

CITY OF PORT ALBERNI

Development Procedures Bylaw No. 5076, 2023

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

WHEREAS the Council has adopted an official community plan and a zoning bylaw;

AND WHEREAS Section 460 of the *Local Government Act* requires the Council to define, by bylaw, the procedures under which an owner of land may apply for amendment to an official community plan, zoning bylaw, and for the issuance of a permit under Part 14 of the *Local Government Act*;

AND WHEREAS Section 154 of the *Community Charter* allows Council to delegate certain authorities to officers and employees of the City;

AND WHEREAS Section 94.2 of the *Community Charter* allows to provide for alternative means of publishing notices;

NOW THEREFORE the Council of the City of Port Alberni, in open meeting assembled, enacts as follows:

PART 1: GENERAL PROVISIONS

1.1. TITLE

This Bylaw may be cited for all purposes as “City of Port Alberni Development Procedures Bylaw No. 5076, 2023”.

1.2. DEFINITIONS

In this Bylaw:

Advisory Planning Commission or APC	means the commission established under the Advisory Planning Commission Bylaw, 2009, Bylaw No 4738, as amended or re-enacted from time to time.
Agent	means the person(s) given authority by the Owner(s) to act on their behalf for the purposes of making and dealing with an Application to the City.
Applicant	means the Owner or the Agent making an Applicant.
Application	means a written request by an Applicant in relation to any of the matters set out in section 1.4.
Approving Officer	means the person appointed by Council to that position and includes their lawful deputy or a person designated by Council to act in their place.
Certificate of Title	means the document issued from the BC Land Title and Survey Authority identifying the Owner, legal description of land, and any charges registered against the title

City	means the City of Port Alberni.
Council	means the council of the City of Port Alberni.
Delegate	means the person holding the position as the City's Director of Development Services or Manager of Development Services, or a person delegated the authority to act in the place of either person.
Fees and Charges Bylaw	means the Fees and Charges Bylaw, 2007, Bylaw No. 4665, as amended or re-enacted from time to time.
<i>Local Government Act</i>	means the <i>Local Government Act</i> , RSBC 2015, c 1, as amended or re-enacted from time to time.
Minor Development Variance Permit	<p>means a development variance permit for a variance to the Zoning Bylaw that meets the following criteria:</p> <ul style="list-style-type: none"> (a) 25% for minimum parking space provision for vehicles, loading and bicycles; (b) 25% variance related to parking and loading design standards, such as dimensions, siting and access; (c) 25% variance related to dimensions and siting of garbage and recycling storage facilities; (d) 25% variance for building setbacks, lot coverage, lot frontage and useable open space, and permeable surfaces; (e) 25% variance related to dimensions of patios and decks; (f) 25% variance related to projections into a required setback; and (g) 25% variance for building height.
Official Community Plan or OCP	means Official Community Plan Bylaw 4602, as amended or re-enacted from time to time.
Owner	means the person listed in the Land Title Office as the Owner in fee simple of a parcel.
Planner	means any planning professional employed by the City to administer the provisions of this Bylaw.

Pre-Acceptance Review	means an informal review by a Planner or Delegate of a development proposal or planning application. The review may identify the requirements and materials to assist an applicant in their submission of a complete planning application. Based on the location, scale, complexity or other factors of the project, the review may lead to the need for a Pre- Application Consultation Meeting.
Pre-Application Consultation Meeting	means a meeting between an applicant and the Delegate to identify the requirements and materials to assist the Applicant in their submission of a complete Application. The meeting may involve flagging issues to be addressed by the Applicant, sharing information that needs to be considered and identifying additional required reports or information.
Site Plan	means a site plan prepared by a Qualified Professional, including at a minimum all existing and proposed buildings and development with all required setbacks, and <ul style="list-style-type: none"> (a) for an application for subdivision, showing all proposed lots and all watercourses and must illustrate there is a buildable area on each parcel that is compliant with all applicable bylaws; (b) where an environmental assessment is required for any Application, showing all setbacks from the environmental features required under the applicable bylaws and regulations.
Report	means any study or information containing development approval information that fulfils or is intended to fulfil the requirements of this Bylaw.
Qualified professional	includes a landscape professional, an architect, BCLS, qualified environmental professional, a registered professional biologist or a registered professional engineer, who is working within their field of expertise and is in good standing with any applicable professional organization.
Zoning Bylaw	Port Alberni Zoning Bylaw 2014, Bylaw No. 4832, as amended or re-enacted from time to time.

1.3. INTERPRETATION

In this Bylaw

- (a) words importing the singular number include the plural and vice versa and words importing the neuter gender include the masculine and the feminine genders;
- (b) headings given to sections are for convenience of reference only and do not form part of this Bylaw;

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- (c) unless expressly stated otherwise, a reference to a “section” is a reference to a section in this Bylaw and a reference to a “part” is a reference to a part in this Bylaw; and
 - (d) unless expressly stated otherwise, a reference to an enactment is a reference to an enactment of British Columbia and its regulations, as amended, revised, consolidated, or replaced from time to time, and a reference to a bylaw or policy is a reference to a City bylaw or policy, as amended, revised, consolidated, or replaced from time to time; and
 - (e) a reference to the current title of a position includes the position as it may be renamed from time to time, or to any successor position that is most closely connected to the position if it is modified or eliminated from time to time.
- 1.4. This Bylaw applies to the following applications related to land within the boundaries of the City:
- (a) an amendment to the Official Community Plan;
 - (b) an amendment to the Zoning Bylaw;
 - (c) a permit issued pursuant to Part 14 of the *Local Government Act*;
 - (d) subdivision; and
 - (e) development of land within the Agricultural Land Reserve.

PART 2: DELEGATION OF AUTHORITY

- 2.1. Council delegates to the Delegate the authority to:
- (a) create, amend, publish and prescribe the form and content of Applications;
 - (b) require development approval information in accordance with PART 4.;
 - (c) require security in accordance with PART 5., or any other bylaws of the City;
 - (d) determine the form and content of permits issued under this Bylaw;
 - (e) create, amend, and prescribe templates and procedures for development notice signs required by section 7.3;
 - (f) decide to process an incomplete Application in accordance with section 3.5;
 - (g) grant an extension to an Application in accordance with section 6.5;
 - (h) waive the requirement for a public hearing for an Application to amend the Zoning Bylaw where the Application is consistent with the Official Community Plan in accordance with section 464 (2) of the *Local Government Act* and to give notice of the decision not to hold a public hearing in accordance with section 467 of the *Local Government Act*;
 - (i) issue or amend a Minor Development Variance Permit;
 - (j) issue or amend all development permits within Development Permit Areas created under section 488 (1) where no variances are requested;

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- (k) grant an exemption from a flood plain specification pursuant to section 524 (7) of the *Local Government Act* where an Applicant has provided a certified report from a person identified in section 524 (7) (b) of the *Local Government Act*;
 - (l) sign any permits authorized by Part 14 of the *Local Government Act* that have been issued either by Council or by the Delegate; and
 - (m) exercise any other authority which is incidental to the administration of the provisions of Part 14 of the *Local Government Act*, this Bylaw or other bylaws of the City related to land use planning, development or building.

2.2. Council delegates to the Delegate and to a Planner the authority to:

- (a) receive, review and require development approval information in order to administer the provisions of Part 14 of the *Local Government Act*, this Bylaw or other bylaws of the City related to land use planning, development or building;
- (b) receive and consider an Application as part of a Pre-Acceptance Review, and where the location, scale, complexity or other factors of the project so warrant, to require the Applicant participate in a Pre-Application Consultation Meeting with the Delegate; and
- (c) to require an Applicant, provide a Site Plan or to have a British Columbia Land Surveyor confirm that the Site Plan conforms to the requirements of the Zoning Bylaw or to any other bylaws of the City.

PART 3: APPLICATION REQUIREMENTS

3.1. The minimum application requirements for all applications are:

- (a) all associated application fees in accordance with the Fees and Charges Bylaw;
- (b) complete application form prescribed by the Delegate, including written authorization from all the Owner(s) of the land involved in the Application;
- (c) a Certificate of Title; and
- (d) all Reports required under Part 4 of this Bylaw, which have been identified by the Planner in a Pre-Acceptance Review or Pre-Application Consultation Meeting.

3.2. The Delegate or a Planner may require the following additional information to support an Application:

- (a) a Site Plan;
- (b) additional development approval information or review of a previously submitted Report in accordance with Part 4 of this Bylaw;
- (c) site disclosure statement in accordance with the *Environmental Management Act*; and
- (d) the payment of security in accordance with PART 5:.

3.3. Applications that are deficient of any of the minimum application requirements in section 3.1 are deemed to be incomplete. On receipt of an incomplete application, the Delegate may:

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- (a) advise the Applicant in writing or verbally with the deficiencies in the application;
 - (b) inform the Applicant that the Application will be held as "pending" for 90 days from receipt of the Application; and
 - (c) if the Applicant fails to complete the Application within 6 months, the Application will be returned to the Applicant and the non-refundable portion of the application fees will be retained by the City.
- 3.4. If an Applicant submits a complete application, the Delegate or a Planner shall process the application in accordance with this Bylaw.
 - 3.5. Despite section 3.3, if an Applicant submits an incomplete application, the Delegate may process the Application despite the deficiency in the minimum application requirements.
 - 3.6. Any Applications processed by the Delegate under section 3.5 that are not completed within the deadlines set out in PART 6: will be closed in accordance with the provisions of that Part.
 - 3.7. All Applications shall be submitted by or on behalf of all the Owner(s) of land involved and, where the Application has been submitted by an Agent, the Application must include written authorization from the Owner(s) for the Agent to act on their behalf.
 - 3.8. If there is a change of ownership of a parcel of land that is the subject of an Application, the Applicant will as soon as practical provide the City with an updated Certificate of Title and written authorization from the new Owner to proceed with the Application.
 - 3.9. Where referral to the APC is required prior to an amendment to the Zoning Bylaw or the Official Community Plan the Delegate or a Planner will prepare a preliminary review report for consideration and review by the Advisory Planning Commission (APC)
 - 3.10. Where an Application requires a decision from Council, the Delegate or a Planner will prepare a planning report for Council's consideration, incorporating feedback received through the referral process in section 4.1 and the APC.
 - 3.11. In addition to the application requirements established in this Bylaw, the following specific application types will generally follow the process set out as follows:

Application Type	Refer to
Official Community Plan (OCP) or Zoning Bylaw amendment	Schedule A
Development Permit Application - DP issuance by Council	Schedule B
Delegated Development Permits	Schedule C
Development Variance Permit (DVP)	Schedule D
Minor Development Variance Permit	Schedule E
Temporary Use Permit (TUP)	Schedule F

PART 4: DEVELOPMENT APPROVAL INFORMATION

- 4.1. Depending on the particulars of an Application, it may be referred to other City staff and applicable external agencies by the Planner or Delegate for review and comment.
- 4.2. The Delegate may require the Applicant to submit development approval information on the impact that the proposed land use may have on the Owner's lands or the surrounding lands or the community after a Pre-Application Consultation Meeting. The information required may include details and impacts on the following:
 - (a) transportation patterns including traffic, pedestrian and cycling flow;
 - (b) local infrastructure;
 - (c) public facilities including schools and parks;
 - (d) community services;
 - (e) the natural environment of the area affected;
 - (f) groundwater quantity and quality;
 - (g) stormwater management;
 - (h) agricultural lands;
 - (i) aesthetic values such as visual character, integration with public areas and with the natural environment, light pollution, noise and odour migration;
 - (j) cultural and heritage resources; and
 - (k) Any other information that may be reasonably required to verify the projects conformation to the requirements of the *Local Government Act*, the *Environmental Management Act*, the Official Community Plan and the Zoning Bylaw.
- 4.3. Where the Official Community Plan has specified circumstances or areas in which an Applicant is required to provide development approval information, such development information approval may be required by a Planner as part of an Application.
- 4.4. Reports to be prepared by a Qualified Professional may include, but are not limited to, geotechnical assessments, traffic impact studies, visual impact studies, rainwater management plans, erosion and sedimentation plans, biophysical assessments, and riparian areas regulation assessments.
- 4.5. Where a Planner or the Delegate requires a Report, this requirement will be conveyed to an Applicant in writing after Pre-Acceptance Review or Pre-Application Consultation Meeting.
- 4.6. A Report required under this Part will include:
 - (a) the legal description and property identifier (PID) for the land that is the subject of the Application;
 - (b) a description of all relevant land use covenants, easements, statutory rights of way or other charges that affect the use and development of land that are shown on a Certificate of Title;

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- (c) a location and context map for the land that is the subject of the Application;
 - (d) a description of the methodology and assumptions used to undertake the Report or sufficient detail regarding assessment and the methodology to facilitate a professional peer review, if required under section 4.7 of this Bylaw;
 - (e) identification and definition of the context, interaction, scope, magnitude and significance of the anticipated impacts of the proposed activity or development, as well as the data and methodological accuracy, assumptions, uncertainties, acceptability thresholds, and how the anticipated impacts may cumulatively contribute to existing risks, stressors, and threats; and
 - (f) recommendations for conditions or requirements that Council, the Director of Development Services, Director of Engineering and Public Works, Director of Parks, Recreation and Culture or the Approving Officer may impose to mitigate the anticipated impacts.
- 4.7. If the Delegate determines that a Report is incomplete or otherwise deficient, the Delegate may require, on written notice to the Applicant, that the Applicant:
- (a) revise or amend and re-submit, at its own expense, a previously submitted Report;
 - (b) retain a second Qualified Professional, unrelated to and independent of the Qualified Professional who prepared the initial Report, to conduct a peer review of the Report and charge these costs back to the applicant, at the cost of the Applicant.
- 4.8. In addition to any application fee contained in the Fees and Charges Bylaw, an Applicant shall be responsible for the City's costs necessary to facilitate a review of any Reports required under this Part, as deemed necessary by the Delegate, including but not limited to legal, engineering, environmental, geotechnical, biologists, architectural and other professionals. The Applicant shall pay as a fee, the City's actual cost of such third party professional review costs prior to final consideration of the Application by the authorized decision-maker. A Planner or the Delegate may request a deposit of estimated fees at the time the Application is made or at any other time during the processing of the Application.

PART 5: SECURITY DEPOSIT

- 5.1. The Delegate may require an Applicant provide a security deposit pursuant to section 496 and 502 of the *Local Government Act* and as per the Official Community Plan, for the following:
- (a) Landscaping (Landscape Security);
 - (b) An unsafe condition or damage to the natural environment that may result as a consequence or contravention of a condition of permit (Remediation Security); and
 - (c) To guarantee the performance of the terms of a temporary use permit (Performance Security).

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- 5.2. The amount of the security deposit shall be 125 per cent of the cost of an estimate as provided by a Qualified Professional, at the expense of an Applicant, to address:
- (a) landscape improvements;
 - (b) damage to the environment, mitigation, or improvement determined by a qualified professional; and
 - (c) the correction of the unsafe condition.
- 5.3. The form of the security deposit shall be an irrevocable letter of credit or other form satisfactory to the Delegate. If an irrevocable letter of credit is chosen, it shall be automatically renewable unless cancelled, and shall be redeemable locally.
- 5.4. The procedures for the release of the security deposit shall be:
- (a) Upon completion of the works, a letter from a Qualified Professional shall be submitted to the City of Port Alberni stating that the works are in compliance with the recommendations of the professional reports included in the permit; and
 - (b) Upon confirmation that the works are in compliance to the satisfaction of the Delegate, the security deposit will be released to a maximum 80% with a 20% hold for a one-year maintenance period.
- 5.5. Where, in the opinion of the Delegate, an applicant has failed to satisfy the landscaping requirements of the Permit, or failed to comply with the conditions of the Permit, or has created an unsafe condition, the City may undertake and complete the landscaping requirements, or carry out any construction required to comply with the conditions of the permit or correct an unsafe condition or correct the damage to the environment, at the full cost of Applicant, and may apply the landscape security or the remediation security to the cost of the work, with any excess to be returned to the Applicant.
- 5.6. Council may require, as a condition of issuing a temporary use permit, a security deposit to guarantee the performance of the terms of the permit. Where a temporary use permit provides for such a security deposit, the procedures for the release of the security deposit shall be:
- (a) The Applicant confirms in writing to the Delegate that buildings or structures have been demolished and removed, and the land restored to a condition specified in the permit, and requests in writing that the performance security deposit be released;
 - (b) Once the Delegate has received confirmation that buildings or structures have been demolished and removed, and land restored to a condition specified in the permit, the Delegate will authorize the release the security deposit; and
 - (c) If the Applicant fails to undertake such restoration works or defaults on the terms of the temporary use permit, the performance security deposit will be forfeited to the City of Port Alberni.

PART 6: VALIDITY OF APPLICATIONS

- 6.1. The date of issuance for a development permit, a development variance permit, or a temporary use permit is the date of approval of the permit by Council or Delegate.
- 6.2. An Application to renew or extend a development permit, a minor development variance

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- permit, a development variance permit, or a temporary use permit under this Bylaw must be made prior to the lapse of the permit.
- 6.3. Other than subdivision, if the Delegate determines that an Application has been inactive for period of 6 months or longer, the Applicant will be given 30 days written notice to provide outstanding development approval information or meet outstanding requirements after which time the Application will be closed. The Delegate may consider a written request from the Applicant for extension of a deadline imposed by this section.
 - 6.4. If an Application is withdrawn in writing by the Applicant prior to a public hearing, the Applicant may request in writing a refund of the refundable portion of the application fees in accordance with the Fees and Charges Bylaw.
 - 6.5. Upon written request by the Applicant prior to the lapse of the Application, the Delegate may extend the deadline for one period of 6 months.
 - 6.6. If an Application has been closed due to inactivity, the Applicant must, even if the new Application is substantially the same as the closed Application, begin the Application process again in accordance with this Bylaw and submit a new, complete Application.
 - 6.7. Where an Application has been denied, no reapplication for a substantially similar application shall be considered within one year of denial date of the previous application. Despite section 6.5, Council may, by an affirmative vote of at least 2/3 of its members that are eligible to vote on the reapplication, allow a person to reapply within the one year period.
 - 6.8. If an Application is closed, withdrawn or denied, fees pursuant to the Fees and Charges Bylaw are applicable to any new Application.
 - 6.9. The process to amend a permit will be the same as the process for a new permit.
 - 6.10. In the event that an Application made pursuant to this Bylaw for an amendment to the Official Community Plan or Zoning Bylaw has not been given final adoption by Council within one year after the date it was given third reading or one year after the date of last consideration by Council, the Applicant shall be notified in writing and if no response is received within 60 days:
 - (a) the Planner will record the response and consider the Application abandoned; and
 - (b) a Planner will prepare a motion for Council's consideration to rescind all readings of the bylaw associated with the amendment application.
 - 6.11. Upon written request by the Applicant prior to the lapse of the Application, Council may extend the deadline for a period of one (1) year by passing a resolution to that effect to enable the Applicant to complete the requirements for final adoption. A maximum of two (2) one-year time extensions may be granted by Council. If Council decides to deny an extension request or the applicant has received two (2) one-year time extensions, or there have been changes to the policies, bylaws or development permit guidelines affecting the Application and the Applicant still has not met the requirements for final adoption and wishes to proceed with the Application, a new Application and fees will be required as per the Fees and Charges Bylaw.

PART 7: PUBLIC NOTICE REQUIREMENTS

- 7.1. The public notice requirements for Applications are prescribed in the *Local Government Act*.
- 7.2. Any notice that is required to be advertised under the Part 14 of the *Local Government Act* may be given by no less than two of the following methods:
- (a) electronically by posting the notice prominently for two consecutive weeks on City's official website;
 - (b) electronically by posting the notice prominently for two weeks on any of City's official social media sites; or
 - (c) by publishing at least once a week for two consecutive weeks in at least one newspaper or other publication circulating in the City.
- 7.3. Additional Notice Requirements
- (a) Any notice that is required to be mailed under the *Local Government Act*, will be given to all properties within 100 m, measured from the boundaries of the subject land.
 - (b) Where an Applicant has given notice or engaged with the community prior to, or as part of, an Application, the Applicant shall provide copies of these written materials to the City prior to consideration of an Application by Council.
 - (c) The Applicant may be required by the City to erect or cause to be erected at the Applicant's expense a development notice sign on the subject land. The development notice sign must be consistent with the template and procedures prescribed by the Delegate, which template and procedures shall include the following requirements:
 - i. Information setting out:
 - A. Application type, application number, street address and applicant's name;
 - B. Subject property map, which may be supplied by the City of Port Alberni, with a north arrow and street names; and
 - C. Description of the project considering proposed uses, gross floor area, building height, number of units and any other relevant information.
 - ii. The minimum size shall be:
 - A. The minimum size of the sign is 1.2 metres in width and 1.2 metres in height; and
 - B. The bottom of the sign façade must be at least 1.2 metres above grade; and
 - iii. The Applicant must install the development notice sign in a location that is legible from the primary road frontage. Where there is a 0 m front yard setback the sign must be affixed to the building in a manner that it is legible to the public. The sign may be placed in a window if all other requirements of the bylaw are met.

PART 8: RECONSIDERATION

- 8.1. An Applicant may apply to Council for the reconsideration of a decision by the Delegate under this Bylaw by delivering to the City's corporate officer a written application for reconsideration within 30 days after the decision is communicated in writing to the Applicant.
- 8.2. An application for reconsideration must set out:
- (a) The Applicant's address for receiving correspondence related to the request for reconsideration;
 - (b) a copy of the Delegate's written decision;
 - (c) a copy of any documents which support the Applicant's request for reconsideration by Council
 - (d) reasons why the Applicant wishes the specific decision to be reconsidered by Council; and
 - (e) what, if any, decision the Applicant considers the Council ought to substitute, and must include a copy of any materials considered by the Applicant to be relevant to the reconsideration by Council.
- 8.3. The corporate officer will place each application for reconsideration on the agenda of a regular meeting of Council as soon as reasonable after delivery of the application for reconsideration, and will notify the Applicant of the date of the meeting at which the reconsideration will occur.
- 8.4. When reconsidering the decision of the Delegate, Council may hear from the Applicant and any other person interested in the matter under reconsideration who wishes to be heard and may either confirm the decision or substitute its own decision.

PART 9: EFFECTIVE DATE, SEVERABILITY AND REPEAL

- 9.1. This Bylaw comes into effect on adoption.
- 9.2. If any section, clause, sub-clause or phrase forming part of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
- 9.3. The following bylaws and any amendments to those bylaws thereto are hereby repealed:
- (a) "Development Application Notice Bylaw, No. 4614"

READ A FIRST TIME this 24th day of April, 2023.

READ A SECOND TIME this 24th day of April, 2023.

READ A THIRD TIME this 24th day of April, 2023.

ADOPTED this 8th day of May, 2023.



Mayer.



Corporate Officer

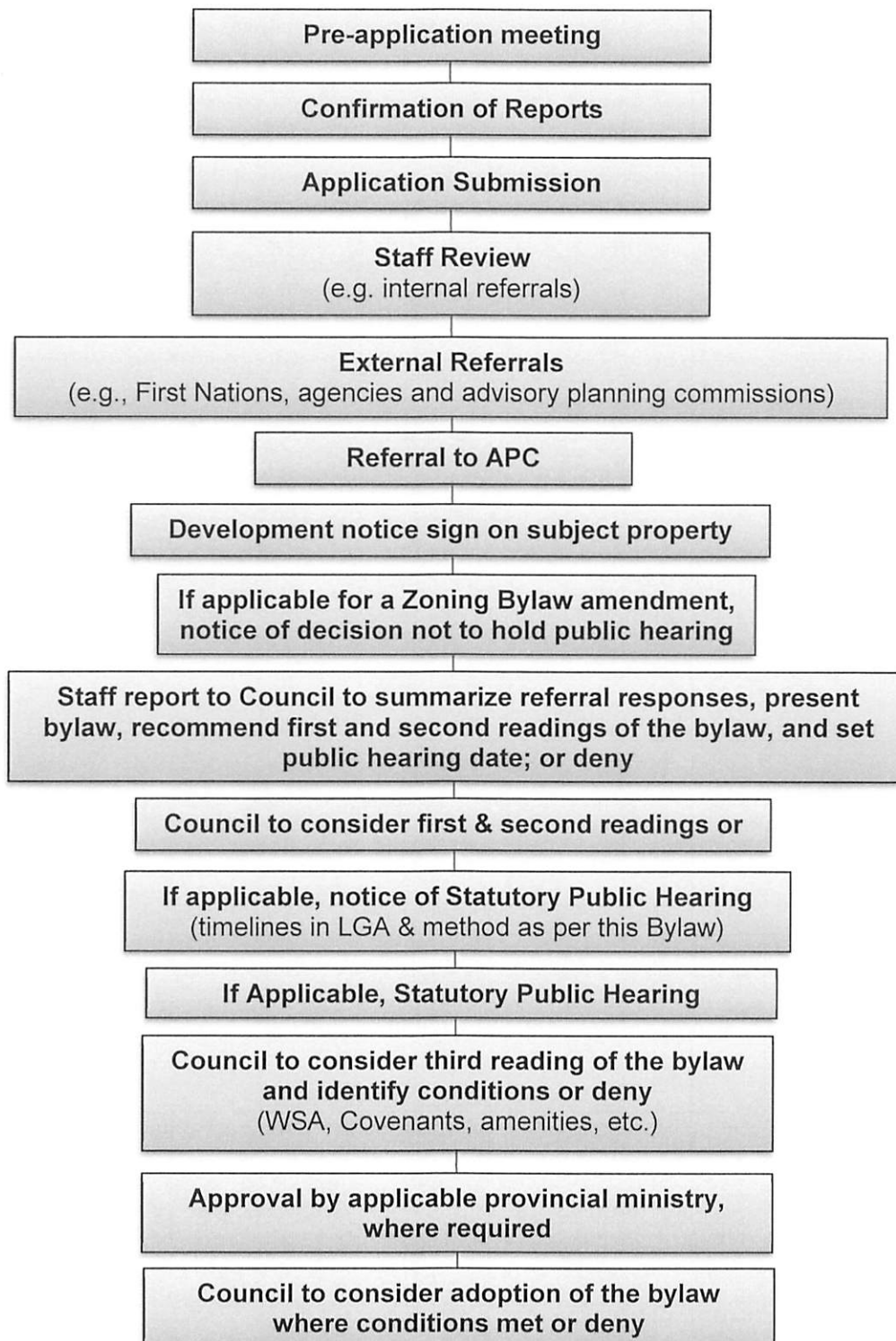
SCHEDULE A

OFFICIAL COMMUNITY PLAN (OCP) OR ZONING BYLAW AMENDMENT

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

- 1.1. The Applicant will have a Pre-Application Consultation Meeting to discuss the proposal and application requirements with the Delegate prior to submitting a formal application to the City.
- 1.2. The Delegate will advise the Applicant of Reports required, if any.
- 1.3. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information is received and fees paid.
- 1.4. An application for an amendment to the Official Community Plan will include one or more opportunities for consultation with persons, organizations and authorities that the City considers affected by the application as outlined in the *Local Government Act*. The opportunity for consultation will be considered for each amendment application and will be addressed in the staff's report to Council.
- 1.5. Planning staff will review the proposal for compliance with relevant City bylaws and policies.
- 1.6. Planning staff will prepare an information and referral sheet and circulates for comment to all applicable City departments, government ministries, agencies and organizations.
- 1.7. The Application will be referred to the APC prior to consideration by Council.
- 1.8. The Applicant will be advised, in writing, of feedback received through the referral process and will be advised of any additional information required to evaluate the application and prepare the report to Council.
- 1.9. For a Zoning Bylaw amendment that is consistent with the OCP, the Delegate may elect not to hold a public hearing and provide notice of this decision in accordance with the *Local Government Act* prior to first reading.
- 1.10. Planning staff will prepare a planning report for Council to summarize referral responses, present bylaw, recommend first and second readings of the bylaw, and set public hearing date; or recommend Council deny the Application.
- 1.11. Council may, upon receipt of a report completed by Staff:
 - (a) Give first Reading to the bylaw amendment pursuant to the application; or
 - (b) Refer the application back to staff to make changes as directed; or
 - (c) Defer or postpone the Application; or
 - (d) Reject the application.
- 1.12. If Council does not give first reading, the Applicant is notified in writing. That portion of the application fees taken for a public hearing are refunded as per the Fees and Charges Bylaw and the Application is closed.

1.13. An OCP or zoning bylaw amendment application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:



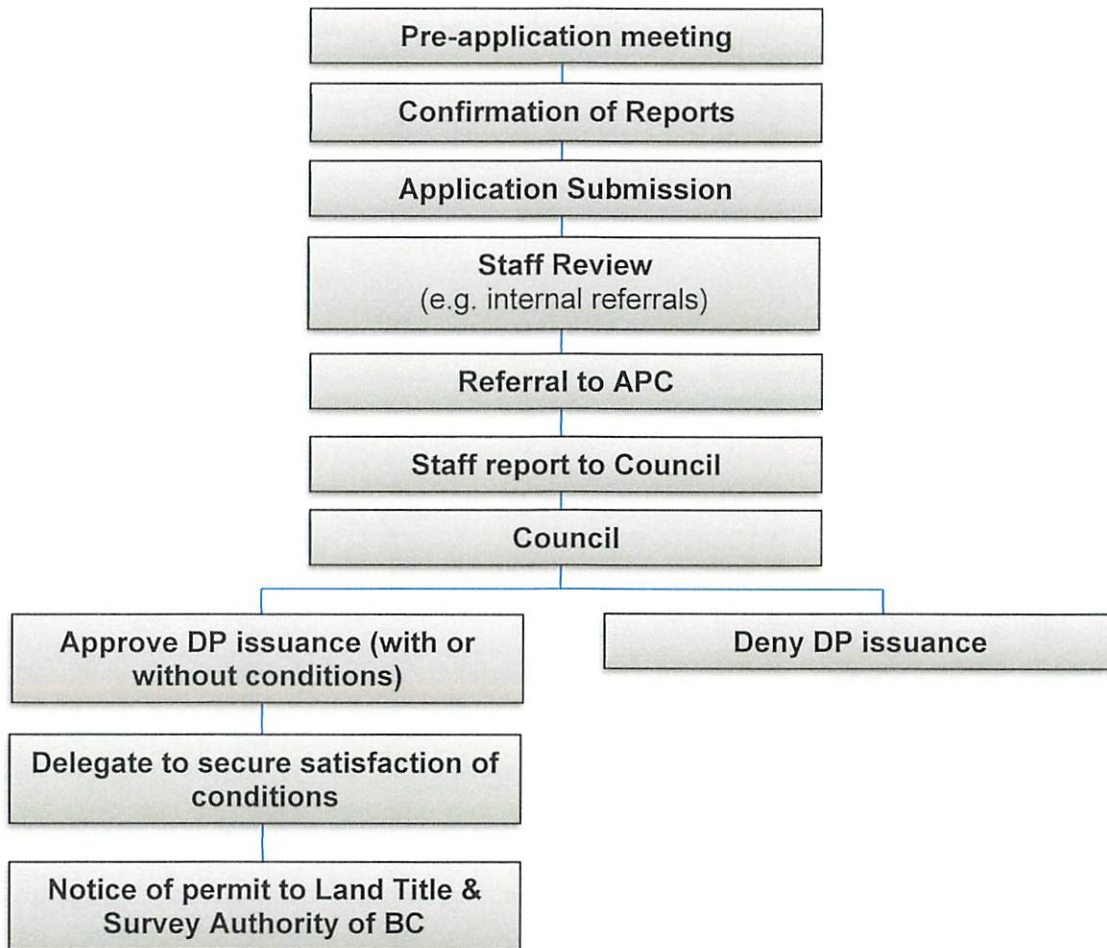
SCHEDULE B

DEVELOPMENT PERMIT APPLICATION (DP) APPLICATION (COUNCIL)

If the Delegate opts to bring a Development Permit forward for Council consideration, all applications for Development Permits submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed. A Development Permit allows Council to review proposed developments that fall within designated areas against detailed guidelines contained in the Official Community Plan (OCP). The areas identified require special treatment for certain purposes including protection of the natural environment, protection of development from hazards and establishing objectives for form and character.

- 1.1. This schedule applies to permits that have not been delegated by Council or where the development permit includes a variance. Where an Applicant has requested a review of a delegated decision on an Application for a development permit, Council may refer the matter to the APC prior to a decision.
- 1.2. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information, including Reports, is received and fees paid.
- 1.3. Development Permit applications are not subject to public hearing requirements or formal notification. This process arises because Council's discretion to approve, amend or deny a development permit is limited to the scope of the Development Permit Area Guidelines in the OCP.
- 1.4. Staff will prepare an information and referral sheet and circulate for comment to all applicable City departments, government ministries, agencies and organizations.
- 1.5. Staff will prepare a preliminary review report for consideration and review by the APC.
- 1.6. Staff will prepare a planning report for Council relating any information received through internal referral and the referral to the APC. The report should consider the extent to which the development permit is consistent with the Development Permit Area Guidelines in the OCP.
- 1.7. Development permits expire 2 years from the time of issuance unless the project is substantially completed.

- 1.8. A development permit application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:



SCHEDULE C

DELEGATED DEVELOPMENT PERMIT

All applications for Development Permit submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed. A Development Permit allows the Delegate to approve a development permit in compliance with the Official Community Plan and Zoning Bylaw.

- 1.1. This schedule applies to permits that have been delegated by Council to the Delegate and where the development permit does not include a variance.
- 1.2. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information, including Reports, is received and fees paid.
- 1.3. Development Permit applications are not subject to Public Hearing requirements or formal notification. This process arises because Council's discretion to approve, amend or deny a development permit is limited to the scope of the Development Permit Area Guidelines in the OCP.
- 1.4. The Delegate may issue the development permit, issue the development permit with conditions or where the Application does not conform to the Development Permit Area Guidelines in the OCP, refuse to issue the development permit. Alternatively, the Delegate may refer the Application to Council for a decision,
- 1.5. Development permits expire 2 years from the time of issuance unless the project has been substantially completed to the satisfaction of the Delegate.

1.6. A development permit application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:



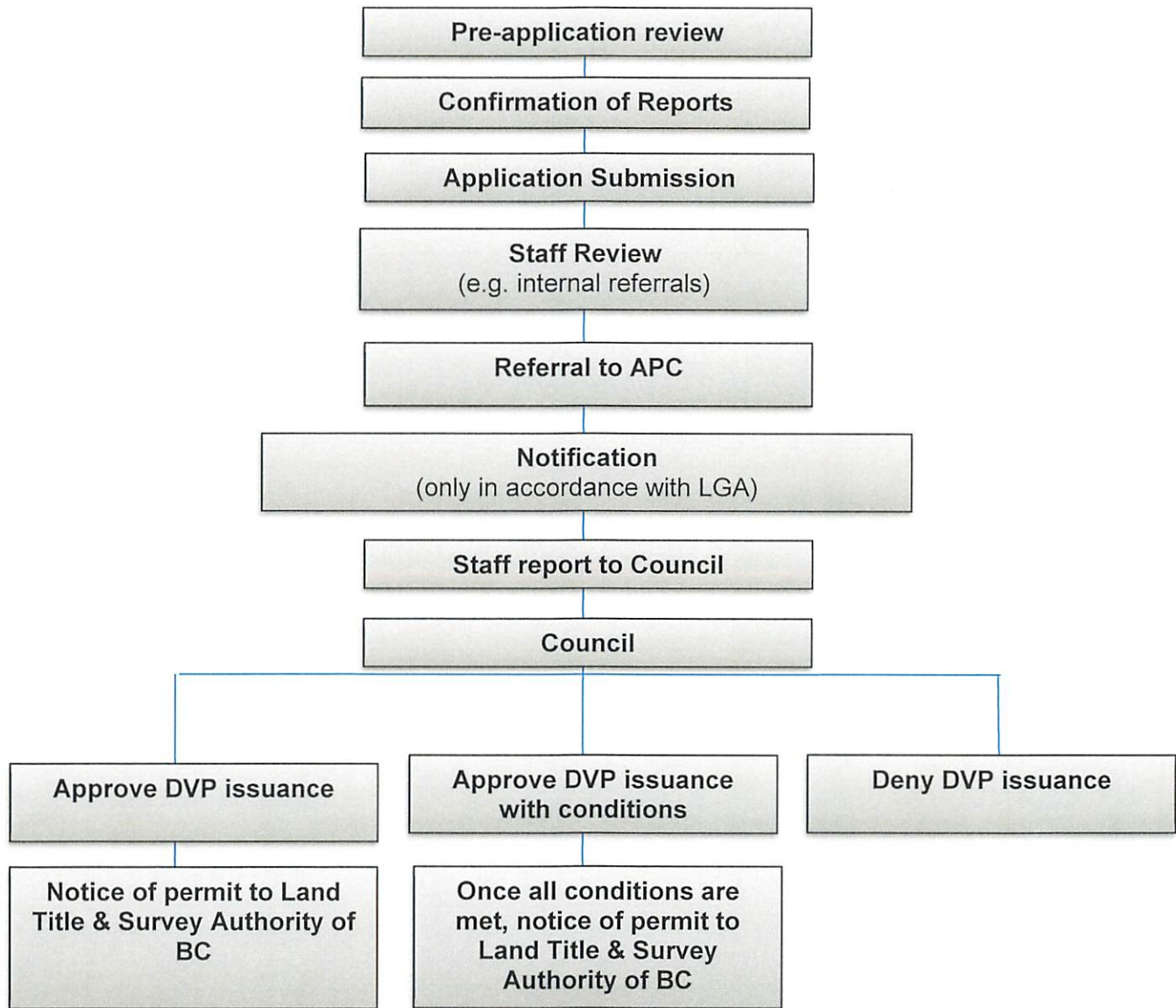
SCHEDULE D

DEVELOPMENT VARIANCE PERMIT (DVP) APPLICATION (COUNCIL)

All applications for development variance permits, other than for a Minor Development Variance Permit, will be submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed. Development Variance requests are typically considered where specific site characteristics or other unique circumstances do not permit strict compliance with an existing regulation. A requested variance must be reasonable, must maintain the intent of the regulation, and should minimize any potential negative impacts on neighbours or the streetscape.

- 1.1. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information is received and fees paid.
- 1.2. Planning staff will review the proposal for compliance with relevant City bylaws to confirm whether the requested variance can be approved as a Minor Development Variance Permit and, if not, will process the Application in accordance with this schedule.
- 1.3. Planning staff will prepare a preliminary review report for consideration and review by the Advisory Planning Commission (APC). The report will consider the impact of the proposed variance on adjacent properties or the surrounding neighbourhood and how those impacts may be mitigated, whether there is a community or environmental benefit to the larger community in granting the variance, and whether there is hardship other than the business aspects of the development, such as location, size, site configuration or topography or other natural attribute of the land (e.g. rock outcrop, floodplain, natural vegetation).
- 1.4. Planning staff will prepare a planning report relating any information received through internal referral, the referral to the APC, and the notification process and advising on the extent of the requested variance and whether the variance is necessary or beneficial.
- 1.5. Development Variance Permits expire 2 years from the time of issuance unless the project has been substantially completed to the satisfaction of the Delegate.

- 1.6. A DVP application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:



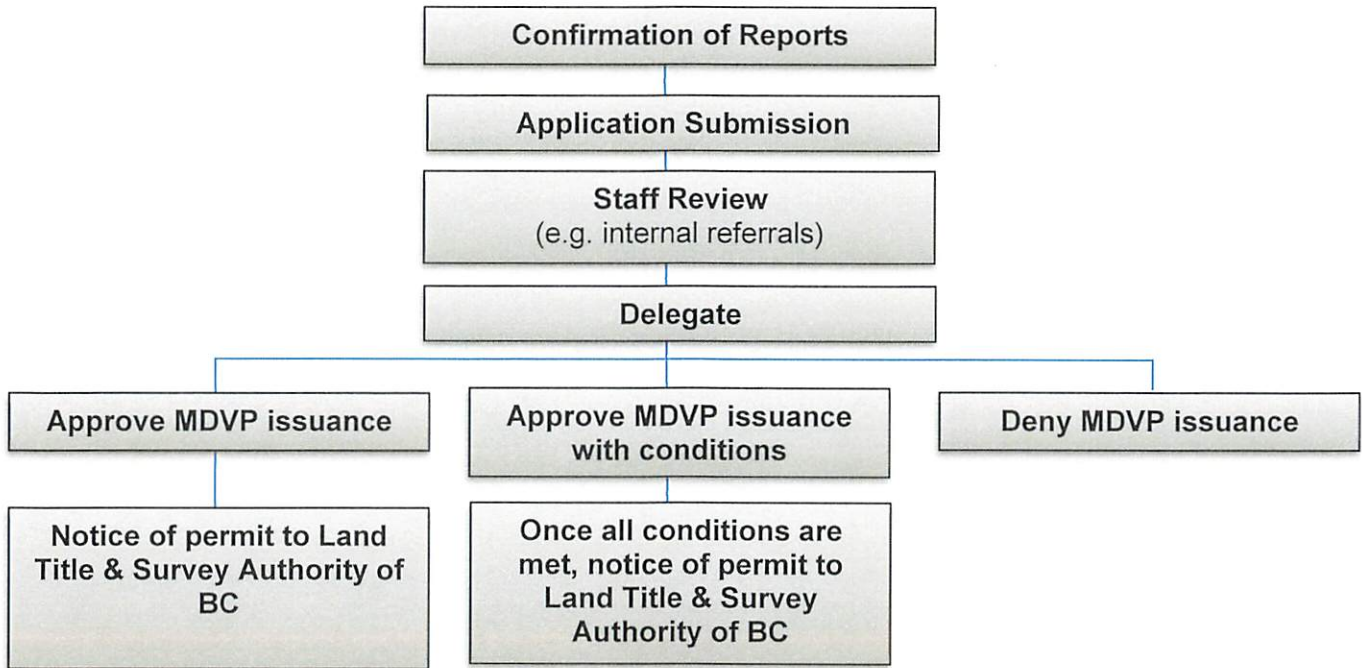
SCHEDULE E

DELEGATED MINOR DEVELOPMENT VARIANCE PERMIT

All applications for Minor Development Permit submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development variance approval if the steps indicated are followed. A Minor Development Permit allows a person to whom Council has delegated authority to review proposed variances against detailed regulations in the Zoning Bylaw.

- 1.1. This schedule applies to Minor Development Variance Permits. These decisions are subject to reconsideration by Council.
- 1.2. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information, including Reports, is received and fees paid.
- 1.3. Minor Development Variance Permits applications are not subject to statutory notice provisions in the *Local Government Act* (see s. 499 (1.1)).
- 1.4. In considering whether to approve a minor variance, the Delegate will consider the following:
 - (a) the impact of the proposed variance on adjacent properties or the surrounding neighbourhood and how those impacts may be mitigated;
 - (b) whether there is a community or environmental benefit to the larger community in granting the variance, and
 - (c) whether there is hardship other than the business aspects of the development, such as location, size, site configuration or topography or other natural attribute of the land (e.g. rock outcrop, floodplain, natural vegetation).
- 1.5. The Delegate may issue the Minor Development Variance Permit, issue the Minor Development Variance Permit with conditions or where the variance is not supported by the considerations above, refuse the Minor Development Variance Permit.
- 1.6. Minor Development Variance Permits expire 2 years from the time of issuance unless the project has been substantially completed to the satisfaction of the Delegate.

1.7. A Minor Development Variance Permit application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:



SCHEDULE F

TEMPORARY USE PERMIT (TUP) APPLICATION

This process is only available where the OCP or Zoning Bylaw designate the area as a place where temporary uses may be allowed. All applications for Temporary Use Permits submitted in accordance with this Bylaw will be substantially processed as outlined below. The information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed.

- 1.1. After receiving a complete application or where the Delegate confirms that an incomplete Application will be processed, staff will open a file and issue a receipt to the Applicant. An Application is not considered received and active until all required application information is received and fees paid.
- 1.2. Planning staff will prepare an information and referral sheet and circulate for comment to all applicable City departments, government ministries, agencies and organizations.
- 1.3. Planning staff will prepare a preliminary review report for consideration and review by the Advisory Planning Commission (APC).
- 1.4. Temporary use permits are subject to statutory notification requirements as outlined in the *Local Government Act* and the alternative methods of notice set out in this Bylaw.
- 1.5. Staff will prepare a planning report for Council relating any information received through internal referral, the referral to the APC, and the notification process. The report should consider the extent to which the temporary use relates with the intent and policies of the Official Community Plan and potential impact of the use on surrounding properties.
- 1.6. Council may require an Applicant provide performance security for a temporary use permit.
- 1.7. The owner of the land in respect to which the temporary use permit has been issued has the right to use the land as authorized through the permit until the date that the permit expires, for a term not to exceed three (3) years.
- 1.8. An Applicant to whom a temporary use permit has been issued may apply in writing to have the permit renewed for the same use for a specified term not exceeding 3 years.
- 1.9. The renewal should be applied for and granted within the term of the original temporary use permit.
- 1.10. Council may impose additional conditions, including those that were not imposed in the original TUP.

1.11. A TUP application submitted in accordance with this Bylaw will be processed in substantial accordance with the following:

