

Planning Procedures Bylaw

Town of Port McNeill

Bylaw No. 718, 2023

A bylaw to establish the procedures within the Town of Port McNeill in accordance with Part 14 of the Local Government Act

That Council of the Town of Port McNeill has adopted an official community plan and a zoning bylaw;

AND WHEREAS Council of the Town of Port McNeill has designated areas within which temporary use permits may be issued and within which development permits are required;

AND WHEREAS Council of the Town of Port McNeill shall, under section 460 of the *Local Government Act*, by bylaw establish procedures to amend an official community plan or zoning bylaw or issue a permit under Part 14 of the *Local Government Act*;

AND WHEREAS Council of the Town of Port McNeill may, under section 468 of the *Local Government Act*, make requirements for the posting of development signs on properties that are subject to a proposed bylaw amendment;

AND WHEREAS Council of the Town of Port McNeill may, under section 502 of the *Local Government Act*, require that the applicant for a permit under Part 14 of the *Local Government Act* provide security in an amount stated in the permit by an irrevocable letter of credit or the deposit of securities in a form satisfactory to the local government.

NOW THEREFORE Council of the Town of Port McNeill in open meeting assembled enacts as follows:

Application

1. (1) This bylaw shall be applicable to all lands and surface of the water within the Town of Port McNeill that are subject to any permit or application procedure as outlined in this bylaw.

Relation to *Local Government Act* and severability

2. (1) This bylaw is not intended to conflict with any provision of the *Local Government Act* relating to any application nor to fetter any statutory authority of the Town of Port McNeill
- (2) If any section, subsection, sentence, clause or phrase forming part of this bylaw is for any reason held to be invalid by the decision of any court or competent jurisdiction, the invalid portion shall be severed from the bylaw without affecting the validity of the bylaw or any remaining portions of the bylaw.

Citation

This Bylaw No. 718 may be cited as the "Town of Port McNeill Planning Procedures No. 718, 2023."

(1) General provisions

(a) Definitions

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| Applicant | means any person who makes application for development under the provisions of this bylaw as authorized by all owners of the land subject to the application. |
| Council | means the council of the Town of Port McNeill. |
| Town officer | means any person holding the officer positions of the Town of Port McNeill. |
| Pre-acceptance review | means an informal review by Town staff of a development proposal or planning application. The review may identify the requirements and materials to assist an applicant in their submission of a complete planning application. Based on the location, scale, complexity or other factors of the project, the review may lead to the need for a pre- application consultation meeting. |
| Pre-application consultation meeting | means a meeting between an applicant and Town staff to identify the requirements and materials to assist the applicant in their submission of a complete planning application. The meeting may involve flagging issues to address, sharing information that needs to be considered and identifying additional required reports or information. Any comments made at the meeting do not imply or suggest any decision of Council or staff to either support or refuse any subsequent detailed application. Substantial changes to the proposal at the time of application submission may invalidate comments received during the meeting. |
| Qualified professional | May include a landscape professional, qualified environmental professional, a registered professional biologist or a registered professional engineer, who is working within their field of expertise and is in good standing with any applicable professional organization. |

(b) Application requirements

- (i) The minimum application requirements for all applications are:
 - (1) Complete application form including a description of the proposed works. The written explanation shall illustrate the need for the request.
 - (2) A copy of all covenants, easements and encumbrances registered against the land title.

- (3) A site plan prepared by a BC Land Surveyor (BCLS) in good standing. The site plan should show all existing and proposed buildings and development with all required setbacks. If a bylaw amendment is to permit future subdivision, the site plan should show all proposed lots and all watercourses and must illustrate there is a buildable parcel on each parcel that is compliant with all applicable bylaws. If an environmental assessment is involved for any application, the site plan should show all setbacks from the environmental features required under the applicable bylaws and regulations.
- (4) Professional reports as outlined in a pre-acceptance review or pre-application consultation meeting with staff. The requirement for these reports depends on the application type and is defined in the official community plan (OCP) and/or development approval information bylaw. Professional reports may include geotechnical assessments, rainwater management plans, erosion and sedimentation plans, biophysical assessments, and riparian areas regulation assessments.
- (5) All associated application fees.
- (6) Incomplete applications will not be accepted.

(c) Independent review

- (i) A Town of Port McNeill officer may request a report to be reviewed, at the applicant's expense, by a second qualified professional unrelated to and independent of, the qualified professional who prepared the initial submission.
- (ii) The applicant will be notified if an independent review of the report is required.

(d) Security deposit: a security deposit may be required for the following applications:

- (i) Development permit: where included as a condition of permit issuance.
 - (1) The amount of the security deposit shall be 125 percent of the cost of the correction of the unsafe condition, damage to the environment or improvement determined by a qualified professional.
 - (2) The form of the security deposit shall be an irrevocable letter of credit or other form satisfactory to a Town of Port McNeill officer. If an irrevocable letter of credit is chosen, it shall be automatically renewable unless cancelled, and shall be redeemable locally.
- (3) The procedures for the release of the security deposit shall be:
 - (a) Upon completion of the works, a letter from a qualified professional shall be submitted to the Town of Port McNeill. The letter should state whether the works are in compliance with the recommendations of the professional reports included in the permit.
 - (b) Upon confirmation that the works are in compliance to the

satisfaction of the Town of Port McNeill officer or Council, the security deposit will be released.

- (ii) Temporary use permit: Council may require, as a condition of issuing the permit, a security deposit to guarantee the performance of the terms of the permit.
 - (1) The permit may provide for the form of the security; and the means for determining when there is default under the permit, and the amount that forfeits to the Town of Port McNeill in the event of default.
 - (2) The form of the security deposit shall be an irrevocable letter of credit or other form satisfactory to a Town of Port McNeill officer. If an irrevocable letter of credit is chosen, it shall be automatically renewable unless cancelled, and shall be redeemable locally.
 - (3) The procedures for the release of the security deposit shall be:
 - (a) The applicant confirms that buildings or structures are demolished and removed, and land restored to a condition specified in the permit, and requests in writing that the security deposit be released.
 - (b) Upon confirmation that buildings or structures are demolished and removed, and land restored to a condition specified in the permit, Council will authorize the release the security deposit.
 - (c) If the applicant fails to undertake such restoration works or defaults, the Town of Port McNeill may enforce the undertaking of such works by doing the work using the security. Any remaining security deposit will be forfeited to the Town of Port McNeill.
- (iii) Temporary occupation of an additional dwelling: when a property owner wishes to construct a dwelling unit on a lot that already has the maximum permitted number of dwelling units, the owner may apply for permission to occupy one of the existing dwelling units during the construction of the proposed dwelling unit, provided that the owner provides a form of security.
 - (1) There are two options:
 - (a) A \$5,000 security deposit in an irrevocable letter of credit or other form satisfactory to a Town of Port McNeill officer, and a notarized terms of agreement signed by the property owner. If an irrevocable letter of credit is chosen, it shall be automatically renewable unless cancelled, and shall be redeemable locally; or
 - (b) A covenant, with priority, to demolish, remove or convert to a non-residential use on one of the dwelling units. The covenant shall be a rent charge in the amount of \$5,000 against the land title of the subject property to ensure that one of the dwelling units be demolished, removed or converted to a non-residential use.
 - (2) An application fee pursuant to fees and charges bylaw applies.
- (iv) Temporary occupation of a recreation vehicle: when a property owner wishes to

construct a dwelling unit while staying in a recreational vehicle on the property, the owner may apply for permission to occupy the recreational vehicle, provided that the owner provides a form of security.

- (1) A \$1,000 security deposit in an irrevocable letter of credit or other form satisfactory to a Town of Port McNeill officer, and a notarized term of agreement signed by the property owner. If an irrevocable letter of credit is chosen, it shall be automatically renewable unless cancelled, and shall be redeemable locally.
- (2) An application fee pursuant fees and charges bylaw applies.

(e) Application abandonment, withdrawal, or extension

- (i) An application that is inactive for a period of six months is deemed to be abandoned and will be closed. A refund pursuant to the fees and charges bylaw may be requested by the applicant in writing.
- (ii) If an application does not proceed or is withdrawn in writing by the applicant, a refund pursuant to fees and charges bylaw may be requested by the applicant in writing.
- (iii) An applicant may apply for an application extension of up to one year. Any extension approved by Council.
- (iv) Where an application has been denied, no reapplication for a substantially similar application shall be considered within one year of denial date of the previous application. This time limit may be varied pursuant to the *Local Government Act*.
- (v) If an application is closed, withdrawn, or denied, fees pursuant to the fees and charges bylaw are applicable to any new application.

(f) Permit amendment

- (i) Application process to amend a permit will be the same as the process for a new permit.

(g) Notices to owners and tenants

- (i) Where notice is required, an applicant must provide written notification to all properties with 100 m of the subject property. A copy of the written notification must be provided to the Town prior to consideration of an application by Council.
- (ii) Development notice sign guidelines
 - (1) The development notice sign must be installed, at the applicant's expense, at least 10 days prior to a statutory public hearing date. The applicant must submit photographs showing the installed sign on a visible location of the subject property. Failure to do so will require a rescheduling of the public hearing and additional fees.
 - (2) After the statutory public hearing, the development notice sign must be promptly removed at the applicant's expense.

(3) The sign shall be designed consistent with the template supplied by the Town of Port McNeill and contain the following minimum information:

- Application type, application number, street address and applicant's name;
- Subject property map, may be supplied by the Town of Port McNeill, with a north arrow and street names; and
- Description of the project considering proposed uses, gross floor area, building height, number of units and any other relevant information.

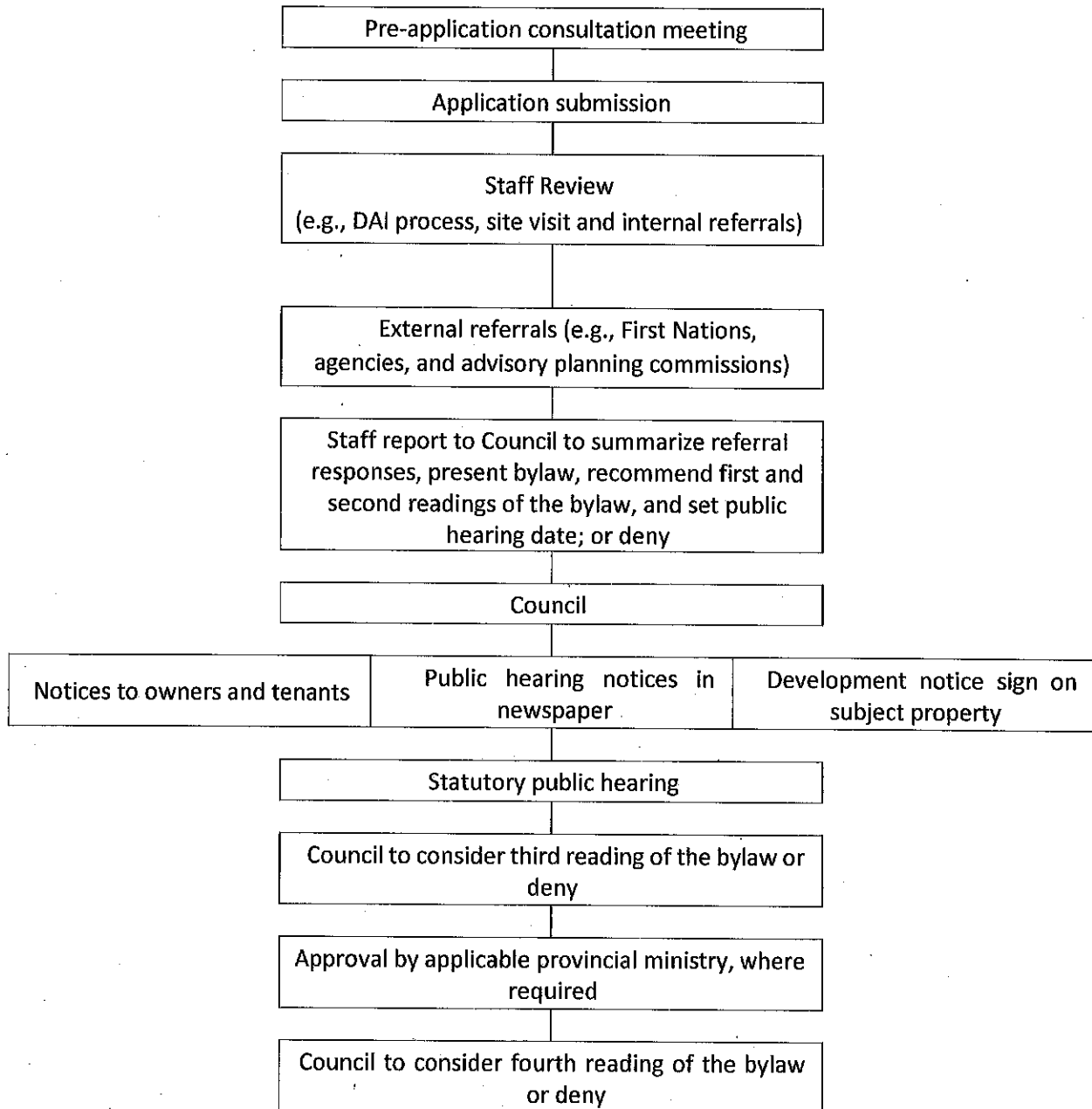
(4) Specifications:

- The minimum size of the sign is 1.2 metres in width and 1.2 metres in height.
 - The bottom of the sign façade must be at least 1.2 metres above grade.
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(1) Procedures

(a) Official community plan (OCP) or zoning bylaw amendment

- (i) An OCP or zoning bylaw amendment application submitted in accordance with this bylaw will be processed in substantial accordance with the following:

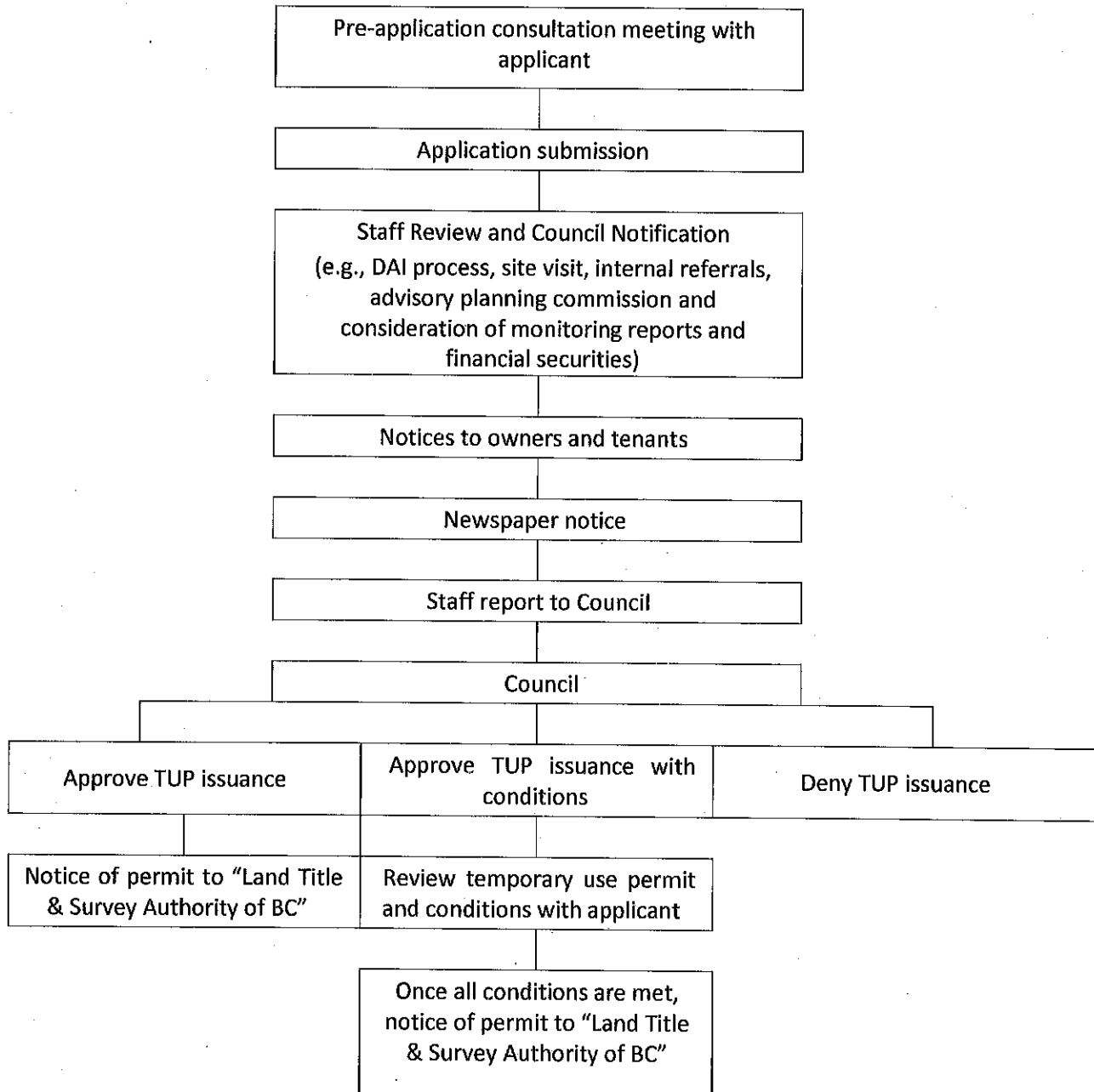


(ii) Notes

- (1) Staff may contact the applicant to identify any issues, conditions or requirements that need to be addressed. It will be the responsibility of the applicant to:
 - (a) resolve issues, conditions or requirements identified; and
 - (b) submit any necessary reports or studies.
- (2) Council may proceed as shown in the flowchart, may defer the application, may impose conditions, or may deny the application. Additionally, Council may request that an applicant:
 - (a) advertise and host one or more public information sessions at their expense;
 - (b) conduct, or pay a consultant to conduct, any studies deemed necessary to Council's consideration of the application; or
 - (c) provide information or execute actions (e.g., register agreements).

(b) Temporary use permit (TUP) application

- (i) A TUP application submitted in accordance with this bylaw will be processed in substantial accordance with the following:



(ii) TUP renewal

- (1) An applicant may apply to renew the TUP and the permit may be renewed only once.
- (2) The renewal should be applied for and granted within the term of the original TUP.
- (3) Council may impose additional conditions, including those that were not imposed in the original TUP.

(4) A renewal application is subject to notification under section 1(h).

(iii) Notes

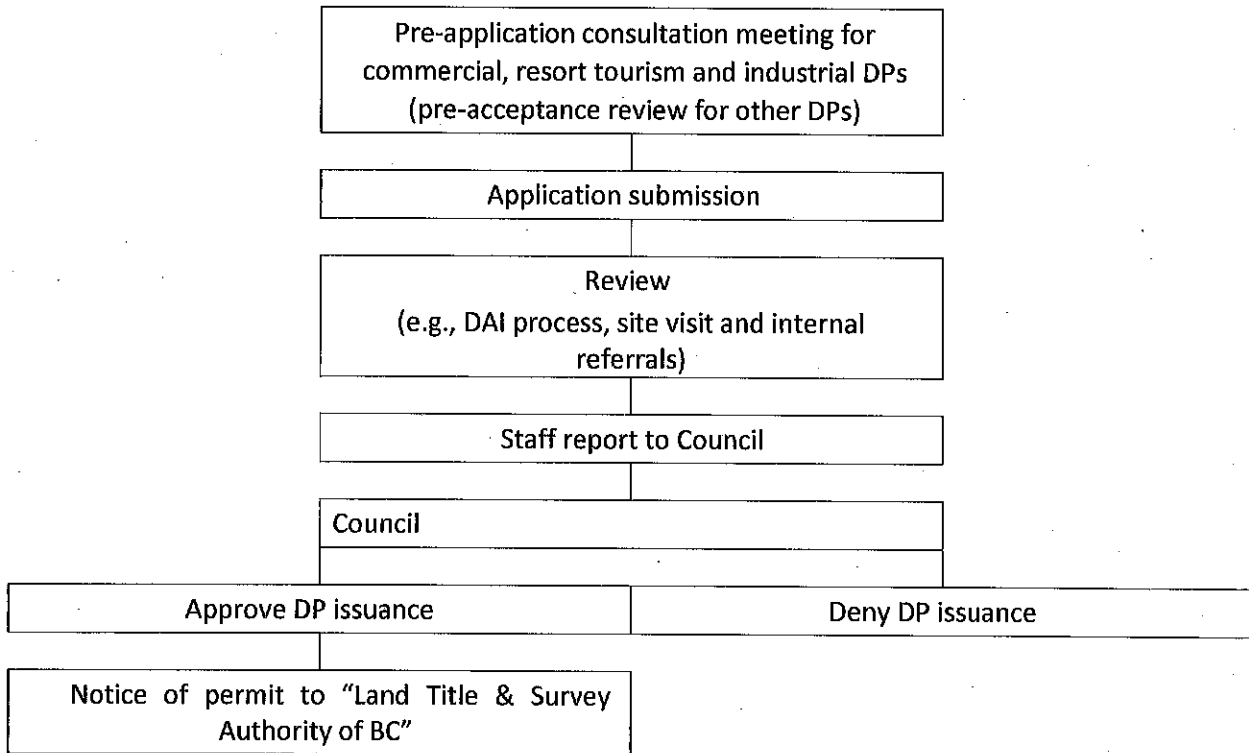
(1) Staff may contact the applicant to identify any issues, conditions or requirements that need to be addressed. It will be the responsibility of the applicant to:

- (a) resolve issues, conditions or requirements identified; and
- (b) submit any necessary reports or studies.

(2) Periodic monitoring reports and/or a post activity report will be considered.

(c) DP application - DP issuance by Council

(i) A DP application submitted in accordance with this bylaw will be processed in substantial accordance with the following:



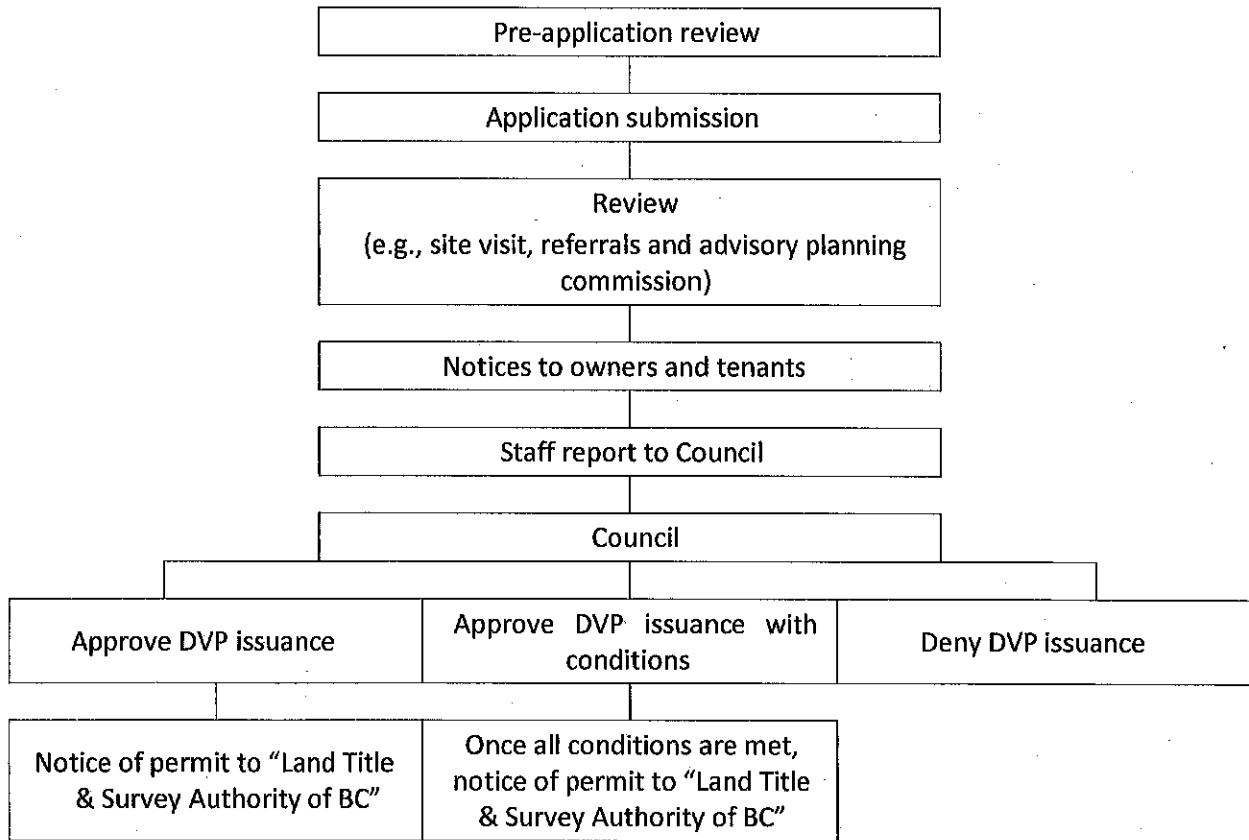
(ii) Notes

(1) Staff may contact the applicant to identify any issues, conditions or requirements that need to be addressed. It will be the responsibility of the applicant to:

- (a) resolve issues, conditions or requirements identified; and
- (b) submit any necessary reports or studies.

(d) Development variance permit (DVP) application

(i) A DVP application submitted in accordance with this bylaw will be processed in substantial accordance with the following:



(ii) Notes

- (1) Staff may contact the applicant to identify any issues, conditions or requirements that need to be addressed. It will be the responsibility of the applicant to:
 - (a) resolve issues, conditions or requirements identified; and
 - (b) submit any necessary reports or studies.

NOW THEREFORE the Council of the Town of Port McNeill, in open meeting assembled, enacts as follows:

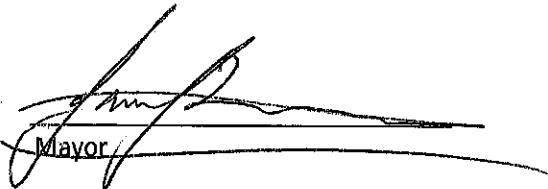
This bylaw may be cited as the "Town of Port McNeill Planning Procedures No. 718, 2023."

READ A FIRST TIME this 28 day of March 2023.

READ A SECOND TIME this 11 day of April 2023.

READ A THIRD TIME this 11 day of April 2023.

RECONSIDERED and FINALLY PASSED and ADOPTED this 24 day of April 2023.



Mayor



Corporate Administrator

Certified a true copy of Bylaw No. 718, 2023 as adopted.



Corporate Administrator