

CITY OF KELOWNA

BYLAW NO. 10540

DEVELOPMENT APPLICATION PROCEDURES BYLAW

A Bylaw to establish procedures for the processing of land development applications, including amendments to the Official Community Plan, to the Zoning Bylaw, or to a Land Use Contract; Additional Dwelling for Farm Employee Permits, or Permits under Part 26 of the *Local Government Act*; Agricultural Land Commission applications; and Phased Development Agreements.

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

SECTION 1 - INTRODUCTION

1.1 Title

1.1.1 This bylaw may be cited as the "Development Application Procedures Bylaw No. 10540."

1.2 Interpretation

1.2.1 Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a referenced to an enactment of the Council of the City of Kelowna, as amended, revised, consolidated or replaced from time to time.

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

1.2.3 The schedules attached to this bylaw form part of this bylaw.

1.2.4 The headings given to the sections and Paragraphs in this bylaw are for convenience of reference only. They do not form part of this bylaw and will not be used in the interpretation of this bylaw.

1.3 Scope

1.3.1 This bylaw applies to the following:

1.3.2 An application to amend an **Official Community Plan** bylaw, a **Zoning Bylaw**, or both.

1.3.3 An application for:

- a) **Development Permit;**
- b) **Development Variance Permit;** or
- c) **Temporary Use Permit.**

1.3.4 An application to amend, to vary or to discharge a **Land Use Contract.**

1.3.5 An application to the Agricultural Land Commission for one or more of the following:

- a) To include land into the **Agricultural Land Reserve (“ALR”);**
- b) To exclude land from the **ALR;**
- c) To subdivide land within the **ALR;** or
- d) To conduct a non-farm use in the **ALR.**

1.3.6 An application for a **Phased Development Agreement.**

1.3.7 An application for an **Additional Dwelling for Farm Employee Permit.**

1.4 Definitions

1.4.1 In this Bylaw, unless the context otherwise requires:

‘Additional Dwelling for Farm Employee Permit’ means a permit authorized by Section 15(1) of the *Community Charter* for the accommodation of a full-time employee or employees paid to work on a farm operation.

‘Agricultural Land Commission’ or **‘ALC’** means the Agricultural Land Commission established by the *Agricultural Land Commission Act*;

‘Agricultural Land Reserve’ or **“ALR”** means the **Agricultural Land Reserve** designated by the B.C. *Agricultural Land Commission Act*;

‘Advisory Planning Commission’ means an advisory commission established by **Council** pursuant to Section 898 of the *Local Government Act* and operating in accordance with the **Advisory Planning Commission Bylaw No. 8546**, as amended or replaced from time to time.

‘Bylaw Enforcement Officer’ means the officers or employees appointed by **Council** as such;

‘Certified Irrigation Designer’ means an Irrigation Designer certified by the Irrigation Industry Association of British Columbia (IIABC) in good standing with that association and operating in accordance with its Code of Ethics;

‘City’ means the City of Kelowna;

‘City Clerk’ means the employee appointed by Council as such;

‘City Manager’ means the employee appointed by Council as such;

‘Coordinating Hillside Development Professional’ means a registered professional planner, landscape architect, or engineer engaged to administer the application process and to ensure that the requirements established by the City in accordance with the Hillside Guidelines - including lot grading, drainage, and retaining - are addressed.

‘Council’ means the Municipal Council of the City of Kelowna

‘Development Application Fees Bylaw’ means the Development Application Fees Bylaw No. 8034, as amended or replaced from time to time.

‘Development Permit’ means a permit authorized by Section 920 of the *Local Government Act*;

‘Direct Development Permit’ means a Development Permit that may be issued by the Director of Land Use Management;

‘Director of Development Services’ means the person appointed as such and includes his or her selected designate(s);

‘Director of Land Use Management’ means the person appointed as such and includes his or her selected designate(s);

‘Development Variance Permit’ means a permit authorized by Section 922 of the *Local Government Act*;

‘Landscape Architect’ means a registered Landscape Architect in good standing with the British Columbia Society of Landscape Architects (BCSLA) and acting in accordance with all applicable Acts and bylaws and policies of that Society;

‘Land Use Contract’ means a current Land Use Contract which is being amended or discharged as per Section 930 of the *Local Government Act*;

‘Land Use Management’ means the City of Kelowna’s Land Use Management Department;

‘Lot’ means a parcel of land, including crown land, which is legally described either by registered plan or description;

‘Major Direct Development Permit’ means a Natural Environment or Hazardous Conditions Direct Development Permit that applies to development that meets the following criteria:

- Is not eligible for a Minor Direct Development Permit; and

- Is consistent with the environmental guidelines and policies of the **Official Community Plan**.

'Minor Direct Development Permit' means either a Natural Environment or Hazardous Conditions **Direct Development Permit** that applies to development that meets the following criteria:

- Is not eligible for an exemption from the requirement to obtain either a Natural Environment or Hazardous Conditions **Development Permit**; and
- Is consistent with the applicable guidelines and policies of the **Official Community Plan**; and
- 50m² or less of the development is situated within the designated **Development Permit** area.

'Official Community Plan' or "**OCP**" means Kelowna 2030 **Official Community Plan** Bylaw No. 10500, as amended or replaced from time to time;

'Owner' means, in respect of real property, the registered owner, and verified by the **City** through either a Land Title Officer search or BC Assessment Roll search, or his agent authorized in writing.

'Phased Development Agreement' means an agreement authorized by Section 905.1 of the *Local Government Act*;

'Public Hearing' means a Public Hearing of **Council** pursuant to section 890 of the *Local Government Act*;

'Qualified Environmental Professional' or "**QEP**" means an applied scientist or technologist acting alone or together with another QEP, if:

- a) The individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association (includes, but not limited to, Biologists, Foresters, Agrologists, Engineers, Geologists, Technicians and Technologists);
- b) The individual's area of expertise is recognized by the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal; and,
- c) The individual is acting within their area of expertise.

'Qualified Professional' means a professional engineer, geoscientist, architect, biologist, planner or other professional licensed to practice in British Columbia, and includes a **Qualified Environmental Professional**, with experience relevant to the applicable matter, as determined by the **Director of Land Use Management**;

'Site' means an area of land consisting of a **Lot** or two or more abutting **Lots**;

'Temporary Use Permit' means a permit authorized by Section 921 of the *Local Government Act*;

'Zoning Bylaw' means City of Kelowna Zoning Bylaw No. 8000, as amended or replaced from time to time.

2 GENERAL PROVISIONS

2.1 MAKING APPLICATION

2.1.1 General Requirements for All Applications

In addition to application requirements found elsewhere in this bylaw, the following is required for all applications made under this bylaw:

- a) An application made pursuant to this bylaw will be made to the **Director of Land Use Management** and will be executed in writing by the **owner(s)** of the land that is subject to the application, or by a person authorized by the **owner(s)**.
- b) If there is a change of ownership of a parcel of land that is the subject of an application pursuant to this bylaw, the **City** will require an updated title certificate and written authorization from the new **owner** prior to proceeding further with the application.
- c) An application made pursuant to this bylaw will be submitted to the **City** on the prescribed application form approved by the **Director of Land Use Management** and will include an application fee, payable to the **City**, in accordance with the **Development Application Fees Bylaw**.

2.1.2 Application Requirements and Processing

- a) An application for amendment of an **Official Community Plan Bylaw** or **Zoning Bylaw**, will be made and processed substantially as outlined in Schedule '2' of this bylaw.
- b) An application for a **Development Permit** will be made and processed substantially as outlined in Schedule '3' of this bylaw.
- c) An application for a **Development Variance Permit** will be made and processed substantially as outlined in Schedule '4' of this bylaw.
- d) An application for a **Temporary Use Permit** will be made and processed substantially as outlined in Schedule '5' of this bylaw.

- e) An application to modify, to vary, to amend or to discharge a **Land Use Contract** will be made and processed substantially as outlined in Schedule '6' of this bylaw.
- f) An application in respect of land within the **Agricultural Land Reserve** will be made and processed substantially as outlined in Schedule '7' of this bylaw.
- g) An application for a **Phased Development Agreement** will be made and processed substantially in accordance with Schedule '8' of this bylaw.
- h) An Application for an **Additional Dwelling for Farm Employee Permit** will be made and processed substantially in accordance with Schedule '9' of this bylaw.

2.2 COUNCIL DECISIONS

2.2.1 Bylaw Amendments

- a) Upon receipt of a report from the **City Manager** respecting an application under Schedule '2', **Council** may:
 - i) Proceed with the bylaw pursuant to the amendment application;
 - ii) Forward the amending bylaw or bylaws to a **Public Hearing** or waive the requirement for a **Public Hearing** as provided for by **Council Policy**;
 - iii) Reject or refuse the application; or
 - iv) Defer or otherwise deal with the application.
- b) **Council** may consider final adoption of an amendment bylaw:
 - i) After three readings have been given;
 - ii) Where a **Development Permit** is required by the **Official Community Plan**, upon receipt of a report from the **City Manager** stating that the **Development Permit** has been prepared and is ready for **Council Consideration**;
 - iii) Where approval from the Ministry of Transportation and Infrastructure or another authority or body is required by statute or regulation, following receipt of written approval from the authority.

- c) Despite sub-section 2.1.2(b), **Council** may consider final adoption of an amendment bylaw after three readings are given and where the bylaw is otherwise dealt with by **Council**.
- d) Notwithstanding Schedule '2' of this bylaw, **Council** may, by resolution, agree to postpone giving consideration to individual amendments to an **Official Community Plan Bylaw** or **Zoning Bylaw** until completion of any major review that the said bylaw may be undergoing at the time of the request.

2.2.2 Development Permits, Development Variance Permits, and Temporary Use Permits

Except for Permits which may be issued by the **Director of Land Use Management** pursuant to Section 2.3 of this bylaw, **Council** may, upon receipt of a report from the **City Manager** respecting an application under Schedules '3' through '6' inclusive:

- a) Issue, amend, or refuse the permit;
- b) Impose requirements, and set conditions or standards;
- c) Impose conditions for the sequence and timing of construction;
- d) Require security; or
- e) Defer or otherwise deal with the Permit Application.

2.2.3 Agricultural Land Commission Applications

In respect of applications subject to Sections 25(3) and 30(4) of the *Agricultural Land Commission Act*, **Council** may, upon receipt of a report from the **City Manager** respecting an application under Schedule '7':

- a) Authorize the application to proceed to the ALC; or
- b) Not authorize the application to proceed to the ALC.

2.2.4 Phased Development Agreements

Upon receipt of a report from the **City Manager** respecting an application under Schedule '8' of this bylaw, **Council** may:

- a) Authorize the preparation of a **Phased Development Agreement** subject to conditions;
- b) Proceed with the bylaw pursuant to the **Phased Development Agreement** application;
- c) Forward the bylaw to a **Public Hearing**; or,
- d) Deny the application.

2.3 DELEGATION OF AUTHORITY

Pursuant to Section 154(1)(b) of the *Community Charter*, Council delegates to the Director of Land Use Management the duties and powers of Council as follows:

2.3.1 Form and Content of Application Forms

The Director of Land Use Management may designate the form and content of application forms and in so doing may prescribe different forms for different categories of applications based on the nature or complexity of the application.

2.3.2 Development Approval Information

The powers of Council under s. 920.1 of the *Local Government Act* to require development approval information in respect of an application made under this bylaw. Development approval information required under this section will be provided by the applicant at the applicant's expense.

2.3.3 Performance Security

The powers of Council under Section 925 of the *Local Government Act* to require security as a condition of the issue of a Development Permit, Development Variance Permit, or Temporary Use Permit in accordance with Section 2.8.1 of this bylaw.

2.3.4 Issuance or Refusal of Additional Dwelling for Farm Employee Permits

The powers of Council under Section 15(1) of the *Community Charter* to issue, to refuse, to amend and to set conditions for permits for the placement of dwellings for the accommodation of farm help, in accordance with the *Agricultural Land Commission Act* and Regulations.

2.3.5 Development Permits

- a) The powers of Council under Sections 920 of the *Local Government Act* to issue, to refuse and to amend Development Permits in respect of Development Permit areas established by an Official Community Plan, subject to restrictions identified in Schedule 3 of this bylaw. This includes the powers of Council to require that the applicant provide security for the purposes of s. 925 of the *Local Government Act*, to establish the conditions of the permit, and to determine whether such requirements and conditions have been met.
- b) Amendments to Development Permits that deal with form and character involving design modifications, having no bearing or impact on the form and character relating to location, setback, height, shape, size, floor area or parcel coverage of a building or structure.
- c) Renewal and extension of Development Permits that have been authorized for issuance or have been issued provided:

- i) The term of authorization for issuance of the Permit does not exceed 12 months from the original date of authorization for issuance of the Permit by either **Council** or the **Director of Land Use Management**, or
- ii) The term of issuance of the Permit does not exceed 2 years from the original date of issuance of the **Development Permit**.
- iii) In all cases where extension of the authorization for issuance or the issuance of a **Development Permit** is to be considered, there must not be any changes to the proposed development when compared to the original authorization.

2.4 DEVELOPMENT APPROVAL INFORMATION

2.4.1 Where an **OCP** specifies circumstances or designates areas of “development approval information”, the **Director of Land Use Management** may require in writing that the applicant provide development approval information in a report that is certified by a Qualified Professional that:

- a) Complies with and fully addresses terms of reference which are provided by the **Director of Land Use Management** in accordance with Section 2.4.2;
- b) Identifies and defines the context, interaction, scope, magnitude and significance of the anticipated impacts of the activity or development on the community, as well as the data and methodological accuracy, assumptions, uncertainties, acceptability thresholds, and how the anticipated impacts may cumulatively contribute to existing risks, stressors, and threats;
- c) Provides recommendations for conditions or requirements **Council** or the **Director of Land Use Management** may impose to mitigate or ameliorate the anticipated impacts; and
- d) Provides recommendations and details costs for modifications to the environment, or construction of works, to mitigate or ameliorate the anticipated impacts.

2.4.2 The terms of reference may require the applicant to provide information on, and a systematic detailed assessment of:

- a) Compliance of the activity or development with the **Official Community Plan** and any other relevant **City** bylaw, plan or policy in preparation or adopted by **Council**;

- b) Compatibility with adjacent and community land uses, functions, form, character, aesthetic and scale of development;
- c) Socio-economic impacts affecting the day to day quality of life of people and communities, including direct and indirect economic impacts, demographics, housing, local services and socio-cultural issues;
- d) Land use impacts such as noise, vibration, glare and electrical interference;
- e) Landscape and visual impacts (nature, significance and magnitude) including view corridors and shadows, visual envelope, prominent features, experiential characteristics, and landscape character;
- f) Transportation Demand Management (TDM) strategies, including, but not limited to transportation impacts, public transit, parking demand, traffic safety, pedestrian, cyclist and vehicular traffic flow or operation, trip generation, Site access and egress, network connectivity and accessibility;
- g) Retail impacts of a proposed commercial development, including but not limited to, the effects of additional competition, traffic impacts, the effects on tenancy, and the impacts to neighbourhood / sector stability;
- h) Air quality impacts including, but not limited to, pollution, dust, fumes, smoke and odours;
- i) Impacts to ground and surface water quality, but not limited to, pollution, temperature, oxygen levels, acidity, nutrients, silts, and pathogens;
- j) Geotechnical conditions including, but not limited to, soil composition, profile, classification, agricultural suitability and capability, geologic process and terrain stability;
- k) Hydrological and/or hydrogeological assessment including, but not limited to, infiltration, interception, groundwater and overland flow, as well as hydrologic processes including accretion and erosion;
- l) Terrestrial and aquatic ecology including, but not limited to, biological diversity, impacts to flora and fauna, habitat size, complexity, fragmentation or isolation, change to suitability or capability, restoration, creation or enhancement;
- m) Historical, cultural and archaeological buildings, sites or assets;

- n) The phasing and timing of the activity or development;
- o) Hazardous conditions including, but not limited to, mud flow, debris torrents, erosion, land slip, rock falls, subsidence, avalanche, wildfire, flood, inundation (including appropriate construction elevations and setbacks or other hazard);
- p) Compatibility with adjacent City owned land, rights of way, covenants and easements;
- q) Local infrastructure and site servicing including, but not limited to, drainage, water, sewer or other utilities;
- r) Community facilities and services including, but not limited to, schools, parks, recreation, emergency protective and health services;
- s) Any other topic in relation to which the **Director of Land Use Management** considers the proposed activity or development impacts the jurisdiction of the City.

2.4.3 Where applicable, an assessment required under this section must make recommendations on measures to mitigate and to compensate for any impacts identified.

2.5 COUNCIL RECONSIDERATION

2.5.1 Within ten (10) business days of being notified in writing of the decision of the **Director of Land Use Management** to issue, to amend, or to refuse a Permit, or to require Development Approval Information, the applicant may, and at no charge, request **Council** to reconsider the decision.

2.5.2 For a request under Section 2.5.1, the applicant must give notice in writing to the **City Clerk** setting out the grounds on which the **owner** considers the decision to be inappropriate, including the specific decision, and what decision **Council** ought to use as a substitute.

2.5.3 The **City Clerk** will notify the **Director of Land Use Management** of each request for reconsideration and the **Director of Land Use Management** will, prior to the date of the meeting at which the reconsideration will occur, provide a written report to **Council** setting out, at the level of detail the **Director of Land Use Management** considers appropriate, the rationale for their decision.

2.5.4 The **City Clerk** will place each request for reconsideration on the agenda of a meeting of **Council** to be held as soon as reasonably possible but not more than ten (10) weeks from the date on which the request for reconsideration was delivered.

- 2.5.5 The City Clerk will notify the applicant of the date of the meeting at which reconsideration will occur.
- 2.5.6 Council will either confirm the decision of the Director of Land Use Management, or substitute its own decision, including Development Permit conditions.

2.6 PLANS COMPLETED BY A REGISTERED PROFESSIONAL

- 2.6.1 Where a development proposal indicates a building that meets any of the following criteria, all building plans, elevations and floor plans must be completed by a registered architect or engineer in good standing and licensed to practice in BC:
 - (a) The building footprint exceeds 600m²;
 - (b) The building height exceeds three storeys;
 - (c) The building is used for Assembly Occupancies, this includes, but not limited to theatres, churches, community halls, restaurants, schools and arenas;
 - (d) The building is used for Care and Detention Occupancies, this includes, but not limited to prisons, hospital and nursing homes;
 - (e) The building is used for High Hazard Occupancies, this includes, but not limited to spray painting operation, waste paper processing plants, chemical plants and bulk plants for flammable liquids; or
 - (f) The building requires firewalls as provided for in the *BC Building Code* with a common egress system for occupants.

2.7 HILLSIDE DEVELOPMENT

For all applications involving greater than three (3) lots within the Intensive Residential - Hillside Development Permit Area, as designated in the OCP, proof of contract is required between the land owner(s) and a Coordinating Hillside Development Professional.

2.8 PERFORMANCE SECURITY

2.8.1 Form of Security

Security required by permits will be in the form of a certified cheque, or an irrevocable letter of credit, effective for a period to be determined by the Director of Land Use Management. Such irrevocable letter of credit will be clean and unconditional, automatically renewing and redeemable at a local bank, and may be

subject to additional conditions to be specified by the **Director of Land Use Management**.

2.8.2 Amount of Security

The amount of security will be calculated using:

- a) An estimate or quote provided at an applicant's expense by a professional qualified to undertake or supervise the works for which the securities are required; or
- b) Such methodologies as the **Director of Land Use Management** may prescribe from time to time.

2.8.3 Conditions of Security

Where security is a condition of a Permit,

- a) In the case of a condition in a permit respecting landscaping works, the amount will be 140% of the cost of the works, including inspections, monitoring and maintenance, paid in full prior to permit issuance;
- b) In the case of an unsafe condition that might result from a contravention of a permit condition, the amount of security will reflect the nature of the permit condition, the nature of the unsafe condition, and the cost to the **City** of entering on the land, undertaking work to correct the unsafe condition, including the cost of repairing any damage to land and improvements that may have been caused by the unsafe condition or that may have occurred in connection with the repair work.
- c) In the case of damage to the natural environment that might result from a contravention of a permit condition, the amount will reflect the nature of the permit condition, the nature of the damage, and the cost to the **City** of entering on the land, correcting the damage to the environment, and restoring or enhancing the natural environment to compensate for the damage that has been caused by the contravention of the permit condition.
- d) Where security is required pursuant to Sections 2.8.3(a) and (b) of this bylaw, the **City** will return to the applicant 100% of the security deposit upon receipt of a Letter of Assurance, certifying that the unsafe condition or damage to the natural environment has been corrected, from a **Qualified Professional**.
- e) Where security is required as a condition of a Permit, except for Natural Environment Development Permits, the following will also apply:
 - i) The landscape works (including irrigation) will be considered substantially complete upon receipt of letters or Landscape Schedules of Assurance (L3) from a **Landscape Architect** and a **Certified**

Irrigation Designer which certify that the landscape and irrigation works have been completed in accordance with the approved **Development Permit**.

- ii) Upon substantial completion, the **City** will return to the applicant ninety percent (90%) of the security deposit. The **City** will withhold the remaining ten (10) percent for up to two (2) growing seasons.
 - iii) At least of one (1) year after substantial completion of the landscape works, the **City** may return the remainder of the security deposit on the condition that a Letter of Assurance has been submitted by a **Landscape Architect** certifying that the landscaping remains in substantial compliance with the approved **Development Permit**.
- f) Where security is required as a condition of a Natural Environment Development Permit, the following will also apply:
- i) The landscape works will be considered substantially complete upon receipt of a letter from a **QUALIFIED PROFESSIONAL** certifying that the landscape works have been completed in accordance with the approved **Development Permit**.
 - ii) Upon substantial completion, the **City** will return to the applicant ninety percent (90%) of the security deposit. The **City** will withhold the remaining ten (10) percent for up to five (5) growing seasons.
 - iii) At least one (1) year after substantial completion of the landscape works, the **City** may return the remainder of the security deposit on the condition that a Letter of Assurance has been submitted by a **QUALIFIED PROFESSIONAL** certifying that the landscaping remains in substantial compliance with the approved **Development Permit**.
- g) If the landscape works are not completed in substantial compliance with the approved **Development Permit** by the date of expiry of the Permit, or an unsafe condition or damage to the natural environment has resulted as a consequence of the violation of the permit, the **City** may cash the security deposit for the purposes of entering upon the subject property and completing the landscape works, or undertaking works to correct the unsafe condition or to correct the damage to the natural environment.

2.8.4 Determining Amount of Security

The amount of security required under Sections 2.8.3(b) or (c) will be determined by the **Director of Land Use Management** using the following guidelines:

- a) An estimate or quote provided at the applicant's expense by a professional qualified to undertake or supervise the works for which the securities are required, which may be obtained by the applicant and submitted with the application.
- b) The amount of security may be calculated using such methodologies as the **Director of Land Use Management** may prescribe from time to time; or

2.9 NOTICE OF DECISION

Written notice of a Council decision will be mailed or otherwise delivered by the **City Clerk** to an applicant at the address provided on the application form.

2.10 INCOMPLETE APPLICATIONS

If **Land Use Management** staff determines that an application is incomplete, the applicant will be requested to provide the required information. If an applicant does not provide the required information within three (3) months of the request, the application and fee will be returned.

2.11 PERMIT RENEWALS, EXTENSIONS AND LAPSE

2.11.1 Permit Renewals and Extensions

- a) Applications to renew or to extend a **Development Permit, Development Variance Permit or Temporary Use Permit** under this bylaw must make application prior to the lapse of their Permit.
- b) Applications to renew or to extend a **Development Permit, Development Variance Permit or Temporary Use Permit** issued in accordance with this bylaw will be made and processed substantially in accordance with Schedules '3', '4' and '5' of this bylaw, as applicable.
- c) A **Development Permit or Development Variance Permit** may only be renewed or extended three (3) times, with each individual renewal or extension not exceeding two (2) years in duration measured from the date of issuance of the Permit by **Council** or by the **Director of Land Use Management**.

2.11.2 Permit Issuance and Lapse

- a) A **Development Permit** or **Development Variance Permit** is considered to have been issued upon the date of authorization by **Council**, or, where applicable, by the **Director of Land Use Management**.
- b) Pursuant to Section 926 of the *Local government Act*, in order for construction to be considered substantially started, the following minimum criteria will apply:
 - i) A valid Building Permit is issued;
 - ii) The **Site** is completely fenced for construction purposes;
 - iii) Excavation of the **Site** (partially or entirely); and
 - iv) Greater than 50% of the approved **Development Permit** project's footing and foundation is poured; or
 - v) For an approved phased development, 100% of the footing and foundation of the first phase is poured.
 - vi) Upon receiving final occupancy for a phase of an approved phased development, subsequent phases must meet the criteria of Section 2.11.2(b) within twelve (12) months or the permit will be deemed to have lapsed and will have no force or effect.
- c) A **Development Permit** or **Development Variance Permit** is considered to have lapsed in accordance with Section 926 of the Local Government Act.

2.12 LAPSE OF APPLICATION

- 2.12.1 In the event that an application made pursuant to this bylaw is one (1) year old or older and has been inactive for a period of six (6) months or greater:
 - a) The application will be deemed to be abandoned and the applicant will be notified in writing that the file will be closed;
 - b) Any bylaw that has not received final adoption will be of no force and effect;
 - c) In the case of an Amendment application, the **City Clerk** will place on the agenda of a meeting of **Council** a motion to rescind all readings of the bylaw associated with that Amendment application.
- 2.12.2 Upon written request by the applicant prior to the lapse of the application, **Council** may extend the deadline for a period of six (6) months by passing a resolution to that affect.

- 2.12.3 If applicable, a refund will be paid to the applicant in accordance with the **Development Application Fees Bylaw** for proposals that have been deemed to have lapsed.
- 2.12.4 In order for an application that has lapsed under Sections 2.12.1 or 2.12.2 to proceed, a new application (including fee), will be required.

2.13 RE-APPLICATION

Subject to Section 895(3) of the *Local Government Act*, where an application made pursuant to this Bylaw has been refused by **Council**, re-application will not be accepted for a six (6) month period immediately following the date of refusal.

2.14 ENFORCEMENT

2.14.1 Inspection

The **Director of Land Use Management, Director of Development Services, Bylaw Enforcement Officers** and any other authorized representative of the **City** under their direction is hereby authorized to enter at all reasonable times upon any premises to ascertain whether the regulations and provisions of this bylaw are being, or have been met.

2.14.2 Offence

- a) Every person who violates a provision of this bylaw commits an offence and is liable on summary conviction to a penalty not exceeding Ten Thousand Dollars (\$10,000.00) and the costs of prosecution.
- b) Each day a violation of the provisions of this Bylaw exists or is permitted to exist will constitute a separate offence.
- c) No person or **Owner** will alter a building or land in a **Development Permit Area** as designation in the **Official Community Plan** unless the **Owner** holds a valid **Development Permit** issued in accordance with this bylaw.
- d) No person will interfere with or obstruct the entry of a **Bylaw Enforcement Officer** or any authorized **City** representative onto any land or into any building to which entry is made or attempted pursuant to the provisions of this bylaw.

3 APPLICATION FEES

3.1 APPLICATION FEE REQUIREMENT

- 3.1.1 At the time of application, the applicant will pay to the City any application fees in the amounts as set out in the **Development Application Fees Bylaw**.
- 3.1.2 Where a Public Information Meeting is required by Council, the applicant will pay all costs associated with the Public Information Meeting.
- 3.1.3 The fees prescribed in **Development Application Fees Bylaw** apply to each parcel of land for which the application is made, as follows:
- a) If an application involves two or more contiguous parcels of land, they will be treated as one proposal;
 - b) If an application involves two or more parcels of land that are not contiguous, they will be treated as separate applications and the fee prescribed in the **Development Application Fees Bylaw** applies to each parcel of land for which the application is made.

4 Public Notification & Consultation

4.1 PUBLIC NOTIFICATION

4.1.1 Giving Notice

- a) In accordance with the *Local Government Act*, the City will mail or otherwise deliver individual notices to all **Owners** and tenants of the subject property for which an application is being made, and all **Owners** and tenants of all other properties within a distance of not less than 50 metres measured from the boundaries of any subject property to which the application pertains, advising of:
 - A scheduled **Public Hearing** for an **Official Community Plan, Zoning Bylaw** amendment, **Phased Development Agreement**, or **Land Use Contract Discharge** or Amendment;
 - A scheduled **Council** meeting for considering a **Development Variance Permit**; or
 - A scheduled **Council** meeting for considering a **Temporary Use Permit**.
- b) The notification outlined in Sub-Section 4.1.1(a) is not required if 10 or more parcels owned by 10 or more persons are subject of the application.
- c) Individual notices will be mailed or otherwise delivered not less than ten (10) days prior to **Council** consideration of a **Temporary Use Permit** or

Development Variance Permit, and not less than ten (10) days prior to the holding of a **Public Hearing** for an **Official Community Plan** or **Zoning Bylaw** amendment, or a **Land Use Contract** discharge or amendment.

4.1.2 Posting a Development Notice Sign

Except for **Development Permit** and **Phased Development Agreement** applications, and Amendment Applications involving ten (10) or more parcels owned by ten (10) or more persons, an applicant under this bylaw must, at his or her cost, erect a Development Notice Sign on that parcel of land which is the subject of the application, in accordance with the following:

a) Timing:

Development Notice Signs will be posted a minimum of ten (10) days prior to the **Advisory Planning Commission** meeting date at which the application is being considered, and a minimum of ten (10) days prior to the **Council** meeting date at which the application will be considered.

b) Location:

All Development Notice Signs will be placed on a property that is subject to an application pursuant to this bylaw so that they are clearly visible from the street, approximately three (3) metres inside the property line.

c) Number

One sign is required for each 100 metres of road frontage provided that no more than three (3) signs are required for any one **Site**.

d) Sign Content

The sign(s) will include the following information, as applicable to the application:

- Present and proposed Zone of the property;
- The City's development application file number;
- Any requested variances of City bylaws;
- A brief description of the proposal;
- The date(s) of relevant **Advisory Planning Commission** meetings, **Public Hearing**, **Council** meeting at which the application is to be considered, or the final date for receipt of public input if the **Public Hearing** has been waived; and
- Any additional information the **Director of Land Use Management** may require.

e) Sign Installation:

Development Notice Signs will be located in a manner which does not interfere with pedestrian or vehicular traffic or obstruct visibility from streets, lanes or driveways and must be installed in a safe, sturdy manner capable of withstanding wind and weather.

f) Sign Purchase:

Development Notice Signs will be purchased from the City at the applicant's expense for the fee described in the **Development Application Fees Bylaw**.

g) Sign Removal:

Development Notice Signs must remain in place until the conclusion of the **Public Hearing**, until Council has considered the **Development Variance Permit** or **Temporary Use Permit**, as applicable, until Council has adopted the amending bylaw if the **Public Hearing** has been waived, or until the development application has been abandoned. Development notice signs must be removed within seven days of the conclusion of a **Public Hearing**.

h) Statutory Declaration Required:

The applicant must provide the **Director of Land Use Management** with a Statutory Declaration in the approved format confirming that all Development Notice Signs required by this Bylaw have been installed on the subject property before the application will be considered at an **Advisory Planning Commission** meeting, a **Public Hearing** or a regular meeting of Council.

i) Failure to Post:

Failure to post the required Development Notice Sign(s) in accordance with this bylaw will result in the postponement of consideration of the application by the **Advisory Planning Commission** or Council. All costs incurred by the City for public notification as a result of such postponement will be the responsibility of the applicant.

4.2 PUBLIC INFORMATION MEETINGS

4.2.1 Public Information Meeting Requirement

- a) A Public Information Meeting must be held prior to Council consideration of an application to amend the OCP, in order to provide an additional opportunity for the public to access information and to inquire about the proposal beyond that available through the regular application referral and **Public Hearing** processes, where any of the following criteria are met:

- The OCP amendment would result in a significant land use change, this includes, but not limited to, a change from agriculture to residential use, from commercial to industrial use, from residential to institutional, or a two increment increase in land use designation for residential uses; or
 - The OCP amendment involves more than 10 hectares of land; or
 - The OCP amendment involves the proposed creation of more than 30 parcels or housing units.
- b) For all development applications not subject to Section 4.2.1(a), **Council** encourages a Public Information Meeting to be held prior to consideration by **Council**.

4.2.2 Public Information Meeting Standards

If a Public Information Meeting is required, it is the applicant's responsibility to arrange and conduct the meeting to the satisfaction of the **City**, and according to the following guidelines:

- a) The location, time and duration of a Public Information Meeting shall be set in accordance with the intent to provide a reasonable opportunity for the public to access information and to inquire thoroughly about the proposal. Where possible, the meeting should be held in the area most impacted by the proposal.
- b) Prior to initial consideration by **Council**, the applicant shall submit to **City** staff a report summarizing the Public Information Meeting and providing, at a minimum, responses to the following questions:
- Where was the meeting held?
 - At what time and for what duration was the meeting held?
 - How many people attended the meeting?
 - How was the meeting advertised?
 - How were surrounding property owners notified of the meeting?
 - What information was provided at the meeting?

4.3 AGENCY REFERRAL PROCESS

- 4.3.1 When dealing with an application under this bylaw, the **Land Use Management** Department will develop a referral list of agencies, organizations or levels of government to which the amendment must be sent for review and comment.

- 4.3.2 Each agency, organization or level of government will be given thirty (30) days, from receipt of the referral, to provide any comments. If after thirty (30) working days the agency, organization or level of government has not notified the City in writing about their concerns, the agency, organization or level of government is considered to have no concern.

5 REPEALED

- 5.1.1 The City of Kelowna “Development Application Procedures Bylaw No. 8140” and all amendments thereto, are repealed.

6 EFFECTIVE DATE

- 6.1.1 This bylaw comes into force and takes effect on the date of adoption.

7 IRREGULARITY

- 7.1.1 The failure of Council or a Committee to observe the provisions of this bylaw does not affect the validity of resolutions passed or bylaws enacted by Council.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

Schedule '1' *Application Requirements*

The information listed below will be required for applications under this bylaw in accordance with Schedules '2' to '6' of this bylaw:

- a) Application Form
- b) State of Title Certificate - including complete copies of all relevant registered non-financial charges and must dated within ninety (90) days prior to making application.
- c) Owner's Authorization - where the applicant under this Bylaw is not the registered Owner(s) of the land subject to the application.
- d) Site Profile or Site Profile Waiver - in accordance with the *Environmental Management Act*.
- e) Zoning Analysis Table - illustrating how the proposal meets or deviates from the requirements of the current and any proposed zone(s).
- f) Project Rationale - explaining the project's conformity with relevant policies of the **Official Community Plan**, including (where applicable) **Development Permit Guidelines**.
- g) Photographs - of the **Site** and surrounding context (neighbouring properties, on **Site** structures, important features) in colour and at a size which is legible to the reader.
- h) Sustainability Statement - describing how the proposal addresses the **City's** sustainability objectives.
- i) Site Plan - (1:200 scale recommended) in metric units with north arrow, including:
 - Civic address and legal description
 - Property line and setbacks (accurately measured and dimensioned)
 - Easements, rights-of-way, covenant areas
 - Outline of existing and proposed building(s) (accurately measured and dimensioned)
 - Parking layout (dimensioned setbacks to property line, depth and width of stalls and driving aisles)
 - **Site lighting**
 - Location and area of private open space

For Commercial, Industrial, and Multi-family application, also include:

- Location and number of bicycle parking stalls and parking stalls for persons with disabilities
 - Provision for universal access
 - Location of any existing or proposed freestanding signage
 - Location of recycling or garbage enclosures
- j) Floor Plans - for each floor including basement (1:200 scale recommended) in metric units with north arrow, including:
- Layout of all exterior and interior walls (dimensioned)
 - Location of doors and windows
 - Use of each room (e.g. bedroom, bathroom, etc.)
 - Dimensions of each room
- k) Elevation Drawings - (1:200 scale recommended) in metric units, including:
- Exterior of subject building(s) (all elevations - direction labeled)
 - Dimensioned height from grade on all elevations
 - Materials and proposed colour details (e.g. roof, trim, façade)

For Commercial, Industrial, and Multi-family application, also include:

- Drawings of street elevation with relationship to buildings on adjacent properties
 - Any proposed signage (size and location)
 - Daylight standards
 - Coloured rendering (complete building elevations and landscape plan)
- l) Colour Board - that can be duplicated (no physical samples) including:
- Roofing material and colour
 - Main exterior material and colour
 - Second exterior colour (accent colour) and material (if applicable)
 - Window, door, and trim colour and material
 - Additional material and colour details (e.g. balconies, railings)

For Commercial, Industrial, Multi-family & Institutional applications also include:

- One (1) board with samples of actual materials used (including signage details)

- m) Landscape Plan - (1:200 scale recommended) in metric units with north arrow, detailing:
- Outline of existing and proposed building(s) with existing trees or treed areas
 - Parking layout and surface treatment
 - Soft landscaping (trees, hedges, planting beds, vines, lawn, etc.), including vegetation within public road right-of-way
 - A preliminary plant list of trees, shrubs, perennials and ground covers including quantities, botanical and common names, planting sizes, on centre spacing
 - Hard landscaping (precise pavers, brick, concrete, etc.) including materials within public road right-of-way
 - Landscape structures (fences, trellis, arbours, retaining walls, lighting, etc.)
 - Location and size of amenity areas, play areas, and private open space, if applicable
 - Where a Landscape Plan is required as a condition of a Natural Environment Development Permit, the Plan will be stamped and sealed by a **Qualified Professional**.

For Commercial, Industrial, Multi-family & Institutional applications, the following requirements must also be provided:

- A Landscape Plan signed and sealed by a **Landscape Architect**, and a Water Conservation Report prepared by a **Landscape Architect** in accordance with Water Regulation Bylaw No. 10480 (as amended or replaced from time to time), including:
 - Landscape Schedules of Assurance (BCSLA);
 - A landscape water budget;
 - A hydrozone plan;
 - An Irrigation Plan, prepared by a **Certified Irrigation Designer**; and
 - A cost estimate, including all landscape and irrigation works. Landscape costs must indicate topsoil, mulches, trees, plant material, structures, fencing, play equipment, Site furniture, etc.
- Location and treatment of garbage enclosure (including materials and dimensions)
- Notation of any proposed boulevard trees
- Notation of special treatments or retaining elements pertaining to grading

- n) Environmental Assessment Report - prepared, signed and sealed by a Registered Professional Biologist (R.P.Bio.) licensed to practice in BC, which assesses potential impacts of the proposed development and proposes avoidance, mitigation and/or compensation methods, as applicable. The Assessment will include, but is not limited to: a biophysical inventory that stratifies and maps environmentally sensitive areas, a habitat balance sheet; a cumulative effects assessment, and gap analysis.
- o) Habitat Restoration Plan - prepared, signed and sealed by a **Qualified Professional**, which identifies and recommends areas for restoration and details those measures necessary to restore the subject property(s) to a level acceptable to the **City**, including but not limited to:
- A Landscape Plan that includes: descriptions of all polygon treatments proposed; representative descriptions and images for each treatment type and a recommended schedule for inspections and maintenance;
 - A Cost Estimate that includes the anticipated costs to implement the Landscape Plan and which includes provisions for inspections, maintenance and environmental effectiveness monitoring; and
 - An “as-built” Report may be requested upon completion of the habitat restoration work as a condition of the **Development Permit** that: describes and justifies any departures from the proposed restoration prescriptions; provides images and descriptions for each treatment type as completed; recommends additional mid to long term measures to enhance the success of the project; and includes a summary of final project costs.
- p) Environmental Monitoring Plan - prepared, signed and sealed by a **Qualified Professional**, that assures project construction activities comply with environmental provisions defined in: authorizations and permits; applicable legislation; **City** of Kelowna environmental management guidelines and policies; and, industry best management practices. An Environmental Monitoring Plan will assure that appropriate levels of protection are in place to prevent or to minimize impacts to environmental resources; will prepare timely, accurate and unbiased reporting; and will include a cost estimate for all monitoring and associated works.

Schedule '2' Applications to Amend an Official Community Plan Bylaw or a Zoning Bylaw

This information is not regarded as the right to development approval if the steps indicated are followed.

1.0 APPLICATION REQUIREMENTS

1.1 The following information listed in Schedule '1' of this Bylaw will be required to accompany an application for an amendment under this Bylaw:

(a) Application Form	(h) Sustainability Statement
(b) State of Title Certificate	(i) Site Plan
(c) Owner's Authorization form (if applicable)	(j) Floor Plan (if available)
(d) Site Profile or Site Profile Waiver	(k) Elevation Drawings (conceptual)
(e) Zoning Analysis Table	
(f) Project Rationale	
(g) Photographs	

1.2 Additional Development Approval Information may be required by the **Director of Land Use Management** to adequately evaluate an amendment application, in accordance with Section 2.4 of this bylaw.

2.0 PROCESSING PROCEDURE

An Amendment application submitted in accordance with this Bylaw will be processed as follows:

- 2.1 Upon receipt of an application package submitted to the City in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant;
- 2.2 **Land Use Management** will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. Staff will open a file only upon a complete submission package.
- 2.3 **Land Use Management** will refer the application to all applicable **City** departments, and government and external agencies. The proposal will also be referred to an adjacent local government if the application could affect that local government.
- 2.4 **Land Use Management** will evaluate the proposal for compliance with relevant **City** bylaws and policies.
- 2.5 **Council** or the **Director of Land Use Management** may request that an applicant advertise and host a Public Information Meeting or open house at their own expense in accordance with the requirements of Section 4.2 of this bylaw.

- 2.6 **Land Use Management** will prepare a staff report and refer the application to the relevant Council Committee(s).
- 2.7 The applicant will install a Development Notice Sign in accordance with Section 4.1.2 of this Bylaw.
- 2.8 The applicant is encouraged to attend the meeting of the relevant Council Committee(s) at which the amendment application is being considered.
- 2.9 Upon receipt of the recommendation of the Council Committee, **Land Use Management** will prepare a staff report, including technical agency comments for consideration by **Council**.
- 2.10 The applicant is encouraged to attend the **Council** meeting at which the amendment application will be considered.
- 2.11 The applicant will update or install a Development Notice Sign as necessary and in accordance with Section 4.1.2 of this bylaw.
- 2.12 If **Council** decides to proceed with the amendment application, an amending bylaw will be given first reading (including the placement of conditions, where appropriate). **Council** may alternatively decide to refer, table or deny the application.
- 2.13 Should the amending bylaw receive first reading, a **Public Hearing**, if required, will be held to allow the public to comment on the application. Notice of a **Public Hearing** will be given pursuant to the *Local Government Act*.
- 2.14 Following the **Public Hearing**, **Council** will consider the amendment bylaw and may proceed with second and third readings, refer, table or deny the application. Upon third reading, an amendment bylaw may need to be sent to relevant provincial ministry(s) for approval before proceeding to adoption.
- 2.15 Once the applicant has adequately addressed all of the outstanding conditions identified (if any), **Council** will consider the adoption of the bylaw(s), subject to Section 2.2.1(b).
- 2.16 Following reading consideration, the Office of the City Clerk will notify the applicant in writing of the decision of Council.

Schedule '3'
Development Permit Applications

This information is not regarded as the right to development approval if the steps indicated are followed.

1.0 URBAN DESIGN & FARM PROTECTION DEVELOPMENT PERMITS

1.1 URBAN DESIGN & FARM PROTECTION DIRECT DEVELOPMENT PERMITS

1.1.1 Restriction on Delegation

As a restriction on Section 2.3.5(a), the **Director of Land Use Management** may only issue or amend **Development Permits** that meet the following criteria:

- a) **Urban Design Development Permits** not containing any residential uses, where:
 - The application does not require Ministry of Transportation and Infrastructure approval;
 - The proposed development is not directly adjacent to or abutting residential development; and
 - The proposed development is generally consistent with the applicable **Development Permit** guidelines in the **Official Community Plan**.
- b) **Urban Design Development Permits** for Intensive Residential Development, where:
 - The proposed development is generally consistent with the applicable **Development Permit** guidelines in the **Official Community Plan**.
- c) **Farm Protection Development Permits**, where:
 - The proposed development is generally consistent with the applicable **Development Permit** guidelines in the **Official Community Plan**.

Applications not eligible for issuance or amendment by the **Director of Land Use Management** must be considered by **Council**.

1.1.2 Application Requirements

- a) The following information listed in Schedule '1' of this bylaw will be required to accompany an application for either an Urban Design or Farm Protection **Direct Development Permit** under this Bylaw:

Urban Design
(a) Application Form
(b) State of Title Certificate
(c) Owner's Authorization form (if applicable)
(d) Site Profile or Site Profile Waiver

Farm Protection
(a) Application Form
(b) State of Title Certificate
(c) Owner's Authorization form (if applicable)
(d) Site Profile or Site Profile Waiver

(e) Zoning Analysis Table	(e) Zoning Analysis Table
(f) Project Rationale	(f) Project Rationale
(g) Photographs	(g) Photographs
(h) Sustainability Statement	(i) Site Plan
(i) Site Plan	(k) Elevation Drawings
(j) Floor Plan	(m) Landscape Plan
(k) Elevation Drawings	
(l) Colour Board	
(m) Landscape Plan	

- b) Any additional Development Approval Information the **Director of Land Use Management** may require to evaluate adequately and to issue or deny a **Development Permit**, in accordance with Section 2.4 of this bylaw.

1.1.2 Processing Procedure

An Urban Design and Farm Protection **Direct Development Permit** application submitted in accordance with this Bylaw will be processed as follows:

- a) Upon receipt of an application package submitted to the City in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant;
- b) **Land Use Management** will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. Staff will open a file only upon a complete submission package.
- c) **Land Use Management** will refer the application to all applicable City departments, and government and external agencies.
- d) **Land Use Management** will evaluate the proposal for compliance with relevant City bylaws and policies. An internal staff design review will consider the merits of the proposal.
- e) Relevant referral agency comments will be incorporated into a staff report for consideration by the **Director of Land Use Management**.
- f) **Land Use Management** will notify the applicant in writing of the decision of the **Director of Land Use Management**.
 - i) If authorized for issuance by the **Director of Land Use Management**, Staff will prepare the required **Development Permit** and related schedules for signature, and obtain the required Landscape Bonding, pursuant to Section 2.8 of this bylaw.
 - ii) Upon sign-off of the **Development Permit** by the **Director of Land Use Management** and receipt of the related landscape bonding, the **Development Permit** will be issued and then registered against the title of the property(s) at the Land Title Office.

1.2 URBAN DESIGN & FARM PROTECTION COUNCIL DEVELOPMENT PERMITS

1.2.1 Application Requirements

- a) The following information listed in Schedule '1' of this bylaw will be required to accompany an application for either an Urban Design or Farm Protection Council Development Permit under this Bylaw:

Urban Design	Farm Protection
(a) Application Form	(a) Application Form
(b) State of Title Certificate	(b) State of Title Certificate
(c) Owner's Authorization form (if applicable)	(c) Owner's Authorization form (if applicable)
(d) Site Profile or Site Profile Waiver	(d) Site Profile or Site Profile Waiver
(e) Zoning Analysis Table	(e) Zoning Analysis Table
(f) Project Rationale	(f) Project Rationale
(g) Photographs	(g) Photographs
(h) Sustainability Statement	(i) Site Plan
(i) Site Plan	(k) Elevation Drawings
(j) Floor Plan	(m) Landscape Plan
(k) Elevation Drawings	
(l) Colour Board	
(m) Landscape Plan	

- b) Additional information may be required by the **Director of Land Use Management** to evaluate adequately and to make a recommendation to **Council** concerning a **Development Permit**, in accordance with Section 2.4 of this Bylaw.

1.2.2 Processing Procedure

An Urban Design and Farm Protection Council Development Permit application submitted in accordance with this bylaw will be processed as follows:

- a) Upon receipt of an application package submitted the City in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant;
- b) **Land Use Management** will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. staff will open a file only upon a complete submission package.
- c) **Land Use Management** will refer the application to all applicable City departments, and government and external agencies.

- d) **Land Use Management** will evaluate the proposal for compliance with relevant **City** bylaws and policies. An internal staff design review will consider the merits of the proposal.
- e) **Land Use Management** will prepare a Staff report and refer the application to the relevant Council Committee(s).
- f) The applicant is encouraged to attend the meeting of the relevant Council Committee at which the **Development Permit** application is being considered.
- g) Upon receipt of the recommendation of the Council Committee and the comments of other referral agencies, **Land Use Management** staff will prepare a staff report and draft **Development Permit** for consideration by **Council**.
- h) Staff of the Office of the **City Clerk** will notify the applicant in writing of the decision of **Council**.
- i) If authorized for issuance by **Council**, **Land Use Management** staff will prepare the required **Development Permit** and related schedules for signature, and obtain the required Bonding, pursuant to Section 2.8 of this bylaw.
- j) Upon sign-off of the **Development Permit** by the **Director of Land Use Management** and receipt of the related bonding, the **Development Permit** will be issued and then registered on the State of Title for the subject property(s).

2.0 NATURAL ENVIRONMENT AND HAZARDOUS CONDITIONS DEVELOPMENT PERMITS

2.1 NATURAL ENVIRONMENT AND HAZARDOUS CONDITIONS DIRECT DEVELOPMENT PERMIT

2.1.1 Restriction on Delegation

As a restriction on Section 2.3.5(a), the **Director of Land Use Management** may only issue or amend Natural Environment and Hazardous Conditions **Development Permits** that meet the following criteria:

- The Permit is consistent with **OCP DP Guidelines**; and
- No variances to the **Zoning Bylaw** are required.

Applications not eligible for issuance or amendment by the **Director of Land Use Management** must be considered by **Council**.

2.1.2 Minor Direct Development Permit

- a) Application Requirements

- i) The following information listed in Schedule '1' of this bylaw will be required to accompany an application for either a Minor (Direct) Natural Environment or Hazardous Conditions **Development Permit** under this bylaw:

Natural Environment	Hazardous Conditions
(a) Application Form	(a) Application Form
(b) State of Title Certificate	(b) State of Title Certificate
(c) Owner's Authorization form (if applicable)	(c) Owner's Authorization form (if applicable)
(d) Site Profile or Site Profile Waiver	(d) Site Profile or Site Profile Waiver
(f) Project Rationale	(f) Project Rationale
(g) Photographs	(g) Photographs
(i) Site Plan	(i) Site Plan
(p) Environmental Monitoring Plan	

- ii) Additional information may be required by the **Director of Land Use Management** to evaluate adequately and to issue or deny a **Development Permit**, in accordance with Section 2.4 of this bylaw.
- iii) For a Natural Environment Development Permit, proof of contract between the **owner(s)** and a **Qualified Professional** to prepare an Environmental Monitoring Plan and any associated work.
- iv) For a Natural Environment Development Permit, Letter of Authorization to Halt Work, signed by the property **Owner(s)** authorizing the contracted **Qualified Professional** to halt or to modify any construction activity necessary to ensure compliance with the requirements of the **Development Permit** and Best Management Practices.

b) Processing Procedures

A Minor (Direct) Natural Environment or Hazardous Conditions **Development Permit** application submitted in accordance with this bylaw will be processed as follows:

- i) Upon receipt of an application package submitted in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.
- ii) **Land Use Management** will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. One Window Staff will open a file only once a complete package has been submitted.

- iii) **Land Use Management** will refer the application to all applicable City departments.
- iv) **Land Use Management** will evaluate the proposal for compliance with relevant City bylaws and policies.
- v) Relevant technical comments will be incorporated into a staff report for consideration by the **Director of Land Use Management**.
- vi) **Land Use Management** will notify the applicant in writing of the decision of the **Director of Land Use Management**.
- vii) If authorized for issuance by the **Director of Land Use Management**, staff will prepare the required **Development Permit** and related schedules for signature, and obtain the required Landscape Bonding, pursuant to Section 2.8 of this bylaw.
- viii) Upon sign-off of the **Development Permit** by the **Director of Land Use Management** and receipt of the related performance bonding, the **Development Permit** will be issued and then registered on the State of Title for the subject property(s).

2.1.3 Major Direct Development Permit

a) Application Requirements

- i) The following information listed in Schedule '1' of this bylaw will be required to accompany an application for either a Major (Direct) Natural Environment or Hazardous Conditions **Development Permit** under this Bylaw:

Natural Environment
(a) Application Form
(b) State of Title Certificate
(c) Owner's Authorization form (if applicable)
(d) Site Profile or Site Profile Waiver
(f) Project Rationale
(g) Photographs
(i) Site Plan
(n) Environmental Assessment Report
(o) Habitat Restoration Plan
(p) Environmental Monitoring Plan

Hazardous Conditions
(a) Application Form
(b) State of Title Certificate
(c) Owner's Authorization form (if applicable)
(d) Site Profile or Site Profile Waiver
(f) Project Rationale
(g) Photographs
(i) Site Plan

- ii) Additional information may be required by the **Director of Land Use Management** to evaluate adequately and to issue or deny a **Development Permit**, in accordance with Section 2.4 of this bylaw.
- iii) For a Natural Environment Development Permit, proof of contract between the **Owner(s)** and a **Qualified Professional** to prepare an **Environmental Monitoring Plan** and any associated work.
- iv) For a Natural Environment Development Permit, a Letter of Authorization to Halt Work, signed by the property **Owner(s)** authorizing the contracted **Qualified Professional** to halt or to modify any construction activity necessary to ensure compliance with the requirements of the **Development Permit** and Best Management Practices.

b) Processing Procedures

A Major (Direct) Natural Environment or Hazardous Conditions **Development Permit** application submitted in accordance with this Bylaw will be processed as follows:

- i) Upon receipt of an application package submitted in accordance with the requirements of this bylaw, One Window Staff will issue a fee receipt to the applicant.
- ii) **Land Use Management** will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. One Window Staff will open a file only upon a complete submission package.
- iii) **Land Use Management** will refer the application to all applicable **City** departments, and government and external agencies.
- iv) **Land Use Management** will evaluate the proposal for compliance with relevant **City** bylaws and policies. An internal Staff development review will consider the merits of the proposal.
- v) Relevant technical comments will be incorporated into a staff report for consideration by the **Director of Land Use Management**.
- vi) **Land Use Management** will notify the applicant in writing of the decision of the **Director of Land Use Management**.
- vii) If authorized for issuance by the **Director of Land Use Management**, Staff will prepare the required **Development Permit** and related schedules for signature, and obtain the required Landscape Bonding, pursuant to Section 2.8 of this Bylaw.

- viii) Upon sign-off of the **Development Permit** by the **Director of Land Use Management** and receipt of the related performance bonding, the **Development Permit** will be issued and then registered on the State of Title for the subject property(s).

2.2 NATURAL ENVIRONMENT AND HAZARDOUS CONDITIONS COUNCIL DEVELOPMENT PERMIT

2.2.1 Application Requirements

- a) The following information listed in Schedule '1' of this bylaw will be required to accompany an application for either a Natural Environment or Hazardous Conditions Council Development Permit under this Bylaw:

Natural Environment	Hazardous Conditions
(a) Application Form	(a) Application Form
(b) State of Title Certificate	(b) State of Title Certificate
(c) Owner's Authorization form (if applicable)	(c) Owner's Authorization form (if applicable)
(d) Site Profile or Site Profile Waiver	(d) Site Profile or Site Profile Waiver
(f) Project Rationale	(f) Project Rationale
(g) Photographs	(g) Photographs
(i) Site Plan	(i) Site Plan
(n) Environmental Assessment Report	
(o) Habitat Restoration Plan	

- b) Additional information may be required the **Director of Land Use Management** to evaluate adequately and to make a recommendation to **Council** concerning a **Development Permit**, in accordance with Section 2.4 of this bylaw.
- c) For a Natural Environment Development Permit, proof of contract between the **Owner(s)** and a **Qualified Professional** to prepare an Environmental Monitoring Plan and any associated work.
- d) For a Natural Environment Development Permit, a Letter of Authorization to Halt Work, signed by the property **Owner(s)** authorizing the contracted **Qualified Professional** to halt or to modify any construction activity necessary to ensure compliance with the requirements of the **Development Permit** and Best Management Practices.

2.2.2 Processing Procedures

A Natural Environment or Hazardous Conditions Council Development Permit application submitted in accordance with this Bylaw will be processed as follows:

- a) Upon receipt of an application package submitted in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant
- b) **Land Use Management** will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. Staff will open a file only upon a complete submission package.
- c) **Land Use Management** will refer the application to all applicable City departments, and government and external agencies.
- d) **Land Use Management** will evaluate the proposal for compliance with relevant City bylaws and policies. An internal Staff development review will consider the merits of the proposal.
- e) **Land Use Management** will prepare a staff report and refer the application to the relevant Council Committee(s).
- f) The applicant is encouraged to attend the meeting of the relevant Council Committee at which the **Development Permit** application is being considered.
- g) Upon receipt of the recommendation of the Council Committee and the comments of other referral agencies, **Land Use Management** staff will prepare a staff report and draft **Development Permit** for consideration by Council.
- h) Staff of the Office of the City Clerk will notify the applicant in writing of the decision of Council.
- i) If authorized for issuance by the Council, **Land Use Management** staff will prepare the required **Development Permit** and related schedules for signature, and obtain the required Bonding, pursuant to Section 2.8 of this bylaw.
- j) Upon sign-off of the **Development Permit** by the Director of Land Use Management and receipt of the related performance bonding, the **Development Permit** will be issued and then registered on the State of Title for the subject property(s).

Schedule '4'

Applications for a Development Variance Permit

This information is not regarded as the right to development approval if the steps indicated are followed.

1.0 APPLICATION REQUIREMENTS

1.1 The following information listed in Schedule '1' of this bylaw will be required to accompany an application for a **Development Variance Permit** under this bylaw:

(a) Application Form	(i) Site Plan
(b) State of Title Certificate	(j) Floor Plans (where applicable)
(c) Owner's Authorization form (if applicable)	(k) Elevation Drawings (where applicable)
(d) Site Profile or Site Profile Waiver	
(e) Zoning Analysis Table	
(f) Project Rationale	
(g) Photographs	

1.2 Additional information may be required by the **Director of Land Use Management** to evaluate adequately and to make a recommendation to **Council** concerning a **Development Variance Permit**, in accordance with Section 2.4 of this bylaw.

2.0 PROCESSING PROCEDURE

A **Development Variance Permit** application submitted in accordance with this bylaw will be processed as follows:

2.1 Upon receipt of an application package submitted to the City in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant;

2.2 **Land Use Management** will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. One Window Staff will open a file only upon a complete submission package.

2.3 **Land Use Management** will refer the application to all applicable **City** departments, and government and agencies.

2.4 **Land Use Management** will evaluate the proposal for compliance with relevant **City** bylaws and policies.

2.5 **Land Use Management** will prepare a staff report and refer the application to the relevant **Council Committee(s)**. Where the variance is deemed to be minor in nature by the **Director of Land Use Management**, and where confirmation from affected

neighbours supporting the variance has been received, the application is not required to be forwarded to Council Committee(s).

- 2.6 Where an application requires Council Committee review, the applicant will post a Development Notice Sign, and City Staff will give notice in accordance with Section 4.1.2 of this bylaw.
- 2.7 The applicant is encouraged to attend the meeting of the Council Committee at which the application is being considered.
- 2.8 Upon receipt of the recommendation of the relevant Council Committee and the comments of other referral agencies, **Land Use Management** staff will prepare a staff report and draft **Development Variance Permit** for consideration by Council.
- 2.9 The Office of the **City Clerk** will notify the applicant in writing of the decision of Council.
- 2.10 If authorized for issuance by the Council, **Land Use Management** staff will prepare the required **Development Variance Permit** and related schedules for signature, and obtain the required Bonding (if any), pursuant to Section 2.8 of this bylaw.
- 2.11 Upon sign-off of the **Development Permit** by the **Director of Land Use Management** and receipt of the related bonding, the DP will be issued and then registered against the title of the property(s) at the Land Title Office.

Schedule '5'
Applications for a Temporary Use Permit

This information is not regarded as the right to development approval if the steps indicated are followed.

1.0 APPLICATION REQUIREMENTS

1.1 The following information listed in Schedule '1' of this Bylaw will be required to accompany an application for a **Temporary Use Permit** under this bylaw:

(a) Application Form	(h) Sustainability Statement
(b) State of Title Certificate	(i) Site Plan
(c) Owner's Authorization form (if applicable)	(j) Floor Plan
(d) Site Profile or Site Profile Waiver	(k) Elevation Drawings (conceptual)
(e) Zoning Analysis Table	
(f) Project Rationale	
(g) Photographs	

1.2 Any additional information may be required by the **Director of Land Use Management** to evaluate adequately and to make a recommendation to **Council** concerning a **Temporary Use Permit**, in accordance with Section 2.4 of this bylaw.

2.0 PROCESSING PROCEDURE

A **Temporary Use Permit** application submitted in accordance with this bylaw will be processed as follows:

- 2.1 Upon receipt of an application package submitted to the City in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant;
- 2.2 **Land Use Management** will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. Staff will open a file only upon a complete submission package.
- 2.3 **Council** and the **Director of Land Use Management** may request that an applicant advertise and host a Public Information Meeting or open house at their own expense in accordance with the requirements of Section 4.2 of this bylaw.
- 2.4 **Land Use Management** will refer the application to all applicable **City** departments, and government and external agencies. The proposal will also be referred to an adjacent local government if the application could affect that local government.
- 2.5 **Land Use Management** will prepare a staff report and refer the application to the relevant Council Committee(s).

- 2.6 The applicant will install a Development Notice Sign in accordance with Section 4.1.2 of this bylaw.
- 2.7 The applicant is encouraged to attend the meeting of the relevant Council Committee(s) at which the application is being considered.
- 2.8 Upon receipt of the recommendation of the Council Committee(s), **Land Use Management** staff will prepare a staff report, including technical agency comments for consideration by **Council**.
- 2.9 The applicant will update or install a Development Notice Sign as necessary and in accordance with Section 4.1.2 of this Bylaw.
- 2.10 The recommendation of the appropriate Council Committee(s) will be incorporated into a staff report for **Council** consideration and will be accompanied by a draft of the Permit.
- 2.11 The applicant is encouraged to attend the **Council** meeting at which the application will be considered.
- 2.12 **Council** will consider the staff report and may grant the requested permit, or may refer, table, direct back to the appropriate Council Committee(s), or deny the application.
- 2.13 The Office of the City Clerk will notify the applicant in writing of the decision of **Council**.
- 2.14 If a Permit is granted by **Council**, a Notice of Permit will be signed and sealed by the **Director of Land Use Management** and registered against the title of the property(s) at the Land Title Office.

Schedule '6'

Applications to Modify, Vary, Amend or Discharge a Land Use Contract

This information is not regarded as the right to development approval if the steps indicated are followed.

1.0 APPLICATIONS TO MODIFY OR TO VARY A LAND USE CONTRACT BY DEVELOPMENT PERMIT

1.1 Making Application and Processing Procedures

Applications under this section will be made and processed substantially in accordance with Schedule '3', Section 1.2 of this bylaw.

1.2 Notification

Applications under this section will be subject to the notification requirements of Section 4.1.1 of this bylaw.

1.3 Performance Security

Where performance security is required as a condition of a permit issued under this section, it will be provided in accordance with Section 2.7 of this bylaw.

1.4 Council Decisions

Applications under this section will be subject to **Council** consideration in accordance with Section 2.2 of this bylaw.

2.0 APPLICATIONS TO MODIFY OR TO VARY A LAND USE CONTRACT BY DEVELOPMENT VARIANCE PERMIT

2.1 Making Application and Processing Procedures

Applications under this section will be made and processed substantially in accordance with Schedule '4' of this bylaw.

2.2 Notification

Applications under this section will be subject to the notification requirements of Section 4.1.1 of this bylaw.

2.3 Performance Security

Where performance security is required as a condition of a permit issued under this section, it will be provided in accordance with Section 2.8 of this bylaw.

2.4 Council Decisions

Applications under this section will be subject to **Council** consideration in accordance with Section 2.2 of this bylaw.

3.0 APPLICATIONS TO AMEND OR TO DISCHARGE A LAND USE CONTRACT BY BYLAW

3.1 Making Application and Processing Procedures

Applications under this section will be made and processed substantially in accordance with Schedule '2' of this bylaw.

3.2 Notification and Consultation

Applications under this section will be subject to the notification and consultation requirements of Sections 4.1.1 and 4.1.2 of this bylaw.

3.3 Council Decisions

Applications under this section will be subject to **Council** consideration in accordance with Section 2.2 of this bylaw.

Schedule '7'

Applications under the Agricultural Land Commission Act

This information is not regarded as the right to development approval if the steps indicated are followed.

1.0 APPLICATION REQUIREMENTS

Please review the Agricultural Land Commission's (ALC) "Applicant Information Package" (available at www.alc.gov.bc.ca) prior to submitting an application to the City. This package contains details on ALC application requirements as well as the ALC process for issuing approvals.

An application under Section 30(4) of the Agricultural Land Commission Act for exclusion of land from the ALR requires evidence that all registered owners of land that share a common boundary with the property under application, including Owners of property separated by a public road have been served a signed copy of the application (note that these requirements exceed ALC notification requirements).

2.0 PROCESSING PROCEDURE

An application under the ALC Act submitted in accordance with this bylaw will be processed as follows:

- 2.1 Upon receipt of an application package submitted to the City in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant;
- 2.2 **Land Use Management** will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. Staff will open a file only upon a complete submission package.
- 2.3 **Land Use Management** will refer the application to all applicable City departments, and government and external agencies. The proposal will also be referred to an adjacent local government if the application could affect that local government.
- 2.4 **Land Use Management** will evaluate the proposal for compliance with relevant City bylaws and policies and relevant provincial regulations , this includes but not limited to the **Agricultural Land Reserve Use, Subdivision and Procedure Regulation**.
- 2.5 **Land Use Management** will prepare a staff report and refer the application to the relevant Council Committee(s).
- 2.6 The applicant is encouraged to attend the meeting of the relevant Council Committee at which the application is being considered.

- 2.7 Upon receipt of the recommendation of the Council Committee, **Land Use Management** staff will prepare a staff report, including technical agency comments for consideration by **Council**.
- 2.8 The applicant is encouraged to attend the **Council** meeting at which the ALC application will be considered.
- 2.9 If the proposal triggers Sections 25(3) or 30(4) of the *Agricultural Land Commission Act*, **Council** will consider the staff report pursuant to Section 2.2 of this bylaw.
- 2.12 The Office of the **City Clerk** will notify the applicant in writing of the decision of **Council**.
- 2.10 If authorized, **Land Use Management** will forward the complete application to the ALC with the staff report and **Council** resolution.
- 2.11 If Sections 25(3) or 30(4) of the *Agricultural Land Commission Act* are not triggered by the proposal, **Council** may make a recommendation for ALC consideration. **Land Use Management** will forward the complete application to the ALC with the staff report and **Council** recommendation.

Schedule '8'

Applications for a Phased Development Agreement

This information is not regarded as the right to development approval if the steps indicated are followed.

1.0 APPLICATION REQUIREMENTS

Prior to the preparation of any **Phased Development Agreement** documents, an applicant subject to this schedule must first submit a request for **Council's** authorization to proceed with a **Phased Development Agreement**. The request must include, but will not be limited to, the following:

- 1.1 A State of Title certificate, printed within ninety (90) days before making application, for all properties subject of the application;
- 1.2 **Owner's** Authorization (where required);
- 1.3 A Letter of Request outlining the subject property(s), including legal descriptions;
- 1.4 A Map illustrating the subject property(s);
- 1.5 A Terms of Reference for the **Phased Development Agreement** addressing those items required under the applicable provisions of the *Local Government Act*.

2.0 PROCESSING PROCEDURES

A **Phased Development Agreement** application submitted in accordance with this bylaw will be processed as follows:

- 2.1 Upon receipt of an application package submitted to the City in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant;
- 2.2 **Land Use Management** will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. One Window Staff will open a file only upon a complete submission package.
- 2.3 **Land Use Management** will review the proposal and work with the applicant as necessary to prepare a report for **Council's** authorization to proceed with the preparation of a **Phased Development Agreement**.
- 2.4 **Council** will consider the staff report and may consider whether to authorize, authorize with conditions, or deny the preparation of a **Phased Development Agreement** in accordance with Section 2.2.4 of this Bylaw.

- 2.5 If authorized, **Land Use Management** will work with the applicant to prepare a draft **Phased Development Agreement**, which may require additional supporting information, in accordance with goals and objectives established in the **Official Community Plan**.
- 2.6 **Land Use Management** will refer the draft Agreement to all applicable City departments, government and external agencies, and the City solicitor.
- 2.7 **Land Use Management** will prepare a staff report, accompanied by the draft **Phased Development Agreement** bylaw, for **Council** consideration.
- 2.8 The applicant is encouraged to attend the **Council** meeting at which the application will be considered.
- 2.9 If **Council** decides to proceed with the application, the **Phased Development Agreement** bylaw will be given first reading (including the placement of conditions, where appropriate). **Council** may alternatively decide to defer, table or deny the application.
- 2.10 Should the bylaw receive first reading, it will be advertised in accordance with the *Local Government Act* and a **Public Hearing** will be held to allow the public to comment on the application. Notice of a **Public Hearing** will be given pursuant to the *Local Government Act*.
- 2.11 Following the **Public Hearing**, **Council** will consider the bylaw and may proceed with second and third readings, defer, table or deny the application.
- 2.12 Once the applicant has adequately addressed all of the conditions identified (if any), **Council** will consider the adoption of the bylaw.
- 2.13 The Office of the **City Clerk** will notify the applicant in writing of the decision of **Council**.
- 2.14 If approved, notice of the **Phased Development Agreement** will be registered on Title.

Schedule '9'

Applications for Additional Dwelling for Farm Employee Permits

This information is meant as a general guide only and is not regarded as the right to development approval if the steps indicated are followed.

1.0 APPLICATION REQUIREMENTS

The following information will be required to accompany an application for an **Additional Dwelling for Farm Employee Permit** under this Bylaw:

- 1.1 State of Title, printed within ninety (90) days before making application, for all properties subject of the application;
- 1.2 **Owner's Authorization** (where required);
- 1.3 Project Rationale outlining the justification for the additional farm help in relation to the agricultural activities, including maps, as necessary.

2.0 PROCESSING PROCEDURES

An **Additional Dwelling for Farm Employee Permit** application submitted in accordance with this bylaw will be processed as follows:

- 2.1 Upon receipt of an application package submitted to the City in accordance with the requirements of this bylaw, staff will issue a fee receipt to the applicant.
- 2.2 **Land Use Management** will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. One Window Staff will open a file only upon a complete submission package.
- 2.3 **Land Use Management** will refer the application to all applicable City departments, government and external agencies.
- 2.4 **Land Use Management** will evaluate the proposal for compliance with relevant City bylaws and policies and relevant provincial regulations, which include but is not limited to **Agricultural Land Reserve Use, Subdivision and Procedure Regulation**.
- 2.5 Relevant technical comments will be incorporated into a staff report for consideration by the **Director of Land Use Management**.
- 2.6 **Land Use Management** will notify the applicant in writing of the decision of the **Director of Land Use Management**.
- 2.7 If authorized for issuance by the **Director of Land Use Management**, staff will prepare the required **Additional Dwelling for Farm Employee Permit**, related schedules and required covenants for signature.