

COLUMBIA SHUSWAP REGIONAL DISTRICT

DEVELOPMENT SERVICES PROCEDURES BYLAW NO. 4001

**THIS CONSOLIDATED BYLAW IS NOT INTENDED TO BE
USED FOR LEGAL PURPOSES**

CONSOLIDATED FOR CONVENIENCE ONLY WITH:

Bylaw No. 4001-1
Bylaw No. 4001-2
Bylaw No. 4001-3

April 21, 2021

INFORMATION SHEET ON THE BYLAWS
WHICH WERE CONSOLIDATED INTO BYLAW 4001

BYLAW NO. 4001-1 - Adopted September 17, 2015

- Added a new Section 7.2.5
- Replaced Section 9.2.21

BYLAW NO. 4001-2 - Adopted October 15, 2020

- Deleted the whole Bylaw 4001-1 in its entirety and replaced it with BL4001-2

BYLAW NO. 4001-3 – Adopted April 15, 2021

- Deleted Section 8.1.4 in its entirety and replace with a new 8.1.4

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COLUMBIA SHUSWAP REGIONAL DISTRICT

DEVELOPMENT SERVICES PROCEDURES BYLAW NO. 4001-2

A bylaw to establish development services approval and notification procedures for processing land use applications under Part 14 of the *Local Government Act* for the Columbia Shuswap Regional District (CSRD)

WHEREAS the Board of the Columbia Shuswap Regional District has adopted Official Community Plans, Zoning Bylaws and Land Use Contracts;

AND WHEREAS Section 460 of the *Local Government Act* provides that where a local government has adopted an official community plan or a zoning bylaw, the local government must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or for the issuance of a permit or flood plain exemption under Part 14 of the *Local Government Act*;

AND WHEREAS the *Board* may, pursuant to s. 229 of the *Local Government Act*, delegate its powers, duties and functions;

NOW THEREFORE the *Board* of the Columbia Shuswap Regional District, in open meeting assembled, HEREBY ENACTS as follows:

1.0 Citation

This bylaw may be cited for all purposes as "Development Services Procedures Bylaw No. 4001-2".

2.0 Repeal

Columbia Shuswap Regional District Procedures Bylaw No. 4001 and all amendments thereto is hereby repealed but any application made pursuant to Bylaw No. 4001 prior to the date of adoption of this bylaw may be processed and dealt with in accordance with the provisions of Bylaw No. 4001 as amended.

3.0 Definitions

In this bylaw, unless the context otherwise requires:

ALC means the BC Agricultural Land Commission;

APC means the Advisory Planning Commission established by the *Board* from time to time;

Agent means a person with written authority from an *Owner* to act on the *Owner's* behalf for the purposes of making an application to the *CSRD*;

Applicant means an *Owner* or *Agent* making an application pursuant to this bylaw;

Assurance Statement means a document in the form prescribed by the *Manager* that describes the proposed project, details the qualifications and responsibilities of the *Qualified Professional(s)* involved, certifies the works meet the *Qualified Professional's* professional practice guidelines and CSRD regulations, and is sealed by the *Qualified Professional*.

Board means the CSRD Board of Directors;

BOV means the CSRD Board of Variance;

Certificate of Title means the document issued from the BC Land Title and Survey Authority identifying the *Owner*, legal description of land, and any charges registered against the title;

Coordinating Registered Professional means a Qualified Professional who is responsible for all information provided to the CSRD for the purposes of the application and is the primary point of contact with the CSRD. The Coordinating Registered Professional coordinates all design work, reports, assurance statements and field reviews of the Qualified Professionals involved in a project.

CSRD means the Columbia Shuswap Regional District;

Development Approval Information means information on the anticipated impact of the proposed activity or development on the subject property or community that may be required for applications made pursuant to this bylaw;

Flood Plain Exemption means an exemption to a CSRD flood plain regulation such as flood construction level or setback;

Highway means any public street, path, walkway, trail, lane, bridge, road, thoroughfare or any public way.

Inactive means one or more of the following, continued absence of requested information, lack of correspondence or communication from applicant, inability or desire of applicant to progress the application forward.

OCP means Official Community Plan;

Manager means the Manager of Development Services of the CSRD or the Manager's designate;

MoT means the BC Ministry of Transportation and Infrastructure;

Owner means, the registered owner of an estate in fee simple, or an *Agent* duly authorized by the registered owner in writing in a form prescribed by the *Manager*, and for certainty, in the case of a shared interest in the subject parcel, means the *Agent* or the person who holds a controlling interest in the ownership of the subject building or structure;

Qualified Professional means a member in good standing with a professional British Columbia organization such as an accredited engineer, architect, planner, biologist or other professional with direct experience, training and education relevant to the applicable matter and able to carry out the required assessment(s) using professional practice guidelines, as determined by the *Manager*;

Technical Development Permit means a development permit issued in respect of a development permit area designated under Sections 488(1)(a) or (b) of the *Local Government Act*;

4.0 Scope and Application Requirements

4.1 This bylaw shall apply to all Electoral Areas of the *CSRD* (Electoral Areas A, B, C, D, E and F).

4.2 This bylaw shall apply to the following applications:

- Amendments to an Official Community Plan;
- Amendments to a Zoning Bylaw;
- Amendments to a Land Use Contract (including discharge);
- Amendments to a Land Use Bylaw;
- Applications for a development permit;
- Applications for a development variance permit;
- Applications for a temporary use permit, including renewals;
- Applications for a *Flood Plain Exemption*;
- Application(s) to the Agricultural Land Commission;
- Subdivision Referral Applications; and
- Board of Variance Applications.

4.3 Applications shall be made by the *Owner(s)* of the land or, by an *Agent* authorized by the *Owners* to act on the *Owner's* behalf in all matters pertaining to the application.

4.4 Applications shall be made on the form prescribed by the *Manager* and shall include the following:

- The signature of the *Owner(s)* and any *Agent* acting on the *Owner's* behalf;
- The applicable fee, as set out in *Columbia Shuswap Regional District Development Services Application Fees Bylaw No. 4000*, as amended from time to time;
- A current *Certificate of Title* dated within 30 days of the date of application for all properties included in the application;
- Written explanation of the purpose of the application;

- Scaled drawing or sketch of the proposed development, site plan, or proposed subdivision (as applicable);
- Any requested *Development Approval Information* specific to the application being made, as described in more detail in Section 6 of this bylaw; and
- Any other information requested by the *Manager* to be included.

4.5 Applications received without a completed application form, application fee, or any other information as required by any *CSRD* enactment, are considered incomplete. If the *Applicant* does not provide the required information and/or fee within 30 days of notification by the *CSRD*, the application and/or fee will be returned.

5.0 Consultation and Referral to Agencies

5.1 As determined by staff and approved by the *Board*, the precise requirements of consultation and referrals in relation to an application is determined by the application complexity, scale of development and possible impacts to neighbours, community and other agencies' interests related to the application.

6.0 Development Approval Information

6.1 Where an Official Community Plan has designated an area as a *Development Approval Information Area* or has specified the circumstances in which *Development Approval Information* is required, or both, such information will be required for:

- Applications for a Zoning Bylaw amendment;
- Applications for a development permit; and,
- Applications for a temporary use permit.

6.2 *Development Approval Information* must be provided in accordance with the requirements of *Columbia Shuswap Regional District Development Approval Information Bylaw No. 644*, as amended or repealed and replaced from time to time.

6.3 In accordance with Section 487(3) of the *Local Government Act*, the requirements for *Development Approval Information* under this bylaw do not apply if the proposed activity or development is a reviewable project under Section 1 of the *Environmental Assessment Act*.

7.0 Qualified Professionals and Assurance Statements

7.1 Where a *Qualified Professional* is required to undertake a geohazard or flood risk analysis and report for an application, a signed and sealed *Assurance Statement* and report must be submitted by the *Qualified Professional*.

- 7.1.1 The *Assurance Statement* form and required content is as prescribed by the *Manager*;
 - 7.1.2 The *Assurance Statement* and report must state it has been prepared in accordance, and is consistent with, applicable professional practice guidelines and ethics; and,
 - 7.1.3 If so determined, provide an *Assurance Statement* that "the land may be used safely for the use intended".
- 7.2 Where more than one professional report is required for an application, and if the *Owner* has retained a *Coordinating Registered Professional (CRP)*, the CRP will submit a signed and sealed *Coordinating Registered Professional Assurance Statement (CRPAS)*:
- 7.2.1 The CRPAS form and required content is as prescribed by the *Manager*;
 - 7.2.2 The CRP shall coordinate, review and submit professional reports;
 - 7.2.3 The CRP is responsible for inter-report consistency including, but not limited to, existing conditions, proposed application and development, data and mapping information, assumptions, recommendations, *CSR*D bylaw requirements and report submission guidelines as per applicable professional practice guidelines.

8.0 Public Notice Requirements and Opportunity for Input

8.1 Public notification of applications shall be required for:

8.1.1 Bylaw amendments:

- If a public hearing is to be held, notice of the public hearing will be advertised pursuant to the requirements of the *Local Government Act*.
- Written notices will be mailed at least 10 days prior to the public hearing to *Owners* and tenants in occupation of all parcels within 100m of the subject property.
- For proposed bylaw amendment applications consistent with the applicable Official Community Plan, staff may recommend to the *Board* that the public hearing be waived per *Local Government Act* s. 466(4) and (5).
- If no public hearing is to be held for the proposed bylaw amendment(s), notice of the waiver of the public hearing will be given per *Local Government Act* s.467, and written notices will be mailed at least 10 days prior to *Board* consideration of third reading of the bylaw to the *Owners* and tenants in occupation of all parcels within 100m of the subject property.

8.1.2 Development Variance Permits, Board of Variance Applications, and amendment or discharge of Land Use Contracts:

- Written notices will be mailed at least 10 days prior to the adoption of the resolution to issue a permit, or amend or discharge a land use contract, to the

Owners and tenants in occupation of all parcels within 100m of the subject property.

- If a development variance is proposed in conjunction with a bylaw amendment, one combined notice for the bylaw public hearing, or waiving of public hearing notice, and requested variance is permitted. Separate Board resolutions and approvals are required for each request.

8.1.3 Temporary Use Permits

- Written notices will be mailed at least 10 days prior to the adoption of the resolution to issue a Temporary Use Permit, to the *Owners* and tenants in occupation of all parcels within 100m of the subject property.
- The notice of application will be advertised once pursuant to the requirements of s.494 of the *Local Government Act*.
- Permit renewals per *Local Government Act* s.495, 496 and 497(3) delegated to the *Manager* require written notices to *Owners* and tenants in occupation of all parcels within 100m of the subject property; however, a notice of application advertisement in a local newspaper is not required.

8.1.4 Written representations received by the *CSRD* with regard to a bylaw amendment or permit application will be provided to the *Board* for information:

- If such correspondence is received after first reading of the subject bylaw(s) and prior to the close of the public hearing; or,
- If a public hearing is waived for the subject bylaw(s), correspondence must be received by 4:00 PM on the Tuesday the week of the *Board* meeting at which third reading will be considered; or,
- If such correspondence is received by 4:00 PM the Tuesday the week of the *Board* meeting at which the subject permit is being considered."

8.1.5 Oral representations

- No oral representations to the *Board* are permitted; however,
- At the Chair's discretion, the Board may ask specific questions of an applicant or agent for clarity.

8.2 A Notice of Application sign shall be posted on the subject property for bylaw amendments and Temporary Use Permits:

8.2.1 The sign shall be constructed and installed on the subject property as detailed in Schedule 'A' of this bylaw and as follows:

- There shall be at least one sign for every 400 metres of street frontage;
- Sign(s) shall be visible from all street frontages;

- For corner properties with less than 400m of total street frontage, one sign facing the intersection may be placed as detailed for a corner lot on Schedule 'A' of this bylaw;
- Sign(s) shall not interfere with pedestrian or vehicle traffic;
- Sign(s) shall be installed in a sound manner and be capable of withstanding wind and weather;
- Sign(s) shall be located within the bounds of the subject property lines and setback no more than 3m from the subject property lines;
- For lands not serviced by a public highway a Notice of Application sign will not be required; and,
- In compliance with any other requirements imposed by the *Manager* to effect more appropriate placement and visibility of signage.

8.2.2 Sign(s) must be installed with picture(s) of installed sign(s) received in person or by email by the *CSRD*:

- No more than 30 days following first reading of the bylaw(s);
- For bylaws where a public hearing is not required the sign(s) must have been installed for at least 30 days prior to *Board* consideration of second reading;
- After receiving confirmation from *CSRD* staff of a complete application, no less than 30 days prior to *Board* consideration of a Temporary Use Permit; and,
- If the sign(s) are not initially installed as required by this section, the *Applicant* must prepare and submit to the *CSRD* a sworn affidavit (as shown on Schedule 'B') with pictures of the installed signs prior to further consideration of the application.

8.2.3 The Notice of Application sign(s) shall be removed within 7 days of the conclusion of the application being approved, refused by the *Board*, or application being withdrawn by the *Applicant*.

8.2.4 Failure to adhere to signage requirements in this bylaw may result in a postponement in the processing of the application.

8.2.5 Section 8.2, and subsections 8.2.1 to 8.2.4 do not apply, and a Notice of Application sign is not required when the *Applicant* is the Columbia Shuswap Regional District.

8.3 Notifications of all *Board*, *APC*, *BOV*, public hearing, or Public Information Meetings will be posted on the *CSRD* website and social media.

8.4 Public Information Meeting

8.4.1 A public information meeting as part of a complex consultation process, may be required by the *Board* for a bylaw amendment application after first reading and

prior to second reading, at the *Applicant's* expense. To the satisfaction of the *Manager*, a public information meeting must:

- Comply with CSR D Policy P-18 Consultation Processes – Bylaws;
- Be advertised at least once in the print edition of a local newspaper;
- Be held in a venue local to the property under application; and,
- Be organized and run by the *Applicant* to provide information, answer questions, and encourage positive discussion;

8.4.2 Within 7 days of the public information meeting, the *Applicant* is required to provide a summary of the meeting, copies of presentation and materials used, including the number of attendees and questions asked, to the *CSR D* for the *Board's* consideration at second reading of the bylaw.

8.4.3 Upon receiving information from the *Applicant* and staff in regard to the public information meeting, the *Board*, at its discretion, may require the *Applicant* to hold another public information meeting if the *Board* is of the opinion that the meeting was not appropriately advertised, organized, or run so as to adequately engage the public on the details of the application being made to the *CSR D*.

9.0 Processing Applications for Bylaw Amendments

9.1 Processing of complete applications for bylaw amendments will generally follow the following procedure:

9.1.1 Application is referred to the *Board* for first reading, or consideration of first and second reading, of the bylaw;

9.1.2 Following initial readings of the bylaw the bylaw will be referred to the Operations Management and Finance Departments to consider the proposed bylaw in conjunction with the *CSR D* Waste Management Plan and Financial Plan.

9.1.3 Notice of application sign must be posted on the subject property as per the requirements of Section 8.2 of this Bylaw following first reading;

9.1.4 If granted first reading, as approved by the Board referrals may be sent to applicable agencies, First Nations, *APCs* and internal *CSR D* departments;

- If the proposed bylaw amendment is consistent with the Official Community Plan, staff may recommend, and the *Board* may approve, the waiving of a public hearing as per s.464 of the *Local Government Act*.
- If the *Board* waives the need for a public hearing, notice shall be provided in accordance with the *Local Government Act* and the provisions of this bylaw; and,
- Staff may recommend that *APCs* not receive referrals on applications that are consistent with the Official Community Plan.

9.1.5 At second reading, referral comments and summary of public information meeting (if applicable) will be provided to the *Board* for consideration, and consideration may be given by the *Board* to approve the scheduling of a public hearing;

- If a public hearing is to be held, notice shall be provided in accordance with the *Local Government Act* and the provisions of this bylaw;
- If a public hearing is held, results of the public hearing will be provided to the *Board* prior to consideration of third reading;
- After the holding of a public hearing the *Board* may consider granting third reading and adoption to the bylaw(s) subject to the requirements of the *Local Government Act* if no additional approvals, notices on title, or agreements are required.
- If third reading is granted to the bylaw(s), prior to bylaw adoption any required notices, covenants or agreements must be registered on title. Any required provincial approvals must also be obtained prior to adoption of the bylaw(s).

9.1.6 If a public hearing was not required to be held, the *Board* may consider granting second, third and final reading to the bylaw(s) subject to the requirements of the *Local Government Act* if no additional approvals, notices on title, or agreements are required.

10.0 *Processing Applications for Permits and Flood Plain Exemptions*

10.1 *Board Approved Permits*

10.1.1 The *Board* approves all of the following permits:

- All Development Permits other than *Technical Development Permits*;
- *Technical Development Permits* for which the *Applicant* is also seeking to vary the provisions of a bylaw under Division 7 of Part 14 of the *Local Government Act*, when such a variance would exceed what is allowed under the bylaw by more than 10%;
- Development Variance Permits; and,
- Temporary Use Permits;
 - Renewals for Temporary Use Permits are delegated to the *Manager* pursuant to s.10.2.1 of this bylaw.

10.1.2 Once a completed application has been received:

- As necessary, staff may refer the application to applicable agencies and internal *CSR*D departments for comment;
- Temporary Use Permit initial applications will be referred to APCs;

- For Development Variance Permits and Temporary Use Permits, written notices will be mailed to all *Owners* and tenants in occupation of all parcels within 100m of the subject property;
- Upon receipt of referral comments, staff will prepare a report and recommendation to the *Board* for consideration of the permit(s);
- For Development Permits there is no public notification or involvement in the application process; and,
- If approved, issuance of the permit may be withheld until conditions of the *Board* approval are met, such as registration of a covenant.

10.2 Delegated Development Permits, *Flood Plain Exemptions* and Temporary Use Permits

10.2.1 The *CSRD Board* hereby delegates to the *Manager* the power to issue or refuse the following:

- *Technical Development Permits*;
- *Technical Development Permits* for which the *Applicant* is also seeking to vary the provisions of a bylaw under Division 11 of Part 14 of the *Local Government Act*:
 - When such a variance application as authorized under s.490 of the *Local Government Act* when such a variance is less 10% or less than what is allowed under the bylaw;
- Floodplain Exemptions; and,
- Temporary Use Permit renewals may be considered by the *Manager*:
 - Where no additional changes to the initial permit have been requested by the *Applicant*;
 - Where there have been no issues of non-compliance with the original permit; and,
 - The permit renewal application has been received at least three months prior to expiration of the permit. For clarity, if an application has not been received a new permit must be considered by the *Board*.

10.2.2 Once a completed application has been received:

- As necessary, staff will refer the application to applicable agencies and *CSRD* departments for comment;
- Upon receipt of referral comments, staff will prepare a report and recommendation to the *Manager* for consideration of approval of the permit(s);
- If approved, issuance of the permit, or granting of a *Flood Plain Exemption*, may be withheld until conditions of approval are met, e.g. registration of covenant.

10.3 Development Permits are valid for a period of two years from the date of issuance. If the holder of a permit does not substantially start any construction within two years after the date of issuance, the permit shall lapse. The *Applicant* of a lapsed permit is subject to the re-application requirements set out in Section 11 of this bylaw.

10.4 Amendments to Development Permits

10.4.1 If the *Applicant* is seeking minor amendments to any development permit, such changes may be considered and approved by the *Manager*. Minor changes are those that do not materially affect the nature of the development, including matters such as minor mapping changes or text amendments.

10.4.2 Major amendments to any Development Permit may require the approval of the *Board* and would include changes arising out of or requiring new reports or drawings.

11.0 Lapse and Re-application Requirements

11.1 Applicants with *inactive* applications will receive a letter, given 30 days to respond, and the file closed at the discretion of the *Manager*.

11.2 Lapse of Permit or *Flood Plain Exemption* Applications

11.2.1 If an application for a permit or *Flood Plain Exemption* has been inactive for at least six months following the date of application, the application will be deemed to have lapsed, the file will be closed, and the application fee forfeited to the *CSRD*.

11.2.2 A new application, subject to the requirements of Section 11.4, will be required if an *Applicant* wishes to proceed at a later date.

11.3 Lapse of Subdivision Applications

11.3.1 If an application for a subdivision has been *inactive* for at least twelve months following the date application, the application will be deemed to have lapsed, the file will be closed, and the application fee forfeited to the *CSRD*.

11.3.2 A new application, subject to the requirements of Section 11.4, will be required if an *Applicant* wishes to proceed at a later date.

11.4 Lapse of *OCP/Zoning* Bylaw Amendment Applications

11.4.1 If an application for a bylaw amendment has been *inactive* for a period of at least six months, the application will be deemed to have lapsed and the application fee forfeited to the *CSRD*.

11.4.2 A new application, subject to the requirements of Section 11.4, will be required if an *Applicant* wishes to proceed at a later date.

11.5 Re-applications for the same bylaw amendment(s), permit(s), or *Flood Plain Exemptions*

11.5.1 A re-application to the *CSRD* for the same bylaw amendment or permit, in circumstances where the original application was refused by the *Board*, will not be

considered by the *Board* or the *Manager*, as applicable, for at least six months from the date of refusal.

11.5.2 An *Applicant* may apply to the *Board* to waive the time limit for re-application in relation to the refused bylaw amendment or permit. A written statement explaining the reasons the *Board* or *Manager* should waive the time limit for re-application must accompany the request. For *Board* approvals the time limit for reapplication can only be waived by an affirmative vote of at least 2/3 majority of the *Board*.

12.0 Other Applications

12.1 Subdivision Referrals

12.1.1 Processing of complete subdivision applications will generally follow the following procedure:

- Subdivision applications must be made to both the *MoT* and the *CSRD*;
- *MoT* refers the application to various agencies including the *CSRD* for comment;
- As necessary, staff will refer the application to applicable agencies and internal *CSRD* departments for comment;
- *CSRD* staff will prepare comments to the *Applicant* regarding *CSRD* Subdivision Servicing Bylaw requirements and any other *CSRD* enactments;
- If bylaw requirements have been met, *CSRD* staff will prepare a letter to *MoT* indicating that bylaw requirements have been met; and,
- For each revision in the subdivision application made by the *Applicant* requiring new or updated comments, an additional *CSRD* fee will be required.

12.2 Agricultural Land Commission (ALC) Referrals

12.2.1 Processing of complete applications for ALC referrals will generally follow the following procedure:

- Application made to the ALC through their application portal and *CSRD* fee paid to the *CSRD*;
- ALC provides application to the *CSRD* for comment;
- As necessary, staff may refer the application to applicable agencies and internal *CSRD* departments for comment;
- Upon receipt of referral comments, staff will prepare a report and recommendation to the *Board* for consideration; and,
- *Board* resolution will then be provided to the ALC for their consideration of approval/non-approval of the application.

12.3 Cannabis Related Business Referrals

12.3.1 Applications for cannabis retail or production facilities will generally follow the process outlined in *CSRD Cannabis Related Businesses Referrals Procedure PR-32*.

12.4 Strata Conversion of Previously Occupied Dwellings

12.4.1 Applications for the strata conversion of a previously occupied dwelling shall follow the application process as outlined in *CSRD Procedure PR-3 Previously Occupied Building Strata Conversion Approval Procedure (Section 242 Strata Property Act)*.

12.5 Board of Variance

12.5.1 Board of Variance applications shall follow the regulations and process as outlined in *CSRD Board of Variance Bylaw No. 647*, as amended or repealed and replaced from time to time, and the *Local Government Act* Section 539.

12.6 Amendment and Discharge of Land Use Contracts

12.6.1 For an *Applicant* that proposes to modify or vary a land use contract by way of bylaw, the application to modify or vary will be processed as follows:

- Referrals will be sent to internal *CSRD* departments, appropriate agencies and applicable First Nations for comment;
- Upon receipt of referral comments, staff will prepare a report and recommendation to the *Board* to consider first and second readings to the bylaw(s);
- Following second reading of the bylaw, a public hearing shall be held with notice provided in accordance with the *Local Government Act* and the provisions of this bylaw;
- If third reading is granted to the bylaw, prior to bylaw adoption any required notices or agreements must be registered on title;
- The *Board* may consider granting third and final reading to the bylaw if no additional approvals, notice on title, or agreements are required.

12.6.2 If an *Applicant* proposes to modify or vary a land use contract by way of bylaw respecting any matter in it relating to density or use of an area covered by contract, in addition to the processes set out in this bylaw, the notice and public hearing requirements of s.546(5) of the *Local Government Act* are also applicable.

12.6.3 If an *Applicant* proposes to modify or vary a land use contract by way of a development permit or a development variance permit, which is permissible provided the amendment does not affect the permitted use or density of use of any parcel against which the contract is registered, the *Board* must approve these permits and the process set out in s. 10.1.2 is applicable.

12.6.4 If a land use contract is to be modified in the manner set out in the contract, the *Applicant* must make an application to staff who will prepare a report and recommendation to the *Board* in accordance with the provisions of the contract.

12.6.5 If a land use contract is amended by bylaw or by a development variance permit or development permit, *CSR*D will register the amendment in the land title office in accordance with the *Land Title Act*.

12.6.6 The process to discharge a land use contract for an *Applicant* that proposes to discharge a land use contract by way of bylaw, is as follows:

- Referrals will be sent to internal *CSR*D departments, appropriate agencies and applicable First Nations for comment;
- Upon receipt of referral comments, staff will prepare a report and recommendation to the *Board* to consider first and second readings to the bylaw(s);
- Following second reading of the bylaw, a public hearing shall be held with notice provided in accordance with the *Local Government Act* and the provisions of this bylaw;
- If third reading is granted to the bylaw, prior to bylaw adoption any required notices or agreements must be registered on title;
- The *Board* may consider granting third and final reading to the bylaw if no additional approvals, notice on title, or agreements are required.

12.6.7 If a land use contract is to be discharged in the manner set out in the contract, the *Applicant* must make an application to staff who will prepare a report and recommendation to the *Board* in accordance with the provisions of the contract.

12.6.8 A land use contract may not be discharged by a development permit or a development variance permit.

12.6.9 Once a land use contract is discharged, the *CSR*D will provide notice of the discharge to the land title office in accordance with the *Local Government Act*.

12.7 Covenants and Notices on Title

12.7.1 Any required covenants or notices on title for permits, bylaws or *Flood Plain Exemptions*, are required to be registered on title prior to issuance of a permit or *Flood Plain Exemption*, or granting of final reading of a bylaw.

13.0 Performance Security and Amenity Contributions

13.1 Performance Security

13.1.1 When security for landscaping or parking is a condition of a permit, the *Applicant* shall provide a security deposit in the amount of 125% of the estimated cost of the works.

- 13.1.2 The *Applicant* must at least submit two estimates from qualified landscaping or paving companies; the average cost of the estimates shall be used to determine the required security amount.
- 13.1.3 Security must be provided to the *CSRD* by certified cheque or Letter of Credit in a form acceptable to the *CSRD* prior to issuance of a permit, or final reading of a bylaw, as applicable.
- 13.1.4 Security may be held for two years from the date of issuance of the permit or adoption of the bylaw. If the works are not completed within two years the *CSRD* may draw on the security and use those funds to complete the agreed upon works.
- 13.1.5 If the *Applicant* completes the agreed upon works in phases, at the *CSRD's* discretion, the *CSRD* may return portions of security as commensurate with the amount of work that has been completed.
- 13.1.6 Interest earned on the security provided under this section accrues to the holder of the permit and shall be paid to the holder immediately on return of the security or, on default, becomes part of the amount of the security.

13.2 Security for Temporary Use Permits

- 13.2.1 Without limiting Section 13.1, security may be required as a condition of a temporary use permit. When such security is required, the *Applicant* shall provide security in the form and amount determined by the *CSRD*.
- 13.2.2 Security may be held for the duration that the temporary use permit is valid, including a renewal period. Security ensures that the terms and conditions of the permit are met and that the temporary use is removed upon expiry of the permit. When the site is restored and the terms and conditions of the permit have been met, the *Applicant* may notify the *Manager* and request an inspection by *CSRD* staff. Staff will verify that the required work has been completed prior to issuing a refund of the security. If there is a default under the permit or the restoration work is not completed, *CSRD* may draw on the security and use those funds to complete the work in question.

13.3 Amenity Contributions

- 13.3.1 Security can be held as part of a Phased Development Agreement or bylaw approval and will be held in trust until the agreed upon works or services are completed as detailed in the agreement or bylaw.
- 13.3.2 If the *Applicant* completes the agreed upon works in phases, at the *CSRD's* discretion, the *CSRD* may return portions of security as commensurate with the amount of work that has been completed.

13.4 Remedial Action

- 13.4.1 Remedial action may be used by the *CSRD* to bring properties into compliance with bylaws and enactments and recover costs incurred to complete remediation works including by exercising remedial authority through s.305, s.309 and s.418 of the *Local Government Act*.
- 13.4.2 Where the *CSRD* has exercised the authority in s.305, s.309 or s.418 of the *Local Government Act*, the person affected has the right to reconsideration by the *Board*.

14.0 Reconsideration

14.1 An *Applicant* is entitled to have the *Board* reconsider the following decisions or requirements of a *Manager* under this bylaw:

14.1.1 A requirement imposed under Section 6 in relation to *Development Approval Information*; and

14.1.2 A decision of the *Manager* regarding a Development Permit, Temporary Use Permit or a Flood Plain Exemption application.

14.2 An application for reconsideration must be delivered in writing to the Corporate Officer within 30 days of the decision of the *Manager* being communicated to the *Applicant*, setting out the grounds upon which the *Applicant* considers the decision of the *Manager* to be inappropriate and what, if any, requirement or decision the *Applicant* considers the *Board* ought to substitute.

14.3 The Corporate Officer must place each application for reconsideration on the agenda of a regular meeting of the *Board* of the *CSRD*. The Corporate Officer must notify the *Applicant* and *Owners* and tenants of property within 100 metres of the subject property of the date of the meeting at which reconsideration by the *Board* will occur.

14.3.1 In the case of a Temporary Use Permit renewal application having been denied by the *Manager*, a referral of the Temporary Use Permit renewal application will be provided to the applicable APC for comment prior to reconsideration by the *Board*.

14.4 At the meeting, the *Board* may hear from the *Applicant* or *Agent* in the matter under reconsideration. The *Board* may either confirm the decision of the *Manager*, amend the decision of the *Manager*, or substitute its own requirement or decision.

READ a first time this 15th day of October, 2020.

READ a second time this 15th day of October, 2020.

READ a third time this 15th day of October, 2020.

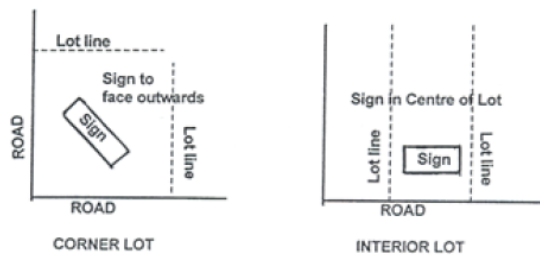
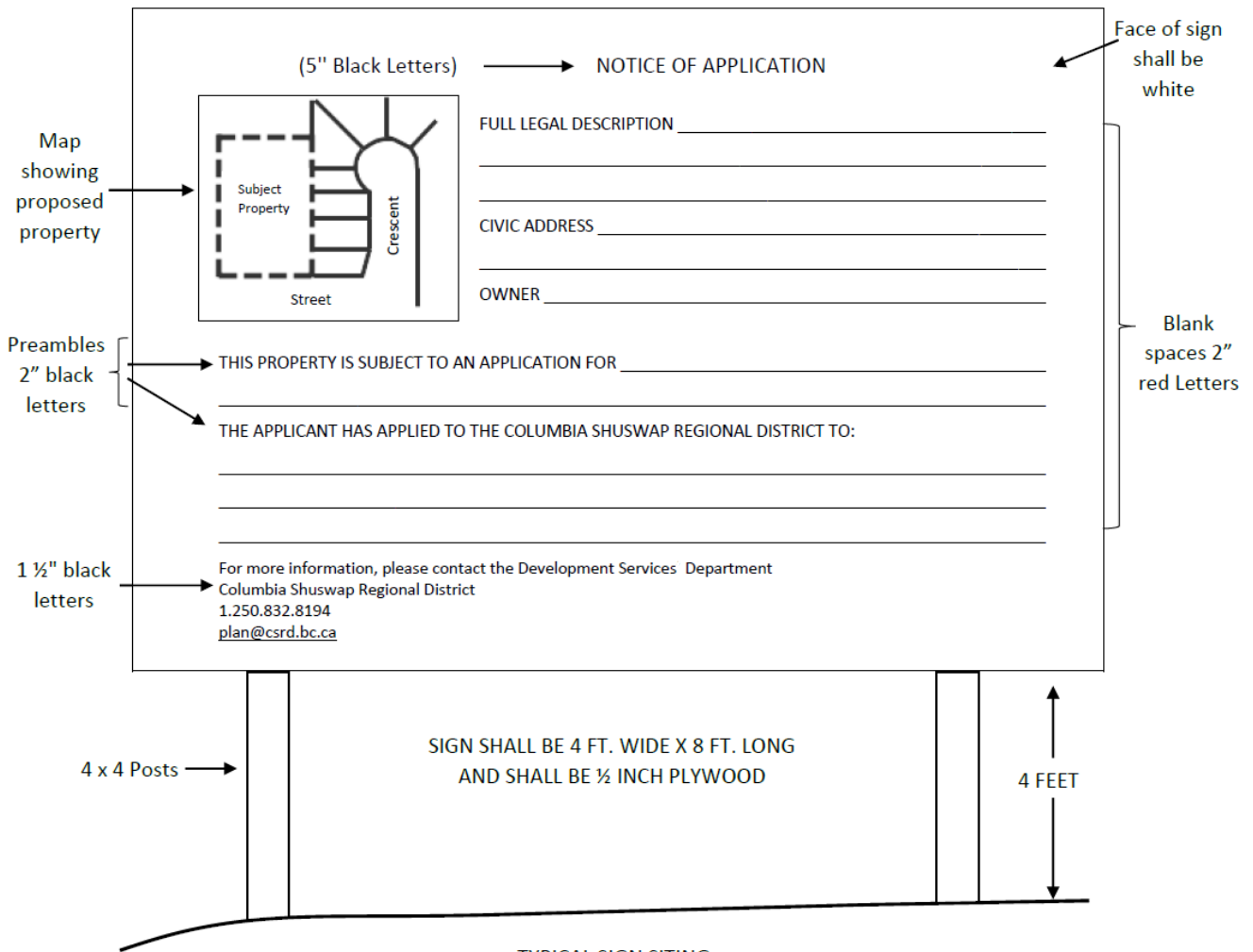
ADOPTED this 15th day of October, 2020.

CORPORATE OFFICER

CHAIR

Certified true copy of Bylaw No. 4001-2
as adopted.

15.0 Schedule 'A' - Notice of Application Sign



16.0 Schedule 'B' - Posting of Notice of Application Sign Affidavit

I, _____ of _____
(Print name in full) (Address)

HEREBY CERTIFY that I did post _____ Notice of Application Sign for _____
(# of signs) (Application Number)

in accordance with Procedures Bylaw No. 4001-2, of the Columbia Shuswap Regional District
on the _____ day of _____, 20____.

Signature of *Applicant*

SWORN before me at _____ BC this _____
day of _____, 20____.

A Commissioner for taking Affidavits in the
Province of British Columbia