



## Agenda

A meeting of the APC will be held on Tuesday October 2, 2018 in Council Chambers located at 2675 Dunsmuir Avenue, commencing at 5:00pm

1. **CALL TO ORDER:**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF THE MINUTES**
  - a) Minutes from the meeting of September 4, 2018
4. **REFERRALS FROM COUNCIL**
  - a) Development Procedures and Fees Bylaw No. 1073, 2018
5. **OLD BUSINESS** None
6. **NEXT REGULAR MEETING**

Tuesday November 6, 2018 at 5:00pm.
7. **TERMINATION:** Time: \_\_\_\_pm



Corporation of the  
Village of Cumberland

*Advisory Planning  
Commission Minutes*

Minutes of the Advisory Planning Commission held on Tuesday September 4, 2018 in Council chambers located at 2675 Dunsmuir Avenue, Cumberland BC.

**PRESENT:** Vickey Brown (Chair) Jaye Mathieu  
Eric Krejci

**ABSENT:** Amanda Howe, Evan Loveless, Jason Ross

**STAFF** Judy Walker, Senior Planner Joanne Rees, Planner

**1. CALL TO ORDER AT 11:06AM.**

**2. RESIGNATION**

The Chair received the resignation of member Evan Loveless dated September 4, 2018. The Commission thanks him for his service.

**3. APPROVAL OF THE AGENDA**

Krejci/Mathieu: "THAT the agenda with the addendum be approved as presented"

CARRIED

**4. APPROVAL OF THE MINUTES**

Mathieu/ Krejci: "THAT the minutes from the meeting of June 19, 2018 be accepted as amended."

CARRIED

**5. REFERRALS FROM COUNCIL:**

a) **Development Permit Application 2018-08-DV – 2817 Wellington Street**

Mathieu/ Krejci: "THAT the Advisory Planning Commission recommends that Council approve the application for a Development Variance Permit for a property legally described as Lot 14, Block 1, Section 25, Township 10, Nelson District, Plan 4222 (2817 Wellington Street) to allow an Accessory Dwelling Unit to be in the front yard of the subject property."

CARRIED

**b) Rezoning Application 2018-01-RZ - 2771 Dunsmuir Avenue**

The applicant, Jack Fletcher, was in attendance.

Mathieu/ Krejci: "THAT the Advisory Planning Commission recommends to Council that Vacation Rentals be considered as a permitted principal use for the property described as The Easterly ½ of Lot 10, Block 16, District Lot 21, Nelson District, Plan 522A (2771 Dunsmuir Avenue)."

CARRIED

**c) Rezoning Application 2018-02-RZ - 2773 Dunsmuir Avenue**

The applicant, Kathryn West, was in attendance.

Krejci/Mathieu: "THAT the Advisory Planning Commission recommends to Council that Vacation Rentals be considered as a permitted principal use for the property described as That Part of Lot 11, Block 16, District Lot 21, Nelson District, Plan 522A, Lying to the East of a Straight Boundary Joining the Point of Bisection of the northerly and southerly boundaries of said Lot 11 (2773 Dunsmuir Avenue).

CARRIED

**6. OLD BUSINESS:**

None

**7. NEXT REGULAR MEETING Tuesday October 2, 2017 at 5:00pm.**

**8. TERMINATION: Time: 12:15pm**

Certified Correct:  _____	Confirmed:  _____
Chair	Deputy Corporate Officer

# ADVISORY PLANNING COMMISSION REPORT



REPORT DATE: September 27, 2018

MEETING DATE: October 1, 2018

TO: Heritage Commission

FROM: Cleo Corbett, Senior Planner

SUBJECT: Development Procedures and Fees Bylaw No. 1073, 2018:  
Referral Staff Report

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## RECOMMENDATION

- i) THAT the Heritage Commission receive the Development Procedures and Fees Bylaw No. 1073, 2018, Referral Staff Report;
- ii) THAT the Heritage Commission recommends to Council to approve the Development Procedures and Fees Bylaw No. 1073, 2018.

## SUMMARY

Council gave 1<sup>st</sup> and 2<sup>nd</sup> reading to Development Procedures and Fees Bylaw No. 1073, 2018 on August 8, 2018. At that meeting, Council approved a communication strategy to inform the public on the proposed new procedures and fees and directed staff to take Bylaw No. 1073 to the Heritage Commission, the Advisory Planning Commission, the Accessibility Select Committee and the Homelessness and Affordable Housing Committee. Comments from the Commissions and Committees will be forwarded to Council at a future meeting.

## BACKGROUND

The Development Procedures and Fees Bylaw No. 1073, 2018 proposes to amend the previous bylaw and update the procedures and fees. Staff tracked the actual time to process various applications and, through a well-documented methodology, developed a fee structure in line with other municipalities which does not subsidize development and burden the taxpayer. The *Local Government Act Part 14, Division 2, Section 462*, allows for a fee to be imposed that must not exceed the estimated average costs of processing, inspection, advertising and administration usually related to the type of application or other matter to which the fee relates, however, a fee may recover the costs to process the applications and cover the costs of administering and inspecting works and services.

## IAP2

Staff was directed to develop a communication strategy to inform the public, including builders and developers, of the proposed new fees and consult the Homelessness and Affordable

Housing Select Committee. According to IAP2, there is a five level spectrum of public participation, ranging from “Inform” to “empower”. Different types of participation are utilized depending on the desire of Council for empowerment on decision-making.

The “inform” level goal is to provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions. The second level is “consult” which is to obtain public feedback on analysis, alternatives and/or decisions. Both levels recommend use of the Village website as the key mechanism through which to “inform” and include an open house meeting as the primary mechanism to “consult”.

Staff recommend a “Level 2, consult” for the public communication strategy and a referral to Commissions and Committees, as directed by Council. An open house meeting is proposed to be held to allow the public to engage with Village staff on any of their concerns regarding the new fee structure. The cost to process the various applications has been calculated based on staff time at a defined rate of pay. To proceed at a lower fee for service rate rather than the suggested new fee will indicate that the Village is providing an assist factor or subsidy to the development procedures and fees cost structure through general revenue. The open house is to listen and allow staff to carry forward any concerns to Council for review and consideration.

Bylaw No. 1073, 2018 – Proposed Communication Strategy

Recommendations are for the following strategy with listed action items and proposed dates.

<b>STRATEGY</b>	<b>ACTION</b>	<b>PROPOSED DATE</b>
Information for Village website & front counter	Develop simple fact sheets with the ability to comment on the bylaw, including FAQ’s (in house)	TBA
Inform builders and developers	Mail out fact sheet to builders and developers in the Village, including an invitation to Open House	TBA
Open House	Hold Open House: TBA Council Chambers	TBA
Heritage Commission	Refer to Commission	October 1, 2018
Advisory Planning Commission	Refer to Commission	October 2, 2018
Accessibility Select Committee	Refer to Committee	October 15, 2018
Homelessness & Affordable Housing Select Committee	Referral to Committee	October 17, 2018
Staff report	Agenda deadline for staff report with results of open house and Commission and Committee referrals	November 7, 2018
Council meeting	Council meeting 3 <sup>rd</sup> reading of the bylaw	November 13, 2018
Council meeting	Co Council meeting for adoption of the bylaw	November 26, 2018

**FINANCIAL IMPLICATIONS**

Significant financial implications are expected for the status quo. The need to adjust fees to recover cost of processing is documented, tracked and used as a foundation of the bylaw amendment report. No adjustment in fees will result in unrecovered costs that are offset through general revenues and thus impact on other areas of operations for the community.

**OPERATIONAL IMPLICATIONS**

The review of bylaws are part of the services provided by the Planning Department.

**STRATEGIC OBJECTIVE**

Maintain an ongoing civic engagement process.

**ATTACHMENTS**

- Development Procedures and Fees Bylaw No. 1073, 2018
- IAP2 Spectrum of Public Participation

**CONCURRENCE**

Ken Rogers, Manager of Development Services

**OPTIONS**

- i) THAT the Heritage Commission recommend that Council approve Development Procedures and Fees Bylaw No. 1073, 2018; or
- ii) Any other action deemed appropriate by the Heritage Commission.

Respectfully submitted,

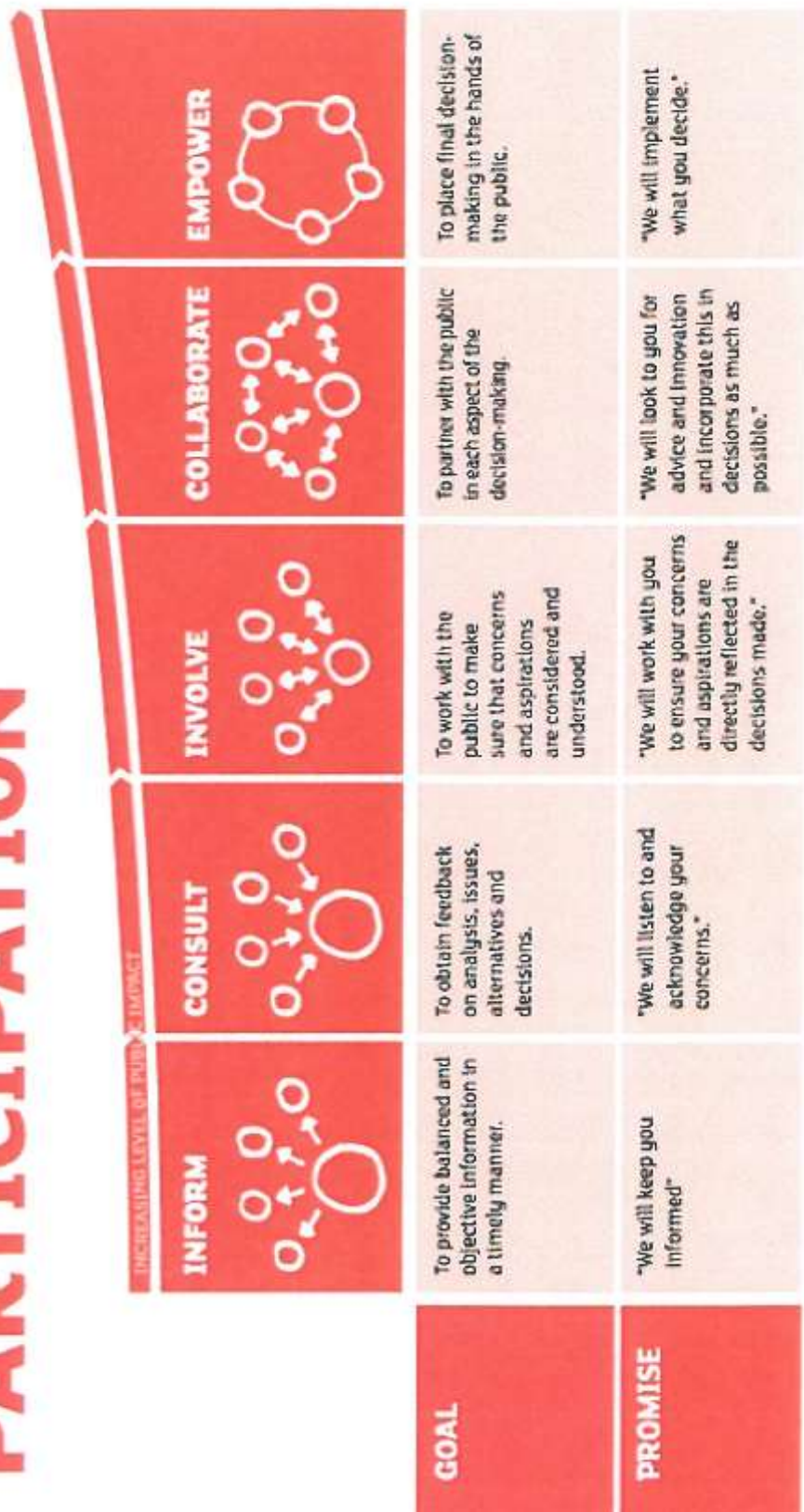
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Cleo Corbett  
Senior Planner

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Sundance Topham  
Chief Administrative Officer

# IAP2 SPECTRUM OF PUBLIC PARTICIPATION



# BYLAW STATUS

TITLE: Development Procedures and Fees Bylaw No. 1073, 2018.

AUTHORITY: Village of Cumberland

PURPOSE: A bylaw to establish procedures and fees for land use development within the Village of Cumberland

DATE: August 13, 2018  
COUNCIL DECISION: First and second reading and referral

DATE: October 1, 2018  
HERITAGE COMMISSION:

DATE: October 2, 2018  
ADVISORY PLANNING COMMISSION:

DATE:  
ACCESSIBILITY COMMISSION:

DATE:  
COUNCIL DECISION:



**CORPORATION OF THE VILLAGE OF CUMBERLAND**

**BYLAW NO. 1073**

**A bylaw to establish procedures and fees for land use development  
within the Village of Cumberland**

The Council of the Corporation of the Village of Cumberland in open meeting assembled hereby enacts as follows:

**1. TITLE**

This bylaw may be cited for all purposes as the 'Development Procedures and Fees Bylaw No. 1073, 2018.'

**2. APPLICATION**

- a) This Bylaw is applicable to all lands and surface of the water within the Village of Cumberland that are subject to any permit or application procedure as outlined in this Bylaw.
- b) Procedures under which an Applicant of land may apply for an amendment to the Official Community Planning and/or the Zoning Bylaw are set out in Schedule A which is attached and forms part of this Bylaw.
- c) Procedures under which an Applicant of land may apply for a Development Permit are set out in Schedules B and B-1 which are attached and form part of this Bylaw.
- d) Procedures under which an Applicant may apply for a Heritage Alteration Permit are set out in Schedules C and C-1 which are attached and form part of this Bylaw.
- e) Procedures under which an Applicant of land may apply for a Development Variance Permit are set out in Schedules D and D-1 which are attached and form part of this Bylaw.
- f) Procedures under which an Applicant of land may apply for a Temporary Use Permit are set out in Schedules E and E-1 which are attached and form part of this Bylaw.
- g) Procedures under which an Applicant of land may apply for a Manufactured Home Park Permit are set out in Schedules F and F-1 which are attached and form part of this Bylaw.
- h) Procedures under which an Applicant may apply for a Compliance Determination for any property within the Village boundaries are set out in Schedule G which is attached and forms part of this Bylaw.
- i) Procedures under which an Applicant may apply for a Site Specific Exemption to Flood Construction Level and Setbacks for any property within the Village boundaries are set out in Schedule H which is attached and forms part of this Bylaw.

### 3. **RELATION TO THE LOCAL GOVERNMENT ACT**

This Bylaw is not intended to conflict with any provision of the *Local Government Act* relating to any application or to fetter any statutory authority of the Village.

### 4. **DEFINITIONS**

For the purpose of this Bylaw, the following definitions apply. The context meaning of terms contained in this Bylaw and not defined herein, are to be determined in accordance with firstly, 'Zoning Bylaw No. 1027, 2016' as amended from time to time, secondly this Bylaw and thirdly in the Canadian Oxford dictionary.

<b><i>APPLICANT</i></b>	means a person registered in the land registry records as Applicant of land or of a charge on land, whether entitled to it in his/her own right or in a representative capacity or otherwise.
<b><i>CHIEF ADMINISTRATIVE OFFICER (CAO)</i></b>	means the person appointed by Council pursuant to s.147 of the <i>Community Charter</i> to carry out the duties of this position.
<b><i>COUNCIL</i></b>	means the Council of the Corporation of the Village of Cumberland.
<b><i>INACTIVE</i></b>	means any application that remains incomplete, or during processing, becomes dormant due to an Applicant's deficiency in fulfilling the requests/requirements of staff or Council.
<b><i>NEIGHBOURHOOD PUBLIC MEETING</i></b>	means a meeting open to the public, held by the Applicant, to discuss and answer any questions relating to the proposed development or project and provide information to anyone who attends. The intent of this meeting is to collect the comments of the neighbours in a casual comfortable format that is not to be confused with a Public Hearing that may be required as part of this application process.
<b><i>VILLAGE</i></b>	means, as the context requires, the Village of Cumberland, or the area within the boundaries of the Village of Cumberland.

### 5. **SEVERABILITY**

If any part of this bylaw is found to be invalid it may be severed without affecting the validity of the balance of the bylaw.

### 6. **INTERPRETATION**

Whenever the singular or masculine is used in this Bylaw, the same is deemed to include the plural or feminine or the body politic or corporate as the context requires.

**7. REPEAL**

The following Bylaw is hereby repealed in its entirety upon adoption of this Bylaw:

- a) 'Village of Cumberland Development Procedure and Fees Bylaw No. 1008, 2014'.

<b>READ A FIRST TIME THIS</b>	<b>13<sup>th</sup></b>	<b>DAY OF</b>	<b>August</b>	<b>2018.</b>
<b>READ A SECOND TIME THIS</b>	<b>13<sup>th</sup></b>	<b>DAY OF</b>	<b>August</b>	<b>2018.</b>
<b>READ A THIRD TIME THIS</b>		<b>DAY OF</b>		<b>2018.</b>
<b>ADOPTED THIS</b>			<b>DAY OF</b>	<b>2018.</b>

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

## **Application to Amend the Official Community Plan (OCP) and/or the Zoning Bylaw**

### **1. APPLICATION**

- a) An application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all the required information (including fees) has been received.
- b) Each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer.

### **2. RE-APPLICATION**

An application that has been refused by Council shall not be reconsidered for a period of 12 months immediately following the date of refusal, except as permitted pursuant to the provisions of the *Local Government Act*. A re-application is considered a new application and additional fees apply, as noted in Section 7 of this schedule.

### **3. ABANDONED APPLICATIONS**

An application which has been inactive for more than six months is deemed to be abandoned and will be closed.

### **4. NEIGHBOURHOOD PUBLIC MEETING(S)**

- a) Applications to amend the OCP and/or Zoning Bylaw require the Applicant to hold a Neighbourhood Public Meeting prior to presentation of the application to Council for first reading. The Neighbourhood Public Meeting shall be held in a venue in the Village of Cumberland. The Applicant is required to prepare a summary of comments and/or concerns from the meeting and submit this summary to the Village in a timely manner so that this information is available for Council.
- b) Council may require additional public consultation, the cost of which will be borne by the Applicant.

### **5. NOTIFICATION**

- a) The Applicant shall ensure that the notice of the Neighbourhood Public Meeting is placed in one edition of a local newspaper and mailed or otherwise delivered to adjacent land owners and occupiers of all properties within a 75.0 metre (246.0 feet) radius of the lot lines of the land involved under application at least 10 days before the Neighbourhood Public Meeting.

- b) Within 10 days of the application being made, the Applicant shall install a Public Notice Sign advising of the application in a location visible from the road on the subject property. If the property has two road frontages, two signs may be required. The sign shall be in the format acceptable to the Village. The sign must remain in place until the last act of Council and shall be removed within 10 days of that date.
- c) The Village shall mail or otherwise deliver a notice of Public Hearing or waiving of Public Hearing to the owners and occupiers of all properties within a 75.0metres (246.0feet) radius of the lot lines of the subject property at least 10 days before the Public Hearing or consideration by Council if the Public Hearing is to be waived as required by the Local Government Act.
- d) The Village shall advertise a Public Hearing or waiving of a Public Hearing as required by the *Local Government Act*.

## 6. APPLICATION REQUIREMENTS

- a) The completed **application form** including the applicable fees and the authorizing signatures of the Applicant.
- b) A **Surveyors Certificate** prepared by BC Land Surveyor may be required for existing development on the subject property, with dimensions and areas, upon request by the Village.
- c) **Site Plans** which contain the following minimum information about the subject property:
  - i) Location map, including neighbouring land uses;
  - ii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas;
  - iii) Significant physical features and topographic information, and all existing watercourses and wetlands, and all Sensitive Ecosystem Information;
  - iv) North arrow and drawing scales;
  - v) Dimensions for all elevations and site plans;
  - vi) Geodetic elevation upon request by the Village;
  - vii) Residential unit or building layout and/or comprehensive plan, illustrating unit distribution;
  - viii) Roads, existing and/or proposed; and
  - ix) Open space.
- d) Completed 'Site Profile', as per the *Environmental Management Act*, for the subject property or release from the Ministry to proceed.
- e) Additional information may be required in accordance with the "Corporation of the Village of Cumberland Development Approval Information Bylaw No. 809, 2005" and all amendments thereto.

**7. FEES**

<b>Amend OCP and/or Zoning Bylaw \$4,100<sup>1,2</sup></b>	
+	<p><b>Plus</b> a fee to reimburse the Village (at cost) for Peer Review of (such as but not limited to) legal, engineering, environmental, architectural plans, studies, and/or documents in the amount of:</p> <ul style="list-style-type: none"> <li>• \$500 per lot of proposed or potential residential development<sup>1</sup>; and</li> <li>• \$1 per 1.0metre<sup>2</sup> of Gross Floor Area of proposed/potential commercial/industrial development<sup>1</sup>.</li> </ul> <p>This fee is to be paid at time of application and will form the application “account”. Staff will maintain an accounting of charges to the application, which will be provided to the payee semi-annually and upon completion or termination of the project. Funds remaining in the account after completion or termination of the project will be returned to the payee.</p>
+	<p><b>Plus</b> additional monies will be required if the Peer Review charges exceed the Peer Review fees paid at application. The payee will be advised in writing that this fee is required and it will be equal to the amount paid at application, unless the CAO determines otherwise. The letter will include an accounting to date. Processing of the application will be suspended until this fee is paid.</p>
+	<p><b>Plus</b> the Applicant shall bear the costs of advertising any Public Hearing/Waiving a Public Hearing which shall be paid before adoption of the amending bylaw(s).</p>
+	<p><b>Plus</b> the fee of \$950 for each additional Public Hearing which shall be paid before adoption of the amending bylaw(s).</p>
<b>Refund</b>	<ul style="list-style-type: none"> <li>•Less 10% before preliminary review of the application</li> <li>•Less 50% before preparation of first staff report</li> <li>•Less 75% after second reading but before Public Hearing</li> <li>•No refund after Public Hearing.</li> </ul>
<p><i>Notes:</i>    <b>1.</b>    <i>Application fees shall include Title searches but do not include other documents such as covenants, ROW’s, etc. The cost of retrieving these from LTO shall be borne by the Applicant.</i></p>	
<p>              <b>2.</b>    <i>If a concept plan is not available this number will be calculated on the maximum build out allowed in the proposed Zoning amendment.</i></p>	

**8. TYPICAL PROCESS**

- a) A complete application and fees are received by staff. Processing will not commence until all the application requirements are met.
- b) Staff will provide the design of the required public notice sign to the Applicant, mapping of the area required for notification of the Neighbourhood Public Meeting, and mailing labels if requested.
- c) The Applicant shall:
  - i) install the Public Notice sign within 10 days of having made the application;
  - ii) hold a Neighbourhood Public Meeting in the Village of Cumberland;

- iii) advertise the Neighbourhood Public Meeting in a local paper, the advertisement to appear 10 days prior to the Neighbourhood Public Meeting;
  - iv) after the Neighbourhood Public Meeting, provide proof of advertising, a summary of comments and/or concerns; and any submissions made at the Meeting.
- d) Staff prepares a report for Council outlining the application and presenting the proposed bylaws, requesting referral to the internal Commission or Committee as applicable.
- e) Staff prepares a report for the internal Commission or Committee as applicable. The Applicant is invited to attend any meeting where his application is being considered.
- f) Staff prepares a report for Council which may include:
- i) the results of the Neighbourhood Public Meeting;
  - ii) the recommendation(s) from the internal Commission or Committee as applicable;
  - iii) recommendations regarding first and second readings on the proposed bylaw(s);
  - iv) if the application includes an amendment to the Official Community Plan, the list of government agencies that might be affected by the proposal; and
  - v) scheduling of the public hearing, if required.
- g) Council may, upon considering the application, request additional information, give first and/or second readings to the implementing bylaw, or may refer, table, or deny the application.
- h) Staff schedules the public hearing, ensures that the required notification and advertising is carried out, produces an agenda for the Hearing and distribute to Council, and holds the Public Hearing.
- i) Following the Public Hearing(s) (or waiving of same) Council, without further notice, may give the Bylaw(s) third reading or may refer, table, or deny the application.
- j) As required by the *Transportation Act*, referral of a Zoning or Rezoning within 800metres of Highway 19 being the Inland Island Highway shall be made to the Ministry of Transportation and Infrastructure for their approval.
- k) Staff prepares a report for adoption of the bylaw(s). If all conditions of third reading have been met, the bylaw(s) shall be adopted.
- l) The Applicant is notified within 10 days of Council's decision. Where the amending bylaw(s) have been denied by Council, the letter shall contain the reasons for refusal.

- m) The Applicant shall remove the Public Notice sign within 10 days of the date of Council's final decision.



## Application for a Development Permit

### 1. APPLICATION

- a) An application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all the required information (including fees) has been received.
- b) Each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer.

### 2. EXEMPTIONS

For applicable exemptions, please see *Village of Cumberland Official Community Plan Bylaw 990, 2016*, Section 10.0 'Development Permit Areas' or amendments thereto.

### 3. RE-APPLICATION

An application that has been refused by Council shall not be reconsidered for a period of 12 months immediately following the date of refusal, except when permitted pursuant to the provisions of the *Local Government Act*. A re-application is considered a new application and additional fees apply, as noted in the following section 10.

### 4. ABANDONED APPLICATIONS

An application that has not yet been which has been inactive for more than six months is deemed to be abandoned and will be closed.

### 5. NEIGHBOURHOOD PUBLIC MEETING

Council may require that the Applicant hold a Neighbourhood Public Meeting, the cost of which will be borne by the Applicant. If a meeting is required, the meeting shall be held in a venue in the Village of Cumberland. The Applicant is required to prepare a summary of comments and/or concerns from the meeting and submit same to the Village in a timely manner in order that this information may be forwarded to Council.

### 6. NOTIFICATION

- a) If required by Council, the Applicant shall ensure that the notice of a Neighbourhood Public Meeting is placed in one edition of a local newspaper and mailed or otherwise delivered to adjacent owners and occupiers of all properties within a 75.0 metre (246.0 feet) radius of the lot lines of the land involved under application at least 10 days before the Neighbourhood Public Meeting.

- b) Within 10 days of the application being made, the Applicant shall install a public notice sign advising of the application in a location visible from the road on the subject property. If the property has two road frontages, two signs may be required. The sign shall be in the format approved by the Village. The sign must remain in place until the last act of Council and shall be removed within 10 days of that date.
- c) The Village shall mail or otherwise deliver a notice that Council will consider a Development Permit application to the owners of all properties within a 75.0metres (246.0feet) radius of the lot lines of the subject property at least 10 days before the meeting where Council will make a decision on the application.

## 7. AMENDMENT

After Council has approved a Development Permit for issuance, minor amendments will be accepted provided that the fee as noted in section 10 of this schedule has been paid. Major changes which require significant review by Staff and Council will require a new application and fees.

## 8. EXTENSION

The Applicant may apply to Council to grant one extension of up to two years. Fees as noted in section 10 of this schedule, apply.

## 9. APPLICATION REQUIREMENTS

- a) The completed **application form** including the applicable fees and the authorizing signature(s) as required.
- b) A **Surveyors Certificate** prepared by BC Land Surveyor may be required at the request of the Village.
- c) **A Site Plan** which contains the following minimum information about the subject property:
  - i) Location map, including neighbouring land uses;
  - ii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas;
  - iii) Significant physical features and topographic information, all existing watercourses and wetlands and all Sensitive Ecosystem Information;
  - iv) North arrow and drawing scales;
  - v) Dimensions for all elevations and site plans;
  - vi) Geodetic elevation upon request by the Village;
  - vii) Roads, existing and/or proposed;
  - viii) Residential unit or building layout and/or comprehensive plan, illustrating unit distribution; and
  - ix) Open space.

- d) Where the Development Permit is for form and character, elevation drawings will be required which will be in colour, illustrating the proposed outside of the building and include a list of materials and colours to be used.
- e) Completed 'Site Profile', as per the *Environmental Management Act*, for the subject property or release from the Ministry to proceed.
- f) **Landscape Plans, as required**, must be professionally prepared and conform to the most recent BCSLA\BCLNA Landscape Standard and contain the following minimum information:
  - i) Site organization, including planting beds, and landscape features;
  - ii) All plant material and landscape features at installed sizes, accurate location, and spacing;
  - iii) Plant list using botanical and common names for all recommended plant material and size specification;
  - iv) Location of all utility infrastructure (overhead, underground, light standards, etc.), which may be affected by landscaping.
  - v) A cost estimate of completing any required landscape plan. This estimate shall provide the following detailed (itemized) information:
    - 1) Softscaping such as, but not limited to plants, bed preparation, etc.;
    - 2) Equipment to be installed such as but not limited to irrigation system, playground, etc.,
    - 3) Hardscaping such as but not limited to sidewalks, fencing, etc., and
    - 4) Labour costs required for the total cost of the construction and implementation of the plan.
- g) **Security:** If required, the Applicant shall provide a security by letter of credit or in a form acceptable to the Village for the following purposes:
  - i) Landscaping: If Landscaping is required, this Security is to provide the means by which Council can carry out the landscaping works if the Applicant does not complete the approved Landscape Plan, as follows:
    - 1) The amount shall be 125% of the cost estimate for the approved landscape plan and shall be received before the Permit is issued.
    - 2) An inspection shall be carried out upon completion of the plan and if compliant, a refund of 75% shall be made.
    - 3) The remaining 25% will be held back for one year at which time the Applicant will request an inspection. If the plantings are to the satisfaction of the Village, the holdback will be returned to the person who paid it. If any of the plants have not survived, they shall be replaced by the Applicant per the approved landscape plan, or failing this, the Village may use the holdback to replace the plants.

Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

- ii) Unsafe Condition: Where there is the high probability of an unsafe condition occurring due to a consequence of contravention of a condition in the Development Permit, a Security may be required to provide the means by which Council can rectify said unsafe condition, as follows:
  - 1) The amount shall be 125% of the cost estimate provided by a registered professional and shall be received before the Permit is issued.
  - 2) An inspection shall be carried out upon completion of the plan by a registered professional and if found compliant, a full refund shall be made to the person who paid it.
  - 3) If the professional's inspection reveals an unsafe condition, the Applicant shall rectify the condition, or failing this, the Village may use the security to rectify the condition. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.
- iii) Damage to Natural Environment: Where there is the high probability of damage to the Natural Environment occurring due to a consequence of contravention of a condition in the Development Permit, this Security may be required to provide the means by which Council can rectify said damage, as follows:
  - 1) The amount shall be 125% of the cost estimate provided by a registered professional and shall be received before the Permit is issued.
  - 2) An inspection shall be carried out upon completion of the plan by a registered professional and if found compliant, a full refund shall be made to the person who paid it.
  - 3) If the professional's inspection reveals an unsafe condition, the Applicant shall rectify the condition, or failing this, the Village may use the security to rectify the condition. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.
- h) Additional information may be required in accordance with the "Corporation of the Village of Cumberland Development Approval Information Bylaw No. 809, 2005" and all amendments thereto.

**10. FEES**

<b>Residential, Single Family: \$1,200<sup>1,2</sup></b>		<b>All Other: \$2,100<sup>1,2</sup></b>	
<u>Plus</u>	<ul style="list-style-type: none"> <li>• \$1 per 1.0metres<sup>2</sup> gross floor area of commercial or industrial development<sup>1</sup>; or</li> <li>• \$25 each residential lot/unit<sup>1</sup></li> </ul>	to a maximum of \$4,200	
<p><b>+Plus</b> reimbursement to the Village (at cost) for Peer Review of (such as but not limited to) legal, engineering, environmental, architectural plans, studies, and/or documents. The Applicant will be advised in writing of the amount outstanding and will be provided with an accounting of the costs incurred. Payment of these fees will be a condition that must be met prior to issuing the Permit.</p>			
<b>Amendment</b>	<b>50%</b> of application fee	<b>Extension</b>	<b>50%</b> of application fee
<b>Refund</b>	<ul style="list-style-type: none"> <li>• Less 10% before preliminary review of the application</li> <li>• Less 75% before preparation of the first staff report</li> <li>• No refund after notification to adjacent neighbours</li> </ul>		
<b>Notes:</b>	<ol style="list-style-type: none"> <li>1. <i>If a concept plan is not available this number will be calculated on the maximum build out allowed in the applicable Zone.</i></li> <li>2. <i>Application fees shall include Title searches but do not include other documents such as covenants, ROW's, etc. The cost of retrieving these from LTO shall be borne by the Applicant.</i></li> </ol>		

**11. TYPICAL PROCESS**

- a) A complete application and fees are received by Staff. Processing will not commence until all the application requirements are met.
- b) Staff will provide the design of the required public notice sign to the Applicant, mapping of the area required for notification of the Neighbourhood Public Meeting (if required), and mailing labels if requested.
- c) The Applicant shall install the Public Notice sign within 10 days of having made the application.
- d) Staff prepares a report for Council outlining the application and requesting referral to the internal Commissions or Committees as applicable.
- e) Council upon considering the application may request: additional information, and/or that the Applicant provide a Neighbourhood Public Meeting, they may issue the application, table, or deny the application.
- f) If required, the Applicant shall:
  - i) schedule the Neighbourhood Public Meeting in a Cumberland venue;
  - ii) advertise in a local paper, the advertisement to appear 10 days prior to the Neighbourhood Public Meeting;

- iii) after the Neighbourhood Public Meeting, provide proof of advertising, a summary of comments and/or concerns; and any submissions made at the Meeting.
- g) If referred to an internal Commission or Committee by Council, Staff prepares a report for said Commission or Committee. The Applicant is invited to attend any meeting where their application is being considered.
- h) Staff sends out notification to adjacent neighbours at least 10 days prior to the meeting where Council will be making a decision on the application.
- i) The internal Commissions and/or Committees as referred by Council meet and makes recommendations to Council.
- j) Staff prepares report for Council outlining the application, including comments from the Neighbourhood Public Meeting (if held), recommendations from the internal Commission or Committees, and any public submissions received.
- k) Council, upon considering the application, may request additional information, issue the application, or may refer, table, or deny the application.
- l) The Applicant is advised of the Council's decision within 10 days.
- m) Where Council has issued the Development Permit, it is then prepared in the form of the form of Schedule B-1. When the conditions of the permit have been met the Development Permit is then issued by the Corporate Officer; and *Notice of Development Permit* is sent to Land Title Office for registration on the title of the subject property.
- n) Where an application for a Development Permit has been refused by Council, the Applicant shall be advised of the reasons for refusal.
- o) The Applicant shall remove the Public Notice sign within 10 days of Council making its decision.



Corporation of the  
Village of Cumberland

*DEVELOPMENT PERMIT*

**TO:** *(insert Applicant name here)*      **AGENT:** *(insert agent name here if applicable)*

**OF:** *(insert address of Applicant here, as it appears on title)*

This Development Permit (*Insert file number here*) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as supplemented by this Permit for the purposes of (*insert specific purpose of the Development Permit*).

1. This Development Permit applies to and only to those lands within the Village of Cumberland described below:

**Legal Description:**      *(as it appears on title)*

**Folio:**                      516 \_\_\_\_\_                      **PID:** \_\_\_\_\_

**Civic Address:**              *(address of property affected)*

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit:

*(Insert conditions as prescribed by Council, described as what must be provided before issuance (a precondition), and what will be required after development is finished.)*

3. **Security**

*Insert conditions of security as required*

4. **Expiry**

Subject to the terms of the Development Permit, if the Applicant of this Permit does not substantially start any construction with respect to which the Development Permit was issued within 2 years after the date it is issued, the Permit lapses.

5. **Timing and Sequencing of Development**

*Insert conditions of timing or sequencing of development as required*

6. **List of Reports or Plans attached as Schedules**

*Insert Reports or Plans attached as Schedules as required*

**7. Contaminated Sites Regulation**

*(choose one of the following as applicable)*

This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Applicant has completed a "Site Declaration" for the subject property.

OR

This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Regional Manager of the applicable Ministry has received a "Site Profile" for the subject property and has issued a clearance to proceed to the Village on *(insert date)*.

8. This Permit is **not** a Building Permit.

**Certification for Development Permits where there are pre-conditions:**

CERTIFIED as the DEVELOPMENT PERMIT approved for issuance by resolution of the Council of the Corporation of the Village of Cumberland on \_\_\_\_\_, 20\_\_, subject to conditions noted at paragraphs \_\_\_(Security) and \_\_\_(\_\_\_\_\_), and issued on \_\_\_\_\_, 20\_\_ by senior staff on satisfaction of those conditions.

OR

**Certification for Development Permits if there are no pre-conditions:**

CERTIFIED as the DEVELOPMENT PERMIT approved and issued by resolution of the Council of the Corporation of the Village of Cumberland on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Corporate Officer



## Application for a Heritage Alteration Permit

### 1. APPLICATION

- a) An application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all the required information (including fees) has been received.
- b) Each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer.
- c) A Heritage Alteration Permit (HAP) is required pursuant to s.615 and 617 of the *Local Government Act* (LGA), noting current statutory language indicates a person must not do any of the following unless a Heritage alteration permit authorizing the action has been issued:
  - i) Subdivide land within the Historic Village Commercial Core (HVCC) area;
  - ii) Start the construction of a building or structure or an addition to an existing building or structure within the HVCC area;
  - iii) Alter a building or structure or land within the HVCC area;
  - iv) Alter a feature that is protected heritage property; and
  - v) Demolition of a building.
- d) Section 614 of the LGA allow local governments to, for the purposes of heritage conservation, designate Heritage Conservation Areas. For continuity, the Heritage Conservation Area in the Official Community Plan also includes development permit designations under LGA s.488:
  - h) Establishment of objectives to promote energy conservation;
  - i) Establishment of objectives to promote water conservation;
  - j) Establishment of objectives to promote the reduction of greenhouse gas emissions.
- e) Where two or more types of Permit applications (for example: HAP and Development Variance Permit) are being made at the same time and can be processed together, only one fee shall be charged, whichever is the greater.

### 2. EXEMPTIONS

A Heritage Alteration Permit is not required under any of the following conditions:

- a) Exterior maintenance and repairs of buildings with materials, design and colours that are consistent with these guidelines so long as there are no changes to overall appearance or design, including permitting repainting in historically appropriate colours or routine upkeep. **However**, any alterations to windows, siding or architectural features **will require** a Heritage Alteration Permit.

- b) Alterations or repairs to existing single family residences.
- c) Soft landscaping that does not affect the heritage character of the Historic Village Commercial Core or the heritage value of the property.
- d) Construction and maintenance activities carried out by, or on behalf of, the Village.
- e) Regular and emergency Village maintenance of municipal infrastructure conducted in a manner that is consistent with the objectives of the Heritage Conservation Area designation.
- f) Public art as approved by Council.
- g) Interior renovations.

### **3. RE-APPLICATION**

An application that has been refused by Council shall not be reconsidered for a period of 12 months immediately following the date of refusal, except when permitted pursuant to the provisions of the *Local Government Act*. A re-application is considered a new application and additional fees apply, as noted in the following section 10.

### **4. ABANDONED APPLICATIONS**

An application which has been inactive for more than six months is deemed to be abandoned and will be closed.

### **5. NEIGHBOURHOOD PUBLIC MEETING**

Council may require that the Applicant hold a Neighbourhood Public Meeting, the cost of which will be borne by the Applicant. If a meeting is required, the meeting shall be held in a venue in the Village of Cumberland. The Applicant is required to prepare a summary of comments and/or concerns from the meeting and submit same to the Village in a timely manner in order that this information may be forwarded to Council.

### **6. NOTIFICATION**

- a) If required by Council, the Applicant shall ensure that the notice of a Neighbourhood Public Meeting is placed in one edition of a local newspaper and mailed or otherwise delivered to adjacent owners and occupiers of all properties within a 75.0metre (246.0feet) radius of the lot lines of the land involved under application at least 10 days before the Neighbourhood Public Meeting.
- b) Within 10 days of the application being made, the Applicant shall install a public notice sign advising of the application, in a location visible from the road on the subject property. If the property has two road frontages, two signs may be required. The sign shall be in the format approved by the Village. The sign must remain in place until the last act of Council and shall be removed within 10 days of that date.

- c) The Village shall mail or otherwise deliver a notice that Council will consider a Heritage Alteration Permit to the owners of all properties within a 75.0metre (246.0feet) radius of the lot lines of the subject property at least 10 days before the meeting where Council will make a decision on the application.

## 7. AMENDMENT

After Council has approved a Heritage Alteration Permit for issue, minor amendments will be accepted provided that the fee as noted in section 10 below has been paid. Major changes which require significant review by Staff and Council will require a new application and fees.

## 8. EXTENSION

The Applicant may apply to Council to grant one extension of up to two years. Fees as noted in section 10 below, apply.

## 9. APPLICATION REQUIREMENTS

- a) The completed **application form** including the applicable fees and the authorizing signature(s) as required.
- b) A **Surveyors Certificate** prepared by BC Land Surveyor, may be required at the request of the Village.
- c) A **Site Plan** which contains the following minimum information about the subject property:
  - i) Location map, including neighbouring land uses;
  - ii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas;
  - iii) Significant physical features and topographic information, all existing watercourses and wetlands and all Sensitive Ecosystem Information;
  - iv) North arrow and drawing scales;
  - v) Dimensions for all elevations and site plans;
  - vi) Geodetic elevation upon request by the Village;
  - vii) Roads, existing and/or proposed;
  - viii) Residential unit or building layout and/or comprehensive plan, illustrating unit distribution; and
  - ix) Open space.
- d) **Elevation drawings** in colour, which illustrate the changes to the outside of the building and includes a list of materials and colours used.

- e) **Landscape Plans, as required**, must be professionally prepared and conform to the most recent BCSLA\BCLNA Landscape Standard and contain the following minimum information:
- i) Site organization, including planting beds, and landscape features.
  - ii) All plant material and landscape features at installed sizes, accurate location, and spacing.
  - iii) Plant list using botanical and common names for all recommended plant material and size specification.
  - iv) Location of all utility infrastructure (overhead, underground, light standards, etc.), which may be affected by landscaping.
  - v) A cost estimate of completing any required landscape plan. This estimate shall provide the following detailed (itemized) information:
    - 1) Softscaping such as, but not limited to plants, bed preparation, etc.;
    - 2) Equipment to be installed such as but not limited to irrigation system, playground, etc.,
    - 3) Hardscaping such as but not limited to sidewalks, fencing, etc., and
    - 4) Labour costs required for the total cost of the construction and implementation of the plan.
- f) **Security:** If required, the Applicant shall provide a security by letter of credit or in a form acceptable to the Village for the following purposes:
- i) **Landscaping:** If Landscaping is required, this security is to provide the means by which Council can carry out the landscaping works if the Applicant does not complete the approved Landscape Plan, as follows:
    - 1) The amount shall be 125% of the cost estimate for the approved landscape plan and shall be received before the Permit is issued.
    - 2) An inspection shall be carried out upon completion of the plan and if compliant, a refund of 75% shall be made.
    - 3) The remaining 25% will be held back for one year at which time the Applicant will request an inspection. If the plantings are to the satisfaction of the Village, the holdback will be returned to the person who paid it. If any of the plants have not survived, they shall be replaced by the Applicant per the approved landscape plan, or failing this, the Village may use the holdback to replace the plants. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

- ii) **Unsafe Condition:** Where there is the high probability of an unsafe condition occurring due to a consequence of contravention of a condition in a permit, a Security may be required to provide the means by which Council can rectify said unsafe condition, as follows:
  - 1) The amount shall be 125% of the cost estimate provided by a registered professional and shall be received before the Permit is issued.
  - 2) An inspection shall be carried out upon completion of the plan by a registered professional and if found compliant, a full refund shall be made to the person who paid it.
  - 3) If the professional’s inspection reveals an unsafe condition, the Applicant shall rectify the condition, or failing this, the Village may use the security to rectify the condition. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.
  
- iii) **Damage to Natural Environment:** Where there is the high probability of damage to the Natural Environment occurring due to a consequence of contravention of a condition in a permit, this Security may be required to provide the means by which Council can rectify said damage, as follows:
  - 1) The amount shall be 125% of the cost estimate provided by a registered professional and shall be received before the Permit is issued.
  - 2) An inspection shall be carried out upon completion of the plan by a registered professional and if found compliant, a full refund shall be made to the person who paid it.
  - 3) If the professional’s inspection reveals an unsafe condition, the Applicant shall rectify the condition, or failing this, the Village may use the security to rectify the condition. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

**10. FEES**

\$1,600 <sup>1,2,3</sup>		
<u>Plus</u>	<ul style="list-style-type: none"> <li>• \$1 per 1.0metres<sup>2</sup> gross floor area of commercial or industrial development<sup>1</sup>; or</li> <li>• \$25 each residential lot/unit<sup>1</sup></li> </ul>	to a maximum of \$3,200

**+Plus** a fee to reimburse the Village (at cost) for Peer Review of (such as but not limited to) legal, engineering, environmental, architectural plans, studies, and/or documents. The Applicant will be advised in writing of the amount outstanding and will be provided with an accounting of the costs incurred. Payment of these fees will be a condition that will be met prior to issuing the Permit.

Amendment	50% of application fee	Extension	50% of application fee
Refund	<ul style="list-style-type: none"> <li>● Less 10% before preliminary review of the application</li> <li>● Less 75% before preparation of the first staff report</li> <li>● No refund after notification to adjacent neighbours</li> </ul>		
<b>Notes:</b>	<p>1. <i>If a concept plan is not available this number will be calculated on the maximum build out allowed in the applicable Zone.</i></p> <p>2. <i>Where a Heritage Alteration Permit application is combined with a Development Permit or Development Variance Permit, only one fee shall be charged, whichever is the greater.</i></p> <p>3. <i>Application fees shall include Title searches but do not include other documents such as covenants, ROW's, etc. The cost of retrieving these from LTO shall be borne by the Applicant.</i></p>		

## 11. TYPICAL PROCESS

- a) A complete application and fees are received by staff. Processing will not commence until all the application requirements are met.
- b) Staff will provide the design of the required public notice sign to the Applicant, mapping of the area required for notification of the Neighbourhood Public Meeting (if required), and mailing labels if requested.
- c) The Applicant shall install the Public Notice sign within 10 days of having made the application.
- d) Staff prepares a report for Council outlining the application and requesting referral to the internal Commission or Committee as applicable.
- e) Council upon considering the application may request: additional information, and/or that the Applicant provide a Neighbourhood Public Meeting, they may issue the application, table, or deny the application.
- f) If required, the Applicant shall:
  - i) schedule the Neighbourhood Public Meeting in a Cumberland venue;
  - ii) advertise in a local paper, the ad to appear 10 days prior to the Neighbourhood Public Meeting;
  - iii) after the Neighbourhood Public Meeting, provide proof of advertising, a summary of comments and/or concerns; and any submissions made at the Meeting.
- g) If referred to an internal Commission or Committee by Council, Staff prepares a report for said Commission or Committee. The Applicant is invited to attend any meeting where his application is being considered.
- h) Staff sends out notification to adjacent neighbours at least 10 days prior to the meeting where Council will be making a decision on the application.
- i) The internal Commissions and/or Committees as referred by Council meet and makes recommendations to Council.

- j) Staff prepares report for Council outlining the application, including comments from the Neighbourhood Public Meeting (if held), recommendations from the internal Commission or Committees, and any public submissions received.
- k) Council, upon considering the application, may request additional information, issue the application, or may refer, table, or deny the application.
- l) The Applicant is advised of the Council's decision within 10 days.
- m) Where Council has granted the permit, it is then prepared in the form of Schedule C-1. When the conditions of the Permit have been met (i.e., security, plans) it is then issued by the Corporate Officer; and *Notice of Heritage Alteration Permit* is sent to Land Title Office for registration on the title of the subject property.
- n) Where a permit has been refused by Council, the Applicant shall be advised of the reasons for refusal.
- o) The Applicant shall remove the Public Notice sign within 10 days of Council making its decision.



Corporation of the  
Village of Cumberland

Heritage  
Alteration Permit

**TO:** *(insert Applicant name here)*      **AGENT:** *(insert agent name here if applicable)*

**OF:** *(insert address of Applicant here, as it appears on title)*

This Heritage Alteration Permit *(Insert file number here)* is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as supplemented by this Heritage Alteration Permit for the purposes of *(insert specific purpose of Heritage Alteration Permit)*.

1. This Heritage Alteration Permit applies to and only to those lands within the Village of Cumberland described below, and any and all buildings, structures and other development thereon:

**Legal Description:** *(as it appears on title)*

**Folio:** 516 \_\_\_\_\_ **PID:** \_\_\_\_\_

**Civic Address:** *(address of property affected)*

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit:

*Insert conditions as prescribed by Council, described as what must be provided before issuance, and what will be required after development is finished.*

3. **Security**

*Insert conditions of security as required*

4. **Expiry**

Subject to the terms of the Permit, if the Applicant of this Heritage Alteration Permit does not substantially start any construction with respect to which the Permit was issued within 2 years after the date it is issued, the Heritage Alteration Permit lapses.

5. **Timing and Sequencing of Development**

*Insert conditions of timing or sequencing of development as required*

6. **List of Reports or Plans attached as Schedules**

*Insert Reports or Plans attached as Schedules as required*



7. This Permit is **not** a Building Permit.

**Certification for Permits where there are pre-conditions:**

CERTIFIED as the HERITAGE ALTERATION PERMIT approved for issuance by resolution of the Council of the Corporation of the Village of Cumberland on \_\_\_\_\_ 20\_\_, subject to conditions noted at paragraphs \_\_\_(Security) and \_\_\_(\_\_\_\_\_) , and issued on \_\_\_\_\_, 20\_\_ by senior staff on satisfaction of those conditions.

**Certification for Permits if there are no pre-conditions:**

CERTIFIED as the HERITAGE ALTERATION PERMIT approved and issued by resolution of the Council of the Corporation of the Village of Cumberland on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Corporate Officer

## Application for a Development Variance Permit

### 1. APPLICATION

- a) An application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all the required information (including fees) has been received.
- b) Each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer.

### 2. RE-APPLICATION

An application that has been refused by Council shall not be reconsidered for a period of 12 months immediately following the date of refusal, except when permitted pursuant to the provisions of the *Local Government Act*. A re-application is considered a new application and additional fees apply as noted in the following section 8.

### 3. ABANDONED APPLICATION

An application which has been inactive for more than six months is deemed to be abandoned and will be closed.

### 4. NOTIFICATION

- a) Within 10 days of the application being made, the Applicant shall install a public notice sign advising of the application in a location visible from the road on the subject property. If the property has two road frontages, two signs may be required. The sign shall be in the format acceptable to the Village. The sign must remain in place until the last act of Council and shall be removed within 10 days of that date.
- b) The Village shall mail or otherwise deliver a notice that Council will consider a Development Variance Permit as required by the *Local Government Act* to the owners and occupiers of all properties within a 75.0 metre (246.0 feet) radius of the lot lines of the subject property at least 10 days before the meeting where Council will make a decision on the application.

### 5. AMENDMENT TO PERMIT

After Council has approved a DVP for issue, minor amendments will be accepted provided that the fee as noted in section 8 of this schedule has been paid. Major changes which require significant review by Staff and Council will require a new application and fees.

### 6. EXTENSION

The Applicant may apply to Council to grant one extension of up to two years. Fees as noted in section 8 of this schedule, apply.

## 7. APPLICATION REQUIREMENTS

- a) The completed **application form** including the applicable fees and the authorizing signature(s) as required.
- b) A **Surveyors Certificate** prepared by BC Land Surveyor will be required where the requested variance is for existing development on the subject property.
- c) A **Site Plan** which contains the following minimum information about the subject property:
  - i) Location map, including neighbouring land uses;
  - ii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas;
  - iii) Significant physical features and topographic information, all existing watercourses and wetlands and all Sensitive Ecosystem Information;
  - iv) North arrow and drawing scales;
  - v) Dimensions for all elevations and site plans;
  - vi) Geodetic elevation upon request by the Village;
  - vii) Roads, existing and/or proposed;
  - viii) Residential unit or building layout and/or comprehensive plan, illustrating unit distribution; and
  - ix) Open space.
- d) Completed "Site Profile" as per the *Environmental Management Act*, for the subject property or release from the Ministry to proceed.
- e) **Landscape Plans, as required**, must be professionally prepared and conform to the most recent BCSLA\BCLNA Landscape Standard and contain the following minimum information:
  - i) Site organization, including planting beds, and landscape features;
  - ii) All plant material and landscape features at installed sizes, accurate location, and spacing;
  - iii) Plant list using botanical and common names for all recommended plant material and size specification;
  - iv) Location of all utility infrastructure (overhead, underground, light standards, etc.), which may be affected by landscaping.
  - v) A cost estimate of completing any required landscape plan. This estimate shall provide the following detailed (itemized) information:
    - 1) Softscaping such as, but not limited to plants, bed preparation, etc.;
    - 2) Equipment to be installed such as but not limited to irrigation system, playground, etc.,
    - 3) Hardscaping such as but not limited to sidewalks, fencing, etc., and

- 4) Labour costs required for the total cost of the construction and implementation of the plan.
- f) **Security:** If required, the Applicant shall provide a security by letter of credit or in a form acceptable to the Village for the following purposes:
- i) **Landscaping:** If Landscaping is required, this security is to provide the means by which Council can carry out the landscaping works if the Applicant does not complete the approved Landscape Plan, as follows:
    - 1) The amount shall be 125% of the cost estimate for the approved landscape plan and shall be received before the Permit is issued.
    - 2) An inspection shall be carried out upon completion of the plan and if compliant, a refund of 75% shall be made.
    - 3) The remaining 25% will be held back for one year at which time the Applicant will request an inspection. If the plantings are to the satisfaction of the Village, the holdback will be returned to the person who paid it. If any of the plants have not survived, they shall be replaced by the Applicant per the approved landscape plan, or failing this, the Village may use the holdback to replace the plants. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.
  - ii) **Unsafe Condition:** Where there is the high probability of an unsafe condition occurring due to a consequence of contravention of a condition in a Permit, a Security may be required to provide the means by which Council can rectify said unsafe condition, as follows:
    - 1) The amount shall be 125% of the cost estimate provided by a registered professional and shall be received before the Permit is issued.
    - 2) An inspection shall be carried out upon completion of the plan by a registered professional and if found compliant, a full refund shall be made to the person who paid it. .
    - 3) If the professional's inspection reveals an unsafe condition, the Applicant shall rectify the condition, or failing this, the Village may use the security to rectify the condition. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

iii) **Damage to Natural Environment:** Where there is the high probability of damage to the Natural Environment occurring due to a consequence of contravention of a condition in a Permit, this Security may be required to provide the means by which Council can rectify said damage, as follows:

- 1) The amount shall be 125% of the cost estimate provided by a registered professional and shall be received before the Permit is issued.
- 2) An inspection shall be carried out upon completion of the plan by a registered professional and if found compliant, a full refund shall be made to the person who paid it.
- 3) If the professional’s inspection reveals an unsafe condition, the Applicant shall rectify the condition, or failing this, the Village may use the security to rectify the condition. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

**8. FEES**

<b>Single Family Residential: \$950<sup>1</sup></b>		<b>All other: \$1,200<sup>1</sup></b>	
<p>+ <b>Plus</b> a fee to reimburse the Village (at cost) for Peer Review of (such as but not limited to) legal, engineering, environmental, architectural plans, studies, and/or documents. The Applicant will be advised in writing of the amount outstanding and will be provided with an accounting of the costs incurred. Payment of these fees will be a condition that will be met prior to issuing the Permit.</p>			
<b>Amendment</b>	<b>50%</b> of the application fee	<b>Extension</b>	<b>50%</b> of application fee
<b>Refund</b>	<ul style="list-style-type: none"> <li>● Less 10% before preliminary review of the application</li> <li>● Less 75% before preparation of the first staff report</li> <li>● No refund after notification to adjacent neighbours</li> </ul>		
<b>Notes:</b>	<p>1. <i>Application fees shall include Title searches but do not include other documents such as covenants, ROW's, etc. The cost of retrieving these from LTO shall be borne by the Applicant .</i></p>		

**9. TYPICAL PROCESS**

- a) A complete application and fees are received by staff. Processing will not commence until all the application requirements are met.
- b) Staff will provide the Applicant with the design of the required public notice sign.
- c) The Applicant shall install the Public Notice sign within 10 days of having made the application.
- d) Staff prepares report for Council outlining the application, requesting referral to the internal Commissions or Committees as applicable.

- e) Council upon considering the application may request: additional information they may issue the application, table, or deny the application.
- f) If referred to an internal Commission or Committee by Council, Staff prepares a report for said Commission or Committee. The Applicant is invited to attend any meeting where his application is being considered.
- g) Staff sends out notification to adjacent neighbours at least 10 days prior to the meeting where Council will be making a decision on the application.
- h) The internal Commissions and/or Committees as referred by Council meet and makes recommendations to Council.
- i) Staff prepares report for Council outlining the application, including recommendations from the internal Commission or Committees, and any public submissions received.
- j) Council upon considering the application may request additional information, may refer, table, or deny the application.
- k) The Applicant is advised of the Council's decision within 10 days.
- l) Where Council has approved a Variance, it is then prepared in the form of Schedule D-1. When the conditions of the Variance have been met (i.e., security, plans) it is then issued by the Corporate Officer; and *Notice of Development Variance Permit* is sent to Land Title Office for registration on the title of the subject property.
- m) Where a Permit has been refused by Council, the Applicant shall be advised of the reasons for refusal.
- n) Within 10 days of the date of Council's decision, the Applicant shall remove the Public Notice sign.



Corporation of the  
Village of Cumberland

*DEVELOPMENT  
VARIANCE PERMIT*

**TO:** *(insert Applicant name here)*      **AGENT:** *(insert agent name here if applicable)*

**OF:** *(insert address of Applicant here, as it appears on title)*

This Development Variance Permit *(Insert file number here)* is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as specifically varied or supplemented by this Permit for the purposes of *(insert specific purpose of Development Variance Permit)*.

1. This Development Variance Permit applies to and only to those lands within the Village of Cumberland described below, and any and all buildings, structures and other development thereon:

**Legal Description:**      *(as it appears on title)*

**Folio:**                      516 \_\_\_\_\_                      **PID:** \_\_\_\_\_

**Civic Address:**              *(address of property affected)*

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit:

*(Insert the Variance as prescribed by Council as well as any conditions described as what must be provided before issuance (a precondition), and what will be required after development is finished.)*

3. **Security**

*Insert conditions of security as required*

4. **Expiry**

Subject to the terms of the Permit, if the Applicant of this Development Variance Permit does not substantially start any construction with respect to which the Permit was issued within 2 years after the date it is issued, the Permit lapses.

5. **Timing and Sequencing of Development**

*Insert other conditions of timing or sequencing of development as prescribed by Council*

6. **List of Reports or Plans attached as Schedules**

*Insert Reports or Plans attached as Schedules as required*

**7. Contaminated Sites Regulation** (*choose one of the following as applicable*)

This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Applicant has completed a "Site Declaration" for the subject property.

OR

This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Regional Manager of the applicable Ministry has received a "Site Profile" for the subject property and has issued a clearance to proceed to the Village on (*insert date*).

**8. This Permit is not a Building Permit.**

**Certification for Development Variance Permits where there are *pre-conditions*:**

CERTIFIED as the DEVELOPMENT VARIANCE PERMIT approved for issuance by resolution of the Council of the Corporation of the Village of Cumberland on \_\_\_\_\_ 20\_\_, subject to conditions noted at paragraphs \_\_\_(Security) and \_\_\_(\_\_\_\_\_) , and issued on \_\_\_\_\_, 2018 by senior staff on satisfaction of those conditions.

OR

**Certification for Development Variance Permits where there are no *pre-conditions*:**

CERTIFIED as the DEVELOPMENT VARIANCE PERMIT approved and issued by resolution of the Council of the Corporation of the Village of Cumberland on \_\_\_\_\_, 20\_\_.

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Corporate Officer



## Application for a Temporary Use Permit

### 1. APPLICABILITY

The issuance of Temporary Use Permits (TUP's) can be considered in all Official Community Plan designations within limits of the Village boundaries. A TUP is a tool to allow a short-term commercial or industrial use that does not comply with the Zoning Bylaw and may be utilized where a condition prevails that warrants such a use for a short period of time, but does not warrant a change of land use designation or zoning of the land.

- a) The objective of TUP's are to:
  - i) Avoid conflicts between different types of uses (i.e., residential, commercial and industrial).
  - ii) Provide for temporary approval of transitional uses, or uses where uncertainty exists.
  - iii) Respecting appropriateness or viability of the use, and where it is premature to decide upon rezoning and long-term land use rights.
  - iv) Not to be considered a substitute for a rezoning application.
- b) In addition to development procedures requirements, TUP's will be considered against the following criteria:
  - i) The use must be clearly temporary or seasonal in nature.
  - ii) Compatibility of the proposal with adjacent uses.
  - iii) Impact of the proposed use on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas, and the proposed remedial measures to mitigate any damage to the natural environment as a result of the temporary use.
  - iv) Intensity of the proposed use.
  - v) Inability to conduct the proposed use on land elsewhere in the community.
  - vi) If within 800metres of Highway 19 the Inland Island Highway, must be reviewed and approved by the Ministry of Transportation and Infrastructure (MOTI) with respect to access to and effect on this controlled access highway.

### 2. APPLICATION

- a) An application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all the required information (including fees) has been received.

- b) Each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer.

### **3. RE-APPLICATION**

An application that has been refused by Council shall not be reconsidered for a period of 12 months immediately following the date of refusal, except when permitted pursuant to the provisions of the *Local Government Act*. A re-application is considered a new application and additional fees apply, as noted in section 10 of this schedule.

### **4. ABANDONED APPLICATION**

An application which has been inactive for more than six months is deemed to be abandoned and will be closed.

### **5. NEIGHBOURHOOD PUBLIC MEETING**

- a) Applications to consider a Temporary Use Permit will require the Applicant to hold a Neighbourhood Public Meeting prior to presentation of the application to Council for consideration. The Neighbourhood Public Meeting shall be held in a venue in the Village of Cumberland. The Applicant is required to prepare a summary of comments and/or concerns from the Neighbourhood Public Meeting and submit same to the Village in a timely manner in order that this information may be forwarded to Council.
- b) Council may require additional public consultation, the cost of which will be borne by the Applicant.

### **6. NOTIFICATION**

- a) The Applicant shall ensure that the notice of a Neighbourhood Public Meeting is placed in one edition of a local newspaper and mailed or otherwise delivered to adjacent owners and occupiers of all properties within a 75.0 metre (246.0 feet) radius of the lot lines of the land involved under application at least 14 days before the Neighbourhood Public Meeting.
- b) Within 10 days of the application being made, the Applicant shall install the public notice sign advising of the application in a location visible from the road the subject property. If the property has two road frontages, two signs may be required. The sign shall be in the format acceptable to the Village. The sign must remain in place until the last act of Council and shall be removed within 10 days of that date.
- c) The Village shall advertise the notice of consideration of a Temporary Use Permit as required by the *Local Government Act* and shall provide notice to be mailed or otherwise delivered to the owners and occupiers of all properties within a 75.0 metre (246.0 feet) radius of the lot lines of the subject property at least 14 days before the meeting where Council will make a decision on the application.

## 7. AMENDMENT TO PERMIT

After Council has approved a Temporary Use Permit for issue, minor amendments will be accepted provided that the fee as noted in section 10 of this schedule has been paid. Major changes which require significant review by Staff and Council will require a new application and fees.

## 8. EXTENSION

The Applicant may apply to Council to grant one extension of up to three years. Fees as noted in section 10 of this schedule, apply.

## 9. APPLICATION REQUIREMENTS

- a) The completed **application form** including the applicable fees and the authorizing signature(s) as required.
- b) A **Surveyors Certificate** prepared by BC Land Surveyor will be required for existing development on the subject property.
- c) **Site plans** which contain the following minimum information about the subject property:
  - i) Location map, including neighbouring land uses;
  - ii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas;
  - iii) Significant physical features and topographic information, all existing watercourses and wetlands and all Sensitive Ecosystem Information;
  - iv) North arrow and drawing scales;
  - v) Dimensions for all elevations and site plans;
  - vi) Geodetic elevation upon request by the Village;
  - vii) Roads, existing and/or proposed;
  - viii) Residential unit or building layout and/or comprehensive plan, illustrating unit distribution; and
  - ix) Open space.
- d) **Landscape Plans**, as required, must be professionally prepared and conform to the most recent BCSLA\BCLNA Landscape Standard and contain the following minimum information:
  - i) Site organization, including planting beds, and landscape features.
  - ii) All plant material and landscape features at installed sizes, accurate location, and spacing.
  - iii) Plant list using botanical and common names for all recommended plant material and size specification.
  - iv) Location of all utility infrastructure (overhead, underground, light standards, etc.), which may be affected by landscaping.

- v) A cost estimate of completing any required landscape plan. This estimate shall provide the following detailed (itemized) information:
- 1) Softscaping such as but not limited to plants, bed preparation, etc.;
  - 2) Equipment to be installed such as but not limited to irrigation system, playground, etc.,
  - 3) Hardscaping such as but not limited to sidewalks, fencing, etc.' and
  - 4) Labour costs required for the total cost of the construction and implementation of the plan.
- e) **Security:** If required, the Applicant shall provide a security by letter of credit or in a form acceptable to the Village for the following purposes:
- i) Landscaping: If Landscaping is required, this security is to provide the means by which Council can carry out the landscaping works if the Applicant does not complete the approved Landscape Plan, as follows:
- 1) The amount shall be 125% of the cost estimate for the approved landscape plan and shall be received before the Permit is issued.
  - 2) An inspection shall be carried out upon completion of the plan and if compliant, a refund of 75% shall be made.
  - 3) The remaining 25% will be held back for one year at which time the Applicant will request an inspection. If the plantings are to the satisfaction of the Village, the holdback will be returned to the person who paid it. If any of the plants have not survived, they shall be replaced by the Applicant per the approved landscape plan, or failing this, the Village may use the holdback to replace the plants. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.
- ii) Unsafe Condition: Where there is the high probability of an unsafe condition occurring due to a consequence of contravention of a condition in a Permit, a Security may be required to provide the means by which Council can rectify said unsafe condition, as follows:
- 1) The amount shall be 125% of the cost estimate provided by a registered professional and shall be received before the Permit is issued.
  - 2) An inspection shall be carried out upon completion of the plan by a registered professional and if found compliant, a full refund shall be made to the person who paid it.
  - 3) If the professional's inspection reveals an unsafe condition, the Applicant shall rectify the condition, or failing this, the Village may use the security to rectify the condition. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

iii) **Damage to Natural Environment:** Where there is the high probability of damage to the Natural Environment occurring due to a consequence of contravention of a condition in a Permit, this Security may be required to provide the means by which Council can rectify said damage, as follows:

- 1) The amount shall be 125% of the cost estimate provided by a registered professional and shall be received before the Permit is issued.
- 2) An inspection shall be carried out upon completion of the plan by a registered professional and if found compliant, a full refund shall be made to the person who paid it.
- 3) If the professional’s inspection reveals an unsafe condition, the Applicant shall rectify the condition, or failing this, the Village may use the security to rectify the condition. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

f) Additional information may be required in accordance with the “Corporation of the Village of Cumberland Development Approval Information Bylaw No. 809, 2005” and all amendments thereto.

**10. FEES**

<b>\$1,850<sup>1,2</sup></b>			
<u>Plus</u>	\$1 per 1.0metres <sup>2</sup> gross floor area of proposed/potential commercial and/or industrial development	to a maximum of \$3,500	
+ <b>Plus</b> a fee to reimburse the Village (at cost) for Peer Review of (such as but not limited to) legal, engineering, environmental, architectural plans, studies, and/or documents. The Applicant will be advised in writing of the amount outstanding and will be provided with an accounting of the costs incurred. Payment of these fees will be a condition that will be met prior to issuing the Permit.			
+ <b>Plus</b> the Applicant shall bear the costs of statutory advertising. Payment shall be a condition of granting the Permit.			
<b>Amendment</b>	<b>50%</b> of application fee	<b>Extension</b>	<b>50%</b> of application fee
<b>Refund</b>	<ul style="list-style-type: none"> <li>● Less 10% before preliminary review of the application</li> <li>● Less 75% before preparation of the first staff report</li> <li>● No refund after notification to adjacent neighbours</li> </ul>		
<b>Notes:</b>			
1. <i>If a concept plan is not available this number will be calculated on the maximum build out allowed in the applicable Zone.</i>			
2. <i>Application fees shall include Title searches but do not include other documents such as covenants, ROW’s, etc. The cost of retrieving these from LTO shall be borne by the Applicant.</i>			

**11. TYPICAL PROCESS**

- a) A complete application and fees are received by staff. Processing will not commence until all the application requirements are met.
- b) Staff will provide the design of the required public notice sign to the Applicant, mapping of the area required for notification (if required), and mailing labels if requested.
- c) The Applicant shall:
  - i) install the Public Notice sign within 10 days of having made the application.
  - ii) schedule the Neighbourhood Public Meeting in a Cumberland venue;
  - iii) advertise in a local paper, the advertisement to appear 10 days prior to the Neighbourhood Public Meeting;
  - iv) after the Neighbourhood Public Meeting, provide proof of advertising, a summary of comments and/or concerns; and any submissions made at the Meeting.
- d) Staff prepares a report for Council outlining the application and requesting referral to the internal Commissions or Committees as applicable.
- e) Staff sends out notification to adjacent neighbours at least 14 days prior to the meeting where Council will be making a decision on the application and ensures that statutory advertising is carried out.
- f) The internal Commissions and/or Committees as referred by Council meet and makes recommendations to Council.
- g) Staff prepares report for Council outlining the application, including comments from the Neighbourhood Public Meeting, recommendations from the internal Commission or Committees, and any public submissions received.
- h) Council upon considering the application may request additional information, or they may issue the application, table, or deny the application.
- i) The Applicant is advised of Council's decision within 10 days.
- j) Where Council has issued a Permit it is then prepared in the form of Schedule E-1. When the conditions of the Permit have been met (i.e., security, plans) it is then issued by the Corporate Officer; and *Notice of the Temporary Use Permit* is sent to Land Title Office for registration on the title of the subject property.
- k) Within 10 days of the date of Council's decision, the Applicant shall remove the Public Notice sign.



Corporation of the  
Village of Cumberland

TEMPORARY USE PERMIT

**TO:** *(insert Applicant name here)*

**AGENT:** *(insert agent name here if applicable)*

**OF:** *(insert address of Applicant here, as it appears on title)*

This Temporary Use Permit *(Insert file number here)* is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, supplemented by this Permit for the purposes of *(insert specific purpose of Temporary Use Permit)*.

1. This Temporary Use Permit applies to and only to those lands within the Village of Cumberland described below, and any and all buildings, structures and other development thereon:

**Legal Description:** *(as it appears on title)*

**Folio:** 516 \_\_\_\_\_ **PID:** \_\_\_\_\_

**Civic Address:** *(address of property affected)*

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit:

*(Insert conditions as prescribed by Council described as what must be provided before issuance, and what will be required after development is finished)*

3. **Security**

*Insert conditions of security as required*

4. **Expiry**

The Applicant of land in respect of which a Temporary Use Permit has been issued has the right to put the land to the use described in the Permit until:

- a) the date that the Permit expires; or
- b) three years after the Permit was issued.

whichever occurs first.

5. **Timing and Sequencing of Development**

*Insert conditions of timing or sequencing of development as required*

6. **List of Reports or Plans attached as Schedules**

*Insert Reports or Plans attached as Schedules as required*

7. **Contaminated Sites Regulation**

*(choose one of the following as applicable)*

This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Applicant has completed a "Site Declaration" for the subject property.

OR

This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Regional Manager of the applicable Ministry has received a "Site Profile" for the subject property and has issued a clearance to proceed to the Village on *(insert date)*.

8. This Permit is **not** a Building Permit.

**Certification for Permits where there are *pre-conditions*:**

CERTIFIED as the TEMPORARY USE PERMIT approved for issuance by resolution of the Council of the Corporation of the Village of Cumberland on \_\_\_\_\_ 20\_\_, subject to conditions noted at paragraphs \_\_\_(Security) and \_\_\_(\_\_\_\_\_) , and issued on \_\_\_\_\_, 2018 by senior staff on satisfaction of those conditions.

OR

**Certification for Permits where there are no *pre-conditions*:**

CERTIFIED as the TEMPORARY USE PERMIT approved and issued by resolution of the Council of the Corporation of the Village of Cumberland on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Corporate Officer



## Application for a Manufactured Home Park Permit

### 1. APPLICATION

- a) An application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all the required information (including fees) has been received.
- b) Each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer.

### 2. Exemptions

In accordance with the Manufactured Home Park Bylaw No. 1036 or amendments thereto, Part A, Section 5:

- a) *The provisions of this Bylaw do not apply to a Manufactured Home Park or any part of a Manufactured Home Park existing prior to coming into force of this Bylaw.*
- b) *Further to 5(a) above:*
  - i) *no person shall be compelled to upgrade existing permitted Manufactured Home Parks to the standards of this Bylaw;*
  - ii) *new development in an existing Manufactured Home Park shall not lessen the compliance with the Bylaw; and*
  - iii) *expansion of an existing Manufactured Home Park shall meet all Bylaw provisions.*

### 3. RE-APPLICATION

An application that has been refused by Council shall not be reconsidered for a period of 12 months immediately following the date of refusal, except when permitted pursuant to the provisions of the *Local Government Act*. A re-application is considered a new application and additional fees apply, as noted in the following section 10.

### 4. ABANDONED APPLICATION

An application which has been inactive for more than six months is deemed to be abandoned and will be closed.

### 5. NEIGHBOURHOOD PUBLIC MEETING

- a) Applications to consider a Manufactured Home Park Permit (MHPP) will require the Applicant to hold a Neighbourhood Public Meeting prior to presentation of the application to Council for first reading. The Neighbourhood Public Meeting shall be held in a venue in the Village of Cumberland. The Applicant is required to prepare a summary of comments and/or concerns from the Neighbourhood Public

Meeting and submit same to the Village in a timely manner in order that this information may be forwarded to Council.

- b) Council may require additional public consultation, the cost of which will be borne by the Applicant.

## 6. NOTIFICATION

- a) The Applicant shall ensure that the notice of the Neighbourhood Public Meeting is placed in one edition of a local newspaper and mailed or otherwise delivered to adjacent owners and occupiers of all properties within a 75.0metre (246.0feet) radius of the lot lines of the land involved under application at least 10 days before the Neighbourhood Public Meeting.
- b) Within 10 days of the application being made, the Applicant shall install a public notice sign advising of the application within 10 days of the application being made in a location visible from the road on the subject property. If the property has two road frontages, two signs may be required. The sign shall be in the format acceptable to the Village. The sign must remain in place until the last act of Council and shall be removed within 10 days of that date.
- c) The Village shall mail or otherwise deliver a notice that Council will consider a Manufactured Home Park Permit to the owners of all properties within a 75.0metre (246.0feet) radius of the lot lines of the subject property at least 10 days before the meeting where Council will make a decision on the application.

## 7. AMENDMENT

After Council has approved a Manufactured Home Park Permit for issue, minor amendments will be accepted provided that the fee as noted in section 10 of this schedule has been paid. Major changes which require significant review by Staff and Council will require a new application and fees.

## 8. EXTENSION

The Applicant may apply to Council to grant one extension of up to three years. Fees as noted in section 10 of this schedule, apply.

## 9. APPLICATION REQUIREMENTS

- a) The completed **application form** including the applicable fees and signature of the Applicant.
- b) A **Surveyors Certificate** prepared by BCLS Surveyor may be required at the request of the Village.
- c) Professionally prepared **drawings** which identify:
  - i) Location map, including neighbouring land uses;
  - ii) North arrow and drawing scales;

- iii) Existing and proposed buildings in relation to legal property boundaries with dimensions and areas as certified by a BCLS surveyor;
  - iv) The location, dimensions, area, and boundaries of each manufactured home space and the number assigned to each space;
  - v) Significant physical features and topographic information shown as 2.0metre intervals, and contours of 1.0metre intervals where grade is greater than 10%;
  - vi) The location and dimensions of existing and proposed roads, public access, walkways, trails, adjacent to the subject property;
  - vii) The location of any hazard areas: steep slopes, unstable soils, high water table areas, areas subject to flooding, etc.;
  - viii) Plan of proposed park, trail and open space (as applicable); or park existing
  - ix) Site works and servicing plan, detailing connections, location, design and sizing of all servicing infrastructure required to adequately service the proposed development.
  - x) The location and dimensions of registered rights-of-ways or easements.
- d) **Landscape Plans, as required**, must be professionally prepared and conform to the most recent BCSLA\BCLNA Landscape Standard and contain the following minimum information:
- i) Site organization, including planting beds, and landscape features.
  - ii) All plant material and landscape features at installed sizes, accurate location, and spacing.
  - iii) Plant list using botanical and common names for all recommended plant material and size specification.
  - iv) Location of all utility infrastructure (overhead, underground, light standards, etc.), which may be affected by landscaping.
  - v) A cost estimate of completing any required landscape plan. This estimate shall provide the following detailed (itemized) information:
    - 1) Softscaping such as, but not limited to plants, bed preparation, etc.;
    - 2) Equipment to be installed such as but not limited to irrigation system, playground, etc.;
    - 3) Hardscaping such as but not limited to sidewalks, fencing, etc.; and
    - 4) Labour costs required for the total cost of the construction and implementation of the plan.
- e) **Security:** If required, the Applicant shall provide a performance security by letter of credit or in a form acceptable to the Village for the following purposes:

- i) Landscaping: If Landscaping is required, this security is to provide the means by which Council can carry out the landscaping works if the Applicant does not complete the approved Landscape Plan, as follows:
- 1) The amount shall be 125% of the cost estimate for the approved landscape plan and shall be received before the Permit is issued.
  - 2) An inspection shall be carried out upon completion of the plan and if compliant, a refund of 75% shall be made.
  - 3) The remaining 25% will be held back for one year at which time the Applicant will request an inspection. If the plantings are to the satisfaction of the Village, the holdback will be returned to the person who paid it. If any of the plants have not survived, they shall be replaced by the Applicant per the approved landscape plan, or failing this, the Village may use the holdback to replace the plants. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.
- ii) Unsafe Condition: Where there is the high probability of an unsafe condition occurring due to a consequence of contravention of a condition in a permit, a Security may be required to provide the means by which Council can rectify said unsafe condition, as follows:
- 1) The amount shall be 125% of the cost estimate provided by a registered professional and shall be received before the Permit is issued.
  - 2) An inspection shall be carried out upon completion of the plan by a registered professional and if found compliant, a full refund shall be made to the person who paid it.
  - 3) If the professional's inspection reveals an unsafe condition, the Applicant shall rectify the condition, or failing this, the Village may use the security to rectify the condition. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.
- iii) Damage to Natural Environment: Where there is the high probability of damage to the Natural Environment occurring due to a consequence of contravention of a condition in a permit, this Security may be required to provide the means by which Council can rectify said damage, as follows:
- 1) The amount shall be 125% of the cost estimate provided by a registered professional and shall be received before the Permit is issued.
  - 2) An inspection shall be carried out upon completion of the plan by a registered professional and if found compliant, a full refund shall be made to the person who paid it.
  - 3) If the professional's inspection reveals an unsafe condition, the Applicant shall rectify the condition, or failing this, the Village may

use the security to rectify the condition. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

**10. FEES**

<p><b>All applications: \$2,250<sup>1,2</sup></b></p> <p><b>Plus \$25 for each space to a maximum of \$4,500</b></p>	
<p>+ <b>Plus</b> a fee to reimburse the Village (at cost) for <b>Peer Review</b> of (such as but not limited to) legal, engineering, environmental, architectural plans, studies, and/or documents in the amount of <b>\$250 per proposed space/lot</b> of proposed or potential residential development<sup>1</sup>. This fee is to be paid at time of application and will form the application “account”. Staff will maintain an accounting of charges to the application, which will be provided to the payee semi-annually and upon completion or termination of the project. Funds remaining in the account after completion or termination of the project will be returned to the payee.</p>	
<p>+ <b>Plus</b> additional monies will be required if the <b>Peer Review</b> charges exceed the Peer Review fees paid at application. The payee will be advised in writing that this fee is required and it will be equal to the amount paid at application, unless the CAO determines otherwise. The letter will include an accounting to date. Processing of the application will be suspended until this fee is paid.</p>	
<b>Amendment</b>	50% of application fee
<b>Extension</b>	50% of application fee
<b>Refund</b>	<ul style="list-style-type: none"> <li>● Less 10% before preliminary review of the application</li> <li>● Less 75% before preparation of the first staff report</li> <li>● No refund after notification to adjacent neighbours</li> </ul>
<b>Notes:</b>	<p>1. <i>If a concept plan is not available this number will be calculated on the maximum build out allowed in the applicable Zone.</i></p> <p>2. <i>Application fees shall include Title searches but do not include other documents such as covenants, ROW's, etc. The cost of retrieving these from LTO shall be borne by the Applicant.</i></p>

**11. TYPICAL PROCESS**

- a) A complete application and fees are received by Staff. Processing will not commence until all the application requirements are met.
- b) Staff will provide the design of the required public notice sign, mapping of the area required for the Neighbourhood Public Meeting notification, and mailing labels if requested.
- c) The Applicant shall:
  - i) install the Public Notice sign within 10 days of having made the application.
  - ii) hold a Neighbourhood Public Meeting in the Village of Cumberland;
  - iii) advertise in a local paper, the advertisement to appear 10 days prior to the Neighbourhood Public Meeting;
  - iv) after the Neighbourhood Public Meeting, provide proof of advertising, a summary of comments and/or concerns; and any submissions made at the Meeting.

- d) Staff prepares a report for Council outlining the application and requesting referral to the internal Commission or Committee as applicable.
- e) Council upon considering the application may request: additional information, or may issue the application, table, or deny the application.
- f) Staff prepares a report for said Commission or Committee. The Applicant is invited to attend any meeting where his application is being considered.
- g) Staff sends out notification to adjacent neighbours at least 10 days prior to the meeting where Council will be making a decision on the application.
- h) The internal Commissions and/or Committees as referred by Council meet and makes recommendations to Council.
- i) Staff prepares report for Council outlining the application, including comments from the Neighbourhood Public Meeting, recommendations from the internal Commission or Committees, and any public submissions received.
- j) Council, upon considering the application, may request additional information, issue the application, or may refer, table, or deny the application.
- k) The Applicant is advised of the Council's decision within 10 days.
- l) Where Council has issued the Permit, it is then prepared in the form of Schedule F 1. When the conditions of the Permit have been met (i.e., security, plans) it is then granted by the Corporate Officer; and *Notice of Manufactured Home Park Permit* is sent to Land Title Office for registration on the title of the subject property.
- m) Where a Permit has been refused by Council, the Applicant shall be advised of the reasons for refusal.
- n) Within 10 days of the date of Council's decision, the Applicant shall remove the Public Notice sign.



Corporation of the Village of Cumberland

MANUFACTURED HOME PARK PERMIT

TO: (insert Applicant name here) AGENT: (insert agent name here if applicable)

OF: (insert address of Applicant here, as it appears on title)

This Manufactured Home Park Permit (Insert file number here) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as supplemented by this Permit for the purposes of (insert specific purpose of application).

1. This Manufactured Home Park Permit applies to and only to those lands within the Village of Cumberland described below, and any and all buildings, structures and other development thereon:

Legal Description: (as it appears on title)

Folio: 516 \_\_\_\_\_ PID: \_\_\_\_\_

Civic Address: (address of property affected)

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit:

(Insert conditions as prescribed by Council described as what must be provided before issuance, and what will be required after development is finished.)

3. Security

Insert conditions of security as required

4. Timing and Sequencing of Development

Subject to the terms of the Permit, if the Applicant of this Permit does not substantially start any construction with respect to which the Permit was issued within 2 years after the date it is issued, the Permit lapses.

Insert conditions of timing or sequencing of development as required

5. List of Reports or Plans attached as Schedules

Insert Reports or Plans attached as Schedules as required

Certification for Manufactured Home Park Permits where there are pre-conditions:

CERTIFIED as the MANUFACTURED HOME PARK PERMIT approved for issuance by resolution of the Council of the Corporation of the Village of Cumberland on \_\_\_\_\_ 20\_\_, subject to conditions noted at paragraphs \_\_\_(Security) and \_\_\_(\_\_\_\_\_) , and issued on \_\_\_\_\_, 20\_\_ by senior staff on satisfaction of those conditions.



OR

**Certification for Manufactured Home Park Permits where there are no pre-conditions:**

CERTIFIED as the MANUFACTURED HOME PARK PERMIT approved for issuance by resolution of the Council of the Corporation of the Village of Cumberland on \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Corporate Officer

## Application for a Compliance Determination (a “Comfort Letter”)

**1. APPLICATION**

- a) Where a request for information is made which requires a determination of compliance with regards to Village bylaws, an application for a “Comfort Letter” must be made.
- b) An application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all the required information (including fees) has been received.
- c) Each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer.

**2. ABANDONED APPLICATION**

An application which has been inactive for more than six months is deemed to be abandoned and will be closed.

**3. FEES**

<b>Requests by Owners for a Single Family Dwelling</b>  <b>\$250</b>	<b>All Others:</b>  <b>\$500</b>
<b>Refund</b>	None
<i><b>Notes:</b> Application fees shall include Title searches but do not include other documents such as covenants, ROW’s, etc. The cost of retrieving these from LTO shall be borne by the Applicant.</i>	

**4. APPLICATION REQUIREMENTS**

- a) The completed **application form** including the applicable fees and the authorizing signatures of the Applicant.
- b) Where the request is for confirmation of siting and/or height a **Survey Certificate** prepared by BCLS Surveyor is required.
- c) Where the application is for determination of status of siting and/or use, incontrovertible proof of existence is required. Acceptable evidence may be, but not limited to, Building Permit or BC Assessment information.

**5. PROCESS**

- a) A complete **application** and fees are received by staff.
- b) Research is carried out by staff, who prepares a written letter which is circulated to internal departments (as required) for comment.
- c) The information may be provided to the Applicant verbally, however it shall be also made in writing, and the copy filed accordingly.

# Application for Site Specific Exemption to Flood Construction Level and Setbacks

## 1. APPLICATION

- a) An application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all the required information (including fees) has been received. This provision is not a substitute for any requirements under Section 56 of the *Community Charter*.
- b) Each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer.

## 2. RE-APPLICATION

An application that has been refused by Council shall not be reconsidered for a period of 12 months immediately following the date of refusal, except when permitted pursuant to the provisions of the *Local Government Act*. A re-application is considered a new application and additional fees apply, as noted in the following section 5.

## 3. ABANDONED APPLICATION

An application which has been inactive for more than six months is deemed to be abandoned and will be closed.

## 4. APPLICATION REQUIREMENTS

- a) The completed **application form** including the applicable fees and the authorizing signatures of the Applicant.
- b) As a condition of a Site Specific Exemption, the Applicant will be required at his own expense to commission a Professional Engineer's Report that addresses exemption precedents in the surrounding area and provides a report containing a description of the proposed development, and recommendations for conditions addressing flood proofing, as applicable.
- c) A Surveyors Certificate prepared by BC Land Surveyor showing the following:
  - i) Location map, including neighbouring land uses;
  - ii) existing and proposed structures and distances to property lines;
  - iii) existing and proposed building elevation levels in geodetic datum;
  - iv) existing and proposed flood construction setbacks;
  - v) North arrow and drawing scale; and
  - vi) Roads and access.

**5. FEES**

All Applications: \$1,200 <sup>1,2</sup>			
+ <b>Plus</b> a fee to reimburse the Village (at cost) for Peer Review of (such as but not limited to) legal, engineering, environmental, architectural plans, studies, and/or documents. The Applicant will be advised in writing of the amount outstanding and will be provided with an accounting of the costs incurred. Payment of these fees will be a condition that will be met prior to issuing the permit.			
<b>Amendment</b>	<b>50%</b> of application fee	<b>Extension</b>	<b>50%</b> of application fee
<b>Refund</b>	<ul style="list-style-type: none"> <li>● Less 10% before preliminary review of the application</li> <li>● Less 75% before preparation of the first staff report</li> <li>● No refund after preparation of the first staff report</li> </ul>		
<b>Notes:</b>	<ol style="list-style-type: none"> <li>1. <i>Where an exemption to flood construction level and setbacks application is combined with a Development Permit,, only one fee shall be charged, whichever is the greater.</i></li> <li>2. <i>Application fees shall include Title searches but do not include other documents such as covenants, ROW's, etc. The cost of retrieving these from LTO shall be borne by the Applicant.</i></li> </ol>		

**6. TYPICAL PROCESS**

- a) A complete application and fees are received by staff. Processing will not commence until all the application requirements are met.
- b) The application will be referred to internal departments for comment, the Village Engineer, and peer review as required.
- c) Staff prepares a report for Council which will include the professional engineer’s report, staff comments, and peer review, as applicable
- d) Council upon considering the application may request additional information, issue the application, or may refer, table, or deny the application.
- e) Where a site specific exemption has been granted, the Applicant will be invited (at their expense) to prepare and register a covenant under Section 219 of the *Land Title Act* in favour of the Village:
  - i) specifying conditions that would enable the land to be safely used for the use intended according to the terms of the Profession Engineer’s report which will form part of the restrictive covenant;
  - ii) acknowledging that no Disaster Financial Assistance Funding is available for the building or its contents;
  - iii) releasing and indemnifying the Village from liability in the event any damage is caused by flooding or erosion; and
  - iv) attaching the Engineer’s report to the covenant.

- f) The Applicant is advised of the Council's decision within 10 days.
- g) Where site specific exemption has been denied by Council, the Applicant shall be advised of the reasons for refusal.

END OF DOCUMENT