

BYLAW

Planning & Development Procedures

Bylaw No. 566, 2018

Consolidated for convenience only June, 2020

This Consolidation includes the following Bylaw Amendments:

566-1, 2019

This version of this bylaw is a consolidation of amendments to the original bylaw as of the date specified. This consolidation is done for the convenience of users and accurately reflects the status of this bylaw as of the specified date but must not be construed as the original bylaw and is not admissible in Court unless specifically certified by the Corporate Officer for the District of Sechelt. Persons interested in the definitive wording of this bylaw and its amendments should view the original bylaws at the District of Sechelt.

DISTRICT OF SEHELDT

Planning & Development Procedures Bylaw No. 566, 2018

A bylaw to establish procedures for the processing of land development applications.

WHEREAS the Council of the District of Sechelt shall, by bylaw, define procedures under which an owner of land may apply for amendment to an official community plan, zoning bylaw, or for the issuance of a permit pursuant to Section 460 of the *Local Government Act*;

AND WHEREAS the Council of the District of Sechelt has designated areas within which Temporary Use Permits may be issued and within which Development Permits are required;

AND WHEREAS the Council may, by bylaw, specify a distance from affected land for the purpose of notifying owners and occupants of proposed bylaw amendments and permits;

AND WHEREAS the Council may, by bylaw, delegate its powers, duties and functions to an officer or employee of the municipality;

NOW THEREFORE the Council of the District of Sechelt in open meeting assembled enacts as follows:

PART 1: TITLE

- 1.1 This bylaw may be cited for all purposes as “District of Sechelt Planning & Development Procedures Bylaw No. 566, 2018”.

PART 2: DEFINITIONS

- 2.1 In this bylaw, unless the context requires otherwise:

Applicant means any land owner who makes application under the provisions of this bylaw or anyone who is authorized by the owner of the lands to make application.

Application means an application for an official community plan amendment, a zoning bylaw amendment, or an application for a development permit, development variance permit, or a temporary use permit.

Application Form means a form provided by the District for purposes of applying for an official community plan amendment, a zoning bylaw amendment or an application for a development permit, a zoning bylaw amendment or an application for a development permit, a development variance permit or a temporary use permit.

Director means the Director of Planning and Development for the District of Sechelt.

Fees Bylaw means the District of Sechelt Planning and Development Fees Bylaw No. 575, 2018, as amended from time to time.

Minor Development Permit, for the purpose of this Bylaw, means a permit approved by the Director of Planning and Development which conforms to the Development Permit Guidelines of the Official Community Plan (OCP) and does not require any variances to the OCP or zoning bylaw. Minor Development Permits are established for the following instances:

- b) Natural Hazards and Steep Slope Development Permit Applications for Development Permit Areas where the application is for the construction of a single-detached dwelling; or the gross floor area of new construction is less than 20m² or 20% of the existing gross floor area (whichever is greater); or not more than one residential lot is being created; or the application is for the alteration, repair or replacement of any retaining structure;
- c) Environmentally Sensitive Development Permit Areas where development is subject to Provincial Riparian Areas Regulation.

PART 3: APPLICATION OF BYLAW

- 3.1 This bylaw is applicable to all lands and surface of water within the District of Sechelt that is subject to any permit or application procedure as outlined in this bylaw.
- 3.2 Procedures for applications to amend the Official Community Plan and/or Zoning Bylaw are set out in Schedule 1 which is attached and forms part of this bylaw.
- 3.3 Procedures for applications for Development Permits are set out in Schedule 2 which is attached and forms part of this bylaw.
- 3.4 Procedures for applications for Development Variance Permits are set out in Schedule 3 which is attached and forms part of this bylaw.
- 3.5 Procedures for applications for Temporary Use Permits are set out in Schedule 4 which is attached and forms part of this bylaw.
- 3.6 This bylaw is not intended to conflict with any provision of the *Local Government Act* relating to any application or to fetter any statutory authority in the District.

PART 4: SCOPE

- 4.1 This bylaw establishes procedures in relation to an application for:
 - 4.1.1 An amendment to the Official Community Plan
 - 4.1.2 An amendment to the Zoning Bylaw
 - 4.1.3 A Development Permit
 - 4.1.4 A Development Variance Permit
 - 4.1.5 A Temporary Use Permit

PART 5: INTERPRETATION

- 5.1 A reference in this bylaw to any enactment of British Columbia is a reference to the enactment as amended, revised, consolidated, or replaced from time to time.
- 5.2 A reference in this bylaw to any bylaw or policy or form of the District of Sechelt is a reference to the bylaw, policy or form as amended, revised, consolidated, or replaced from time to time.
- 5.3 Whenever the singular or masculine is used in this Bylaw, the same is deemed to include the plural or feminine or the body politic or corporate as the context requires.

PART 6: DEVELOPMENT APPLICATIONS

At Application

- 6.1 The Director of Planning and Development (Director) is authorized to establish and revise the application form for any application to be used from time to time pursuant to this Bylaw.
- 6.2 An application shall be completed upon the form provided by the District which then shall be delivered to the District together with such additional plans and particulars as may be required. The application is considered accepted when all the required information, including fees, has been received.

Receipt of Applications

- 6.3 If a person submits a complete application to the Director, the Director shall process the application.
- 6.4 If a person submits an incomplete application to the Director, the Director may:
 - (a) process the application; or
 - (b) refuse to process the application.
- 6.5 If the Director refuses to process an incomplete application, the Director must inform the applicant in writing as to why the application is incomplete.

Processing of Applications

- 6.6 Depending on the particulars of the application, it may be referred to other District staff and applicable external agencies by the Director or designate for review and comment.

Number of Development Permit Applications

- 6.7 Where land is subject to more than one Development Permit Area designation, only one Development Permit application is required. However, the application must address the requirements of each applicable Development Permit Area as per the Official Community Plan. Additional application fees may be required as per the Fees Bylaw.

Development Approval Information

- 6.8 Pursuant to Section 484 of the *Local Government Act*, and as per Part 7 of the Official Community Plan, the District may require an applicant to provide reports, studies, or assessments deemed necessary to evaluate the application.
- 6.9 If it is determined by the Director that a report containing Development Approval Information is incomplete or deficient, the applicant will be notified in writing of the nature of the deficiencies and the timeframe to resubmit the corrected report. If the applicant does not provide the required information within sixty (60) days of the request, the applicant will be notified that the file will be closed and that the application and fee will be returned as per the Fees Bylaw.

Application Fees and Charges

- 6.10 The applicant for a development application shall pay the application fee as per the Fees Bylaw.
- 6.11 The fees prescribed in the 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, the parcels of land shall be considered as one parcel for the purposes of determining the applicable fees payable by the applicant;
 - (b) if an application involves two or more parcels of land that are not contiguous, the parcels of land shall be considered as separate parcels, and separate applications for the purposes of determining the applicable fees payable by the Applicant.
- 6.12 Any costs associated with the postponement of a Public Hearing, either at the request of the applicant, or due to failure of the applicant to comply with the requirements of this Bylaw, shall be paid by the applicant as per the Fees Bylaw.
- 6.13 All legal fees incurred by the District for preparation, review, and registration of legal documents, shall be reimbursed by the applicant prior to final consideration of the associated bylaw amendment or permit.

Renewal

- 6.14 Council shall consider one application for renewal of a Development Permit, Development Variance Permit, or a Temporary Use Permit, provided:
- a) No change in the approved permit is proposed;
 - b) The term of the permit has not lapsed or, if lapsed, shall have lapsed by no more than six months.
- Any further renewal shall require a new application for permit.

Lapse of Application

- 6.15 Upon determination of the Director that an application has been inactive for period of 6 months or longer, the application will be closed.
- 6.16 Upon determination of inactive applications, the applicant will be given written notice of the closure and any applicable refunds will be paid to the applicant in accordance with the Fees Bylaw.
- 6.17 Upon written request by the applicant prior to the lapse of the application, the Director may extend the deadline for one period of 6 months.
- 6.18 If an application has lapsed, and no extension was requested or provided, a new application will be required in order to proceed.

Lapse of Bylaw Amendments following Third Reading

- 6.19 In the event that an application made pursuant to this bylaw has not been given final adoption by Council within one (1) year after the date it was given third reading or one year after the date of last consideration by Council:
- (a) the applicant shall be notified in writing and if no response is received within sixty (60) days, the application file will be deemed to be abandoned and will be closed; and
 - (b) in the case of an amendment application, staff will prepare a motion for Council's consideration to rescind all readings of the bylaw associated with the amendment application;
 - (c) no fee shall be returned in this circumstance.

- 6.20 Upon written request by the applicant prior to the lapse of the application, Council may extend the deadline for a period of one (1) year by passing a resolution to that effect to enable the applicant to complete the requirements for final adoption. A maximum of two (2) one-year time extensions may be granted by Council. If Council decides to deny an extension request or the applicant has received two (2) one-year time extensions, or there have been changes to the policies, bylaws or development permit guidelines affecting the application and the applicant still has not met the requirements for final adoption and wishes to proceed with the application, a new application and fee will be required as per the Fees Bylaw.

Re-Application Intervals

- 6.21 If the Council does not approve an amendment application submitted in accordance with this Bylaw, a person must not submit the same application within 12 months of the date of Council's decision to not approve the application.
- 6.22 If the Council does not approve a Permit application submitted in accordance with this Bylaw, a person must not submit the same application within 6 months of the date of Council's decision to not approve the application.
- 6.23 Where an applicant intends to appeal to Council to vary the time limit set in sections 6.21 or 6.22 pursuant to the provisions of the *Local Government Act*, the applicant shall submit, in writing, a detailed statement as to why the time limit for the reapplication should be varied.
- 6.24 Despite section 6.22, Council may, by an affirmative vote of at least 2/3 of its members that are eligible to vote on the reapplication, allow a person to reapply within the one year period.
- 6.25 A re-application is considered a new application and additional fees will apply.

Change of Ownership

- 6.26 If there is a change of ownership of a parcel of land that is the subject of a development application, the District will require an updated title certificate and written authorization from the new owner prior to proceeding further with the application.

PART 7: SECURITY & LETTERS OF CREDIT

Authority and Application

- 7.1 Pursuant to Section 496 and 502 of the *Local Government Act* and as per the Official Community Plan, security may be required as a condition of permit issuance and can be for the following reasons:
- (a) Landscaping (Landscape Security)
 - (b) An unsafe condition or damage to the natural environment that may result as a consequence or contravention of a condition of permit (Remediation Security)
 - (c) To guarantee the performance of the terms of a Temporary Use Permit (Performance Security)

Form of Security

- 7.2 Security will be provided in the form of an automatically renewing irrevocable letter of credit, bank draft, or in a form satisfactory to the Director of Finance. Security will be required prior to issuance of a permit.

Amount of Security

- 7.3 In imposing security requirements under Section 502 of the *Local Government Act*, Council, or the Director of Planning and Development, may require the applicant to provide a security in the amount of 125 percent of the cost of the installation and/or construction of the works required under an approved permit.
- 7.4 The District may consider the application of security in phases, providing the phasing plan forms part of a Development Permit which has been approved by Council.
- 7.5 All estimates or quotes provided for the purposes of determining the amount of security will be provided by the applicant at the applicant's expense.

Application of Security

- 7.6 Where, in the opinion of the Director, an applicant has failed to satisfy the landscaping requirements of the Permit, or failed to comply with the conditions of the Permit, or has created an unsafe condition, the District may undertake and complete the landscaping requirements, or carry out any construction required to comply with the conditions of the permit or correct an unsafe condition or correct the damage to the environment, at the full cost of the holder of the Permit, and may apply the security in payment for the cost of the work, with any excess to be returned to the holder of the permit.

Return of Security

- 7.7 Unless otherwise stated in this bylaw, the District will return the security (or portion thereof) when a written request has been submitted by the applicant and includes a satisfactory report by the appropriately Qualified Professional (QP). The report must be signed and sealed by a QP, which includes a Landscape Architect, Qualified Environmental Professional or other Professional approved by the Director of Planning and Development, and must include, at minimum:
- (a) The date and drawing number of the plan(s) reviewed by the QP;
 - (b) The dates of inspection by the QP;
 - (c) A statement from the QP that the works substantially comply with the approved plan;
 - (d) A description of all deviations from the approved plan(s) with a rationale for the changes and whether the changes meet the intent of the approved plan(s); and
 - (e) The request of the amount of funds to be released.
- 7.8 Upon receipt of a professional report requesting release of security, the District may conduct a site inspection to verify that the works are installed in accordance with the approved plans.
- 7.9 A partial return may also be requested after completion of certain works or activities, where a portion of security may be retained by the District to cover outstanding works.
- 7.10 Where security is provided for landscaping or revegetation, the Director of Planning and Development may withhold 80% of the original security deposit for a period up to two years following substantial completion of works and/or installation of all plantings, to address any planting failures and ensure work has been demonstrated to function as intended. A final inspection by District staff must occur before the remaining amount of the original security is released.
- 7.11 It is the property owner's responsibility to request return of securities once conditions have been met.

7.12 Where a permit lapses without any works having been commenced, the owner shall be entitled to a full refund of any associated securities submitted.

PART 8: PUBLIC HEARINGS, MEETINGS AND NOTIFICATION

Public Hearings for Amendments

- 8.1 In accordance with the *Local Government Act*, a Public Hearing is required before Council adopts a bylaw to:
- (a) Amend the Official Community Plan;
 - (b) Amend the Zoning Bylaw.

Waiving of Requirement for Public Hearing

- 8.2 In the case of an application or Council direction to amend a Zoning Bylaw, Council may waive requirements for holding a Public Hearing in accordance with the provisions of Section 467 of *the Local Government Act* where the application is consistent with the provisions of the Official Community Plan and Council deems the application to be in the public interest.

Notice of Public Hearing

- 8.3 Notice of Public Hearing shall be mailed or otherwise delivered at least 10 days before the Public Hearing to owners and occupants of:
- (a) All parcels, any part of which is within the area subject to the bylaw amendment; and
 - (b) All parcels, any part of which is within a distance of 100 metres from the area that is subject to the bylaw amendment.
- 8.4 If an amendment affects more than ten (10) properties owned by ten or more persons, the notification process will include notice in the newspaper as per Section 8.3, rather than delivered notice.
- 8.5 The Corporate Officer will provide notices in the local newspaper in accordance with the provisions of the *Local Government Act*.

Public Consultation for Permits

- 8.6 Council may provide opportunity for public comment, in the form and to the extent Council considers appropriate, before passing a resolution to issue a:
- (a) Development Variance Permit;
 - (b) Development Permit with variances; or
 - (c) Temporary Use Permit.

Notice of Development Application

- 8.7 Notice of an application shall be given to owners and occupants of all parcels of land, any part of which is the subject of an application or within the distance specified in Column B below from the perimeter of the subject parcel:

A. Development Application	B. Notification Distance
Development Permit with Variance	100 metres
Development Variance Permit	100 metres
Temporary Use Permit	100 metres

- 8.8 Council or the Director may define an expanded notification area beyond the prescribed distances specified for an amending bylaw Section 8.1 or notice of development applications described in Section 8.6.
- 8.9 For clarity, nothing in this Bylaw affects or modifies, or shall be construed as an attempt to affect or modify, the District's obligation, under sections 494 or 499 of the *Local Government Act*, to give notice of a proposed resolution to issue a Temporary Use Permit or a Development Variance Permit.

Notice of Application Signage

- 8.10 For the following applications, a notice sign shall be posted on the parcel or parcels subject to the application:
- (a) An amendment to the Official Community Plan (other than a text amendment)
 - (b) An amendment to the Zoning Bylaw (other than a text amendment)
- 8.11 The Director shall determine the specifications, format, and content of the sign or signs, and provide the specifications to the applicant.
- 8.12 The applicant shall, at its sole expense:
- (a) Prepare the sign or signs in accordance with the specifications provided by the District;
 - (b) Not less than ten (10) days prior to a Public Hearing, include the meeting date and time information with respect to the Public Hearing on the posted notice;
 - (c) Maintain the sign or signs on the subject parcel or parcels throughout the required period;
 - (d) Remove the signs within two weeks of the application being refused or approved by the District Council or within two weeks of the application being withdrawn by the applicant.
- 8.13 The sign or signs shall be posted in a prominent location, clearly visible from the adjacent street, on each frontage and parcel subject to the application or as specified by the Director.

Public Information Meeting

- 8.14 Unless waived in writing by the Director, an applicant shall host and facilitate a Public Information Meeting prior to the application being considered by Council to provide an additional opportunity for the public to access information and to inquire about the proposal beyond that available through the standard application referral and public hearing processes.
- 8.15 The applicant is responsible for making arrangements for the meeting, conducting the meeting, and paying all costs related to the meeting.
- 8.16 The applicant shall ensure that notice of the meeting is placed in one edition a local newspaper and mailed or otherwise delivered to adjacent landowners and occupiers of all properties within 100.0 m radius of the lot.
- 8.17 The applicant shall mail or otherwise deliver the notice to any registered community association within the notice area.

- 8.18 At the meeting:
- a) Visual material, such as presentation boards are to be provided;
 - b) The public is to have an opportunity to ask questions and informally discuss the project; and
 - c) District Planning & Development staff may attend as observers and be available to respond to questions on planning process.
- 8.19 Applicants are required to submit a report to the District summarizing the meeting to provide the following information:
- (a) Location, time and duration of meeting;
 - (b) Number of attendees;
 - (c) How the meeting was advertised and how surrounding property owners were notified;
 - (d) Information provided at the meeting;
 - (e) A summation of questions raised and major discussion points; and
 - (f) Comment sheets, if they were provided at the meeting.
- 8.20 Applicants requesting an OCP amendment and/or a Zoning Bylaw Amendment must provide the summary report described in section 8.19 to the District at least seven (7) days before the scheduled Public Hearing.
- 8.21 Applicants requesting a Permit must provide the summary report described in section 8.20 to the District at least seven (7) days prior to Council's consideration of the application.

PART 9: DELEGATION OF AUTHORITY

- 9.1 Council delegates to the Director the authority to:
- (a) Require Development Approval Information as per Section 486 of the *Local Government Act*;
 - (b) Require security for works described in Part 7 of this bylaw;
 - (c) Designate the form of any Permit issued under this bylaw;
 - (d) Designate the form and content of application forms and related submission requirements.
- 9.2 Council delegates to the Director the authority to approve, issue, amend or refuse Minor Development Permits as defined in this Bylaw.
- 9.3 Development Permits in respect to Development Permit Area 2 (Riparian) may be issued by the Director if the proposed development:
- a) Substantially complies with the BC Riparian Areas Regulation; and
 - b) Substantially complies with the Development Permit Area Guidelines; and
 - c) Conforms with the Zoning Bylaw, or
 - d) Requires variance(s) to the Zoning Bylaw that, in the opinion of the Director, prevents loss of habitat within the watercourse protection area.
- 9.4 Development Permits in respect of Development Permit Area 3 (Marine, Foreshore and Shoreline) may be issued by the Director if the proposed development:
- a) Substantially complies with the Development Permit Area Guidelines; and
 - b) Conforms with the Zoning Bylaw, or
 - c) Requires variance(s) to the Zoning Bylaw that, in the opinion of the Director, prevents loss of habitat within the watercourse protection area.

- 9.5 Development Permits in respect of Development Permit Area 4 (Rocky Beach Front/Escarpment, Rockfall and Upland Slope Hazards) may be issued by the Director if the proposed development:
- a) Substantially complies with the Development Permit Area Guidelines; and
 - b) Conforms with the Zoning Bylaw, or
 - c) Requires variance(s) to the Zoning Bylaw that, in the opinion of the Director, prevents loss of habitat within the watercourse protection area, or achieves superior siting that protects the natural environment and/or neighbouring development, and address steep topography.
- 9.6 Development Permits in respect of Development Permit Area 5 (Steep Slopes) may be issued by the Director if the proposed development:
- a) Involves the creation of 3 or fewer lots; and
 - b) Substantially complies with the Development Permit Area Guidelines; and
 - c) Conforms with the Zoning Bylaw; or
 - d) Requires variance(s) to the Zoning Bylaw that, in the opinion of the Director, achieves superior siting that protects the natural environment and/or neighbouring development, and reduces the extent of site alteration.
- 9.7 Where a Development Permit, Development Variance Permit, or Temporary Use Permit has been issued by Council, Council delegates to the Director the authority to approve minor changes to any Development Permit, Development Variance Permit or Temporary Use Permit where the proposed changes do not materially affect the intent of the plans attached to the Permit.
- 9.8 Council delegates to the Director the authority to renew all Development Permits that have been issued and lapsed provided there are no variances.
- 9.9 The Director may, in his or her sole discretion, elect not to make a decision under this Bylaw and instead send the development application directly to Council for Council's consideration.
- 9.10 If an application is refused by the Director, or if the applicant objects to a proposed provision of the permit or approval, the applicant may request that Council reconsider the decision of the Director pursuant to Part 10 of this Bylaw.

PART 10: RECONSIDERATION

- 10.1 An applicant who is subject to a decision by the Director under Part 9 of this Bylaw is entitled to have the decision reconsidered by Council in accordance with this Part.
- 10.2 Within thirty (30) days of being notified in writing of the decision of the Director under this Bylaw, the applicant may, at no charge, request Council to reconsider the decision.
- 10.3 The applicant must give written notice to the District's Corporate Officer and include the following information:
- a) The date and decision of the Director and the nature of the decision;
 - b) Reasons why the applicant wishes the specific decision to be reconsidered by Council;
 - c) The decision which the applicant requests be made by Council as a substitute to the staff decision; and
 - d) A copy of any documents which support the applicant's request for reconsideration by Council.
- 10.4 The District's Corporate Officer will notify the Director of the request for reconsideration and the staff will, prior to the date of the meeting at which the reconsideration will occur, provide a written report to Council setting out the rationale for their decision.

- 10.5 The District’s Corporate Officer will place the request for reconsideration on the agenda of a meeting of Council to be held as soon as reasonably possible.
- 10.6 The Corporate Officer will notify the applicant of the date of the meeting at which reconsideration will occur, and give notice requirements or public meeting requirements to the original application that is set out in this Bylaw of the *Local Government Act*.
- 10.7 After having reconsidered a decision, Council may confirm the decision of the Director or substitute its own decision, including conditions of a permit or additional conditions of a permit.

PART 11: OTHER PROVISIONS

Severability

- 11.1 If any section, clause, sub-clause or phrase forming part of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

Repeal of Previous Bylaws

- 11.2 The following bylaws and any amendments to those bylaws thereto are hereby repealed:
 - (a) District of Sechelt Delegation Bylaw No. 350, 1999; and
 - (b) District of Sechelt Delegation Bylaw Amendment No. 350-2, 2011; and
 - (c) District of Sechelt Development Approval Procedures Bylaw No. 513, 2012

READ A FIRST TIME THIS	3 rd	DAY OF October, 2018
READ A SECOND TIME THIS	3 rd	DAY OF October, 2018
READ A THIRD TIME THIS	17 th	DAY OF October, 2018
ADOPTED THIS	21 st	DAY OF November, 2018

Mayor

Corporate Officer

SCHEDULE 1

APPLICATIONS FOR OFFICIAL COMMUNITY PLAN AND ZONING BYLAW AMENDMENTS

All applications for an amendment to the Official Community Plan and Zoning Bylaw Amendments submitted in accordance with this bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

Application Requirements

1. A complete application and applicable fee submitted by the owner/applicant. The requirements for the application are contained in the application form and the Complete Application Checklist.

Consultation

2. An application for an amendment to the Official Community Plan will include one or more opportunities for consultation with persons, organizations and authorities it considers affected by the application as outlined in the *Local Government Act*. The opportunity for consultation will be considered for each amendment application and will be addressed in the staff's report to Council.

Processing Procedures

3. The applicant will have a pre-application meeting to discuss the proposal and application requirements with District staff prior to submitting a formal application to the District.
4. Upon receipt of a complete application, staff will open a file and issue a receipt to the applicant. An application is not considered received and active until all required submission information is received and fees paid.
5. Staff will review the proposal for compliance with relevant District bylaws and policies. All applications to amend the Official Community Plan are evaluated against the "Criteria for Evaluating OCP Amendments" contained within Part 6 of the OCP.
6. For applications that are proposing a significant departure from the OCP in terms of use, use intensity, size of development area, density and/or location of a new growth area, a preliminary report will be prepared for consideration by Council. This provision may also apply to applications for a Comprehensive Development zone that propose a development concept that reflects a significant departure from the Zoning Bylaw. This is a "Permission to Proceed" report that will outline the submission information, the amendment criteria, and information requirements to process the report. Council will provide direction on whether the application should move to bylaw development; what consultation is required; and the extent of alignment with Council's plans and policies. Authorization to proceed allows staff to process an amendment application; it does not grant approval or guarantee that the project will be approved.
7. If Council does not grant permission to proceed, the applicant is notified in writing. A portion of the application fees are refunded as per the Fees Bylaw and the file is closed.
8. If Council grants permission to proceed, the application will be processed in the same manner as all other OCP amendments, as outlined below.

9. Council may, upon receipt of a report completed by Staff:
 - a) Give 1st Reading to the bylaw amendment pursuant to the application; or
 - b) Refer the application back to staff to make changes as directed; or
 - c) Defer or postpone the application; or
 - d) Reject the application.
10. Applicants will be required to post a Notice of Application sign on the property as per Sections 8.10 to 8.13 of this Bylaw.
11. If an application or policy proposal is considered minor and consistent with the OCP the Director of Planning and Development may opt to waive the need for a public information meeting.
12. Upon receipt of referral comments and summary of public information meeting an additional staff report will be forwarded to Council for consideration. At this time Council may consider 2nd Reading to a bylaw amendment and scheduling of a Public Hearing.
13. The Public Hearing notification is prepared in accordance with the *Local Government Act* and the provisions of this Bylaw.
14. The Public Hearing is held.
15. The Application proceeds for consideration of 3rd reading. Council may, without further notice:
 - a) Give 3rd Reading to the amending bylaw;
 - b) Make amendments to the bylaw, provided there is no change to the use or density, and give the bylaw 3rd Reading
 - c) Refer the application back to staff to make changes as directed and consideration of a second public hearing;
 - d) Defer or postpone the bylaw; or
 - e) Defeat and abandon the bylaw.
16. Once the applicant has adequately addressed all conditions identified at 3rd Reading, Council will consider 4th reading (adoption) of the bylaw(s).
17. Once the minutes of the Council resolution have been prepared, the Applicant will be notified of the outcome.

SCHEDULE 2

APPLICATIONS FOR DEVELOPMENT PERMIT

All applications for Development Permits submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

A Development Permit allows Council to review proposed developments that fall within designated areas against detailed guidelines contained in the Official Community Plan (OCP). The areas identified require special treatment for certain purposes including protection of the natural environment, protection of development from hazards and establishing objectives for form and character.

Application Requirements

1. A complete application and applicable fee submitted by the owner/Applicant. The requirements for the application are contained in the application form and the Complete Application Checklist.

Consultation

2. Development Permit applications are not subject to Public Hearing requirements or formal notification. This is because Council's discretion to approve, amend or deny a Development Permit is limited to the scope of the Development Permit Area Guidelines. Members of the public, and the applicants, are encouraged to attend any open meeting of Council, Council Committees and the Advisory Planning Commission meetings. Delegation requests may be considered by Council in accordance with the Council Procedure Bylaw.

Processing Procedures

3. The Applicant will have a pre-application meeting to discuss the proposal and application requirements with District staff prior to submitting a formal application to the District.
4. Upon receipt of a complete application, staff will open a file and issue a receipt to the applicant. An application is not considered received and active until all required submission information is received and fees paid.
5. Staff will review the proposal for compliance with relevant District bylaws, policies and the applicable Development Permit Area (DPA) Guidelines.
6. Staff will prepare an information and referral sheet and circulates for comment to all applicable District departments, government ministries, agencies and organizations.
7. Staff will prepare a preliminary review report for consideration and review by the Advisory Planning Commission (APC).
8. The applicant will be advised, in writing, of feedback received through the referral process and will be advised of any additional information required to evaluate the application and prepare the report to Council.
9. The Applicant may be directed to conduct a Public Information Meeting.

10. Staff will prepare a planning report for Council's consideration, incorporating feedback received through the referral process, the APC, and the Public Information Meeting (when applicable), as well as any recommendations for Council committees. If the Director has delegated authority to review the Development Permit, the application and staff report will alternatively be referred to the Director for consideration.
11. The application proceeds to Council. Council may:
 - a) Authorize the issuance of the Development Permit
 - b) Decline the Development Permit
 - c) Defer or postpone the Development Permit
 - d) Refer the Development Permit application back to staff, with direction provided.
12. Once the minutes of the Council meeting have been prepared, the applicant will be notified of the outcome.
13. If the permit is approved, the applicant shall satisfy any precedent conditions, including submission of any required security prior to the permit being issued.
14. Once a Development Permit is issued, the Notice of Development Permit is registered against the title of the property at the Land Titles Office by Staff.

SCHEDULE 3

APPLICATIONS FOR DEVELOPMENT VARIANCE PERMIT

All applications for Development Variance Permits submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

Development Variance requests are typically considered where specific site characteristics or other unique circumstances do not permit strict compliance with an existing regulation. A requested variance must be reasonable, must maintain the intent of the regulation, and should minimize any potential negative impacts on neighbours or the streetscape. For the purpose of this Bylaw, Development Variance Permits may be authorized for the Zoning Bylaw, the Subdivision and Development Control Servicing Standards Bylaw, and the Sign Bylaw.

Application Requirements

1. A complete application and applicable fee submitted by the owner/Applicant. The requirements for the application are contained in the application form and the Complete Application Checklist.

Consultation

2. Development Variance Permits are subject to statutory notification requirements as outlined in the *Local Government Act* and section 8.7 to 8.9 of this Bylaw. Members of the public, and the applicants, are encouraged to attend any open meeting of Council, Council Committees and the Advisory Planning Commission meetings. Delegation requests may be considered by Council in accordance with the Council Procedure Bylaw.

Processing Procedures

3. Applicants will have a pre-application meeting to discuss the proposal and application requirements with District Staff prior to submitting a formal application to the District.
4. Upon receipt of a complete application, staff will open a file and issue a receipt to the applicant. An application is not considered received and active until all required submission information is received and fees paid.
5. Staff will review the proposal for compliance with relevant District bylaws and policies and the following criteria for consideration of variances:
 - a) Is there a community or environmental benefit to granting the variance beyond that received by the owner of the property?
 - b) Is there a hardship involved in adhering to a pertinent bylaw? A hardship must relate to the location, size, site configuration or topography or other natural attribute of the site (e.g. rock outcrop, floodplain, natural vegetation), not the business aspects of the development.
6. Staff will prepare an information and referral sheet and circulates for comment to all applicable District departments, government ministries, agencies and organizations.
7. Staff will prepare a preliminary review report for consideration and review by the Advisory Planning Commission (APC). The report will consider the impact of the proposed variance on adjacent properties or the surrounding neighbourhood and how those impacts may be mitigated.

8. The District will mail or otherwise deliver notice of an application for a Development Variance Permit at least ten (10) days prior to the date of the Council meeting when variance request is to be considered. Recipients will be given an opportunity to submit to Council, in writing, their comments on the proposed resolution.
9. The Application proceeds to Council. Council may:
 - a) Authorize the issuance of the Development Variance Permit
 - b) Decline the Development Variance Permit
 - c) Defer or postpone the Development Variance Permit
 - d) Refer, with direction, the Development Variance Permit application back to staff
10. Once the minutes of the Council resolution have been prepared, the Applicant will be notified of the outcome.
11. If a Development Variance Permit is granted, a Notice of Permit may be registered against the title of the property at the Land Title Office by Staff.

SCHEDULE 4

TEMPORARY USE PERMITS

All applications for Temporary Use Permits (TUP) submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

A municipality has an ability to consider a Temporary Use Permit for a use that is not considered in a Zone. As the name implies, the Temporary Use Permit is limited to a set time horizon and is often subject to conditions of use regarding the types and intensities of uses that can occur.

Consultation

1. Temporary Use Permits are subject to statutory notification requirements as outlined in the *Local Government Act* and Section 8.7 to 8.9 of this Bylaw. Members of the public, and the applicants, are encouraged to attend any open meeting of Council, Council Committees and the Advisory Planning Commission meetings. Delegation requests may be considered by Council in accordance with the Council Procedure Bylaw.