physical and Mailing Address of Applicant:</b>	
3.	<b>Name of Owner(s):</b> (If different from applicant)	
4.	<b>Physical Address of Subject Property:</b> (if different from above)	
5.	<b>Contact Details:</b>	Phone: _____ Email: _____
6.	<b>Legal Description of Subject Property:</b>	
7.	<b>Existing Use of Subject Property:</b>	
8.	<b>OCP Map Designation &amp; Present Zoning:</b>	
9.	<b>Existing Uses &amp; Zones of Adjacent Properties:</b>	North: _____ East: _____ South: _____ West: _____
10.	<b>Detailed Description of Permit:</b> (Include as much detail as possible, all proposed uses and buildings, etc)	
11.	<b>Estimated date when Temporary Use will cease:</b>	
12.	<b>Impact on Village Services &amp; Utilities:</b>	Proposed Water Supply: _____ Proposed Sewage Disposal: _____ Proposed Solid Waste Disposal: _____ Proposed Access and Parking: _____

EXAMPLE

13.	<b>Required Attachments:</b>	___ <b>Site Plan</b> (setbacks, existing & proposed structures, parking, topographic features, relevant detail drawings, etc)	
		___ <b>State of Title Certificate</b>	
		___ <b>Application Fee</b>	
		___ <b>Letter of Consent from the Owner</b> (if applicable)	
I/We hereby declare that the above statements and the information contained in the material submitted in support of this application are to the best of my/our belief true and correct in all respects.			
Name of applicant		Signature	Date
Name of applicant		Signature	Date

**NOTE:**

1. Prior to the issuance of a temporary use permit, the Village may require, as a condition of issuing the Permit, security to guarantee the performance of obligations under the Permit.

EXAMPLE



## APPLICATION FOR AN OCP AND/OR ZONING BYLAW AMENDMENT

I/We hereby make an application to: ☐ amend the Official Community Plan Bylaw;  
☐ amend the Zoning Bylaw; or  
☐ amend both the OCP and Zoning Bylaws.

1.	<b>Name of Applicant(s):</b>		
2.	<b>Physical and Mailing Address of Applicant:</b>		
3.	<b>Name of Owner(s):</b> (If different from applicant)		
4.	<b>Physical Address of Subject Property:</b> (if different from above)		
5.	<b>Contact Details:</b>	Phone:	Email:
6.	<b>Legal Description of Subject Property:</b>		
7.	<b>Existing Use of Subject Property:</b>		
8.	<b>OCP Map Designation &amp; Present Zoning:</b>		
9.	<b>Existing Uses &amp; Zones of Adjacent Properties:</b>	North: South:	East: West:
10.	<b>Amendment Proposed:</b> (Include as much detail as possible, purpose of application, all intended uses and buildings, etc)	<input type="checkbox"/> Official Community Plan from _____ to _____ <input type="checkbox"/> Zoning from _____ to _____ Other Details: _____ _____ _____ _____	
13.	<b>Required Attachments:</b>	____ <b>Site Plan</b> (setbacks, existing & proposed structures, parking, topographic features, relevant detail drawings, etc) ____ <b>State of Title Certificate</b>	

EXAMPLE

	<div>_____ <b>Application Fee</b></div> <div>_____ <b>Letter of Consent from the Owner</b> (if applicable)</div>	
I/We hereby declare that the above statements and the information contained in the material submitted in support of this application are to the best of my/our belief true and correct in all respects.		
_____ Name of applicant	_____ Signature	_____ Date
_____ Name of applicant	_____ Signature	_____ Date

**SCHEDULE 2:**  
**PERMIT EXAMPLES**



**Village of Valemount**  
**Development Procedures Bylaw**  
**No. 789, 2018**

EXAMPLE



DATE: \_\_\_\_\_

DEVELOPMENT PERMIT No. \_\_\_\_\_

This Development Permit is hereby issued by the Council of the Village of Valemount to: \_\_\_\_\_

\_\_\_\_\_  
(Permittee)

For the development and/or construction of: \_\_\_\_\_

Subject to the following conditions:

1.	This <b>Development Permit</b> is issued subject to compliance with all of the Bylaws of the Village of Valemount applicable thereto, except as specifically varied or supplemented by this Permit.	
2.	This <b>Development Permit</b> applies to, and only to, those lands within the Village described below, and to any and all buildings, structures and other development thereon:	
	<b>Legal Description:</b>	
	<b>PID:</b>	
	<b>Civic Address:</b>	
3.	<b>This Permit varies the following bylaws:</b>	Zoning: _____ (Applicable Sections: _____) Subd & Dev Servicing: _____ (Applicable Sections: _____)
4.	<b>The sequence and timing of construction shall be as follows:</b>	
5.	<b>The following requirements are hereby imposed under pursuant to the <i>Local Government Act</i>:</b>	
6.	As a condition of the issuance of this Permit, pursuant to the <i>Local Government Act</i> , the Village is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit.  Security Deposit Amount \$ _____  Should any interests be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the	



EXAMPLE

	<p>development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Village may use the security to carry out the work by its employees, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development permitted by this Permit within the times set out above, the security shall be returned to the Permittee.</p> <p>There is filed accordingly:</p> <ul style="list-style-type: none"> <li>a) An unconditional, irrevocable letter of credit in the amount of \$ _____; <b>or</b></li> <li>b) Certified cheque or bank draft in the amount of \$ _____; <b>or</b></li> <li>c) Cash in the amount of \$ _____</li> </ul>
7.	<p>Pursuant to the <i>Local Government Act</i>, if the Village considers that:</p> <ul style="list-style-type: none"> <li>a) A condition in a permit respecting landscaping and including paving has not been satisfied;</li> <li>b) An unsafe condition has resulted as a consequence of contravention of a condition in the permit; or</li> <li>c) Damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit;</li> </ul> <p>The Village will:</p> <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul>
8.	The land described within shall be developed strictly in accordance with the terms and conditions and provisions of this permit and any plans and specifications attached to this Permit shall form part hereof.
9.	This Permit is not a Building Permit.
10.	If the Permittee does not commence the development permitted by this Permit within two (2) years of the date of issuance of this Permit, this permit shall lapse.

**AUTHORIZING RESOLUTION PASSED BY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.**

**APPROVED BY THE MINISTRY OF TRANSPORTATION & INFRASTRUCTURE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_. (If Applicable)**

**ISSUED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.**

\_\_\_\_\_  
Chief Administrative Officer

EXAMPLE



**DATE:** \_\_\_\_\_ **DEVELOPMENT VARIANCE PERMIT No.** \_\_\_\_\_

This Development Variance Permit is hereby issued by the Council of the Village of Valemount to:

\_\_\_\_\_  
(Permitee)

For the development and/or construction of: \_\_\_\_\_

Subject to the following conditions:

1.	This <b>Development Variance Permit</b> is issued subject to compliance with all of the Bylaws of the Village of Valemount applicable thereto, except as specifically varied or supplemented by this Permit.	
2.	This <b>Development Variance Permit</b> applies to, and only to, those lands within the Village described below, and to any and all buildings, structures and other development thereon:	
	<b>Legal Description:</b>	
	<b>PID:</b>	
	<b>Civic Address:</b>	
3.	<b>This Permit varies the following bylaws:</b>	Zoning: _____ (Applicable Sections: _____) Subd & Dev Servicing: _____ (Applicable Sections: _____)
4.	<b>The sequence and timing of construction shall be as follows:</b>	
5.	<b>Detailed description of Variance:</b>  ____ Site plan attached (Showing applicable legal information, setbacks, parking, access, perimeter of buildings and structures, cross sections, detail drawings, etc.)	
6.	Pursuant to the <i>Local Government Act</i> , a development variance permit shall not vary; a) the use or density of land from that specified in the Bylaw; or b) a flood plain specification.	

EXAMPLE

7.	<p>As a condition of the issuance of this Permit, pursuant to the <i>Local Government Act</i>, the Village is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit.</p> <p>Security Deposit Amount \$ _____</p> <p>Should any interests be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Village may use the security to carry out the work by its employees, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development permitted by this Permit within the times set out above, the security shall be returned to the Permittee.</p> <p>There is filed accordingly:</p> <ul style="list-style-type: none"> <li>a) An unconditional, irrevocable letter of credit in the amount of \$ _____; <b>or</b></li> <li>b) Certified cheque or bank draft in the amount of \$ _____; <b>or</b></li> <li>c) Cash in the amount of \$ _____</li> </ul>
8.	<p>Pursuant to the <i>Local Government Act</i>, if the Village considers that:</p> <ul style="list-style-type: none"> <li>a) A condition in a permit respecting landscaping and including paving has not been satisfied;</li> <li>b) An unsafe condition has resulted as a consequence of contravention of a condition in the permit; or</li> <li>c) Damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit;</li> </ul> <p>The Village will:</p> <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul>
9.	The land described within shall be developed strictly in accordance with the terms and conditions and provisions of this permit and any plans and specifications attached to this Permit shall form part hereof.
10.	This Permit is not a Building Permit.
11.	If the Permittee does not commence the development permitted by this Permit within two (2) years of the date of issuance of this Permit, this permit shall lapse.

**AUTHORIZING RESOLUTION PASSED BY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.**

**APPROVED BY THE MINISTRY OF TRANSPORTATION & INFRASTRUCTURE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_. (If Applicable)**

**ISSUED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.**

\_\_\_\_\_  
Chief Administrative Officer

EXAMPLE



# VILLAGE OF VALEMOUNT

*Let the mountains move you*

## TEMPORARY USE PERMIT

DATE: \_\_\_\_\_

TEMPORARY USE PERMIT No. \_\_\_\_\_

This Temporary Use Permit is hereby issued by the Council of the Village of Valemount to:

\_\_\_\_\_  
(Permitee)

For the development and/or construction of: \_\_\_\_\_

Subject to the following conditions:

1.	This <b>Temporary Use Permit</b> is issued subject to compliance with all of the Bylaws of the Village of Valemount applicable thereto, except as specifically varied or supplemented by this Permit.	
2.	This <b>Temporary Use Permit</b> applies to, and only to, those lands within the Village described below, and to any and all buildings, structures and other development thereon:	
	<b>Legal Description:</b>	
	<b>PID:</b>	
	<b>Civic Address:</b>	
3.	<b>The sequence and timing of construction shall be as follows:</b>	
4.	<b>Detailed description of Temporary Use:</b>  ____ Site plan attached (Showing applicable legal information, setbacks, parking, access, perimeter of buildings and structures, cross sections, detail drawings, etc.)	      
5.	This <b>Temporary Use Permit</b> is issued subject to the Permitee providing the following applicable services:	
	Water Supply:	_____
	Sewage Supply:	_____
	Access & Parking:	_____
	Solid Waste Disposal:	_____
	Fire Protection:	_____
	Other:	_____ _____

EXAMPLE

6.	<p>As a condition of the issuance of this Permit, pursuant to the <i>Local Government Act</i>, the Village is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit.</p> <p>Security Deposit Amount \$ _____</p> <p>Should any interests be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Village may use the security to carry out the work by its employees, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development permitted by this Permit within the times set out above, the security shall be returned to the Permittee.</p> <p>There is filed accordingly:</p> <ul style="list-style-type: none"> <li>a) An unconditional, irrevocable letter of credit in the amount of \$ _____; <b>or</b></li> <li>b) Certified cheque or bank draft in the amount of \$ _____; <b>or</b></li> <li>c) Cash in the amount of \$ _____</li> </ul>
7.	<p>Pursuant to the <i>Local Government Act</i>, if the Village considers that:</p> <ul style="list-style-type: none"> <li>a) A condition in a permit respecting landscaping and including paving has not been satisfied;</li> <li>b) An unsafe condition has resulted as a consequence of contravention of a condition in the permit; or</li> <li>c) Damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit;</li> </ul> <p>The Village will:</p> <ul style="list-style-type: none"> <li>a) Undertake, at the expense of the permit holder, works, construction or other activities required to satisfy the landscaping condition, correct the unsafe condition or correct the damage to the environment; and</li> <li>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.</li> </ul>
8.	The land described within shall be developed strictly in accordance with the terms and conditions and provisions of this permit and any plans and specifications attached to this Permit shall form part hereof.
9.	This Permit is not a Building Permit.
10.	If the Permittee does not commence the development permitted by this Permit within one/two year(s) of the date of issuance of this Permit, this permit shall lapse.
10.	When a Permittee fails to comply with any of the conditions of this Temporary Use Permit, the Village may enter on the land and carry out the demolition, removal, or restoration at the expense of the owner.
11.	This Temporary Use Permit shall expire on _____. The applicant may apply to have the Temporary Use Permit renewed. A Temporary Use Permit may only be renewed once.
12.	If the temporary use is not discontinued as of the date specified in clause 11 (or as extended) the security outlined in clause 6 shall be forfeited.

**AUTHORIZING RESOLUTION PASSED BY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.**

**APPROVED BY THE MINISTRY OF TRANSPORTATION & INFRASTRUCTURE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_. (If Applicable)**

**ISSUED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.**

\_\_\_\_\_  
Chief Administrative Officer

**SCHEDULE 3:**

**UNCONDITIONAL, IRREVOCABLE LETTER OF CREDIT EXAMPLE**



**Village of Valemount**

**Development Procedures Bylaw**

**No. 789, 2018**

## UNCONDITIONAL, IRREVOCABLE LETTER OF CREDIT

[Insert Name and Address of Bank]

No. \_\_\_\_\_

Date: \_\_\_\_\_

To: The Village of Valemount  
P.O. Box 168  
VALEMOUNT BC, VOE 2Z0

To Whom It May Concern:

### UNCONDITIONAL, IRREVOCABLE LETTER OF CREDIT

We hereby authorize you to draw on \_\_\_\_\_  
(Name of Bank)

\_\_\_\_\_ for the account of  
(Address of Bank)

\_\_\_\_\_  
(Name of Applicant, Address, Telephone No.)

up to an aggregate amount \_\_\_\_\_ available by drafts at sight for 100% of value.

Purpose: \_\_\_\_\_

\_\_\_\_\_

1. Drawings are to be made in writing to \_\_\_\_\_  
(Name of Bank)

\_\_\_\_\_  
(Address of Bank)

2. Partial drawings may be made.

3. The bank will not inquire as to whether or not the Municipality has a right to make demand on the Unconditional, Irrevocable Letter of Credit.

4. This Letter of Credit is unconditional and irrevocable up to the expiry date.

DRAFTS MUST BE DRAWN AND NEGOTIATED NO LATER THAN \_\_\_\_\_  
(Expiry Date)

The drafts drawn under this Credit are to be endorsed hereon and shall state on their face that they are drawn under.

\_\_\_\_\_  
(Name of Bank)

\_\_\_\_\_  
(Address of Bank)

\_\_\_\_\_  
(Bank's Letter of Credit Reference No., if required)

Dated : \_\_\_\_\_

Yours truly,

\_\_\_\_\_  
Bank Officer

\_\_\_\_\_  
Bank Officer

Notes to Applicant:

1. The Municipality will draw upon this Unconditional, Irrevocable Letter of Credit one week prior to the expiry date unless the works have been completed to the satisfaction of the Municipality or an extension of the Unconditional, Irrevocable Letter of Credit, where permitted, has been received by the Finance Department.
2. This form is a sample only. Unconditional, Irrevocable Letters of Credit must be produced on the stationary of the issuing Bank or Credit Union.
3. The Unconditional, Irrevocable Letter of Credit must bear the signature of two authorized signing authorities of the issuing financial institution.



**SCHEDULE 4:**

**LAND TITLE AND SURVEY AUTHORITY OF BRITISH COLUMBIA**



VILLAGE OF  
**VALEMOUNT**

*Let the mountains move you*

**Village of Valemount**

**Development Procedures Bylaw**

**No. 789, 2018**

## **Land Title and Survey Authority of British Columbia (LTSA)**

The Land Title and Survey Authority of British Columbia (LTSA) is a publicly accountable, statutory corporation formed in 2005 responsible for operating the land title and survey systems of BC. These systems provide the foundation for all real property business and ownership in the province.

The LTSA delivers secure land titles through timely, efficient registration of land title interests and survey records; these services are an essential underpinning to BC's private property market and the civil justice system, and to BC's civic governance, taxation and Crown land management frameworks.

The Province establishes the mandate, responsibilities and performance standards of the LTSA in the *Land Title and Survey Authority Act* and an Operating Agreement with the Province.

### **Website**

- <https://ltsa.ca>
- The LTSA website provides information on all the services it provides, including help guides.

### **Registration of Permits with LTSA: Electronic Filing System**

- Once a permit has been approved by Council, it must be electronically registered with LTSA so it appears on the property owner's State of Title Certificate.
- For information on LTSA's electronic filing system, visit their website: <https://help.ltsa.ca/myltsa-enterprise/get-started-users/get-started-electronic-filing>
- To register, or cancel a **Development Permit**, **Development Variance Permit** and/or a **Temporary Use Permit**, you must submit an electronic Local Government Filing Form. For directions on how to fill out the form for each unique scenario, the Local Government Filing Form Help Guide is essential. The electronic Local Government Filing Form replaces the hardcopy templates for notices filed in the land title office under the *Local Government Act* or the Community Charter. The form can also be used to cancel any local government notices from registered titles.
- **Zoning Bylaw amendments** and **OCP Bylaw amendments** are NOT required to be registered with LTSA.
- The Local Government Filing form can be found here: <https://ltsa.ca/sites/default/files/Local-Gov-Filing-Form-Help-Guide.pdf>