

**VILLAGE OF PEMBERTON
-COMMITTEE OF THE WHOLE MEETING AGENDA-**

Agenda for the **Committee of the Whole** of Council of the Village of Pemberton to be held Tuesday, September 1, 2020, at **3:00 p.m.** in Council Chambers, 7400 Prospect Street. This is Meeting No. 206.

"This meeting is being recorded as authorized by the [Village of Pemberton Video Recording & Broadcasting of Electronically Held Council, Committee, and Board Meetings](#)"

*** All Council and Staff will be attending the meeting electronically. Instructions for public participation at the meeting can be found [here](#).**

Item of Business	Page No.
1. CALL TO ORDER	
In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.	
2. APPROVAL OF AGENDA	1
Recommendation: THAT the Agenda be approved as presented.	
3. ADOPTION OF MINUTES	
a) Committee of the Whole Meeting No. 205, Tuesday, April 7, 2020	2
Recommendation: THAT the minutes of the Committee of the Whole Meeting No. 205, held Tuesday, April 7, 2020, be adopted as circulated.	
4. DELEGATION	
a) Pemberton Valley Dyking District Presentation – Kevin Clark, Operations & Maintenance Manager	
5. DRAFT DEVELOPMENT PROCEDURES BYLAW AND USER GUIDE	6
6. ADJOURNMENT	

**VILLAGE OF PEMBERTON
-COMMITTEE OF THE WHOLE MEETING MINUTES-**

Minutes for the **Committee of the Whole** of Council of the Village of Pemberton held Tuesday, April 7, 2020, at **1:00 p.m.** in Council Chamber, 7400 Prospect Street. This is Meeting No. 205.

ATTENDING: Mayor Mike Richman
Councillor Ted Craddock
Councillor Leah Noble
Councillor Amica Antonelli
Councillor Ryan Zant

STAFF: Nikki Gilmore, Chief Administrative Officer
Sheena Fraser, Manager of Corporate & Legislative Services
Lena Martin, Manager of Finance & Administration
Elysia Harvey, Legislative Assistant
Jill Brooksbank, Senior Communications & Grant Coordinator

PUBLIC: 2

MEDIA: 1

Please Note: This meeting was held electronically, and all members of Council, Staff and Public attended through electronic means.

1. CALL TO ORDER

At 1:00 p.m. Mayor Richman called the April 7, 2020, Committee of Whole meeting to order.

In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.

2. APPROVAL OF AGENDA

Moved/Seconded

THAT the agenda be approved as circulated.

CARRIED

3. ADOPTION OF MINUTES

a) Committee of the Whole Meeting No. 204, Tuesday, March 10, 2020

Moved/Seconded

THAT the minutes of Committee of the Whole Meeting No. 204, held Tuesday, March 10, 2020, be adopted as circulated.

CARRIED

4. BUDGET SESSION 3 CONTINUED: 2020 OPERATING, PROJECT & CAPITAL EXPENSES BUDGETS UPDATE AND TAX IMPLICATIONS

Lena Martin, Manager of Finance & Administration, presented options for reductions to the budget and cuts to non-essential services for the Committee's consideration and discussion. The proposed reductions support a 0% tax increase to homeowners which is in response to the challenges presented because of the COVID-19 pandemic.

The Committee reviewed the proposed reductions, capital projects expenses, cuts to non-essential services, and capital reserve transfer reduction and passed the following resolutions:

Additional Reductions:

Moved/Seconded

THAT the Committee of the Whole supports the following additional budget reductions:

- The annual Consumer Price Index adjustment, noted as 2.2% from the December British Columbia Stat Canada Report, has been reduced to 0% to reflect the current economy. CPI increases to non-union staff and Village lease holders will be reduced to reflect this change.
- Reductions to Travel, Meals & Accommodation (Staff), Staff Training, Legislative Expenses (travel, training & accommodation) as presented.

AND THAT the MFA Bylaw truck borrowing be postponed to 2021.

CARRIED

Capital Projects and Staff:

Moved/Seconded

THAT the Committee of the Whole supports the following additional Capital Projects:

- The SLRD/Firehall HVAC cost share;
- Affordable Housing Implementation;
- Development Cost Charge Bylaw Phase I;
- Local Transit Increase;

AND THAT the following items be removed/postponed:

- The part time Bylaw Officer (half year) be removed from the budget and ICOMPASS software be postponed to 2021.

CARRIED

Moved/Seconded

THAT the Committee of the Whole supports the establishment of a full time Emergency Program Coordinator to be included in the budget as presented, effective July 2020.

CARRIED

OPPOSED: Councillor Craddock

Moved/Seconded

THAT the Committee of the Whole supports the following for Non-Essential Service adjustments:

Legislative Expenses (Council Meals)	Remove from budget
Whistler Animals Galore (WAG) Contribution	Remain in budget
Sea to Sky Invasive Species Contribution	Remain in budget
Free Dog Poo Bags	Remain in budget
Community Enhancement Fund	Reduce by half to \$7,500
Porty Potty Rentals – Barn	Reduce by half to \$2,850
Train Station Washroom Retrofit	Deferred to 2021
Pemberton Sign Refinishing	Deferred to 2021

CARRIED

Capital Reserve Transfer:

Moved/Seconded

THAT the Committee of the Whole support adjusting the Capital Reserve Transfer as required to support a 0% tax increase.

CARRIED

Five Year Financial Plan:

Moved/Seconded

THAT Staff incorporate the budget adjustments as supported into the Five (5) Year Financial Plan for consideration by Council.

CARRIED

5. Budget Questions

Moved/Seconded

THAT the Committee of the Whole meeting be open for questions from the public on issues related to the budget only.

CARRIED

Mayor Richman called on questions from the public attending via electronic means and hearing none closed the question period.

6. ADJOURNMENT

Moved/Seconded

THAT the Committee of Whole be adjourned at 2:13 p.m.

CARRIED

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

Date: September 1, 2020
To: Nikki Gilmore, Chief Administrative Officer
From: Joanna Rees
Subject: Draft Development Procedures Bylaw

PURPOSE

The purpose of this report is to introduce the Draft Village of Pemberton Development Procedures Bylaw for review and comment by the Committee of the Whole.

BACKGROUND

The purpose of the Development Procedure Bylaw is to define the procedures under which an owner of land may apply for an amendment to the Official Community Plan or Zoning Bylaw or for the issuance of a permit. The Development Procedures Bylaw No. 725, 2013 (attached as **Appendix A**) would benefit from review and update with an aim to streamline the bylaw, implement a recommendation from the Age-Friendly Affordable Housing Action Plan, and improve application processes and update application fees as deemed appropriate. Although initially brought forward as a department priority in 2016, due to resource limitations, this initiative was deferred until this year.

DISCUSSION & COMMENTS

The following significant changes have been made in the new Draft Development Procedures Bylaw, attached as **Appendix B**.

Formatting, References and Clarity

Staff have rewritten the Development Procedures Bylaw to be clear and succinct. The Bylaw was re-formatted, references to provincial legislation were updated, and repetitive policies were consolidated.

Prioritizing Affordable Housing Applications (Section 3.5)

Strategic Direction #8 of the Village of Pemberton Age-Friendly Affordable Housing Action Plan is to Review the Development Procedures Bylaw to identify opportunities to truly fast-track non-market, rental and seniors housing projects. The following policy was included to support affordable housing development:

Where an application aims to develop a multi-unit building subject to a Housing Agreement for the provision of affordable purchased or rental housing the application processing timelines will be prioritized and expedited as feasible.

Changes to Fees (Section 4)

Staff have completed a fee comparison to local and comparable municipalities including the Resort Municipality of Whistler (RMOW), the District of Squamish (DOS), Bowen Island Municipality, the City of Duncan and the District of Clearwater. The RMOW and DOS were chosen due to their proximity as adjacent municipalities within the Sea-to-Sky Corridor. Bowen Island Municipality, the City of Duncan and the District of Clearwater were selected based on their comparable population sizes: 3680, 4944, and 2324, respectively. It is important to note that municipalities use different fee structures as means to recover costs.

Staff are proposing an increase in application fees to reflect current costs and ensure effective cost recovery. The new proposed fees are shown in Schedule A of **Appendix B**. As well, Cost Recovery Fees have been updated to accurately reflect the costs of Staff and consultant time.

Delegation to the Manager of Development Services (Section 12)

To contribute to streamlined internal processes, the following development permit applications have been included as Minor Development Permits, which are delegated to the Manager of Development Services:

- a) Minor amendments to Major Development Permits issued by Council;
- b) Development Permits required for site clearing and grading;
- c) Development Permits under the following:
 - i. Development Permit Area No. 1 – Environmental Protection;
 - ii. Development Permit Area No. 2 – Land Constraints; and
 - iii. Development Permit Area No. 3 – Enhancement of Agriculture.

Guide to Development Applications

The detailed application process schedules were removed and are to be replaced with a user-friendly and accessible Guide to Development Applications, which is in process.

COMMUNICATIONS

The Development Procedures Bylaw and the future Guide to Development Applications will be made available via the Village of Pemberton Website and at reception of Municipal Hall, if requested. As well, the Bylaw and the future Guide to Development Applications will be provided to local development community members via email.

LEGAL CONSIDERATIONS

Section 895 of the *Local Government Act* requires that a local government that has adopted an official community plan bylaw or a zoning bylaw must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or for the issue of a permit under this Part.

Section 931 of the *Local Government Act* permits a local government to impose development application fees by bylaw. Fees must not exceed the estimated average costs of processing, inspection, advertising, and administration that are usually related to the type of application or other matter to which the fee relates.

IMPACT ON BUDGET & STAFFING

The research and preparation of the Report and Draft Bylaw is a component of the daily work undertaken by the Development Services Department. Development application fees ensure recovery of the costs associated with processing, inspecting, advertising and administration of development applications.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are no interdepartmental impacts or approvals required respecting this Bylaw.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

This Bylaw has no impact on other jurisdictions.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

RECOMMENDATIONS

THAT the Committee of the Whole provide comment regarding the Draft Development Procedures Bylaw.

Attachments:

Appendix A: Village of Pemberton Development Procedures Bylaw No. 725, 2013

Appendix B: Draft Village of Pemberton Development Procedures Bylaw

Prepared by:	Joanna Rees, Planner
Manager Approval:	Lisa Pedrini, Manager of Development Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

THE VILLAGE OF PEMBERTON

BYLAW No. 725, 2013

Pemberton Development Procedures Bylaw

WHEREAS the Council of the Village of Pemberton has under Section 895(1) of the *Local Government Act*, established procedures by bylaw to amend any official community plan, a zoning bylaw or issue a permit;

AND WHEREAS Council of the Village of Pemberton now deems it advisable under Section 154 of the *Community Charter*, to delegate certain powers to consider applications for a development permit to the Manager of Development Services;

NOW THEREFORE Council of the Village of Pemberton in an open meeting assembled enacts as follows:

1.0 TITLE

1.1 This bylaw may be cited for all purposes as the Village of Pemberton Development Procedures Bylaw No. 725, 2013.

2.0 INTERPRETATION

2.1 In this Bylaw:

“Act”	means the <i>Local Government Act</i> .
“Approving Officer”	means a person appointed by the Village Council to act as Approving Officer pursuant to the provisions of the <i>Land Title Act</i> and <i>Local Government Act</i> .
“Council”	means the Municipal Council of the Village of Pemberton.
“Manager”	means the Manager of Development Services of the Village of Pemberton.

3.0 SCOPE

3.1 There is hereby established a land use application procedure which shall apply to the following:

- (a) Amendments to:
 - (i) Official Community Plan
 - (ii) Zoning Bylaw

- (b) Issuance of:
 - (i) Major Development Permits
 - (ii) Development Variance Permits
 - (iii) Minor Development Permits
 - (iv) Temporary Use Permits
 - (v) Permit Renewals

(c) Consideration of Approval for:

- (i) Conventional Subdivisions
- (ii) Bare Land Strata Subdivisions
- (iii) Strata Title Conversions

4.0 APPLICATION

- 4.1 Applications for amendments, permits, subdivisions /bare land strata plan approvals or strata title conversions, shall be made by the owner of the parcel that is the subject of the application, or by a person authorized in writing by the owner. The Village shall be notified in writing if the ownership of the parcel or the authorized agent has changed.
- 4.2 Applications for amendments, permits, and strata title conversions shall be made to the Manager of Development Services.
- 4.3 Applications for subdivisions and bare land strata plan approvals shall be made to the Approving Officer.
- 4.4 Applications that do not meet the requirements as referenced in this bylaw, are deemed incomplete and not processed until the outstanding application requirements have been submitted to the Village.
- 4.5 Any applications that remain inactive for more than two (2) years will be deemed abandoned and will be closed. Council will rescind readings to any bylaws that concern the closed application. The applicant will be invoiced any outstanding Village processing fees.

5.0 APPLICATION FEES

- 5.1 At the time of and as part of the application for a: bylaw amendment, issuance of a permit or subdivision/bare land strata plan approval, the applicant shall pay to the Village an application fee in the amount set out in Schedule "A", "B", "C", "D", "E" and "F" attached hereto and forming a part of this bylaw. The non-payment of the required fees will deem the application incomplete.

Schedule "A"	Zoning and/or Official Community Plan Bylaw Amendments
Schedule "B"	Major, Development Variance and Minor Development Permits

Schedule "C"	Temporary Use Permit
Schedule "D"	Permit Renewals
Schedule "E"	Subdivision and Bare Land Strata Plans
Schedule "F"	Strata Title Conversions

- 5.2 Payment of any fees imposed in this bylaw shall not obligate Council to approve an application and where the Council decides not to amend a bylaw, issue a permit or grant a strata conversion, the application fee paid by such applicant shall not be refunded by the Village, except as outlined in Schedule "A" through "D", inclusive.
- 5.3 Payment of any fees imposed in this bylaw shall not obligate the Approving Officer to approve a subdivision or lot consolidation and where the Approving Officer cannot grant the subdivision, the application fee paid by such applicant shall not be refunded by the Village, except as outlined in Schedule "E" through "F", inclusive.

6.0 BYLAW AMENDMENT APPLICATION AND NOTICE REQUIREMENTS

- 6.1 An application for an amendment to the Official Community Plan and/or the Zoning Bylaw shall be made in accordance with the form prescribed by the municipality and shall be submitted to the Village with the required information.
- 6.2 An applicant for an amendment to the Official Community Plan or Zoning Bylaw shall post an Information Sign in accordance with the requirements outlined in Schedule "G".
- 6.3 Notice of Council's intention to amend the Official Community Plan or the Zoning Bylaw shall be pursuant with to Section 892 of the *Act*. Further any notices that are mailed or otherwise delivered prior to the public hearing pursuant to Section 892 of the *Act* are to include properties at a distance of no greater than one hundred (100) meters from the property line of the lands subject to the amendment application.

7.0 PERMIT APPLICATION AND NOTIFICATION REQUIREMENTS

- 7.1 An application for a Major Development Permit, Development Variance Permit, Minor Development Permit and Temporary Use Permit shall be made in accordance with the form prescribed by the municipality.
- 7.2 A request for a renewal of a Major Development Permit, Development Variance Permit, Minor Development Permit and Temporary Use Permit shall be made in writing to the Manager of Development Services. The renewal process shall be in accordance with the *Act* and Schedule "M".
- 7.3 An applicant for a Major Development Permit shall post an Information Sign in accordance with the requirements outlined in Schedule "G".
- 7.4 Council shall hold a Public Information Meeting for any application for a Major Development Permit located within the Downtown (Zoned C-1 in Zoning Bylaw No. 466, as amended). The notice of the Public Information Meeting shall be given by:

- (a) publishing a notice in at least two (2) consecutive issues of a newspaper, the last publication to appear not less than three (3) and not more than ten (10) days before the public information meeting; and/or
- (b) either mailing or otherwise delivering least ten (10) days before the public hearing to the owners as shown on the assessment roll as at the date of the application. The notification shall be given to all properties within a distance of one hundred (100) meters from the property line of the lands subject to the amendment application.

7.5 Council shall give notice of its intention to issue a Development Variance Permit pursuant with to Section 922 of the *Act*. Further any notices that are mailed or otherwise delivered prior to the public hearing pursuant to Section 922 of the *Act* are to include properties at a distance of no greater than one hundred (100) meters from the property line of the lands subject to the amendment application.

7.6 Council shall give notice of its intention to issue a Temporary Use Permit pursuant to Section 921 (5) and (6) of the *Act*. Further any notices that are mailed or otherwise delivered prior to the public hearing pursuant to Section 892 of the *Act* are to include properties at a distance of no greater than one hundred (100) meters from the property line of the lands subject to the amendment application.

8.0 SUBDIVISION AND BARE LAND STRATA APPLICATION REQUIREMENTS

8.1 An application for Subdivision and Bare Land Strata shall be made in accordance with the form prescribed by the municipality and the Village of Pemberton Subdivision and Development Control Bylaw.

8.2 An application for Strata Conversions shall be shall be made in accordance with the form prescribed by the municipality.

9.0 PROCESS

9.1 All applications that meet the requirements of this bylaw shall be processed in accordance with the municipal bylaws and regulations as well as the related provisions of the *Act*.

9.2 The processes under which an owner of land may apply for an amendment to the plan or bylaw or for the issue of a permit are outlined in the following Appendices to this bylaw:

Schedule "H"	Amendment to Official Community Plan and/or Zoning Bylaw
Schedule "I"	Major Development Permit
Schedule "J"	Development Variance Permit
Schedule "K"	Minor Development Permit
Schedule "L"	Temporary Use Permit
Schedule "M"	Permit Renewals
Schedule "M"	Subdivision and Bare Land Strata Approval
Schedule "N"	Strata Title Conversions

- 8.3 Where an application, amendment bylaw or a permit has been refused by Council, the Manager shall notify the applicant in writing within fifteen (15) business days immediately following the date of refusal and shall give reason for the refusal.

10.0 DELEGATION

- 10.1 Council hereby delegates to the Manager the exercise of all of the powers, duties and functions of Council in respect to the issuance of Minor Development Permits under Section 920 of the *Act*.

- 10.2 For the purposes of this bylaw, a Minor Development Permit shall include only the following:

- (a) exterior repainting of an entire building, or an entire part of a building whereby the colours differ from the approved Development Permit or the existing colour;
- (b) landscape changes or new landscaping, including both installation of planting materials (but not seasonal planting) and installation of permanent planters, guardrails, rock stacking and other hard landscaping;
- (c) changes to not more than two (2) exterior building or roofing materials;
- (d) exterior lighting alterations or installation of additional exterior lighting;
- (e) non-structural exterior building repairs that alter the building appearance;
- (f) new exterior windows or doors that alter the exterior appearance of the building;
- (g) placement of exterior communications equipment that are visible from a public road and project more than 3 meters from the roof or face of the building;
- (h) additions to buildings or structures, where the total interior floor area is increased by 20 m² or less;
- (i) new buildings or structures for storage or refuse and recycling facilities which conform to the Village requirements;
- (j) new buildings or structures with a total interior floor area of 20 m² or less;
- (k) comprehensive sign plans and issuance of a development permit for the signs where a sign is consistent with the Village Sign Bylaw;
- (l) storage container approval and renewal; and
- (m) any other exterior changes to a property that the Manager deems to be minor in terms of the its impact on the subject and adjacent properties.

- 10.3 The owner of any property that is subject to the decision of the Manager pursuant to Section 920 of the *Act* and Section 156 of the *Community Charter*, is entitled to have Council reconsider a decision of the Manager on the following terms:

- (a) within thirty (30) calendar days of the Manager's decision the applicant shall submit a letter to Council through the office of the Corporate Officer requesting that the decision of the Manager be reconsidered by Council;
- (b) the Manager shall submit a report to Council attaching the applicant's

Minor Development Permit application and setting out the Manager's reasons for denying the application;

- (c) at a date and time set by Council, the applicant shall have the opportunity to appear before Council and be heard regarding the Manager's decision; and
- (d) following the applicant's opportunity to be heard, Council will reconsider the application and either uphold the Manager's decision to deny the application or approve the application with or without conditions.

10.4 Notwithstanding Paragraph 9.1, the Manager may request a decision on a Minor Development Permit from Council at their discretion.

11.0 PERMIT EXPIRY

11.1 If the holder of a Development Permit does not substantially start construction within two (2) years after the date it is issued, the Development Permit lapses. A request to renew the Permit may be made to Council for consideration.

11.2 A Temporary Use Permit is in effect until the date that the permit expires as part of Council approval or three (3) years after the permit was issued, whichever occurs first. The Local Government Act does not permit extensions to Temporary Use Permits.

12.0 REPORTING

12.1 All applications for amendments, permits and strata conversions shall be accompanied by a report prepared by the Manager for consideration by Council, in accordance with municipal policies and guidelines.

12.2 Notwithstanding Paragraph 10.1 of this bylaw, the Manager does not need to submit a report for Council's consideration for a delegated approval of a Minor Development Permit in accordance with Paragraph 9.1 of this bylaw, unless the applicant formerly makes a request to Council for a reconsideration of the decision.

12.3 Notwithstanding Paragraph 10.1 of this bylaw, the Manager does not need to submit a report for Council's consideration for a renewal of a permit unless required in the Act or the initial approval.

13.0 SECURITY DEPOSIT

13.1 In the case of all Development Permits, Minor Development Permits and Development Variance Permits, a cash deposit or irrevocable letter of credit in the form and amount satisfactory to the Village to ensure satisfactory completion of all conditions contained in any permit relating to landscaping or safety, may be required to be deposited with the Village. The development approval shall also consider the requirements of the Subdivision and Development Control Bylaw. The security shall be 120% of the estimated cost of the outstanding works.

13.2 In the case of temporary use permits, a cash deposit or irrevocable letter of credit in the form and amount satisfactory to the Village to ensure adequate, maintenance and cleanup of the property may be required to be deposited with the Village. The security shall be 120% of the estimated cost of the required works.

13.3 In the case of Subdivision and Bare Land Strata approvals, security requirements are prescribed in the Village of Pemberton's Subdivision and Development Control Bylaw.

14.0 GENERAL

14.1 Wherever the singular or masculine is used in this bylaw, the same shall be construed to mean the plural or feminine or body corporate as the context may require.

15.0 INTERPRETATION

15.1 A reference contained within this bylaw to any enactment of British Columbia or the Village of Pemberton is a reference to the enactment amended, revised, consolidated or replaced from time to time.

16.0 SEVERABILITY

16.1 If any section, subsection, sentence, clause or phrase of this bylaw is held to be invalid by a court or competent jurisdiction, that section, subsection, sentence, clause or phrase, as the case may be, shall be severed and the validity of the remaining portions of the bylaw shall not be affected.

17.0 REPEAL

17.1 The Village of Pemberton "Development Procedures Bylaw No. 388, 1996" is repealed.

17.2 The Village of Pemberton "Development Procedures Amendment Bylaw No. 601, 2007" is repealed.

READ A FIRST TIME this 16th day of April, 2013.

READ A SECOND TIME this 16th day of April, 2013.

READ A THIRD TIME this 7th day of May, 2013.

ADOPTED this 21st day of May, 2013.

Mayor



Corporate Officer

- b) In submitting an application to amend the OCP and/or Zoning Bylaw, the applicant should recognize that the non-refundable fees set out above in Paragraph a) of this Schedule are minimum fees payable. If the Village determines that the cost to process the development application is greater than the non-refundable deposit, then these additional costs shall be recovered from the applicant based on actual Village of Pemberton staff and/or consultant costs directly related to the processing of the application. The calculation of these recoverable costs will be based on an hourly rate of \$100.00 per hour for senior staff, \$75.00 for technical staff and \$45.00 per hour for clerical staff. The fees shall be payable prior to consideration of bylaw adoption.
- c) If Council declines to advance the application to public hearing, the public hearing costs shall be returned to the applicant. If the application does not proceed to a point where the servicing analysis is not yet completed then these costs shall be returned to the applicant.
- d) If the application requires more than one public hearing then payment of an additional \$500.00 shall be required prior to the scheduling of the hearing.
- e) The review of a rezoning application requires an evaluation of the new development's water and sanitary sewer servicing. Pursuant to the Village's Subdivision and Development Control Bylaw, the Village of Pemberton requires the applicant to provide a deposit fee to cover the Village's engineering consultant's cost to update and evaluate both the water and sanitary system models as they pertain to any proposed works. These computer models must be maintained by the Village to ensure the existing infrastructure is adequately sized to supply sufficient capacity for the developing community. The fee noted in the table is recognized as a deposit, funds that remain unused in the analysis will be returned to the Developer. Further, more complex developments may cost more than the \$6,000 which in turn will be the responsibility of the applicant.
- f) The Village of Pemberton intends to recover processing fees by invoicing ongoing costs. The Village reserves the right to withhold the review of the application in the event that the account is in arrears.
- g) Any applicant that has commenced work requiring an Official Community Plan or Zoning Bylaw without first obtaining such approval shall pay an additional charge equal to 50% of the non-refundable application fee prior to the Village processing the application.

Development Permit for Environmental Protection	\$500.00			
Development Permit for Land Constraints	\$300.00			
Development Permit for Enhancement of Agriculture	\$200.00			

- b) In submitting an application for a development permit (major, variance or minor), the applicant should recognize that the non-refundable fees set out above in Paragraph a) of this Schedule are minimum fees payable. If the Village determines that the cost to process the development application is greater than the non-refundable deposit, then these additional costs shall be recovered from the applicant based on actual Village of Pemberton staff and/or consultant costs directly related to the processing of the application. The calculation of these recoverable costs will be based on an hourly rate of \$100.00 per hour for senior staff, \$75.00 for technical staff and \$45.00 per hour for clerical staff. The fees shall be payable prior to consideration of permit approval.
- c) If Council declines to advance the application and therefore public notification and/or the servicing analysis is not required, these costs shall be returned to the applicant.
- d) If the application requires additional public notification in accordance with this Bylaw or the *Local Government Act*, then payment of an additional \$500.00 shall be required prior to the scheduling of the meeting.
- e) Unless already undertaken for the subject lands, a development permit application requires an evaluation of the new development's water and sanitary sewer servicing. Pursuant to the Village's Subdivision and Development Control Bylaw, the Village of Pemberton requires the applicant to provide a deposit fee to cover the Village's engineering consultant's cost to update and evaluate both the water and sanitary system models as they pertain to any proposed works. These computer models must be maintained by the Village to ensure the existing infrastructure is adequately sized to supply sufficient capacity for the developing community. The fee noted in the table is recognized as a deposit, funds that remain unused in the analysis will be returned to the Developer. Further, more complex developments may cost more than the \$6,000 which in turn will be the responsibility of the applicant.

- f) The Village of Pemberton intends to recover processing fees by invoicing ongoing costs. The Village reserves the right to withhold the review of the application in the event that the account is in arrears.
- g) Any applicant that has commenced work requiring a Permit without first obtaining such approval shall pay an additional charge equal to 50% of the non-refundable application fee prior to the Village processing the application.

SCHEDULE "C"

Temporary Use Permit Application Fees

All costs incurred by the Village of Pemberton to review the proposed development application shall be entirely at the expense of the applicant. Every application made to the Village for a Temporary Use Permit shall comply with the following:

a) The following application fee for a Temporary Use Permit is required:

Non-refundable deposit	\$350.00
Notification for Intent of Permit Approval	<u>\$500.00</u>
Total Application Fee	\$850.00

- b) In submitting an application for a Temporary Use Permit the applicant should recognize that the non-refundable fees set out above in Paragraph a) of this Schedule are minimum fees payable. If the Village determines that the cost to process the permit application is greater than the non-refundable deposit, then these additional costs shall be recovered from the applicant based on actual Village of Pemberton staff and/or consultant costs directly related to the processing of the application. The calculation of these recoverable costs will be based on an hourly rate of \$100.00 per hour for senior staff, \$75.00 for technical staff and \$45.00 per hour for clerical staff. The fees shall be payable prior to consideration of permit approval.
- c) If Council declines to advance the application and therefore public notification is not required, then these costs shall be returned to the applicant, upon written request.
- d) If the application requires additional public notification, then payment of an additional \$500.00 shall be required prior to the scheduling the meeting.
- e) The Village of Pemberton intends to recover processing fees by invoicing ongoing costs. The Village reserves the right to withhold the review of the application in the event that the account is in arrears.
- f) Any applicant that has commenced work requiring a Temporary Use Permit without first obtaining such approval shall pay an additional charge equal to 50% of the non-refundable application fee prior to the Village processing the application.

SCHEDULE "D"

Permit Renewals

All costs incurred by the Village of Pemberton to review a request for permit renewals shall be entirely at the expense of the applicant. Every renewal request to the Village for the renewal of the approval of a Major Development Permit, shall comply with the following:

- a) The renewal requests an initial non-refundable fee of \$100.00.
- b) In submitting the renewal request for a Permit, the applicant should recognize that the non-refundable fees set out above in Paragraph a) of this Schedule are minimum fees payable. If the Village determines that the cost to process the renewal is greater than the non-refundable deposit, then these additional costs shall be recovered from the applicant based on actual Village of Pemberton staff and/or consultant costs directly related to the processing of the application. The calculation of these recoverable costs will be based on an hourly rate of \$100.00 per hour for senior staff, \$75.00 for technical staff and \$45.00 per hour for clerical staff. The fees shall be payable prior to consideration of permit approval.
- c) If the renewals requires additional public notification or a public meeting, then payment of an additional \$500.00 shall be required prior to the scheduling the meeting.
- d) The Village of Pemberton intends to recover processing fees by invoicing ongoing costs. The Village reserves the right to withhold the review of the application in the event that the account is in arrears.

SCHEDULE "E"

Subdivision and Bare Land Strata Plans

All costs incurred by the Village of Pemberton to review the proposed subdivision and/or lot consolidation application shall be entirely at the expense of the applicant. Every application made to the Village for subdivision and/or lot consolidation shall comply with the following:

a) The following application fees are required:

Subdivision non-refundable deposit	\$350.00, plus \$100 per lot created
Bare Land Strata non-refundable deposit	\$350.00

- b) In submitting an application for subdivision and/or lot consolidation, the applicant should recognize that the non-refundable fees set out above in Paragraph a) of this Schedule are minimum fees payable. If the Village determines that the cost to process the application is greater than the non-refundable deposit, then these additional costs shall be recovered from the applicant based on actual Village of Pemberton staff and/or consultant costs directly related to the processing of the application. The calculation of these recoverable costs will be based on an hourly rate of \$100.00 per hour for senior staff, \$75.00 for technical staff and \$45.00 per hour for clerical staff. The fees shall be payable prior to consideration of permit approval.
- c) The Village of Pemberton intends to recover processing fees by invoicing ongoing costs. The Village reserves the right to withhold the review of the application in the event that the account is in arrears.

SCHEDULE "F"
Strata Title Conversions

All costs incurred by the Village of Pemberton for strata title conversions shall be entirely at the expense of the applicant. Every application to the Village, shall comply with the following:

- a) An initial non-refundable fee of \$300.00.
- b) In submitting the request, the applicant should recognize that the non-refundable fees set out above in Paragraph a) of this Schedule are minimum fees payable. If the Village determines that the cost to process the strata title conversion is greater than the non-refundable deposit, then these additional costs shall be recovered from the applicant based on actual Village of Pemberton staff and/or consultant costs directly related to the processing of the application. The calculation of these recoverable costs will be based on an hourly rate of \$100.00 per hour for senior staff, \$75.00 for technical staff and \$45.00 per hour for clerical staff. The fees shall be payable prior to consideration of permit approval.
- c) The Village of Pemberton intends to recover processing fees by invoicing ongoing costs. The Village reserves the right to withhold the review of the application in the event that the account is in arrears.

SCHEDULE "G"

Information Signs

1. The applicant/developer shall be responsible for the preparation, posting, removal and any costs of a project information sign. The signs shall be in accordance with the specifications provided below.
2. The sign shall be posted within seven (7) days of submitting an application to the Village. An application is incomplete and will not be processed until the sign has been posted on the property. The applicant or developer shall notify the Development Services Department in writing once the sign is posted.
3. The sign must be placed in a conspicuous location to be clearly legible from the adjoining street or land and be clear of all site obstructions.
4. The sign shall be designed consistent with the Village of Pemberton's "Have Your Say" template and contain the following information:
5.
 - a) type of application (rezoning or development permit), application number, street address, legal description and the applicant's name.
 - b) description of the project considering proposed uses, gross floor area, height, number of units, and any other relevant information. A photo perspective of the development may be shown, provided it is clearly indicated that it is "proposed".
 - c) Include the text "For further information contact: Village of Pemberton, Development Services Department at (604) 894-6135 or admin@pemberton.ca".
6. Failure to comply with any or all of these requirements may delay the processing of the application involved.
7. Specifications:
 - Village Template: The sign shall be consistent with the "Have Your Say" template as provided by the Village's Communications Coordinator.
 - Sign Size: Minimum 4" (100 mm) white border around outside edge of the sign Installed Minimum 4'0" (1220 mm) above grade. Posts to be driven into ground and braced; Rigid free-standing frame is acceptable for winter installation;
 - Lettering: BLOCK CAPITALS
Black lettering on white background;

SCHEDULE "H"

Official Community Plan or Zoning Bylaw Approval Process

STEP #1 – Pre Application Meeting

- Meet with Development Services Department to confirm Village application requirements and any other agencies or interests that may have comments related to the application request.
-

Estimated Timeframe (depends on complexity of the application, responsiveness of the Applicant and workload of Village staff)

5-8 months

STEP #2 - Complete Application Submission

- Submit application in accordance with the municipal requirements.
- Post project information sign on the affected property.

STEP #3 - Village and Agency Review and Reporting

2 months

- Development Services Department refers the application to internal and external agencies for comment.
- Consideration by the Advisory Land Use Commission (applicant may attend meeting).
- Development Services Department completes detailed review of request considering the existing municipal policies and agency comments.
- Development Services Department meets with and/or prepares correspondence to Applicant outlining the comments received and any additional information that is required prior to bylaw preparation.
- If deemed appropriate by the Manager, the Development Services Department prepares bylaw amendment(s).

STEP #4 - Council Consideration

1-2 months

- Development Services Department prepares report and presents bylaw amendment(s) to Council requesting consideration of first and second reading and scheduling of the Public Hearing.
- A bylaw requires four readings before adoption.

STEP #5 - Statutory Public Hearing

1 month

- All Official Community Plan and Zoning Amendment Bylaws require a statutory public hearing.
- Statutory Notice Requirements.
- Council holds Public Hearing.

STEP #6 - Final Bylaw Readings

1-3 months

- Council Consideration of Third Reading of Bylaws.
- Ministry of Transportation and Infrastructure shall approve bylaw that concern provincial highways where they are within a radius of 800 metres from the closest intersection.
- Council Consideration of Fourth and Final Reading of Bylaws

SCHEDULE "I"
Major Development Permit Approval Process

STEP #1 – Pre Application Meeting

- Meet with Development Services Department to confirm Village application requirements and any other agencies or interests that may have comments related to the application request.
-

Estimated Timeframe (depends on complexity of the application, responsiveness of the Applicant and workload of Village staff)

5-6 months

STEP #2 - Complete Application Submission

- Submit application in accordance with municipal requirements.
- Post project information sign on property affected.

STEP #3 - Village and Agency Review and Reporting

2 months

- Development Services Department refers the application to internal and external agencies for comment.
- Consideration by the Advisory Design Review Commission (Applicant may attend meeting).
- Development Services Department completes detailed review of request considering the existing municipal policies and agency comments.
- Development Services Department meets with and/or prepares correspondence to Applicant outlining the comments received and any additional information that is required.

STEP #4 - Council Consideration

1 month

- Development Services Department prepares report for Council's review and whether the Major Development Permit should proceed to a Public Information Meeting.

STEP #5 - Public Information Meeting

0.5-1 month

- Statutory Notice Requirements.
- Public Information Meeting.

STEP #6 - Council Consideration

0.5-1 month

- Development Services Department prepares report for Council recommending consideration of Major Development Permit approval.

STEP #7 – Development Permit Issuance

1-3 months

- Applicant Addresses Conditions which may include entering into a Subdivision and Servicing Bylaw and posting of security for on and off site works and landscaping.
- Issuance of Major Development Permit.
- Registration of Major Development Permit on Title.

SCHEDULE "J"

Development Variance Permit Approval Process

STEP #1 – Pre Application Meeting

- Meet with Development Services Department to confirm Village application requirements and any other agencies or interests that may have comments related to the application request.
-

Estimated Timeframe (depends on complexity of the application, responsiveness of the Applicant and workload of Village staff)

1.5-2 months

STEP #2 - Complete Application Submission

- Submit application in accordance with municipal requirements.

STEP #3 - Village and Agency Review and Reporting

1 month

- Development Services Department refers the application to internal and external agencies for comment.
- Development Services Department completes detailed review of request considering the existing municipal policies and agency comments.
- Development Services Department meets with and/or prepares correspondence to Applicant outlining the comments received and any additional information that is required.

STEP #4 Public Notification

- Village prepares public notification of Council's consideration of the Development Variance Permit.

STEP #5 - Council Consideration

0.5-1 month

- Development Services Department prepares report for Council recommending consideration of Development Variance Permit approval.
- Council makes decision on variance request.

STEP #6 - Registration of Development Variance Permit on Title

SCHEDULE "K"

Minor Development Permit Approval Process

STEP #1 – Pre Application Meeting

- Meet with Development Services Department to confirm Village application requirements and any other agencies or interests that may have comments related to the application request.
-

Estimated Timeframe (depends on complexity of the application, responsiveness of the Applicant and workload of Village staff)

2-4 months

STEP #2 - Complete Application Submission

- Submit application in accordance with municipal requirements.

STEP #3 - Village and Agency Review and Reporting

0.5-2 months

- Development Services Department refers the application for internal review.
- Consideration by the Advisory Design Review Commission (Applicant may attend meeting).
- Development Services Department completes detailed review of request considering the existing municipal policies and referral comments.
- Development Services Department meets with and/or prepares correspondence to Applicant outlining the comments received and any additional information that is required.
- Manager of Development Services consider approval, rejection or further consideration of the application.
- within thirty (30) calendar days of the Manager's decision the applicant may request that the decision of the Manager be reconsidered by Council, or the Manager may request a decision from Council;
- Manager shall submit a report to Council; and
- If applicable, the Council considers the application.

STEP #4 – Development Permit Issuance

1-2 months

- If approved by the Manager/Council, Applicant addresses Minor Development Permit conditions.
- Issuance of Minor Development Permit.
- Registration of Minor Development Permit on Title.

SCHEDULE "L"

Temporary Use Permit Approval Process

STEP #1 – Pre Application Meeting

- Meet with Development Services Department to confirm Village application requirements and any other agencies or interests that may have comments related to the application request.

Estimated Timeframe (depends on complexity of the application, responsiveness of the Applicant and workload of Village staff)

3.5-6 months

STEP #2 - Complete Application Submission

- Submit application in accordance with municipal requirements.

STEP #3 - Village and Agency Review and Reporting

1-2 months

- Development Services Department refers the application to internal and external agencies for comment.
- Consideration by the Advisory Land Use Commission (Applicant may attend meeting).
- Development Services Department completes detailed review of request considering the existing municipal policies and agency comments.
- Development Services Department meets with and/or prepares correspondence to Applicant outlining the comments received and any additional information that is required.

STEP #4 - Public Notification of Intent to Consider Temporary Use Permit

0.5 -1 month

- Statutory Notice Requirements.

STEP #5 - Council Consideration

1 month

- Development Services Department prepares report for Council's review recommending consideration of the Temporary Use Permit.
- Council considers approval of Temporary Use Permit.

STEP #6 – Temporary Use Permit Issuance

1-2 months

- Applicant addresses conditions of the Temporary Use Permit.
- Issuance of Temporary Use Permit.
- Registration of Temporary Use Permit on Title.

SCHEDULE "M"

Permit Renewals

STEP #1 – Pre Application Meeting

- Meet with Development Services Department to confirm Village application requirements and any other agencies or interests that may have comments related to the renewal.
-

Estimated Timeframe (depends on complexity of the application, responsiveness of the Applicant and workload of Village staff)

3-4 months

STEP #2 – Submit Written Renewal Request

- Submit application in accordance with municipal requirements.

STEP #3 - Village and Agency Review and Reporting

1 months

- Development Services Department refers the application any affected internal and external agencies for comment.
- Development Services Department completes detailed review of request considering the existing permit approval, municipal policies and agency comments.
- Development Services Department advises Applicant of any comments received and any additional information that may be required.

STEP #4 - Council Consideration

1 month

- Development Services Department prepares report for Council's review recommending consideration of the permit renewal.
- Council considers approval of permit renewal in accordance with Village policies and bylaws as well as the *Act*.

STEP #5 –Permit Renewal Issuance

1-2 months

- Applicant addresses conditions of the permit.
- Issuance of renewed permit.
- Registration of renewed permit on Title.

SCHEDULE "N"
Subdivision and Bare Land Strata Approval Process

STEP #1 – Pre Application Meeting

- Meet with Development Services Department to confirm Village application requirements and any other agencies or interests that may have comments related to the application request.
-

Estimated Timeframe (depends on complexity of the application, responsiveness of the Applicant and workload of the Approving Officer)

3-12 months

STEP #2 - Complete Application Submission

- Submit application in accordance with municipal requirements.

STEP #3 - Village and Agency Review and Reporting

1-2 months

- Development Services Department refers the application to internal and external agencies for comment.
- Development Services Department completes detailed review of request considering the existing municipal policies and agency comments.
- Development Services Department meets with and/or prepares correspondence to Applicant outlining the comments received and any additional information that is required.

STEP #4 – Issuance of Tentative Approval Letter

1 month

- Tentative Approval Letter prepared by the Approving Officer outlines the conditions for the subdivision and/or lot consolidation.

STEP #5 – Plan Approval

1-9 months

- Applicant addresses all the requirements identified in the Tentative Approval Letter and other statutory requirements.
- Subdivision or lot consolidation plan registered on title.

SCHEDULE "N"
Strata Title Conversions Approval Process

STEP #1 – Pre Application Meeting

- Meet with Development Services Department to confirm Village application requirements and any other agencies or interests that may have comments related to the renewal.
-

Estimated Timeframe (depends on complexity of the application, responsiveness of the Applicant and workload of Village staff)

3-4 months

STEP #2 – Submit Written Request

- Submit application in accordance with municipal requirements.

STEP #3 - Village and Agency Review and Reporting

1 months

- Development Services Department refers the application any affected internal and external agencies for comment.
- Development Services Department completes detailed review of request considering the request, municipal policies and agency comments.
- Development Services Department advises Applicant of any comments received and any additional information that may be required.

STEP #4 - Council Consideration

1 month

- Development Services Department prepares report for Council's review recommending consideration of the conversion.
- Council considers approval of the conversion request accordance with Village policies and bylaws as well as the *Strata Property Act*.

STEP #5 –Strata Conversion Approval

1-2 months

- Applicant addresses conditions of the approval.
- Issuance of approval by the Village authorized signatory signing the strata plan.
- Registration of the strata plan.

THE VILLAGE OF PEMBERTON

BYLAW No. XXX, 2020

Pemberton Development Procedures Bylaw

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

AND WHEREAS Council must by bylaw define procedures under which an Owner of land may apply for an amendment to the Official Community Plan, or to a bylaw or for the issue of a permit under the Local Government Act S.460;

AND WHEREAS the Village has designated areas within which development permits are required in the Official Community Plan and areas where temporary uses may be allowed in the Zoning Bylaw;

AND WHEREAS Council wishes to define procedures under which an Owner of land may apply to subdivide land;

AND WHEREAS under the Community Charter and Local Government Act, Council may delegate certain powers, duties and functions to an officer or employee of the Village;

AND WHEREAS Council may, by bylaw, specify a distance from affected land for the purpose of notifying Owners and occupants of proposed bylaw amendments and permits;

NOW THEREFORE Council of the Village of Pemberton in an open meeting assembled enacts as follows:

1. TITLE

- 1.1. This bylaw may be cited for all purposes as the Village of Pemberton Development Procedures Bylaw No. XXX, 2020.

2. INTERPRETATION

2.1. In this Bylaw:

“Applicant” Means the *Owner(s)* of the property that is the subject of the application or an agent of the *Owner(s)* duly authorized in writing by the *Owner(s)* to act as agent for the *Owner(s)* in relation to the application;

“Approving Officer” means the person appointed by *Council* under the *Land Title Act* and *Local Government Act*;

“Community Charter” Means the *Community Charter*, SBC 2003, c.26, as amended;

- “Corporate Officer”** means the Officer for the Village appointed under the *Community Charter*;
- “Council”** means the *Council* of the Village;
- “Manager”** means the person appointed by the Chief Administrative Officer for the Village as the Manager and includes any person temporarily appointed or designated to act in their place;
- “Official Community Plan”** means the Village of Pemberton Official Community Plan, as amended or replaced from time to time;
- “Owner”** means, in respect of real property, the registered owner(s), and verified by the Village through either a Land Title Office search or BC Assessment Roll search, or an Individual duly authorized to represent a corporation or strata corporation;
- “Sign Bylaw”** means the Village of Pemberton Sign Bylaw, as amended or replaced from time to time;
- “Strata Conversion”** means the conversion of a previously occupied building to a strata pursuant to the *Strata Property Act*;
- “Subdivision”** means the division of land into two (2) or more parcels, whether by plan, apt descriptive words or otherwise, lot boundary adjustments and lot consolidation;
- “Subdivision and Development Control Bylaw”** means the Village of Pemberton Subdivision and Development Control Bylaw, as amended or replaced from time to time;
- “Village”** means the Village of Pemberton;
- “Zoning Bylaw”** means the Village of Pemberton Zoning Bylaw, as amended or replaced from time to time.

- 2.2. Unless otherwise defined herein, words and phrases in this Bylaw have the same meanings as in the *Local Government Act, Community Charter, or Interpretation Act* (British Columbia), as the context requires. A reference to a statute, regulation or bylaw refers to that enactment as amended or replaced from time to time.
- 2.3. A reference contained within this Bylaw to any enactment of British Columbia or the *Village* of Pemberton is a reference to the enactment amended, revised, consolidated or replaced from time to time.

3. APPLICATION AND GENERAL REQUIREMENTS

3.1. This Bylaw applies to:

- a) Amendments to:
 - i) The *Official Community Plan*;
 - ii) The *Zoning Bylaw*;

- b) Issuance of:
 - i) Development Permit, Major
 - ii) Development Permit, Minor
 - iii) Development Variance Permit
 - iv) Temporary Use Permit

- c) Applications for:
 - i) *Subdivisions*, including Bare Land Strata;
 - ii) *Subdivision* Tentative Approval Letter Extensions
 - iii) Form P Phased Strata Declarations and Form P Amendments
 - iv) *Strata Conversions* of previously occupied buildings;
 - v) Discharge of a Covenant

3.2. The *Manager* may prescribe:

- a) the form and content of application forms for bylaw amendments and the issuance of permits;
- b) different forms for different types of applications; and
- c) whether or not an application is complete.

3.3. An *Applicant* must submit an application as follows:

- a) Completed and accompanied by supporting documents as indicated on the form;
- b) Filed with the *Village* of Pemberton Development Services Department;
- c) Signed by either the *Owner(s)* of the subject lands or by a person authorized to sign on behalf of the *Owner(s)*; and
- d) Accompanied by the fees prescribed in **Schedule A**.

3.4. All applications that meet the requirements of this Bylaw shall be processed in accordance with the municipal bylaws and regulations as well as the related provisions of the *Local Government Act* and the *Community Charter*.

3.5. Where an application aims to develop a multi-unit building subject to a Housing Agreement for the provision of affordable purchased or rental housing the application processing timelines will be prioritized and expedited as feasible.

3.6. All bylaw amendments and permit applications are required to complete a pre-application meeting with Development Services Staff unless waived by the *Manager*. Costs associated with additional pre-applications meetings and correspondence shall be

recovered from the *Applicant*, as prescribed in **Schedule A**.

- 3.7. If the *Manager* determines that an application is incomplete, the *Applicant* will be asked to provide the required information, documents or fees, and if the *Applicant* does not complete the application within the time specified by the *Manager*, the application and fee will be returned.
- 3.8. Any applications that remain inactive for more than one (1) year may be deemed abandoned and be closed. If deemed abandoned, *Council* will rescind readings to any bylaws that concern the closed application. The *Applicant* will be invoiced any outstanding *Village* processing fees.

4. **APPLICATION FEES**

- 4.1. An application is not complete until all applicable fees are paid and all of the information required in relation to the application has been received by the *Manager*.
- 4.2. All fees submitted with an application shall be non-refundable, except as otherwise provided for in this bylaw.
- 4.3. The non-refundable fees set out in **Schedule A** are minimum fees payable. If the *Village* determines that the cost to process the development application is greater than the non-refundable deposit, then these additional costs shall be recovered from the *Applicant* based on actual *Village* Staff and/or consultant costs directly related to the processing of the application. The calculation of these recoverable costs will be based on the actual cost of Staff and consultant time as set out in **Schedule A**. The fees shall be payable prior to final permit issuance or will be invoiced following bylaw adoption.
- 4.4. The *Village* recovers processing fees by invoicing ongoing costs. The *Village* reserves the right to withhold the review of an application if the account is in arrears.
- 4.5. *Applicants* are responsible for additional external consulting fees accrued by the *Village* and, depending on the complexity of the application, the *Manager* may require a minimum deposit to be submitted at the time of application based on estimates provided by the *Village*.
- 4.6. If the application requires more than one (1) public hearing, the payment of an additional amount as shown in **Schedule A** shall be required prior to the scheduling of additional hearings or meetings.
- 4.7. If *Council* declines to advance an application to public hearing, the public hearing costs shall be returned to the *Applicant*.
- 4.8. The review of certain applications requires evaluation of the new development's water and sanitary sewer servicing. Pursuant to the *Village's Subdivision and Development Control Bylaw*, the *Village* requires the *Applicant* to provide a deposit fee to cover the *Village's* Consultant's cost to update and evaluate both the water and sanitary system models as they pertain to any proposed works. The fee as set out in **Schedule A** is

a deposit, and funds that remain unused in the analysis will be returned to the *Applicant*. Further, more complex developments may cost more than the referenced amount which in turn will be the responsibility of the *Applicant*. The *Manager* will provide a cost estimate to the *Applicant* should more complex analysis be required.

- 4.9. If the application does not proceed to a point where the servicing analysis is not yet completed, these costs shall be returned to the *Applicant*.
- 4.10. Any legal costs associated with the review, preparation and registration of permits and covenants at the Land Titles Office is cost recoverable by the *Village*.

5. INFORMATION SIGNS

5.1. Information Signs are required for the following applications:

- a) *Official Community Plan* Amendment
- b) *Zoning Bylaw* Amendment
- c) Major Development Permit
- d) Development Variance Permit
- e) Temporary Use Permit

5.2. The *Owner* shall be responsible for the printing, posting, removal and any other costs of a project information sign.

5.3. The sign shall be posted within fourteen (14) days of acceptance of the application by the *Village*. An application is incomplete and will not be processed until the sign has been posted on the property. The *Applicant* or developer shall notify the Development Services Department in writing once the sign is posted.

5.4. No later than fourteen (14) days before *Council* consideration of any application requiring the sign, the *Owner* shall confirm the sign accurately reflects the application being considered by *Council*, and amend the sign as necessary.

5.5. The sign must be placed in the most visible location to be clearly legible from the adjoining street or land and be clear of all site obstructions.

5.6. The *Manager* will develop and prescribe the *Village* information sign template in conformance with the *Village* of Pemberton Style Guide.

5.7. The sign shall be designed consistent with the *Village's* template and contain the following information:

- a) type of application, application number, civic address, legal description and the *Applicant's* name.
- b) general description of the project approved by the *Manager*.

5.8. Failure to comply with any or all of these requirements may delay the processing of the application involved.

6. CHANGE OF OWNERSHIP

6.1. If there is a change of *Ownership* of a parcel of land that is the subject of a development application, the *Owner* shall provide an updated title certificate and written agent authorization, if required, prior to proceeding further with the application.

7. GENERAL OFFICIAL COMMUNITY PLAN AND ZONING BYLAW AMENDMENTS

7.1. Prior to consideration of any amending bylaws, the *Manager* may refer an application to amend the *Zoning Bylaw* or *Official Community Plan* to *Council* with a report that includes recommendations, prepared in consultation with such Staff as the *Manager* deems necessary and *Council* may:

- a) proceed with enacting an amending bylaw;
- b) reject or refuse the application.

8. PUBLIC INFORMATION MEETING

8.1. *Council* or the *Manager* may require an *Applicant* to hold a Public Information Meeting, at their cost, for a bylaw amendment. The notice of the Public Information Meeting shall be given by:

- a) either mailing or otherwise delivering at least ten (10) days before the Public Information Meeting to the *Owners* or occupiers, as shown on the assessment roll as at the date of the application, within a distance of one hundred (100) meters from the property line of the lands subject to the amendment application; and
- b) additional means as required by the *Manager*.

9. NOTICE OF PUBLIC HEARING

9.1. Notice of *Council's* intention to amend the *Official Community Plan* or the *Zoning Bylaw* shall be pursuant to Section 466 of the *Local Government Act*. Further, any notices that are mailed or otherwise delivered prior to the public hearing pursuant to Section 466 of the *Local Government Act* are to include properties at a distance of no greater than 100 meters from the property line of the lands subject to the amendment application.

10. GENERAL PERMIT APPROVAL

10.1. Where authorized by the *Council* or approved by the *Manager* where delegated, a notice of permit will be registered in the Land Title Office, indicating that the land described in the notice is subject to a permit.

10.2. Subject to the terms of the permit, where the holder of the permit does not substantially commence construction with respect to the works authorized by the permit within two (2) years of the issue date, the permit is deemed lapsed.

10.3. Where land is subject to more than one Development Permit Area designation, only one Development Permit application is required. However, the application must address the requirements and submit the fee of each applicable Development Permit Area as per the *Official Community Plan*.

11. SECURITY DEPOSIT

11.1. In the case of all Development Permits or Temporary Use Permits requiring a security as a condition of approval, the *Village* will require a cash deposit or irrevocable letter of credit in the form and amount satisfactory to the *Manager* to ensure satisfactory completion of all conditions contained in the permit.

12. DEVELOPMENT PERMIT DELEGATION

12.1. *Council* hereby delegates to the *Manager* the exercise of all of the powers, duties and functions of *Council* in respect to the issuance of Minor Development Permits under Section 490 of the *Local Government Act*.

12.2. For the purposes of this Bylaw, a Minor Development Permit shall include only the following:

- a) Minor amendments to Major Development Permits issued by *Council*;
- b) Development Permits required for site clearing and grading;
- c) Development Permits under the following Development Permit Area No.1 – Environmental Protection; Development Permit Area No. 2 – Land Constraints; and Development Permit Area No. 3 – Enhancement of Agriculture;
- d) Development within Development Permit Areas No. 4, 5 & 6 for the form and character of development involving:
 - i. exterior repainting of an entire building, or an entire part of a building whereby the colours differ from the approved Development Permit or the existing colour;
 - ii. landscape changes or new landscaping, including both installation of planting materials (but not seasonal planting) and installation of permanent planters, guardrails, rock stacking and other hard landscaping;
 - iii. changes to not more than two (2) exterior building or roofing materials;
 - iv. exterior lighting alterations or installation of additional exterior lighting;
 - v. non-structural exterior building repairs that alter the building appearance;
 - vi. new exterior windows or doors that alter the exterior appearance of the building;
 - vii. placement of exterior communications equipment that are visible from a public road and project more than three (3) meters from the roof or face of the building;
 - viii. additions to buildings or structures, where the total interior floor area is increased by 20 m² or less;
 - ix. new buildings or structures for storage or refuse and recycling facilities which conform to the *Village* requirements;
 - x. new buildings or structures with a total interior floor area of 20 m² or less;
 - xi. Comprehensive Sign Plans and issuance of a Development Permit for the

- signs where a sign is consistent with the *Village Sign Bylaw*;
- xii. storage container approval and renewal; or
- xiii. any other exterior changes to a property that the *Manager* deems to be minor in terms of the impact on the subject and adjacent properties.

12.3. With respect to an application for a Minor Development Permit, the *Manager* may:

- a) issue the permit, with or without conditions; or
- b) refuse the permit, providing reasons in writing to the *Applicant*.

12.4. Where a Development Permit also includes any variance to the *Zoning Bylaw*, *Sign Bylaw*, or *Subdivision and Development Control Bylaw*, the authority to consider an application for, and to issue or refuse a Development Permit remains with *Council*.

12.5. The *Owner* of any property that is subject to the decision of the *Manager* pursuant to Section 490 of the *Local Government Act* and Section 156 of the *Community Charter*, is entitled to have *Council* reconsider a decision of the *Manager* on the following terms:

- a) within thirty (30) calendar days of the *Manager's* decision the *Applicant* shall submit a letter to *Council* through the *Corporate Officer* requesting that the decision of the *Manager* be reconsidered by *Council*;
- b) the *Manager* shall submit a report to *Council* attaching the *Applicant's* Minor Development Permit application and setting out the *Manager's* reasons with respect to their decision on the application;
- c) at a date and time set by *Council*, the *Applicant* shall have the opportunity to appear before *Council* and be heard regarding the *Manager's* decision; and
- d) following the *Applicant's* opportunity to be heard, *Council* will reconsider the application and either uphold the *Manager's* decision to deny the application or approve the application with or without conditions.

12.6. Notwithstanding Section 6.1, the *Manager* may request a decision from *Council* at their discretion.

13. MAJOR DEVELOPMENT PERMITS

13.1. With respect to a Major Development Permit application, *Council* may:

- a) issue the permit, with or without conditions;
- b) refer the application to Staff for further review and report in accordance with the Development Permit Area Guidelines, or
- c) refuse the permit, providing reasons in writing to the *Applicant*.

14. DEVELOPMENT VARIANCE PERMITS

14.1. The *Manager* will refer an application for a development variance permit to *Council* with a report that includes recommendations from the *Manager*, prepared in consultation with such Staff as the *Manager* deems necessary.

14.2. *Council* shall give notice of its intention to issue a Development Variance Permit

pursuant to Section 499 of the *Local Government Act*. Further, any notices that are mailed or otherwise delivered are to include properties at a distance no greater than 100 meters from the property line of the lands subject to the Development Variance Permit application.

14.3. With respect to a development variance permit application, *Council* may:

- a) issue the permit, with or without conditions;
- b) refer the application to Staff for further review and report; or
- c) refuse the permit, providing reasons in writing to the *Applicant*.

15. TEMPORARY USE PERMITS

15.1. Temporary Use Permit Applications shall be reviewed in accordance with the *Village of Pemberton's Zoning Bylaw*.

15.2. *Council* shall give notice of its intention to issue a Temporary Use Permit pursuant to Section 494 of the *Local Government Act*. Further, any notices that are mailed or otherwise delivered are to include properties at a distance no greater than 100 meters from the property line of the lands subject to the Temporary Use Permit application.

15.3. With respect to a temporary use permit application, *Council* may:

- a) issue the permit, with or without conditions;
- b) refuse the permit, providing reasons in writing to the *Applicant*; or
- c) refer the application to Staff for further review and report.

16. GENERAL SUBDIVISION AND STRATA APPLICATION PROCEDURES

16.1. Applications for *Subdivision*, Bare Land Strata *Subdivision*, and Form P Phased Strata Declarations shall be submitted to the *Manager* and forwarded to the *Approving Officer* for decision.

16.2. In response to an application for *Subdivision*, the *Approving Officer* may:

- a) approve the *Subdivision*, with or without conditions; or
- b) refuse the application.

17. SUBDIVISIONS, INCLUDING BARE LAND STRATA

17.1. The *Approving Officer* may exempt a parcel from the minimum frontage required under the *Local Government Act*.

17.2. A Tentative Approval Letter (TAL) issued by the *Approving Officer* outlining the conditions of *Subdivision* will be provided to the Applicant and/or Agent and the conditions of the TAL must be met to the *Approving Officer's* satisfaction prior to final subdivision.

18. SUBDIVISION TENTATIVE APPROVAL LETTER EXTENSIONS

18.1. Application is made by letter to the *Manager* for consideration by the *Approving Officer*.

18.2. Fees for an extension to a Tentative Approval Letter are as per **Schedule A**.

19. FORM P PHASED STRATA DECLARATIONS AND FORM P AMENDMENTS

19.1. Application is made by letter to the *Manager* for consideration by the *Approving Officer*.

19.2. Any security required for common facilities shall be provided by cash or irrevocable letter of credit.

20. STRATA CONVERSION OF A PREVIOUSLY OCCUPIED BUILDING

20.1. Unless otherwise delegated in this bylaw, *Council* is the approving authority for *Strata Conversion* of previously occupied buildings;

20.2. The *Approving Officer* can perform the duties of the approving authority under of the *Strata Property Act* with respect to a *Strata Conversion* of a previously occupied building that comprises:

- a) a previously occupied commercial building with five (5) or fewer units; and
- b) a previously occupied residential building with a maximum of two (2) dwelling units.

20.3. Respecting the decision of the *Approving Officer* to approve a Strata Plan for a previously occupied building, with or without conditions, or refuse to approve a strata plan for a previously occupied building, the decision of the *Approving Officer* is final and may not be appealed.

20.4. In determining a *Strata Conversion* application, the approving authority may:

- a) Approve the application, with or without conditions; or
- b) refuse the application.

21. INACTIVE APPLICATIONS

21.1. If information requested by the *Manager* pursuant to an application is not provided within six (6) months, and the *Manager* considers the *Applicant* is not actively attempting to meet the requirements of the application otherwise, the *Manager* may, by registered letter, notify the *Applicant* of an intention to close the application.

21.2. If the *Manager* is not satisfied that completion of an application is not being actively pursued after thirty (30) calendar days following delivery of a notice under section 11.1, the *Manager* may consider the application to be abandoned and cause the application to be closed.

22. SUBSEQUENT APPLICATIONS

22.1. Subject to the *Local Government Act*, if an application made under this Bylaw is refused by either the *Manager* or by *Council*, as applicable, a same or similar reapplication may not be submitted until at least one (1) year has passed following the date of the refusal.

22.2. Where an *Applicant* intends to appeal to *Council* to vary the time limit set in section 7.3 pursuant to section 460(3) of the *Local Government Act*, the *Applicant* shall submit, in writing, a detailed statement as to why the time limit for the reapplication should be varied.

22.3. Despite section 7.3, *Council* may, by an affirmative vote of at least 2/3 of its members that are eligible to vote on the reapplication, allow a person to reapply within the one (1) year period.

23. SEVERABILITY

23.1 If any section, subsection, sentence, clause, sub clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

24. SINGULAR

24.1 Whenever the singular is used throughout this Bylaw, it shall also mean the plural.

25. REPEAL

25.1. The Village of Pemberton “Development Procedures Bylaw No. 725, 2013” is repealed.

READ A FIRST TIME this____th day of _____, 2020.

READ A SECOND TIME this____th day of _____, 2020.

READ A THIRD TIME this____th day of _____, 2020.

ADOPTED this____th day of _____, 2020.

Mayor

Corporate Officer

SCHEDULE "A"

Application Type	Application Fee Deposit		Public Notification Fee	Water and Sanitary Servicing Model Analysis Deposit
<i>Official Community Plan & Zoning Bylaw Amendment</i>	\$1200.00	Residential	\$750.00 per Public Meeting	Water: \$3000.00 Sanitary: \$3000.00
<i>Official Community Plan Bylaw Amendment</i>	\$900.00	+ \$250.00 for each additional lot or dwelling unit in excess of the first ten (10) lots or dwelling units proposed		
<i>Zoning Bylaw Amendment</i>	\$900.00			
Major Development Permit for Form and Character	\$900.00			
Minor Development Permit for Environmental Protection	\$600.00		+ \$250.00 for each additional 100 m ² of floor area in excess of the first 1000.00 m ²	
Minor Development Permit for Land Constraints	\$400.00			
Minor Development Permit for Enhancement of Agriculture	\$400.00			
Major Development Permit	\$200.00			
Minor Development Permit	\$360.00			
Minor Development Permit	\$200.00			
Development Variance	\$450.00			
Temporary Use Permit	\$500.00			
<i>Subdivision</i>	\$500.00			
Bare Land Strata	\$500.00	+ \$150.00 for each additional lot created		
Strata Title Conversion	\$500.00			
Tentative Approval Letter Extension	\$200.00	+ \$250.00 for each additional lot or dwelling unit in excess of the first ten (10) lots or dwelling units proposed		
Discharge of a Covenant	\$200.00			
Cost Recovery	Staff and Consultant Time		Admin Fee	Total
Applies to all applications.	The cost of additional time spent processing applications above the application fee deposit will be recovered based on actual costs for <i>Village</i> of Pemberton staff and consultant time.		10% administration fee is added to the Cost Recovery Fee based on staff and consultant time.	Staff & Consultant Time at cost + 10% Admin Fee = Total Cost Recovery Fee