

Village of Valemount

Development Permit Guide

Fees (\$200.00)

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

**DEVELOPMENT PERMITS
INTRODUCTION**

SECTION "1"

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

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

Included within each section of the guide is:

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

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

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

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

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DEVELOPMENT PERMITS

SECTION "2"

SCOPE:

A Development Permit is required prior to:

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

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

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

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

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

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

FLOWCHART
Procedures for Development Permit Applications

Applicant submits application to Chief Administrative Officer



Village staff and government agencies review application



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



Council approves or denies application



Upon approval, applicant submits required security



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



Chief Administrative Officer files Notice with Land Titles Office

Development Permit Procedure

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

1. Applicant Submits Application to the Village Chief Administrative Officer

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

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

2. Chief Administrative Officer and Government Agencies Review Application

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

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

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

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

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

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

3. Village Council Reviews Application with Developer/Owner

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

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

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

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

4. Village Council Denies Application

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

5. Upon Approval, Applicant Submits Required Security

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

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

6. Chief Administrative Officer Issues Permit

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

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

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

8. Use of Security

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

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

The Council will:

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

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

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

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APPLICATION FOR A DEVELOPMENT PERMIT

I/We hereby make application for a Development Permit.

1. Name of Applicant(s): _____

2. Address: _____ Folio # _____

3. Telephone Number: Business: _____ Residence: _____

4. Name of Owner(s): _____
(If different from Applicant)

5. Address: _____

6. Legal Description of Property: _____

7. Street Address of Property: _____

8. Existing Use of Subject Property: _____

9. Existing Use of Adjacent Property: North: _____
South: _____
East: _____
West: _____

10. Official Community Plan Map Designation: _____

11. Present Zoning: _____

12. Detailed Description of Permit:
(Two Site Plans attached. Site plan shall included legal information, setbacks, parking, access, outer perimeter of buildings and structures, topographic features, water courses, proposed elevations, cross sections or relevant detail drawings).

- 13. [] Attached is Applications Fee of \$200.00.
- 14. [] Attached is current, date stamped State of Title Certificate.
- 15. [] Attached is Letter of Consent from the Owner.
(Applies only if the Applicant is not the Owner)

I/WE HEREBY DECLARE THAT THE ABOVE STATEMENTS AND THE INFORMATION CONTAINED IN THE MATERIAL SUBMITTED IN SUPPORT OF THIS APPLICATION ARE TO THE BEST OF MY/OUR BELIEF TRUE AND CORRECT IN ALL RESPECTS.

Dated this _____ day of _____, 20__.

Print name of Applicant

Signature of Applicant

Print name of Applicant

Signature of Applicant

NOTE:

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