

## DISTRICT OF LAKE COUNTRY

### BYLAW 1133

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#### A BYLAW TO ESTABLISH PROCEDURES FOR LAND DEVELOPMENT APPLICATIONS

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NOW THEREFORE, the **Council** of the District of Lake Country, in open meeting assembled, enacts as follows:

#### 1. CITATION

1.1 This Bylaw may be cited as “Development Approval Procedures Bylaw Number 1133, 2021”.

#### 2. INTERPRETATION

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 reference to an enactment of the **Council** of the District of Lake Country, as amended, revised, consolidated or replaced from time to time.

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, shall be severed and the validity of the remaining portions of the bylaw shall not be affected.

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

#### 3. SCOPE

3.1 This bylaw applies to:

(a) An application to amend an Official Community Plan (**OCP**) Bylaw, including the addition of a Neighbourhood Plan, a **Zoning Bylaw**, or both;

(b) An application for:

- (i) Development Permit (**DP**);
- (ii) Technical Development Permit (**Technical DP**);
- (iii) Development Variance Permit (**DVP**); or
- (iv) Temporary Use Permit (**TUP**)

(c) An application to the **ALC** pursuant to the **ALC Act** and/or regulations, including, but not limited to one or more of the following:

- (i) To include land into the Agricultural Land Reserve (**ALR**);
- (ii) To exclude land from the **ALR**;
- (iii) To subdivide land within the **ALR**;
- (iv) To conduct a non-farm use in the **ALR**;
- (v) Place fill on, or remove soil from, land in the **ALR**; or
- (vi) To establish a Non-adhering Residential Use in the **ALR**.

- (d) An application for a Phased Development Agreement

### 3.2 Delegation

- (a) Where this bylaw delegates a power, duty or function the delegation is also to the person who holds the deputy of that position.
- (b) A person to whom a power, duty or function has been delegated has no authority to further delegate to another person any power, duty or function that has been delegated by this bylaw.
- (c) **Council** hereby delegates the duties and powers of **Council** as follows:
  - (i) The **Director** 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.
  - (ii) The **CAO, Director** or **Approving Officer** may require the **Applicant** to provide development approval information in respect of an application under this bylaw, at the **Applicant's** expense pursuant to section 484 of the *Local Government Act*.
  - (iii) The **CAO, Director** or **Approving Officer** may require security as a condition of the issuance of a **DP** or **DVP** in accordance with this bylaw pursuant to section 502 of the *Local Government Act*.
  - (iv) The **CAO, Director**, or the **Approving Officer** may issue, refuse or amend **Technical DPs** in respect of the following **DP** areas established by an **OCP**:
    - A. Stability, Erosion and Drainage Hazard
    - B. Natural Environment
    - C. Wildland Fire Hazard
    - D. Greenhouse Gas Reduction and Resource Conservation [when associated with a **Technical DP**]subject to the restrictions identified in Schedule E of this bylaw and pursuant to section 489 of the *Local Government Act*. This includes the power to require the **Applicant** to provide security for the purpose of Section 502 of the *Local Government Act*, to establish conditions of the permit and to determine whether such requirements and conditions have been met.
- (d) All other **DPs** shall be considered and decided by **Council** in accordance with Schedule D of this bylaw. These include but are not limited to:
  - (i) Agricultural (including Agri-Tourism Accommodation)
  - (ii) Commercial
  - (iii) Hillside
  - (iv) Industrial
  - (v) Multiple Unit
  - (vi) Town Centre
  - (vii) Greenhouse Gas Reduction and Resource Conservation [when associated with a **Council DP**]
- (e) The **CAO, Director** or **Approving Officer** may exercise the powers of **Council** under section 489 of the *Local Government Act* to approve renewal and extension of **DPs** that have been authorized for issuance or have been issued, provided:

- (i) The term of authorization for issuance does not exceed six (6) months from the original date of authorization for issuance of the Permit by either **Council** or the **CAO, Director** or the **Approving Officer**,
- (ii) The term of issuance of the Permit does not exceed one (1) year from the original date of issuance of the **DP**, and
- (iii) there are no changes to the proposed development when compared to the original authorization.

3.3 As a restriction on Section 3.2 (c) and (e) the **Director** may only issue **DPs** that meet the following criteria:

- (a) The application does not require Ministry of Transportation and Infrastructure approval;
- (b) The proposed development does not impact adjacent or abutting residential developments, as determined by a **Qualified Professional**; and
- (c) No variances to the **Zoning Bylaw** are required.

3.4 **Council** hereby delegates to the **CAO, Director, Approving Officer** and **Corporate Officer**:

- (a) the power to accept and execute a restrictive covenant or amendment to a restrictive covenant under Section 56 of the *Community Charter* or section 219 of the Land Title Act;
- (b) the power to execute on behalf of the District the discharge of a restrictive covenant which is no longer required or is to be replaced;
- (c) the power to acquire a statutory right of way or easement or amendment to a statutory right of way or easement on behalf of the **District** in connection with the operation of a sewer, water or drainage works, or for the purpose of trails or pedestrian or vehicular access;
- (d) the power to execute a discharge of a statutory right of way or which is no longer required by the **District** or is to be replaced;
- (e) the power to enter into a lease or license of real property or a renewal or amendment of a lease or license of real property necessary or convenient for the operation and maintenance of the works or activities of the **District**.

#### 4. **MAKING APPLICATION**

##### 4.1 **General Requirements for All Applications**

- (a) In addition to application requirements found elsewhere in this bylaw, all applications made pursuant to this bylaw shall be:
  - (i) made to **Planning & Development** and shall be executed in writing by the **Owner(s)** of the land that is subject to the application. An **Owner** may authorize an agent to act on their behalf by submitting an **Owner's** Authorization form;
  - (ii) submitted to the **District** on the prescribed application form designated by the **Director**;

- (iii) include an application fee, payable to the **District**, in accordance with the District of Lake Country **Fees Bylaw**; and
  - (iv) Notwithstanding section 4.1(a)(i) the **District** may submit applications for amendments to the **OCP** or **Zoning Bylaw** for the community at large and/or for individual properties with or without the approval of the property **Owner**.
- (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 new **Owner** must provide written authorization and a title search print before the application proceeds.
  - (c) Providing an application or the information required for specific applications as contained herein, does not entitle the **Applicant** to development approval.

#### 4.2 Application Requirements and Processing

- (a) Applications submitted pursuant to this bylaw shall be made and processed as outlined in the schedule applicable to that application type, as set out in the table below:

Amendment to <b>OCP</b> Bylaw or <b>Zoning Bylaw</b>	Schedule C
DP (Council)	Schedule D
Technical DP	Schedule E
DVP	Schedule F
TUP	Schedule G
<b>ALC</b> Applications for land within the <b>ALR</b>	Schedule H
Phased Development Agreement	Schedule I

### 5. COUNCIL DECISIONS

#### 5.1 Bylaw Amendments

- (a) Upon receipt of a report from **Planning & Development** respecting Applications to Amend an **OCP** Bylaw or **Zoning Bylaw**, **Council** may:
  - (i) Proceed with the bylaw amendment;
  - (ii) Forward the **Amending Bylaw** or bylaws to a **Public Hearing** or waive the requirement for a **Public Hearing** as per the *Local Government Act*;
  - (iii) Reject or refuse the application; or
  - (iv) Defer or otherwise deal with the application.
- (b) **Council** may consider adoption of an **Amending Bylaw**:
  - (i) After three readings have been given to the bylaw;
  - (ii) Where a **DP** is required by the **OCP**, upon receipt of a report from **Planning & Development** stating the **DP** is ready for **Council** consideration; and
  - (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.

## 5.2 **DPs (Council), DVPs and TUPs**

- (a) Except for Permits issued pursuant to 3.2(c)(iv) of this bylaw, **Council**, upon receipt of a report from **Planning & Development** for an application for a **DP, DVP** or **TUP**, may:
  - (i) Issue, amend, or refuse the permit;
  - (ii) Impose requirements and set conditions or standards;
  - (iii) Impose conditions for the sequence and timing of construction;
  - (iv) Require security; or
  - (v) Defer or otherwise deal with the Permit Application.

## 5.3 **ALC Applications**

- (a) Upon receipt of a report from **Planning & Development** respecting an application under the **ALC Act**, **Council** may:
  - (i) Authorize the application to proceed to the **ALC**; or
  - (ii) Not authorize the application to proceed to the **ALC**.

## 5.4 **Phased Development Agreements**

- (a) Upon receipt of a report from **Planning & Development** for an application for **Phased Development Agreement**, **Council** may:
  - (i) Authorize the preparation of a **Phased Development Agreement** and authorizing bylaw subject to conditions;
  - (ii) Forward the bylaw to a **Public Hearing**; or
  - (iii) Deny the application.

## 6. **DEVELOPMENT APPROVAL INFORMATION**

- 6.1 Where an **OCP** specifies circumstances or designates areas in which “development approval information” may be required, **Planning & Development** may require the **Applicant** provide development approval information in a written report certified by a **Qualified Professional** and that:
  - (a) Complies with and fully addresses Professional Reports and Technical Studies Terms of Reference Council Policy, as amended from time to time, provided by Planning & Development in accordance with section 6.2;
  - (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 and acceptability thresholds on which the report is based 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** may impose to mitigate, improve or compensate for anticipated impacts; and
  - (d) Provides recommendations and details costs for modifications to the environment, or construction of works, to mitigate, improve or compensate for anticipated impacts.

- 6.2 The Professional Reports and Technical Studies Terms of Reference Council Policy, as amended from time to time, may require the **Applicant** to provide information on and a systematic detailed assessment of:
- (a) Compliance of the activity or development with the **OCP** and any other relevant **District** bylaw, plan or policy in preparation or adopted by **Council**;
  - (b) Lifecycle Costing to determine the impact of the development on **District** infrastructure capital, operations and maintenance costs including but not limited to sewer, water, roads, drainage, street lighting and other infrastructure costs over the lifecycle of the development;
  - (c) Compatibility with adjacent and community land uses, functions, form, character, aesthetics and scale of development;
  - (d) 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;
  - (e) Land use impacts such as noise, vibration, glare and electrical interference;
  - (f) Landscape and visual impacts (nature, significance and magnitude) including view corridors and shadows, visual envelope, prominent features, experiential characteristics and landscape character;
  - (g) Transportation Demand Management (TDM) strategies, including, but not limited to transportation impacts in terms of daily and peak hour trip generation and assignments, public transit, parking demand, traffic safety, pedestrian, cyclist and vehicular traffic flow or operation, trip generation, **Site** access and egress, network connectivity and accessibility;
  - (h) 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 stability;
  - (i) Air quality impacts including, but not limited to, pollution, dust, fumes, smoke and odours;
  - (j) Impacts to ground and surface water quality including, but not limited to, soil composition, profile, classification, agricultural suitability and capability, geologic process and terrain stability, setbacks to top-of-bank and **Site** suitability and long-term sustainability for on-**Site** sewage disposal;
  - (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 or other hazard (including appropriate construction elevations and setbacks);
- (p) Compatibility with adjacent **District** 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) The staging, implementation schedule, and duration of construction for any proposed development; and/or
- (t) Any other topic in relation to which the **Director** considers the proposed activity or development impacts the jurisdiction of the **District**.

## 7. COUNCIL RECONSIDERATION

7.1 All of the following apply to any decision by the **CAO, Director, or Approving Officer** under Section 3.2:

- (a) Any **Owner** subject to a decision under section 3.2 who is dissatisfied with the decision is entitled to have the decision reconsidered by **Council**, at no charge, in accordance with this section.
- (b) An **Owner** who wishes to have a decision reconsidered by **Council** must apply for the reconsideration by delivering to the **CAO** or the Corporate Officer within 30 days after the decision is communicated in writing to the owner, a reconsideration application in writing, which must set out all of the following:
  - (i) the name of the delegate who made the decision, the date of the decision and the nature of the decision;
  - (ii) reasons why the **Owner** wishes the decision to be reconsidered by **Council**;
  - (iii) the decision the **Owner** requests be made by **Council**, with brief reasons in support of the requested decision; and
  - (iv) a copy of any materials considered by the **Owner** to be relevant to the reconsideration by **Council**.
- (c) A reconsideration application must be considered by **Council** at a regular meeting of **Council** held at least two (2) weeks and no more than ten (10) weeks after the date on which the reconsideration application is delivered to the **District**;
- (d) Where a request for reconsideration is received, the **CAO** or Corporate Officer must:
  - (i) Notify the **Director** and the **Approving Officer** of each request for reconsideration and the **Director** or the **Approving Officer** shall, prior to the

- date of the meeting at which the reconsideration shall occur, provide a written report to **Council** setting out, at the level of detail the **Director** or the **Approving Officer** considers appropriate, the rationale for their decision;
- (ii) Place each reconsideration application on the agenda for a regular meeting of **Council** in accordance with section 7.1 0;
  - (iii) Give notice of each reconsideration by **Council** in accordance with any notice requirements in respect of the original application that are set out in Schedule E of this bylaw or the *Local Government Act*;
  - (iv) Notify the **Applicant** of the date of the meeting at which reconsideration shall occur; and
  - (v) Before each reconsideration by **Council**, deliver to each **Council** member a copy of the materials that were considered by the delegate in making the decision that is to be reconsidered.
- (e) In reconsidering a decision, **Council** must consider the same material as was considered by the delegate in making the decision.
- (f) At a reconsideration of a decision, the **Owner** and any other person who is interested in the decision are entitled to be heard by **Council**.
- (g) **Council** is entitled to adjourn a reconsideration of a decision; and
- (h) **Council** shall either confirm the decision of the **Director** or substitute its own decision, including **DP** conditions.

## 8. PLANS COMPLETED BY A REGISTERED PROFESSIONAL

- 8.1 Where a development proposal indicates a building meets one or more of the following criteria, all building plans, elevations and floor plans must be completed by a registered architect and/or engineer in good standing and licensed to practice in British Columbia:
- (a) The building footprint exceeds 600m<sup>2</sup>;
  - (b) The building height exceeds three (3) storeys;
  - (c) The building is used for Assembly Occupancies, including but not limited to assembly uses, eating establishments, educational facilities, recreational facilities and theatres;
  - (d) The building is used for Care and Detention Occupancies, this includes, but is not limited to, care facilities, hospitals, prisons;
  - (e) The building is used for High Hazard Occupancies, this includes, but is not limited to spray painting operation, waste paper processing plants, chemical plants and bulk plants for flammable liquids;
  - (f) The building requires firewalls as provided for in the *BC Building Code* with a common egress system for occupants; or
  - (g) The building contains five (5) residential units or greater in accordance with the *Architects Act*.



## 9. PERFORMANCE SECURITY

### 9.1 Form of Security

- (a) Security required by permits shall be in the form of a certified cheque or an irrevocable letter of credit, effective for a period to be determined by **Planning & Development**. Such irrevocable letter of credit shall be:
- (i) clean and unconditional;
  - (ii) automatically renewing;
  - (iii) redeemable at a local financial institution chartered under the *Bank Act* (Canada); and
  - (iv) may be subject to additional conditions to be specified by the **CAO, Director, or Approving Officer**.

### 9.2 Amount of Security

- (a) The amount of security required under this section shall be determined by the **CAO, Director** or the **Approving Officer** using the following guidelines:
- (i) An estimate or quote provided by a professional qualified to undertake or supervise the works for which the securities are required, provided by the **Applicant**, at the **Applicant**'s expense and which may be submitted with the application.
  - (ii) The amount of security may be calculated using such methodologies as **Planning & Development** may prescribe from time to time.
  - (iii) If determined necessary by the **CAO, Director** or **Approving Officer**, in addition to section 9.2 (a) (i), a second estimate to be completed by a **Qualified Professional** in order to determine the sufficiency of the proposed security to complete any works and maintenance for up to one year.
- (b) Where security is a condition of a Permit:
- (i) respecting landscaping works, the amount shall be 125% of the cost of the works (excluding GST) with a minimum of one-thousand dollars (\$1,000.00), including inspections, monitoring, maintenance, irrigation, fencing, labour and planting materials paid in full prior to permit issuance;
  - (ii) where a phased landscape plan has been approved, the amount shall be 125% of the cost of the works (excluding GST) with a minimum of one-thousand dollars (\$1,000.00) for each phase, including inspections, monitoring, maintenance, irrigation, fencing, labour and planting materials paid in full prior to permit issuance;
  - (iii) At the discretion of the **CAO, Director** or **Approving Officer**, the security deposit shall also include the cost to restore, replant, or otherwise re-establish any tree designated in the landscape plan for retention, the value of which shall be based on the International Society of Arboriculture (ISA) evaluation method.
- (c) In the case of an unsafe condition that might result from a contravention of a permit condition, the amount of security shall reflect the nature of the permit condition, the nature of the unsafe condition and the cost to the **District** 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.

- (d) In the case of damage to the natural environment that might result from a contravention of a permit condition, the amount shall reflect the nature of the permit condition, the nature of 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.

### 9.3 Release of Security Deposit

- (a) Where security is required pursuant to Section 9.2(b) of this bylaw, the **District** shall return to the **Applicant** 100% of the security deposit upon receipt of a Letter of Assurance from a **Qualified Professional** certifying the unsafe condition or damage to the natural environment has been corrected.
- (b) In addition to section 9.3 (a), where security is required as a condition of a Permit, except for Natural Environment, Stability, Erosion and Drainage Hazard, or Wildfire Hazard **DPs**, the following shall also apply:
  - (i) The landscape works (including irrigation) shall be considered substantially complete upon receipt of:
    - A. Letters or Landscape Schedules of Assurance (L3) from a **Landscape Architect** certifying the landscape and irrigation works have been completed in accordance with the approved **DP**, or as determined by **Planning & Development**;
    - B. Photos of the completed works; and
    - C. A written request for an inspection of the finished works to be scheduled and conducted by **District** staff.
  - (ii) Upon substantial completion, the **District** shall return to the **Applicant** eighty-five percent (85%) of the security deposit. The **District** shall withhold the remaining fifteen percent (15%) for up to two (2) growing seasons.
  - (iii) At least two (2) years after substantial completion of the landscape works, the **District** may return the remainder of the security deposit on the condition that a Letter of Assurance has been submitted by a Landscape Architect certifying the landscaping remains in substantial compliance with the approved **DP**.
- (c) In addition to section 9.3 (a), where security is required as a condition of an Natural Environment, Stability, Erosion and Drainage Hazard, or Wildfire Hazard the following shall also apply:
  - (i) The works shall be considered substantially complete upon receipt of a letter from a **Qualified Professional** certifying the works have been completed in accordance with the approved **DP**, or as determined by **Planning & Development**.
  - (ii) Upon substantial completion, the **District** shall return to the **Applicant** eighty-five percent (85%) of the security deposit unless the remaining fifteen percent. The **District** shall withhold the remaining fifteen percent (15%) for up to two (2) growing seasons.
  - (iii) At least two (2) years after substantial completion of the works, the **District** 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 works remain in substantial compliance with the approved **DP**.
- (d) A Letter of Assurance shall include the following:
  - (i) Application number;

- (ii) The date and drawing number of the landscape plan;
  - (iii) Date(s) of inspection;
  - (iv) Statement that the completed works substantially comply with the approved **DP**;
  - (v) Identification of conformance to approved species, quantity of materials, scale and number of plants, irrigations systems and features (including hard landscaping) as shown on the approved landscape plan and installation to Canadian Landscape Standard;
  - (vi) Confirmation the depth of soils and composition of soils are to Canadian Landscape Standard;
  - (vii) Confirmation there are no discrepancies or deficiencies to the approved **DPs**; and
  - (viii) The request of funds to be released.
- (e) The **District** shall perform inspections in relation to a **DP** within thirty (30) days of receipt of the inspection request; except between November 1<sup>st</sup> and April 30<sup>th</sup> subject to weather conditions.
- (f) If the **District** finds any discrepancies or deficiencies during an inspection in relation to a **DP**, they shall issue an inspection report to the **Owner**.
- (g) Upon completion of all items outlined in an inspection report, the **Owner** shall notify the **District** for further inspection and provide photos of the corrected discrepancies and deficiencies.
- (h) If a phased landscape plan has been approved, the security for the works completed in phase one, or in the case of multiple phases when there are subsequent phases at each phase, one hundred percent (100%) of the security deposit for the works that shall be completed under phase two, or subsequent phases as applicable, shall be retained by the **District** until the works are considered substantially complete of the previous phase.
- (i) If the landscape works are not completed in substantial compliance with the approved **DP** 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 **District** 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. No Occupancy Permit shall be issued prior to completion of the landscape requirements in accordance with the Landscape Plan attached to and forming part of a **DP** unless securities are in place.
- (j) The **Owner** shall pay for any differences between the amount of security deposit and the **District's** invoice if:
- (i) The **Owner** does not complete the required works or maintenance; or
  - (ii) The security deposit is inadequate for the **District** to carry out the required works or maintenance.
- (k) If the **District** draws on the security deposit, the **District** or its agents have the irrevocable right to enter onto the property to undertake the required works for which the security deposit was submitted.
- (l) If the **District** draws on the security deposit, and the works completed in accordance with the Permit result in a surplus, that surplus shall be returned to the **Owner**.

- (m) If, within a two (2) year period following approval of substantial completion of a **DP**, any tree or shrub dies or becomes diseased, it shall be replaced by the **Owner** with the same species, or such other species that may be approved by the **Director**.
- (n) The security deposit shall be returned by the **District** to the **Owner** of the property on title unless a written notice of assignment has been received by the Chief Financial Officer.
- (o) If a **DP** is cancelled by the **Owner** and no work has occurred related to the security deposit, the security deposit shall be returned to the **Owner** at the approval of the **Director**.

## 10. CAO RESPONSIBILITIES

- 10.1 The **CAO** shall, upon receiving a report from **Planning & Development** for **Council** consideration:
- (a) Forward the report to a committee;
  - (b) Endorse the report, with or without comments, and forward the report to **Council** for consideration; or
  - (c) Return the report to the **Director** for additional information.

## 11. CORPORATE OFFICER RESPONSIBILITIES

- 11.1 The Corporate Officer is responsible for processing bylaws and shall:
- (a) Prepare the bylaw and place it on the appropriate agenda for consideration by **Council**;
  - (b) Give notice of the **Public Hearing** or **Council** consideration as required by the *Local Government Act* and this bylaw; and
  - (c) Refer the bylaw to the appropriate agency for other approvals.

## 12. NOTICE OF DECISION

- 12.1 All **Applicants** shall be notified within 21 days of a **Council** decision on an **Amending Bylaw, DP** or a **DVP**.
- 12.2 Written notice of a **Council** decision shall be mailed, emailed or otherwise delivered by the **District** to an **Applicant** at the address provided on the application form.

## 13. INCOMPLETE APPLICATIONS

- 13.1 If **Planning & Development** determines an application is incomplete, the **Applicant** shall be requested to provide the required information before it will be accepted for processing. The **Applicant** may be required to provide additional information beyond the standard checklist of items by the **Director**. If the **Applicant** does not provide the information within three (3) months of the request, the application and refundable portion of the fee shall be returned, and the file closed.

## 14. PERMIT RENEWALS, EXTENSIONS AND LAPSE

### 14.1 Permit Renewals and Extensions

- (a) Applications to renew or to extend a **DP**, **DVP** or **TUP** under this bylaw:
  - (i) must be made prior to the lapse of the Permit; and
  - (ii) shall be made and processed substantially in accordance with applicable Schedules of this bylaw.

### 14.2 Permit Issuance and Lapse

- (a) A **DP**, **DVP** or **TUP** is considered to have been issued upon the date of authorization by **Council**, or, where applicable, by the **CAO**, **Director** or **Approving Officer** unless specific conditions must be satisfied prior to issuance.
- (b) Once a **DP** has been approved by **Council** or, where applicable, by the **CAO**, **Director** or **Approving Officer** the **Applicant** has five (5) months to complete any prerequisite conditions. Upon written application by the **Applicant**, **Council** may extend the five (5) month period once for up to three (3) months. If no application for extension is received, the file will be closed and the permit will not be issued.
- (c) Once issued, a **DP** or **DVP** is considered to have lapsed as set out in Section 504 of the *Local Government Act* or as specified in the Permit.
- (d) Pursuant to Section 504 of the *Local Government Act*, in order for construction to be considered substantially started, the following minimum criteria shall 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 **DP** 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) Except for **Phased Development Agreements** approved pursuant to this bylaw, upon receiving final occupancy for a phase of an approved phased development, subsequent phases must meet the criteria of Section 14.2(d) within two (2) years or the permit shall be deemed to have lapsed and shall have no force or effect.

### 14.3 Lapse of Application

- (a) In the event an application under this bylaw is one (1) year old or older and has been inactive for a period of six (6) months or greater;
  - (i) the application shall be deemed to be abandoned and the **Applicant** shall be notified in writing that the file shall be closed;
  - (ii) any bylaw that has not received final adoption shall be considered abandoned.
- (b) Upon written request by the **Applicant** for a File Extension, prior to the lapse of the application, **Council** may, by resolution, extend the deadline for a period of six (6) months.
- (c) If applicable, a refund shall be paid to the **Applicant** in accordance with the **Fees Bylaw** for proposals that have been deemed to have lapsed.
- (d) In order for an application that has lapsed under Section 14.2 or 14.3 to proceed, a new application (including fee), is required.

### 14.4 Re-application if Refused

- (a) Subject to Section 460 of the *Local Government Act*, where an application under this bylaw has been refused by **Council**, re-application shall not be accepted for a six (6) month period immediately following the date of refusal.

## 15. INSPECTION

- 15.1 The **Director, Bylaw Enforcement Officer, Building Inspector** and any other authorized representative of the **District** under their direction is hereby authorized to enter at all reasonable times upon any premise to ascertain whether the regulations and provisions of this bylaw are being or have been complied with.

## 16. OFFENCE

- 16.1 Every person who violates a provision of this bylaw commits an offence and is liable on summary conviction to a penalty not exceeding fifty thousand dollars (\$50,000) and the costs of prosecution.
- 16.2 Each day a violation of this bylaw exists shall constitute a separate offence.
- 16.3 No person shall interfere with or obstruct the entry of a **Bylaw Enforcement Officer** or any other authorized **District** representative onto any land or into any building to which entry is made or attempted pursuant to the provisions of this bylaw.
- 16.4 No person will do, authorize, or permit the following in respect of land or a building located in a **DP** area designated under the **District's OCP** Bylaw:
  - (a) alter a building or land in a **DP** area, unless that person or the **Owner** of the building or land holds a valid **DP**; or
  - (b) alter a building or land that is subject to a **DP**, except in accordance with the requirements, conditions, and standards imposed by the **DP**.

**17. APPLICATION FEES**

- 17.1 At the time of application, the **Applicant** shall pay to the **District** any application fees in the amounts as set out in the **Fees Bylaw**.
- 17.2 Where a Public Information Meeting is required by **Council**, the **Applicant** shall pay all costs associated with the Public Information Meeting.
- 17.3 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, they shall be treated as one proposal;
  - (b) If an application involves two or more parcels of land that are not contiguous, they shall be treated as separate applications and the fee prescribed in the **Fees Bylaw** shall apply to each parcel of land for which the application is made.
- 17.4 If an application is withdrawn or denied prior to first reading, the **Applicant** may request a refund of one-half of the application fee.

**18. PUBLIC NOTIFICATION AND CONSULTATION REQUIREMENTS**

- 18.1 All applications under this bylaw by a land **Owner** require the forms of public notification and consultation described in this section.

**Table 1 – Forms of Public Notification and Consultation**

Application Type	Development Notice Sign	Neighbour Consultation	Public Information Session
<b>OCP Amendment</b>	Y	Y	N
<b>OCP Amendment (Neighbourhood Plan)</b>	Y	N	Y
<b>Zoning Bylaw Amendment</b>	Y	Y	N
<b>DP – Technical</b>	N	N	N
<b>DP – Council Decision</b>	N	N	N
<b>DVP</b>	Y	Y	N
<b>TUP</b>	Y	Y	N
<b>TUP Renewal</b>	Y	Y	N
<b>Phased Development Agreement</b>	Y	N	Y

Y = Required

N = Not required

- 18.2 Notwithstanding Table 1, where an application is initiated by the **District**, public meetings may be held at the discretion of the **CAO, Director** or **Approving Officer**.

### 18.3 Developer-Directed Public Information Meetings

- (a) A Public Information Meeting is required to be held by the developer prior to **Council** consideration of an **OCP** Amendment that creates a Neighbourhood Plan or **Phased Development Agreement**.
- (b) The developer/**Applicant** shall organize, conduct and pay all costs associated with the public information meeting.
- (c) Notice of a public information meeting shall be mailed or distributed in the same manner as would be required for a **Public Hearing**; or where the application is for a permit, in the same manner as if it were a notice of a proposed **DVP**.

### 18.4 Scheduling of a Public Information Meeting

- (a) A public information meeting shall be arranged and conducted according to the following guidelines:
  - (i) should commence no later than 7:00 p.m.
  - (ii) should be held Monday through Thursday, excluding holidays. Where the **District** considers appropriate, a public information meeting may be held on a weekend, if in the event that members of the public or adjacent property **Owners** would otherwise have difficulty attending a meeting held on a weekday. A public information meeting held on a weekend should be in the afternoon.
  - (iii) Where possible, should be held in the area of the community most affected by the respective application.

### 18.5 Notice of Public Information Meetings

- (a) To ensure the public and persons who may be affected by a bylaw amendment or application under this bylaw have adequate notice of a public information meeting, the **Applicant** must notify adjacent property **owners** and residents within a distance not less than 50 metres of the boundaries of the subject property. Notification may be in person, by mail or by handbill left at each property. BC Assessment rolls should be used in preparing an adjacent-property **owner** list. **District** staff may assist in preparing the list.

### 18.6 Notice of Public Hearings

- (a) In accordance with the *Local Government Act*, the **District** shall mail or otherwise deliver individual notices to all **Owners** and tenants in occupation of the subject property for which an application is being made, and all **Owners** and tenants in occupation of properties that are abutting and adjoining or within 50 m of the subject property to which the application pertains, advising of:
  - (i) A scheduled **Public Hearing** for an **OCP**, **Zoning Bylaw** amendment or **Phased Development Agreement**; or
  - (ii) A scheduled **Council** meeting for considering a **DVP** or **TUP**.
- (b) The notification outlined in section 18.5 is not required if ten (10) or more parcels owned by ten (10) or more persons are subject to the application.



- (c) Individual notices shall be mailed or otherwise delivered not less than ten (10) days prior to **Council** consideration of a **DVP** or **TUP**, and not less than ten (10) days prior to the holding of a **Public Hearing** for an **OCP** or **Zoning Bylaw** amendment.

#### 18.7 Posting a Development Notice Sign

- (a) Except for a **DP**, renewal of a **TUP** 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 Development Notice Sign(s) ("Sign(s)") on that parcel of land which is the subject of the application, in accordance with the following:
- (i) Timing
    - A. For applications that require a statutory **Public Hearing**, Signs shall be posted a minimum of ten (10) days prior to the **Public Hearing**.
    - B. For all other applications, Signs shall be posted a minimum of ten (10) days prior to the **Council** meeting where the application is scheduled for consideration.
    - C. Signs must remain in place until the conclusion of the **Public Hearing**, until **Council** has considered the **DVP**, until **Council** has adopted the **Amending Bylaw** if the **Public Hearing** has been waived, or until the development application has been abandoned.
    - D. Signs must be removed within seven (7) days of the conclusion of a **Public Hearing** or **Council** decision on the application.
  - (ii) Location:
    - A. All Signs shall be placed on a property that is subject to an application under this bylaw.
    - B. All Signs shall be placed so they are clearly visible from the street, approximately three (3) metres inside the property line.
  - (iii) Number:
    - A. At least 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** frontage.
  - (iv) Sign Fees shall be in accordance with the **District's Fees Bylaw**.
  - (v) Sign Preparation:
    - A. Signs shall be prepared in accordance with the **District** standard at the **Applicant's** expense. Sign content will be completed by **District** staff prior to providing the sign to the **Applicant** for posting.
  - (vi) Sign(s) shall include the following information, where applicable:
    - A. The **District's** development application file number;
    - B. A brief project description;
    - C. The date(s) of the relevant **Public Hearing** and/or **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
    - D. Any additional information **Planning & Development** may require.
  - (vii) Sign Installation:
    - A. Signs shall be installed at a height of 1m to 1.5m above the ground on at least two supporting posts. Signs shall 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, especially on corner **Lots** where the sight triangle shall be respected.
  - (viii) The **Applicant** must provide **Planning & Development** with either:

- A. a statutory declaration in the approved format that all Signs required by this bylaw have been installed on the land involved, before the application will be considered at **Public Hearing** or by **Council**; or
  - B. with photographic evidence confirming that all Signs required by this bylaw have been installed on the subject property before the application shall be considered at a **Public Hearing** or a regular meeting of **Council**.
- (ix) Failure to Post:
- A. Failure to post the required Sign(s) in accordance with this bylaw shall result in the postponement of consideration of the application by **Council**. All costs incurred by the **District** for public notification as a result of such postponement shall be the responsibility of the **Applicant**.
- (x) Failure to Remove:
- A. If the applicant fails to remove the required Sign(s) in accordance with this bylaw, the **District** may have the Sign(s) removed at the **Owner's** expense without further notice, and such expense shall be charged to the lands pursuant to section 376 of the *Local Government Act*.

## 18.8 Neighbour Consultation

- (a) Where required, all abutting and adjoining parcels and any parcels within 50m of the subject property must be consulted. At a minimum, notice of an application shall be delivered to each property; the notification should provide instructions on how to receive further information and respond to the **Applicant** with comments. Personal contact with the occupants of each property is recommended.

## 18.9 Agency Referral Process

- (a) The **Planning & Development** Department shall develop a referral list of agencies, organizations or levels of government to which the applications must be sent for review and comment.
- (b) Each agency, organization or level of government shall be given a minimum of thirty (30) calendar days from the date of the referral to provide any comments. If after a minimum of thirty (30) calendar days the agency, organization or level of government has not notified the **District** in writing about their concerns or advised of a delay in response, the agency, organization or level of government is considered to have no concern.

## 19. REPEALS

- 19.1 District of Lake Country Development Application Procedures Bylaw 99-240 and all amendments thereto are hereby repealed in their entirety.
- 19.2 District of Lake Country Delegation Bylaw 339, 2000 and all amendments thereto are hereby repealed.

READ A FIRST TIME this 19<sup>th</sup> day of January, 2021.

READ A SECOND TIME this 4<sup>th</sup> day of May, 2021.

READ A THIRD TIME this 4<sup>th</sup> day of May, 2021.

ADOPTED this 18<sup>th</sup> day of May 2021.

*Original signed by James Baker* \_\_\_\_\_  
Mayor

*Original signed by Reyna Seabrook* \_\_\_\_\_  
Corporate Officer

**SCHEDULE A DEFINITIONS**

**Agricultural Advisory Committee or “AAC”** means a Committee established by the **District** to provide advice to **Council** on various applications.

**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 *Agricultural Land Commission Act*.

**Amending Bylaw** means a bylaw to change the provisions of the **OCP Bylaw** or **Zoning Bylaw**.

**Applicant** means the **Owner** of the real property that is the subject of an application under this Bylaw or any person designated by the **Owner** in writing as the agent for the **Owner**.

**Approving Officer** means the person appointed as the **Approving Officer** of the **District** pursuant to the provision of the *Land Title Act* including those appointed as Deputy **Approving Officer**.

**Building Inspector** means the means the person designated in or appointed to that position by the **District** and other such person or persons as they may designate from time to time as their assistants.

**Bylaw Enforcement Officer** means the **Bylaw Enforcement Officer** of the **District**.

**Chief Administrative Officer (“CAO”)** means the person appointed as the **CAO** for the **District** and includes his or her deputy.

**Council** means the municipal **Council** of the District of Lake Country and includes the Mayor.

**District** means the municipal organization of the District of Lake Country.

**Development Permit (“DP”)** means a permit authorized by section 490 and 491 of the *Local Government Act*.

**Development Variance Permit or “DVP”** means a permit authorized by section 498 of the *Local Government Act*.

**Director of Planning & Development (“Director”)** means the person appointed as such by the **CAO**.

**Fees Bylaw** means the District of Lake Country’s Fees Bylaw as amended or replaced from time to time.

**Land use permit** includes a **DP**, a **TUP**, a **DVP** or other permit under *Local Government Act* Division 10 [*Other Permits and Permit Matters*].

**Landscape Architect** means a person who is certified as a Professional Landscape Architect in the Province of British Columbia, who is registered as a member in the British Columbia Society of Landscape Architects as set out in the Architects (Landscape) Act as amended from time to time.

**Lot** means a parcel of land, including Crown Land title to which has been registered in the Land Title Office by the deposit of a plan or other description, but does not include a highway.

**Official Community Plan (“OCP”)** means the District of Lake Country **Official Community Plan Bylaw** as amended or replaced from time to time.

**Owner** means the registered **Owner** of an estate in fee simple of land, or an agent duly authorized by the **Owner** in writing in the prescribed form, and also where the context or circumstances so require:

- (a) a tenant for life under a registered life estate;
- (b) a registered holder of an agreement for sale;
- (c) a holder or occupier of land held in the manner mentioned in Sections 228 and 229 of the *Community Charter*; or
- (d) a lessee with authority to build on land.

**Phased Development Agreement** means an agreement authorized under section 515 of the *Local Government Act*.

**Planning & Development** means the District of Lake Country’s **Planning & Development** Department.

**Public Hearing** means a **Public Hearing of Council** pursuant to the *Local Government Act*.

**Qualified Environmental Professional (“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 is not limited to, Biologists, Foresters, Agrologists, Engineers, Geologists, Onsite Wastewater Practitioners; 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 or otherwise eligible to practice in British Columbia with experience relevant to the applicable matter, as determined by **Planning & Development** and includes a **Qualified Environmental Professional**.

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

**Technical DP** means a **DP** that the **Director** is authorized by this bylaw to issue.

**Temporary Use Permit (TUP)** means a permit authorized by section 493 of the *Local Government Act*.

**Zoning Bylaw** means the District of Lake Country **Zoning Bylaw**, as amended or replaced from time to time.

**SCHEDULE B APPLICATION REQUIREMENTS**

**NOTE:** Application Submission includes items B.1 to B.7, as applicable. Information required in this Schedule may be required in addition to any information or requirements contained within schedules for specific application types.

- B.1** A completed application form.
- B.2** State of Title Certificate or Title Search print including copies of registered easements, rights-of-way and covenants obtained within the past 90 days from the Land Title Office.
- B.3** **Owner's** Authorization if the **Applicant** is not the registered **Owner** of the land and has been appointed an agent.
- B.4** Zoning Analysis Table illustrating how the proposal meets or deviates from the requirements of the current and any proposed zone(s).
- B.5** Project Description including the design rationale explaining the project's conformity with the **OCP** including relevant **DP** guidelines and in the case of Form and Character **DPs** with respect to form, materials, context, objectives, design philosophy, relationship to adjacent development; how accessibility and Crime Prevention through Environmental Design considerations shall be addressed if applicable.
- B.6** Photographs of the **Site** and surrounding context i.e. neighbouring properties, on-**Site** structures, boulevard trees, sidewalks, overhead utilities) in colour and at a size which is legible to the reader.
- B.7** **Site** Plan (Minimum 1:200 scale) in metric units including:
  - (a) Civic address and legal description
  - (b) North Arrow
  - (c) Scale
  - (d) **Site** Plan Data Table including:
    - (i) **Site** Area (m<sup>2</sup>)
    - (ii) **Site** Coverage (%)
    - (iii) Gross Floor Area (m<sup>2</sup>)
    - (iv) Floor Area Ratio (FAR)
    - (v) Number of proposed units
  - (e) Property lines and dimensioned setbacks (maximum building footprint)
  - (f) Easements, right-of-way and covenant areas
  - (g) Location and names of streets adjacent to the property
  - (h) Location of any special features such as topography or hazards
  - (i) Outline of existing and proposed buildings (accurately measured and dimensioned)
  - (j) Location of existing and proposed sewer disposal fields, and if the **Site** is not to be connected to the **District's** community water system, all existing sources of potable water
  - (k) Parking layout (dimensioned setbacks to property line, depth and width of stalls and manoeuvring aisles) including disabled parking stalls and Visitor Parking stalls
  - (l) **Site** lighting
  - (m) Location and area of private open space (also labelled on corresponding Landscape Plan)

*For Commercial, Industrial, Institutional and Multi-family residential applications also include:*

- (n) Provision of universal accessibility
- (o) Location and number of bicycle, scooter and motorcycle parking spaces and parking spaces for persons with disabilities (accurately dimensioned)
- (p) Location of any Loading Spaces
- (q) Location of any existing and proposed signage
- (r) Locations of refuse and recycling bins and enclosures
- (s) Private Open Space calculations
- (t) Expanded Data Table to include Parking and Private Open Space calculations
- (u) Connectivity to public sideways and trails
- (v) Lighting plan showing illuminated areas

#### **B.8 Access Permit Applications**

In accordance with the **District's** Highway Access and Driveway Regulation Bylaw, applications for an Access Permit must be submitted for Access to Rights-of-way or Private Lands; these shall be applied for concurrently with applications for **DPs** or Building Permits but a copy of the issued Permit must be provided to **Planning & Development** prior to authorization of permits under this bylaw or the **District's** Building Regulation Bylaw.

#### **B.9 Colour Board** submitted in a form that can be replicated including:

- (a) Roofing material and colour
- (b) Main exterior material(s) and colour(s)
- (c) Materials and proposed colour details of windows, doors, trim, balconies, railings, etc.  
*For Commercial, Industrial, Institutional and Multi-family residential applications also include:*
- (d) One (1) Colour Board with samples of actual materials use (including signage details)

#### **B.10 Engineering Assessment**

Development deemed by the **District** to interrupt the flow of water must provide an engineered solution for maintaining the natural drainage flow by a **Qualified Professional**.

#### **B.11 Elevation Drawings** (Minimum 1:200 scale) in metric units including:

- (a) Exterior of subject building(s) with all elevations and directions labelled
- (b) Existing average **Site** grade and grade of existing buildings
- (c) Proposed average **Site** grade and finished grade of proposed buildings
- (d) Where existing grade is altered, indicate the finished grade at all bordering properties and streets
- (e) Dimensioned height from grade on all elevations (indicate number of storeys)
- (f) Materials and proposed colour details of all exposed surfaces (e.g. roof (including vents, chimneys and elevator housing), trim, facade)  
*For Commercial, Industrial, Institutional and Multi-family residential applications also include:*
- (g) Drawings of street elevation with relationship to buildings on adjacent properties
- (h) Lighting locations around entrance, exits and emergency access routes
- (i) Sign Plan as per section 16.0.1 of the Sign Bylaw showing the location of any existing and proposed signage
- (j) Materials and proposed colour details of windows, doors, trim, balconies, railings, etc.
- (k) Coloured rendering (showing complete building elevations and proposed landscaping)

#### **B.12 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 shall include, but is not limited to:

- (a) a biophysical inventory that stratifies and maps environmentally sensitive areas,
- (b) a habitat balance sheet;
- (c) a cumulative effects assessment; and
- (d) a gap analysis.

Where a **Site** has been previously disturbed, an Environmental Management Plan outlining remediation may also be required. Overlays showing the proposed development concept in relation to the results of the feature survey, Geotechnical Hazard and Hydrological Assessment.

**B.13 Environmental Monitoring Plan** prepared, signed and sealed by a **Qualified Professional**, that assures project construction activities comply with environmental provisions defined in:

- (a) applicable legislation
- (b) **District** of Lake Country environmental management guidelines and policies (i.e. **OCP** policies and Terms of Reference for Professional Reports and Technical Studies)
- (c) Industry best practices
- (d) An Environmental Monitoring Plan shall:
  - (i) Assure that appropriate levels of protection are in place to prevent or to minimize impacts to environmental resources;
  - (ii) Prepare timely, accurate and unbiased reporting; and
  - (iii) Include a cost estimate for all monitoring and associated works.

**B.14 Erosion and Sediment Control Plan** prepared by a qualified registered professional engineer identifying:

- (a) Potential for erosion and sedimentation; and
- (b) Measures to be taken to minimize that potential before, during and after **Site** development.

**B.15 Floor Plans** for each floor including the basement (Minimum 1:200 scale) in metric units including:

- (a) Layout of all exterior and interior walls (dimensioned);
- (b) Location of doors and windows;
- (c) Use of each room (e.g. bedroom, bathroom, etc.); and
- (d) Dimensions of each room.

**B.16 Geotechnical and/or Hydrogeological Assessment** prepared by a suitably **Qualified Professional** engineer that concludes that the land is safe for the use intended and identifies areas which may be unsuitable for development. A **Site**-specific Terms of Reference may be prepared by the **District** to address specific hazard issues and describe report requirements. The **District** may require **Owners** of infill legacy to provide a new geotechnical study to be completed if any of the prior studies produced by the proponent are outdated or do not meet the current regulations.

**B.17 Grading Concept Plan** prepared by a registered professional showing:

- (a) Pre- and post-development contours in 1 to 2 metre intervals;
- (b) Location of, and **FCL** relative to, existing creeks, watercourses, natural drainage routes and other pertinent topographic features, including top of bank and ridgelines and all large or desirable trees on or near proposed roadways;
- (c) Pre- and post-development cross sections;
- (d) Building footprints;
- (e) Sections through proposed building(s) indicating line of existing and finished grade;



- (f) Circulation network and access to adjacent lands; and
- (g) Proposed landscape works.

**B.18 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 **District**, including but not limited to:

- (a) 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;
- (b) 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
- (c) A Completion Report may be requested upon completion of the habitat restoration work as a condition of the **DP** that:
  - (i) describes and justifies any departures from the proposed restoration prescriptions;
  - (ii) provides images and descriptions for each treatment type completed;
  - (iii) recommends additional mid to long term measures to enhance the success of the project; and
  - (iv) includes a summary of final project costs.

**B.19 Infrastructure Lifecycle Cost Summary** prepared by a qualified registered professional engineer identifying all infrastructure required to support the development and any sharing of that infrastructure with existing or future development by others. The summary must also identify the projected service life of each infrastructure component.

**B.20 Landscape Plan** (Minimum 1:200 scale) in metric units detailing:

- (a) Civic address and legal description
- (b) North Arrow
- (c) Scale
- (d) Outline of existing and proposed building(s) with existing trees or treed areas
- (e) Parking layout and surface treatment
- (f) Hard landscaping (precast pavers, brick, concrete, etc.) including materials within the public road right-of-way
- (g) Soft landscaping (trees, hedges, planting beds, vines, lawn, etc.) including vegetation within the public road right-of-way
- (h) Landscape structures (fences, trellis, arbours, retaining walls, lighting, etc.)
- (i) Location and size of amenity areas, play areas and private open space (if applicable)

*For Commercial, Industrial, Institutional and Multi-family residential applications also include:*

- (j) Types, locations and grades of existing trees
- (k) Details about trees and other vegetation proposed to be retained
- (l) Location and installation method of barrier to protect trees and vegetation to be retained
- (m) Preliminary grading information sufficient to determine special treatment or provisions to retaining elements that corresponds to the Grading Plan, including existing and proposed **Site** drainage and grading based on an accurate survey of existing grades
- (n) Proposed soil depth
- (o) A proposed plant list of trees, shrubs, perennials and ground covers including quantities, botanical and common names, planting sizes and on center spacing including reference to the Canadian Landscape Standard

- (p) Treatment of the surface areas for driveways, parking spaces, sidewalks, walkways, patios and/or boulevards
- (q) Location and species of boulevard trees (if proposed) and preliminary construction drawings for the landscape elements, including details and location of street furniture, amenity areas, lighting, and equipment
- (r) Details of fence locations and fencing materials and height
- (s) Location, material and height of refuse and recycling enclosures (accompanied by detailed elevation drawings)
- (t) A phased Landscape Plan may be accepted for a phased development provided that the first phase includes the landscape buffers for any portion of the subject property that is fronting a street or lane and **Council** considers the visual impacts and safety of the remainder of the **Site** at the public interface area acceptable
- (u) Landscape cost estimate indicating topsoil, mulches, vegetative materials, hard and soft landscaping, irrigation, structures, fencing, play equipment, **Site** furniture, etc. The estimate should include the labour costs for monitoring activities in accordance with the terms of the restoration or maintenance period

**NOTE:** 1. Where a Landscape Plan is required as a condition of a Natural Environment **DP**, the Plan must be stamped and sealed by a **Qualified Professional**.

2. A Landscape Plan for *Commercial, Industrial, Institutional and Multi-family residential development* must be prepared by a **Landscape Architect**.

**B.21 Landscape Estimate** for work described on the Landscape Plan.

**B.22 Preliminary Concept Plan** prepared by a registered professional showing the following minimum information where not included on other plans submitted:

- (a) Areas to be developed
- (b) Natural areas to be preserved
- (c) Existing and proposed development
- (d) **Site** grading, topographic contour plans, slopes, water courses, road layout, proposed land uses, preliminary **Site** servicing and tree cutting limits

**B.23 Retaining Walls Plan and Design** showing the location and design of retaining walls including plan and profile as well as materials

**B.24 Riparian Areas Protection Regulation Report and Approval** for areas identified on **OCP** Map 15 Riparian Areas, as amended from time to time.

**B.25 Site Survey Certificate** showing existing buildings prepared by a registered BC Land Surveyor.

**B.26 Snow Management Plan**

- (a) **Site** plan with an overlay
- (b) Description of the proposed activities

- B.27 Stormwater and Drainage Management Plan** showing the entire **Site** and the downstream basin(s) that may be affected. A **Site**-specific Terms of Reference may be prepared by the **District** to address storm water issues and describe report requirements. At a minimum the plan and report should demonstrate:
- (a) Pre- and post-development on-**Site** and off-**Site** stormwater conveyance systems or drainage facilities including natural drainage courses, streams, ponds, springs, etc.
  - (b) Tributary (upstream) drainage areas and major off-**Site** drainage routes
  - (c) Proposed development layout and stormwater management system(s), including overland emergency drainage routes from all low points on the proposed roads
  - (d) Analysis of pre- and post-development runoff peak flows and volumes generated from critical rainfall events and the proposed release rates
  - (e) Analysis of potential downstream problems (i.e. system capacities, erosion, flooding, fish habitat) considering both peak and low flow conditions compared to the latest available information
  - (f) Discussion of stormwater quality and drawings showing the location and details of proposed water quality Best Management Practices
  - (g) Evidence of consultation with **Qualified Professional**(s) and relevant government agencies to determine fish flow requirements (i.e. low flow and pond requirements) and any relevant background information
  - (h) Recommendations for mitigating impacts related to development activities
- B.28 Subdivision Plan** showing:
- (a) Building **Sites**
  - (b) Buffer Areas
  - (c) Proposed subdivision boundaries
  - (d) demonstrated primary and secondary onsite sewerage fields (if applicable)
- B.29 Sustainability Checklist** in the format prescribed by **Planning & Development**
- B.30 Topographic and Feature Survey** prepared by a registered professional showing:
- (a) Natural/existing slope contours at a 1 to 2 metre interval including but not limited to knolls, bedrock outcrops, cliffs and slope transitions, seasonal and permanent watercourses, drainage routes, vegetation, top of bank and ridgelines
  - (b) Spot elevations
  - (c) Existing roads, improvements and servicing (e.g. swales and similar infrastructure)
- B.31 Tree and Vegetation Management Plan** prepared by a **QEP** designed to:
- (a) Promote the use of native plant species, plant health, minimize wildfire risk, minimize erosion and to ensure that the landscape retains a natural appearance
  - (b) Re-vegetation should indicate existing vegetated areas that are to remain undisturbed and show all proposed landscaping. A full planting list is required
- B.32 Utilities Design Brief** including:
- (a) Conceptual Design Drawings with modeling and field check for water (including Fire Flow calculations where applicable), sanitary and storm sewer services and roads in accordance with the District of Lake Country Subdivision, Development and Servicing Bylaw Pre-Design Report requirements;
  - (b) Cost Estimate

At consideration of Zoning Amendment Applications:

First and Second Reading, <b>Public Hearing</b> & 3 <sup>rd</sup> Reading	Utilities Design Brief
4 <sup>th</sup> Reading/Adoption	Following 4 <sup>th</sup> Reading/Adoption a Detailed Design submission shall be required in accordance with the District of Lake Country Subdivision, Development Servicing Bylaw, as amended including details as may be requested by the <b>District</b> Engineer which may include a Servicing Agreement for required off- <b>Site</b> infrastructure.

**B.33 Visual Impact Assessment** showing:

- (a) Pre- and post-development conditions, including a 3D digital terrain model illustrating pre- and post-development conditions
- (b) Proposed buildings and structures
- (c) Road alignments
- (d) Extent of cuts and fills
- (e) **Site** features to be preserved or removed
- (f) Post-development impacts on views. A viewshed analysis should be provided from a select number of valley bottom locations outside of the development **Site** to illustrate pre- and post-development views to the **Site**.

**B.34 Wildfire Hazard Mitigation Report** prepared, signed and sealed by a **Qualified Professional**, that assures project construction activities comply with Urban Wildfire Interface management principles defined in:

- (a) Applicable legislation
- (b) District of Lake Country urban wildfire interface management guidelines and policies (i.e. **OCP** policies and Terms of Reference for Professional Reports and Technical Studies)
- (c) Industry best practices
- (d) A Wildfire **Hazard** Mitigation Report shall recommend a Mitigation Strategy that shall become the conditions of a **DP** and/or registration of a restrictive covenant.

**SCHEDULE C OFFICIAL COMMUNITY PLAN OR ZONING BYLAW AMENDMENT APPLICATION**

- C.1** Applications to amend an **OCP** or **Zoning Bylaw** shall include the following items as detailed in Schedule B:
- (a) Application Submission
  - (b) **Site** Plan (Preliminary Concept)
  - (c) Elevation Drawings (Conceptual)
  - (d) Floor Plan (if available)
  - (e) Utilities Design Brief
  - (f) Additional Development Approval Information as determined by the **Director** in order to adequately evaluate an amendment application, in accordance with Section 5 of this bylaw.
- C.2** Applications to amend an **OCP** or **Zoning Bylaw** shall be processed as follows:
- (a) Upon receipt of an application package submitted to the **District** in accordance with the requirements of this bylaw, Planning & Development will review the application to determine whether it is complete. If incomplete, staff will return the package to the Applicant and request the required information be added to the package and resubmitted when complete. Staff will open a file only upon receipt of a complete submission package.
  - (b) Staff shall issue a fee receipt to the **Applicant**.
  - (c) **Planning & Development** will issue an Acknowledgement of the application, notification of the file number and file manager contact information to the **Applicant**.
  - (d) **Planning & Development** will evaluate the application for compliance with **District** bylaws and policies. Staff may conduct a **Site** visit as part of the evaluation process.
  - (e) **Planning & Development** shall refer the application to applicable internal **District** departments, applicable external agencies and advisory bodies, including any adjacent local government where the application may affect the interests of that local government.
  - (f) The **Applicant** shall undertake the form(s) of public notification and consultation required in accordance with this bylaw.
  - (g) **Planning & Development** will prepare a staff report, including technical agency comments, advisory body comments and feedback received at the public information meeting (to be supplied by the **Applicant**) and refer the application to the **CAO** for consideration and forwarding to **Council** for initial consideration.
  - (h) The **Applicant** is encouraged to attend the **Council** meetings at which the application is being considered.
  - (i) **Council** may decide to give first reading, refer, table or deny any application.
  - (j) **Council** may consider second reading at the same meeting and forward to a **Public Hearing**, if required.
  - (k) A **Public Hearing** shall be held to allow the public to comment on the application.
  - (l) Notice of a **Public Hearing** shall be given pursuant to the *Local Government Act*.
  - (m) Following the **Public Hearing**, **Council** will consider the amendment bylaw and may proceed with third reading, refer, table or deny the application. Upon receiving third reading, an amendment bylaw may need to be sent to relevant provincial ministry(s) for approval before proceeding to adoption.
  - (n) Once the **Applicant** has adequately addressed all outstanding conditions (if any), **Council** will consider the adoption of the bylaw(s), subject to Section 4.1 of the bylaw.
  - (o) Following receipt of the **Council** Resolution Number from the Corporate Officer, **Planning & Development** will notify the **Applicant** in writing of **Council's** decision.

**SCHEDULE D DEVELOPMENT PERMIT (COUNCIL) APPLICATION**

- D.1** Unless otherwise exempted from the requirement to obtain a **DP** by the **OCP**, an **Owner** of land designated as a **DP** area must obtain and hold a valid permit prior to:
- (a) Subdividing lands;
  - (b) Constructing, adding or altering a building or structure; or
  - (c) Altering land or a building or structure on that land within an area designated for revitalization, energy conservation, water conservation, greenhouse gas reduction of the natural environment or hazardous conditions area.
- D.2** Applications for a **Council DP** shall include the following items as detailed in Schedule B:
- (a) Application Submission
  - (b) **Site Plan**
  - (c) **Technical Reports** for the type of **DP** as set out in Table D4 and detailed in Schedule B
  - (d) Additional information may be required by the **Director** to evaluate adequately and to issue or deny a **DP**, in accordance with Section 4.2 of this bylaw.

**NOTE:** A single **DP** application may address multiple **DP** Area designations and applicable guidelines. Where any single proposal involves both a **Technical DP** and one that must be decided by **Council**, the Technical Permit should be either issued prior to or in conjunction with, any Permit being considered by **Council**.

**Table D4:** Additional Submission Requirements by **DP** Area Designation

Requirement	Agricultural & Agri-Tourism	Commercial	Greenhouse Gas Reduction & Resource Conservation	Hillside	Industrial	Multiple Unit Residential	Town Centre
B.10 Colour Board		✓			✓	✓	✓
B.12 Elevation Drawings (If available)		✓		✓	✓	✓	✓
B.13 Environmental Assessment Report				✓			
B.15 Erosion and Sediment Control Plan				✓			
B.16 Floor Plans (If available)		✓		✓	✓	✓	✓
B.17 Geotechnical and/or Hydrogeological Report				✓			
B.18 Grading Concept Plan		✓		✓	✓	✓	✓
B.20 Infrastructure Lifecycle Cost Summary				✓			
B.21 Landscape Plan	✓	✓	✓	✓	✓	✓	✓
B.22 Landscape Estimate	✓	✓	✓	✓	✓	✓	✓
B.23 Preliminary Concept Plan			✓	✓	✓	✓	✓
B.24 Retaining Walls Plan and Design Information				✓			
B.28 Stormwater and Drainage Management Plan				✓			
B.29 Subdivision Plan (If applicable)	✓			✓			
B.30 Sustainability Checklist			✓				
B.31 Topographic and Feature Survey				✓			
B.32 Tree and Vegetation Management Plan				✓			
B.34 Visual Impact Assessment				✓			

**D.3** Applications for a **Council DP** shall be processed as follows:

- (a) Upon receipt of an application submitted to the **District** in accordance with the requirements of this bylaw, **Planning & Development** will review the application to determine whether it is complete. If incomplete, staff will return the package to the Applicant and request the required information be added to the package and resubmitted when complete. Staff will open a file only upon receipt of a complete application.
- (b) Staff shall issue a fee receipt to the **Applicant**.
- (c) **Planning & Development** will issue an Acknowledgement of the application, notification of the file number and file manager contact information to the **Applicant**.
- (d) **Planning & Development** will evaluate the application for compliance with **District** bylaws and policies. Staff may conduct a **Site** visit as part of the evaluation process.
- (e) **Planning & Development** shall refer the application to applicable internal **District** departments, external agencies and advisory bodies, including any adjacent local government where the application may affect the interests of that local government.
- (f) An internal staff review will consider the merits of the proposal.

- (g) The **Applicant** shall undertake the form(s) of public notification and consultation required in accordance with this bylaw.
- (h) **Planning & Development** will prepare a staff report, including technical agency comments, a draft **DP** for consideration by to the **CAO** and refer the application to the **CAO** for consideration and forwarding to **Council** for initial consideration.
- (i) The **Applicant** is encouraged to attend the **Council** meetings at which the application is being considered.
- (j) **Council** shall authorize, authorize as amended, reject, refuse or otherwise deal with the application by resolution.
- (k) Following receipt of the **Council** Resolution Number from the Corporate Officer, **Planning & Development** will notify the **Applicant** in writing of **Council's** decision
- (l) If authorized for issuance by **Council**, staff shall prepare the required **DP** and related schedules for signature and obtain the required Landscape Security pursuant to Section 2.7 of this bylaw. For clarity, the Permit is valid for two years from the date of **Council** authorization.
- (m) Upon signing of the **DP** by the delegated authority and receipt of the related performance security, the **DP** shall be issued, and a Notice of Permit shall be registered on the State of Title for the subject property(s).



**SCHEDULE E TECHNICAL DEVELOPMENT PERMIT APPLICATION**

- E.1** Unless otherwise exempted from the requirement to obtain a **DP** by the **OCP**, an **Owner** of land designated as a **DP** area must obtain and hold a valid permit prior to:
- (a) Subdividing lands;
  - (b) Constructing, adding or altering a building or structure;
  - (c) Altering land within an area designated for the protection of the natural environment or hazardous conditions area; or
  - (d) Altering land or a building or structure on that land within an area designated for revitalization, energy conservation, water conservation, greenhouse gas reduction of the natural environment or hazardous conditions area.

**NOTE:** A single **DP** application may address multiple **DP** Area designations and applicable guidelines. Where any single proposal involves both a **Technical DP** and one that must be decided by **Council**, the Technical Permit should be either issued prior to or in conjunction with, any Permit being considered by **Council**.

- E.2** In accordance with this bylaw, **Technical DPs** may be issued for the following Development Permit areas:
- (a) Stability, Erosion and Drainage Hazard
  - (b) Natural Environment
  - (c) Wildfire Hazard
  - (d) Greenhouse Gas Reduction and Resource Conservation [when associated with a **Technical DP**]
- E.3** Applications for a **Technical DP** shall include the following items as detailed in Schedule B:
- (a) Application Submission
  - (b) **Site** Plan
  - (c) Technical Reports for the type of **DP** as set out in Table E4 and detailed in Schedule B.

**Table E4:** Additional Submission Requirements by **DP** Area Designation

Requirement	Greenhouse Gas Reduction and Resource Conservation	Natural Environment	Stability, Erosion and Drainage Hazard	Wildfire Hazard
B.11 Engineering Assessment			✓	
B.13 Environmental Assessment Report		✓		
B.14 Environmental Monitoring Plan		✓		
B.15 Erosion and Sediment Control Plan			✓	
B.17 Geotechnical and/or Hydrogeological Report			✓	
B.18 Grading Concept Plan			✓	
B.19 Habitat Restoration Plan (If applicable)		✓		
B.21 Landscape Plan	✓	✓	✓	✓
B.22 Landscape Estimate	✓	✓	✓	✓
B.23 Preliminary Concept Plan	✓	✓	✓	✓
B.25 Riparian Areas Protection Regulation Report & Approval (If applicable)		✓		
B.28 Stormwater and Drainage Management Plan			✓	
B.29 Subdivision Plan (If applicable)				
B.30 Sustainability Checklist	✓			
B.31 Topographic and Feature Survey		✓	✓	
B.32 Tree and Vegetation Management Plan (if applicable)		✓	✓	
B.34 Visual Impact Assessment				
B.35 Wildfire Hazard Mitigation Report				✓

- (a) Additional information may be required by the **Director** to evaluate adequately and to issue or deny a **DP**, in accordance with Section 5 of this bylaw.
- (a) Proof of contract between the **Owner(s)** and a **Qualified Professional** to prepare a Monitoring Plan and any associated work.
- (b) A Letter of Authorization for 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 **DP**.

**E.5** Applications for a **Technical DP** shall be processed as follows:

- (a) Upon receipt of an application package submitted to the **District** in accordance with the requirements of this bylaw, Planning & Development will review the application to determine whether it is complete. If incomplete, staff will return the package to the Applicant and request the required information be added to the package and resubmitted when complete. Staff will open a file only upon receipt of a complete application.

- (b) Staff shall issue a fee receipt to the **Applicant**.
- (c) **Planning & Development** will issue an Acknowledgement of the application, notification of the file number and file manager contact information to the Applicant.
- (d) **Planning & Development** will evaluate the application for compliance with **District** bylaws and policies. Staff may conduct a **Site** visit as part of the evaluation process.
- (e) **Planning & Development** shall refer the application to applicable internal **District** departments, applicable external agencies and advisory bodies, including any adjacent local government where the application may affect the interests of that local government.
- (f) An internal staff review will consider the merits of the proposal.
- (g) **Planning & Development** will prepare a staff report, including technical agency comments, for consideration of the **CAO, Director** and/or **Approving Officer**.
- (h) **Planning & Development** will notify the **Applicant** in writing of the decision of the **CAO, Director** and/or **Approving Officer**.
- (i) If authorized for issuance, staff will prepare the **DP** and related schedules for signature by the delegated authority and obtain the required Landscape Security pursuant to Section 8 of this bylaw.
- (j) Upon signing of the **DP** by the delegated authority and receipt of the related performance security, the **DP** shall be issued and a Notice of Permit shall be registered on the State of Title for the subject property(s).

**SCHEDULE F DEVELOPMENT VARIANCE PERMIT (DVP) APPLICATIONS**

**NOTE:** DVPs issued pursuant to Section 498 of the *Local Government Act* shall be issued separately from DPs issued pursuant to Section 489 of the *Local Government Act*, except that DPs considered by **Council** may be combined at the discretion of the **Director**.

**F.1** Applications for a **DVP** shall include the following items as detailed in Schedule B:

- (a) Application Submission
- (b) **Site** Plan
- (c) Legal Survey Plan
- (d) Floor Plan (if available)
- (e) Elevation Drawings (Conceptual)
- (f) Additional information may be required by the **Director** to evaluate adequately and to issue or deny a **DVP**, in accordance with Section 5 of this bylaw.

**F.2** Applications for a **DVP** will be processed as follows:

- (a) Upon receipt of an application submitted to the **District** in accordance with the requirements of this bylaw, **Planning & Development** will review the application to determine whether it is complete. If incomplete, staff will return the package to the **Applicant** and request the required information be added to the package and resubmitted when complete. Staff will open a file only upon receipt of a complete application.
- (b) Staff shall issue a fee receipt to the **Applicant**.
- (c) **Planning & Development** will issue an Acknowledgement of the application, notification of the file number and file manager contact information to the Applicant.
- (d) **Planning & Development** will evaluate the application for compliance with **District** bylaws and policies. Staff may conduct a **Site** visit as part of the evaluation process.
- (e) **Planning & Development** shall refer the application to applicable internal **District** departments, external agencies and advisory bodies, including any adjacent local government where the application may affect the interests of that local government.
- (f) An internal staff review will consider the merits of the proposal.
- (g) The **Applicant** shall undertake the form(s) of public notification and consultation required in accordance with this bylaw.
- (h) **Planning & Development** will prepare a staff report, including technical agency comments, advisory body comments, feedback received at the public information meeting (to be supplied by the **Applicant**) and a draft **DVP** for consideration by the **CAO** for consideration and forwarding to **Council**.
- (i) The **Applicant** is encouraged to attend the **Council** meetings at which the application is being considered.
- (j) **Council** shall authorize, authorize as amended, reject, refuse or otherwise deal with the application by resolution.
- (k) Following receipt of the **Council** Resolution Number from the Corporate Officer, **Planning & Development** will notify the **Applicant** in writing of **Council's** decision
- (l) If authorized for issuance by **Council**, staff shall prepare the required **DVP** and related schedules for signature and obtain the required Security pursuant to Section 8 of this bylaw.
- (m) Upon signing of the **DVP** by the delegated authority and receipt of the related performance security, the **DVP** shall be issued, and a Notice of Permit shall be registered on the State of Title for the subject property(s).

**SCHEDULE G TEMPORARY USE PERMIT (TUP) APPLICATION**

- G.1** Applications for a **TUP** or to renew a **TUP** shall include the following items as detailed in Schedule B:
- (a) Application Submission
  - (b) **Site** Plan
  - (c) Floor Plan (if available)
  - (d) Elevation Drawings (Conceptual)
  - (e) Additional information may be required by the **Director** or Council to evaluate adequately and to issue or deny a **TUP** in accordance with Section 5 of this bylaw.
- G.2** Applications for a **TUP** or to renew a **TUP** shall be processed as follows:
- (a) Upon receipt of an application submitted to the **District** in accordance with the requirements of this bylaw, Planning & Development will review the application to determine whether it is complete. If incomplete, staff will return the package to the Applicant and request the required information be added to the package and resubmitted when complete. Staff will open a file only upon receipt of a complete application.
  - (b) Staff shall issue a fee receipt to the **Applicant**.
  - (c) **Planning & Development** will issue an Acknowledgement of the application, notification of the file number and file manager contact information to the Applicant.
  - (d) **Planning & Development** will evaluate the application for compliance with District bylaws and policies. Staff may conduct a **Site** visit as part of the evaluation process.
  - (e) **Planning & Development** shall refer the application to applicable internal **District** departments, external agencies and advisory bodies, including any adjacent local government where the application may affect the interests of that local government.
  - (f) An internal staff review will consider the merits of the proposal.
  - (g) The **Applicant** shall undertake the form(s) of public notification and consultation required in accordance with this bylaw.
  - (h) The **Planning & Development** Department shall prepare a staff report, including technical agency comments, advisory body comments, feedback received at the public information meeting (to be supplied by the **Applicant**), a draft **TUP** to be provided to the **CAO** consideration and forwarding for consideration by **Council**.
  - (i) The **Applicant** is encouraged to attend the **Council** meetings at which the application is being considered.
  - (j) **Council** shall authorize, authorize as amended, reject, refuse or otherwise deal with the application by resolution.
  - (k) Following receipt of the **Council** Resolution Number from the Corporate Officer, **Planning & Development** will notify the **Applicant** in writing of **Council's** decision
  - (l) If authorized for issuance by **Council**, staff shall prepare the required **TUP** and related schedules for signature and obtain the required Security pursuant to Section 2.7 of this bylaw.
  - (m) Upon signing of the **TUP** by the delegated authority and receipt of the related performance security, the **TUP** shall be issued, and a Notice of Permit shall be registered on the State of Title for the subject property(s).

**SCHEDULE H AGRICULTURAL LAND COMMISSION ACT APPLICATIONS**

**NOTE:** Please review the **ALC's Applicant** Information Package available at [www.alc.gov.bc.ca](http://www.alc.gov.bc.ca) prior to submitting an application to the **District**. This package contains details on **ALC** application requirements as well as the **ALC** process for issuing approvals.

**H.1** Applications made under the **ALC** Act shall be processed as follows:

- (a) Upon receipt of an application submitted to the **District** in accordance with the requirements of this bylaw, Planning & Development will review the application to determine whether it is complete. If incomplete, staff will return the package to the Applicant and request the required information be added to the package and resubmitted when complete. Staff will open a file only upon receipt of a complete application.
- (b) Staff shall issue a fee receipt to the **Applicant**.
- (c) **Planning & Development** will issue an Acknowledgement of the application, notification of the file number and file manager contact information to the **Applicant**.
- (d) **Planning & Development** will evaluate the application for compliance with **District** bylaws and policies as well as provincial regulations, including, but not limited to the **ALR** General Regulation and the **ALR** Use Regulation as applicable. Staff may conduct a **Site** visit as part of the evaluation process.
- (e) **Planning & Development** shall refer the application to applicable internal **District** departments, the **AAC**, applicable external agencies and advisory bodies, including any adjacent local government where the application may affect the interests of that local government.
- (f) An internal staff review will consider the merits of the proposal.
- (g) **Planning & Development** shall prepare a staff report, including technical agency and **AAC** comments and refer the application the **CAO** for approval and forwarding to **Council**.
- (h) The **Applicant** is encouraged to attend the **Council** meetings at which the application is being considered.
- (i) If the proposal is within the scope of Section 25(3) of the **ALC Act**, **Council** shall consider the staff report pursuant to that section and pass a resolution accordingly (Council is required to pass a resolution on applications that involve properties zoned to permit farm use, or which require an amendment to the Official Community Plan (OCP).
- (j) If the application is not within the scope of Sections 25(3) of the **ALC Act**, **Council** may make a recommendation for **ALC** consideration understanding that no Council resolution is required for applications that involve properties not zoned to permit farm use (e.g. industrially zoned properties), or do not require an amendment to the OCP.
- (k) Following receipt of the **Council** Resolution Number from the Corporate Officer, **Planning & Development** will forward the complete application to the **ALC** with the staff report, **AAC** resolution and **Council** resolution.
- (l) **Planning & Development** shall forward the complete application to the **ALC** with the staff report and **Council** recommendation.
- (m) The **ALC** makes the final decision and communicates with the **Applicant**.

**SCHEDULE I PHASED DEVELOPMENT AGREEMENT APPLICATIONS**

- I.1** Prior to the preparation of any **Phased Development Agreement** documents, an **Applicant** must submit a request for **Council's** authorization to proceed with a **Phased Development Agreement** including, but not limited to, the following:
- (a) State of Title Certificate or Title Search print;
  - (b) **Owner's** Authorization (if applicable);
  - (c) A Letter of Request outlining the subject property(s), including legal descriptions;
  - (d) A map illustrating the subject property(s); and
  - (e) An outline of the key terms for the **Phased Development Agreement** addressing those items required under the applicable provisions of the *Local Government Act*.
- I.2** Applications for a **Phased Development Agreement** shall be processed as follows:
- (a) Upon receipt of an application submitted to the **District** in accordance with the requirements of this bylaw, **Planning & Development** will review the application to determine whether it is complete. If incomplete, staff will return the package to the **Applicant** and request the required information be added to the package and resubmitted when complete. Staff will open a file only upon receipt of a complete application.
  - (b) Staff shall issue a fee receipt to the **Applicant**.
  - (c) **Planning & Development** will issue an Acknowledgement of the application, notification of the file number and file manager contact information to the **Applicant**.
  - (d) **Planning & Development** will review the application to determine whether it is complete. If incomplete, staff will return the package to the **Applicant** and request the required information be added to the package and resubmitted when complete. Staff will open a file only upon receipt of a complete application.
  - (e) The **Applicant** shall undertake the form(s) of public notification and consultation required in accordance with this bylaw.
  - (f) **Planning & Development** shall review the proposal and work with the **Applicant** as necessary to prepare a report for **Council's** consideration.
  - (g) **Council** may authorize, authorize as amended, authorize with conditions or deny preparation of a **Phased Development Agreement**.