

CITY OF WEST KELOWNA

BYLAW NO. 0260

A BYLAW TO DEFINE PROCEDURES FOR THE PROCESSING OF DEVELOPMENT APPLICATIONS INCLUDING AMENDMENTS OF AN OFFICIAL COMMUNITY PLAN BYLAW, ZONING BYLAW, PHASED DEVELOPMENT AGREEMENTS, LAND USE CONTRACTS; OR PERMITS UNDER PART 14 OF THE *LOCAL GOVERNMENT ACT*; AND APPLICATIONS UNDER THE AGRICULTURAL LAND COMMISSION AND THE LIQUOR AND CANNABIS REGULATION BRANCH.

WHEREAS the Council of the City of West Kelowna has adopted an Official Community Plan and a Zoning bylaw; and

WHEREAS the Council of the City of West Kelowna must by bylaw, define procedures to amend an Official Community Plan or zoning bylaw or issue a permit under Part 14 of the *Local Government Act*; and

WHEREAS the Council of the City of West Kelowna has designated areas within which Temporary Use Permits may be issued and within which Development Permits are required;

NOW THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna in an open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as the “DEVELOPMENT APPLICATIONS PROCEDURES BYLAW No. 0260, 2018”.

2. Definitions

AAC means the Agricultural Advisory Committee as established by Council.

Agricultural Land Reserve or **ALR** means lands designated pursuant to the *Agricultural Land Commission Act* to be preserved for agricultural uses or uses compatible with agricultural purposes. The Agricultural Land Commission decides on requests for exclusion, inclusion, subdivision, and the non-farm use of land in the ALR.

APC means the Advisory Planning Commission as established by Council.

APPLICANT means any person who makes application for development under provisions of this bylaw as authorized by the owner of the parcel(s) of land.

CITY means the City of West Kelowna.

COMPREHENSIVE DEVELOPMENT PLAN means a plan authorized by the OCP for lands designated as Comprehensive Development Areas which have not been thoroughly assessed for development potential or where significant constraints have been identified which may affect the potential development of the site (e.g. infrastructure, servicing, access, topography, visual impact or environmentally sensitive areas).

COUNCIL means the Council of the City of West Kelowna.

DEVELOPMENT PERMIT means a permit authorized by Section 490 of the *Local Government Act*.

DEVELOPMENT VARIANCE PERMIT means a permit authorized by Section 498 of the *Local Government Act*.

DEVELOPMENT REVIEW COMMITTEE or **DRC** means the City of West Kelowna's Development Review Committee.

GROSS FLOOR AREA means as defined in the City of West Kelowna Zoning Bylaw.

LAND USE CONTRACT means a current Land Use Contract which is being amended as per Section 546 of the *Local Government Act*.

OFFICIAL COMMUNITY PLAN or **OCP** means the City of West Kelowna Official Community Plan Bylaw.

OWNER means the registered owner(s) of property as demonstrated on the Land Title Certificate.

MINOR DEVELOPMENT PERMIT means a permit approved by the Director of Development which conforms to the Development Permit Guidelines of the Official Community Plan, and does not meet any exemption of the Official Community Plan. Minor Development Permits are established for the following instances:

- a) For Hillside, Aquatic Ecosystem, and Sensitive Terrestrial Ecosystem Development Permit Areas - Fifty (50) square metres or less of the development and/or site disturbance is situated within the designated Development Permit Area;
- b) For Commercial, Industrial and Multiple Family and Intensive Residential Development Permit Areas – An addition/alteration to an existing building, provided that the new floor space does not exceed two hundred (200) square metres or 20% of the existing gross floor, whichever is less;
- c) Façade alterations on existing buildings; and
- d) Signage applications.

PHASED DEVELOPMENT AGREEMENT means an agreement authorized by Section 516 of the *Local Government Act*.

PUBLIC HEARING means pursuant to the *Local Government Act*.

QUALIFIED ENVIRONMENTAL PROFESSIONAL means an applied scientist or technologist, acting alone or together with another Qualified Environmental Professional, 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,
- b) the individual's area of expertise is recognized in 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 that individual's area of expertise.

TEMPORARY USE PERMIT means a permit authorized by Section 493 of the *Local Government Act*.

3. Interpretation

- 3.1. A reference in this bylaw to any enactment of British Columbia is a reference to the enactment as amended, revised, consolidated or replaced from time to time.
- 3.2. A reference in this bylaw to any bylaw, policy or form of the City of West Kelowna is a reference to the bylaw, policy or form as amended, revised, consolidated or replaced from time to time.

4. Scope

This bylaw shall apply to the following applications:

- 4.1. An application for amendments to:
 - 4.1.1. Official Community Plan
 - 4.1.2. Zoning Bylaw, including the establishment of Phased Development Agreements and Zoning Amendments for new Non-Medical Cannabis Retail Stores
 - 4.1.3. Land Use Contract
- 4.2. The issuance, amendment and review of:
 - 4.2.1. Development Permits
 - 4.2.2. Minor Development Permits
 - 4.2.3. Development Variance Permits
 - 4.2.4. Temporary Use Permits
 - 4.2.5. Floodplain Exemptions
 - 4.2.6. Liquor License Applications
 - 4.2.7. Non-Medical Cannabis Retail License Amendments
- 4.3. The preparation of:
 - 4.3.1. Comprehensive Development Plans
- 4.4. An application to the Agricultural Land Commission for one or more of the following:
 - 4.4.1. To include land into the ALR
 - 4.4.2. To exclude land from the ALR
 - 4.4.3. To subdivide land within the ALR
 - 4.4.4. To conduct a non-farm use in the ALR

5. General Provisions

- 5.1. Application Fees
At the time of application, the applicant will pay the City an application fee in the amount set out in any applicable City of West Kelowna Fees and Charges Bylaw.
- 5.2. Application Requirements and Processing Procedure
 - 5.2.1. Applications requiring a Notice of Application Sign shall be posted in accordance with Schedule 1 of this bylaw.

- 5.2.2. An application for an amendment to an Official Community Plan Bylaw, Zoning Bylaw (including the establishment of a Phased Development Agreement) or a Land Use Contract will be made and processed substantially as outlined in Schedule 2 of this bylaw.
- 5.2.3. An application for a Comprehensive Development Plan will be made and processed substantially as outlined in Schedule 3 of this bylaw.
- 5.2.4. An application for a Development Permit will be made and processed substantially as outlined in Schedule 4 of this bylaw.
- 5.2.5. An application for a Minor Development Permit will be made and processed substantially as outlined in Schedule 5 of this bylaw.
- 5.2.6. An application for a Development Variance Permit will be made and processed substantially as outlined in Schedule 6 of this bylaw.
- 5.2.7. An application for a Temporary Use Permit will be made and processed substantially as outlined in Schedule 7 of this bylaw.
- 5.2.8. An application for a Floodplain Exemption will be made and processed substantially as outlined in Schedule 8 of this bylaw.
- 5.2.9. An application in respect of land within the Agricultural Land Reserve will be made and processed substantially as outlined in Schedule 9 of this bylaw.
- 5.2.10. An application for a Liquor License will be made and processed substantially as outlined in Schedule 10 of this bylaw.
- 5.2.11. A rezoning application for a Non-Medical Cannabis Retail Store will be made and processed substantially as outlined in Schedule 11 of this bylaw.
- 5.2.12. An application for an amendment to an existing Non-Medical Cannabis Retail License will be made and processed substantially as outlined in Schedule 12 of this bylaw.

5.4 Number of Development Permit Applications

Where land is subject to more than one Development Permit Area designation, only one development permit application is required. However, the application should address the requirements of each applicable Development Permit Area as per the Official Community Plan. Additional application fees may be required as per the City of West Kelowna Fees and Charges Bylaw.

5.5 Development Permit Required prior to Development

In all Development Permit Areas, a Development Permit must be approved before land is subdivided or development occurs, including but not limited to land clearing, preparation for the construction of services or roads, blasting, and construction of, addition to or alteration of a building or structure, unless otherwise exempted from requiring a Development Permit as specified in the Official Community Plan.

6. Development Approval Information

6.1. Type of Information Requested

Pursuant to Section 486 of the *Local Government Act* and as per the Official Community Plan, the City may require an applicant to provide reports and impact studies including but not limited to the following:

- 6.1.1. Environmental Impact Assessment;
- 6.1.2. Environmental Management Plan;
- 6.1.3. Biophysical Constraints;
- 6.1.4. Geotechnical Study;
- 6.1.5. Transportation and Traffic Impact Study;
- 6.1.6. Site Access and Servicing (including sensitive habitat and natural hazards, accessibility, energy and water conservation);
- 6.1.7. Visual Impact Assessment;
- 6.1.8. Stormwater Management Study;
- 6.1.9. Wildfire Hazard Assessment;
- 6.1.10. Biological Assessment;
- 6.1.11. Functional Servicing Report;
- 6.1.12. Tree Assessment Study;
- 6.1.13. Demand for Local Community Service Study; and
- 6.1.14. Other Studies as deemed necessary.

6.2. Preparation of the Terms of Reference

The applicant will be required to work with Staff to review and confirm the Terms of Reference for the report or impact study in accordance with the Terms of Reference for Professional Reports.

6.3. Selection of Personnel

The applicant will be required to provide the reports and impact studies prepared by Qualified Registered Professionals at the applicant's expense in accordance with the Terms of Reference for Professional Reports. The City may require an independent review of the study results in certain circumstances including but not limited to: staff capacity and to ensure the timely review of the study results. The applicant will be notified if an independent review of the study results is required.

6.4. Incomplete or Deficient Reports

If it is determined by the Director of Development that a report containing development approval information is incomplete or deficient, the applicant will be notified in writing the nature of deficiencies and the timeframe to resubmit the corrected report.

6.5. Presentation of Reports or Impact Studies

The City may request, at the applicant's expense, the presentation of the report or impact study to Council, the community or Staff by the Qualified Registered Professional(s) that prepared the document.

6.6. Publication of Information

The City may distribute and publicize a report containing development approval information requested under this bylaw.

7. Notice of Application Sign

7.1 A Notice of Application Sign shall be posted in accordance with Schedule 1 of this bylaw.

8. Notification

8.1 As per the *Local Government Act*, the City will mail or otherwise deliver individual notices to all Owners and tenants of the subject property for which an application is being made, and all property owners within a distance of not less than 100 m measured from the boundaries of any subject property to which the application pertains, advising of:

8.1.1 A scheduled public hearing for an Official Community Plan, Zoning Bylaw, Land Use Contract Amendment, Phased Development Agreement or a Non-Medical Cannabis Retail Store Rezoning Amendment;

8.1.2 A scheduled Council meeting for a Development Variance Permit, or if the Director of Development has delegated authority to issue the Development Variance Permit; A scheduled Council meeting for a Development Variance Permit; and

8.1.3 A scheduled Council meeting for a Temporary Use Permit; and A scheduled Council meeting for a Temporary Use Permit.

8.1.4 First reading of a Zoning Bylaw if a public hearing is not held.

8.2 Notification for Comprehensive Development Plans

The City will make reasonable efforts to notify affected residents of an applicant's request to undertake a Comprehensive Development Plan. Methods of notification may include but are not limited to: direct mail outs, newsletters, advertisements in the newspaper or notices on the City's website.

8.3 Notification for Liquor Licenses

The City will mail or otherwise deliver individual notices to all property owners within a distance of not less than 100 m measured from the boundaries of any subject property to which the application pertains. This Notice shall include:

8.3.1 The type of license application;

8.3.2 The proposed person capacity; and

8.3.3 The proposed hours of liquor service.

8.4 Notification for Amendments to Existing Non-Medical Cannabis Retail Licenses

The City will mail or otherwise deliver individual notices to all property owners within a distance of not less than 100 m measured from the boundaries of any subject property to which the application pertains. This Notice shall include the details of the amendment requested.

9. Public Information Meetings

9.1 Applicants are encouraged as a best practice to hold public information meetings prior to the application being considered by Council to provide an additional opportunity for the public to access information and to inquire about the proposal beyond that available through the standard application referral and public hearing processes.

9.2 If a public information meeting is held by the applicant, it is the responsibility of the applicant to arrange and conduct the meeting at their expense. Applicants are encouraged to submit a report to the City summarizing the meeting to provide the following information:

9.2.1 Location, time and duration of meeting;

9.2.2 Number of attendees;

9.2.3 How the meeting was advertised and how surrounding property owners were notified;

9.2.4 Information provided at the meeting; and

9.2.5 A summation of questions raised and major discussion points.

10. Agency Referral Process

When reviewing applications, Staff may develop a referral list of agencies, organizations or levels of government that the application may be sent to for review and comment.

11. Security

11.1 Pursuant to Section 496 and 502 of the *Local Government Act* and as per the Official Community Plan, security may be required as a condition of permit issuance for the following:

11.1.1 Landscaping (“Landscape Security”);

11.1.2 An unsafe condition or damage to the natural environment that may result as a consequence of a contravention of a condition in a permit (“Remediation Security”); or

11.1.3 To guarantee the performance of the terms of a Temporary Use Permit (“Performance Security”).

11.2 Form of Security

Security will be provided in the form of an automatically renewing irrevocable letter of credit, bank draft or in a form satisfactory to the Director of Development and approved by Council. Security will be required prior to the issuance of a permit.

11.3 Amount of Security

The amount of security will be calculated using the following:

11.3.1 For Landscape Security, the amount of security will be 125% of an estimate or quote of the cost of works, including but not limited to: inspections, monitoring, maintenance, irrigation, labour and plantings materials. The estimate or quote must be submitted by a Landscape Architect or other Professional approved by the Director of Development. The estimate or quote will be provided by the applicant at the applicant’s expense.

11.3.1.1 Phased Landscape Plans may be approved for large-scale developments at the discretion of the Director of Development to enable the completion of the landscape plan in phases and the

submission of the related security deposit at each phase. The applicant is required to request a phased landscape plan at the time of Development Permit application, clearly identifying on the submitted landscape plan the proposed phases and related cost estimates for each phase.

11.3.2 For Remediation Security, the amount of security will be 125% of an estimate or quote of the cost of works, including but not limited to: inspections, monitoring, maintenance, irrigation, labour and planting materials. The estimate must be submitted by a Qualified Environmental Professional who will be expected to undertake or supervise the works. The estimate or quote will be provided by the applicant at the applicant's expense.

11.3.2.1 Where security is required in the case of an unsafe condition that may result from a contravention of a permit condition, the amount of security shall reflect:

- a) the nature of the permit condition;
- b) the nature of the unsafe condition; and
- c) the cost to the City of entering the land to undertake the 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.

11.3.2.2 Where security is required in the case of damage to the natural environment that may result from a contravention of a permit condition, the amount shall reflect:

- d) the nature of the permit condition;
- e) the nature of the damage; and
- f) the cost to the City of entering the land to correct the damage to the environment, and restore or enhance the natural environment to compensate for the damage that has been caused by the contravention of that permit condition.

11.3.3 For Performance Security, the amount of security will be 125% of an estimate or quote of the cost of works to guarantee the performance of the terms of the permit. Such works may include but are not limited to: inspections, monitoring, maintenance, irrigation, labour, planting materials and works required to restore the land or remove any temporary structures. The estimate or quote must be submitted by a Professional approved by the Director of Development . The estimate or quote will be provided by the applicant at the applicant's expense.

11.3.4 In extraordinary circumstances, alternate methodologies to calculate the amount of security may be approved by the Director of Development .

11.4 General Conditions of Security

At the expense of the permit holder, the City may undertake the works, construction or other activities required to satisfy the landscaping condition, to correct the unsafe condition, to correct the damage to the environment or to ensure the performance of the terms of a permit. The City may apply the security in payment of the cost of works, construction or other activities if any of the following occur:

11.4.1 The works are not completed prior to the applicant's request for Final Occupancy;

- 11.4.2 The works are not completed within a defined time period as specified by the Director of Development or as per the time period identified in an approved Permit;
- 11.4.3 The works are not completed by the expiry date of the Letter of Credit;
- 11.4.4 An unsafe condition has resulted as a consequence of a contravention of a condition in a permit;
- 11.4.5 Damage to the natural environment has resulted as a consequence of a contravention of a condition in the permit; or
- 11.4.6 A contravention in relation to the performance of the terms of a Temporary Use Permit.

11.5 Return of Security

- 11.5.1 If a permit is cancelled by the applicant and no work has occurred related to the security deposit, the security deposit will be returned to the applicant at the approval of the Director of Development .
- 11.5.2 Unless otherwise stated in this bylaw, the City will return the security when written request has been submitted by the applicant and includes a satisfactory Substantial Completion Report by a Landscape Architect, Qualified Environmental Professional, or other Professional approved by the Director of Development , certifying that:
 - 11.5.2.1 The works have been completed in substantial compliance with the approved plan(s).
 - 11.5.2.2 The unsafe condition or damage to the natural environment has been corrected.
- 11.5.3 The Substantial Completion Report must be signed and sealed by a Landscape Architect, Qualified Environmental Professional or other Professional approved by the Director of Development and include the following at a minimum:
 - 11.5.3.1 The date and drawing number of the plan reviewed by the Landscape Architect, Qualified Environmental Professional or other Professional approved by the Director of Development ;
 - 11.5.3.2 Date(s) of inspection by the Landscape Architect, Qualified Environmental Professional or other Professional approved by the Director of Development ;
 - 11.5.3.3 A statement from the Landscape Architect, Qualified Environmental Professional or other Professional approved by the Director of Development that the completed works substantially comply with the approved plan;
 - 11.5.3.4 Identification of conformance to approved species, quantity of materials, scale and number of plans, irrigation systems and features (including hard landscaping) as shown on approved drawing(s) and installation to BCSLA/BCNTA standards;

- 11.5.3.5 Confirmation that the depth of soils and composition of soils are to BCSLA/BCLNA standards;
 - 11.5.3.6 A description of all deviations from the approved plan(s) with a rationale for the changes and whether the changes meet the intent of the approved plan(s); and
 - 11.5.3.7 The request of the amount of funds to be released.
- 11.5.4 Upon receipt of a Substantial Completion Report, the City may conduct a site inspection to verify that the works are installed in accordance with the approved plans.
- 11.5.5 Should there be any deficiencies identified in the Substantial Completion Report or should the City find any discrepancies and/or deficiencies during an inspection, an inspection report will be issued to the applicant and the security will be retained until the deficiencies have been addressed. Any changes to the approved plans will require approval of the City prior to installation of any works. Depending on the level of non-conformance with the approved plans, Council approval of the revised plan(s) may be required through an amended development permit application prior to the release of the security.
- 11.5.6 Site inspections and final acceptance by the City of the installation of plant material, sodding or seeding, may not be carried out between November 1st and April 30th due to weather conditions, unless otherwise approved by the Director of Development .
- 11.5.7 Upon completion of any items outlined in an inspection report, the applicant shall notify the City for further inspection in order to obtain a final release of the security.
- 11.5.8 Upon substantial completion, the City will return 90% of the security deposit. The City will withhold the remaining 10% as a maintenance bond for up to two growing seasons to ensure that the work has been fully implemented and demonstrated to function (ecologically or as designed).
- 11.5.9 Interest accrued on the security provided accrues to the holder of the permit and must be paid to the holder immediately on return of any unused portion of the security or, on default, becomes part of the amount of security.
- 11.6 Partial Return of Landscape Security
The City may return a portion of the Landscape Security upon receipt of a report from a Landscape Architect or other Professional approved by the Director of Development .
- 11.6.1 The report must include the following:
 - 11.6.1.1 Evidence that the total landscaping is 50% complete and substantially complies with the approved landscape plan;
 - 11.6.1.2 Evidence that the perimeter landscaping is 100% complete as per the approved landscape plan for any portion of the subject property that includes street frontage;

- 11.6.1.3 The date and drawing number of the landscape plan reviewed by the Landscape Architect or other Professional approved by the Director of Development ;
 - 11.6.1.4 Date(s) of inspection by the Landscape Architect or other Professional approved by the Director of Development ;
 - 11.6.1.5 Evidence of conformance to approved species, quantity of materials, scale and number of plants, irrigation systems and features (including hard landscaping) as shown on approved drawing(s) and installation to BCSLA/BCNTA standards;
 - 11.6.1.6 Identification of all deviations from the approved landscape plan;
 - 11.6.1.7 The submission of a revised landscape plan and cost estimates for the remainder of the works to be completed for the approval of the Director of Development ; and
 - 11.6.1.8 The request for the amount of funds to be released. The City will withhold 10% of the original cost estimate (calculated as per Section 11.3 of this bylaw) as a maintenance bond as per Section 11.5.8.
- 11.6.2 When considering a request for partial release, Staff will consider the visual impact and safety of the remainder of the site as well as the public interface areas prior to approving a partial return request.
- 11.6.3 If the request for the partial return of security is approved, the City will return 50% of the original cost estimate or quote and will withhold 10% of the original cost estimate as a maintenance bond as per Section 11.5.8.
- 11.6.4 The partial return of the landscape security will occur only once per security deposit unless as otherwise approved by the Director of Development .

12. Permit Renewals, Extensions and Lapses

- 12.1 If Staff determines that an application is incomplete during the initial review, the application will be placed on hold and the applicant will be requested to provide the required information. If an applicant does not provide the required information within three (3) months of the request, the applicant will be notified that the file will be closed and that the application and fee will be returned as per the City of West Kelowna Fees and Charges Bylaw.
- 12.2 In the event that an application made pursuant to this bylaw has not been given final adoption by Council within one (1) year after the date it was given third reading or one (1) year after the date of last consideration by Council:
- 12.2.1 The application will be deemed to be abandoned and will be closed; and
 - 12.2.2 In the case of an amendment application, Staff will prepare a motion for Council's consideration to rescind all readings of the bylaw associated with the amendment application.

12.3 In the case of applications that have been delegated to the Director of Development , if final approval of the application is not granted within one (1) year after a written request from the Director of Development to submit any outstanding items:

12.3.1 The application will be deemed to be abandoned and will be closed.

12.4 In order for an application that has lapsed under Sections 12.1 to 12.3 to proceed, a new application and fee will be required.

12.5 Upon written request from 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 and still has not met the requirements for final adoption and wishes to proceed with the application, a new application and fee will be required as per the City of West Kelowna Fees and Charges Bylaw.

12.6 Re-application

Subject to Section 460(3) of the *Local Government Act*, where an application made pursuant to this bylaw has been refused by Council, re-application for the same amendment or permit will not be accepted for a six (6) month period immediately following the date of refusal.

13. Change of Ownership

If there is a change of ownership of a parcel(s) of land that is the subject of an application under this bylaw, the City will require updated Land Title Certificate(s) for the parcel(s) of land and written authorization from the new owner(s) prior to proceeding with the application.

14. Delegation of Authority

The Director of Development or designee is designated the following:

14.1 The power to require Development Approval Information as per Section 487 of the *Local Government Act*.

14.2 The power to require security for as per Sections 496 and 502 of the *Local Government Act*.

14.3 The power to designate the form of any permit issued under this bylaw as per Section 501(4) of the *Local Government Act*.

14.4 The power to designate the form and content of application forms.

14.5 The power to issue or amend Commercial Development Permits where:

14.5.1 The application is consistent with the Official Community Plan and relevant Development Permit Guidelines.

- 14.5.2 The proposed development is not directly adjacent to or abutting a zone permitting single detached residential development in the Zoning Bylaw, unless there is significant topographical separation between the properties; and
- 14.5.3 If the proposed development contains apartment housing or congregate housing the proposed development is a maximum of three storeys in height and has a maximum floor area of 1400 square metres; and
- 14.5.4 Only variances which have been delegated are requested.
- 14.6 The power to issue or amend Industrial Development Permits where:
 - 14.6.1 The application is consistent with the Official Community Plan and relevant Development Permit Guidelines; and
 - 14.6.2 Only variances which have been delegated are requested.
- 14.7 The power to issue or amend Hillside, Aquatic Ecosystem, Sensitive Terrestrial Ecosystem and Wildfire Interface Development Permits where:
 - 14.7.1 The applicant has provided a report prepared and signed by a Qualified Environmental Professional addressing the protection of the natural environment or protection of development from hazardous conditions. The report must address the Development Permit Guidelines of the Official Community Plan and any other requirements of affected Provincial and/or Federal agencies, and recommendations of City Staff; and
 - 14.7.2 Only variances which have been delegated are requested.
- 14.8 The power to amend Development Permits that have been issued provided:
 - 14.8.1 The changes are minor in nature regarding landscaping or form and character issues; and
 - 14.8.2 Only variances which have been delegated are requested.
- 14.9 The power to renew Development Permits that have been issued and lapsed provided:
 - 14.9.1 No changes have been proposed to the Development Permit; and
 - 14.9.2 The Development Permit is consistent with the current Official Community Plan and relevant Development Permit Guidelines.
- 14.10 The power to issue, amend or renew Minor Development Permits where:
 - 14.10.1 The application is consistent with the Official Community Plan and relevant Development Permit Guidelines; and
 - 14.10.2 Only variances which have been delegated are requested.
- 14.11 The power to issue or amend Multi-Family and Intensive Residential Development Permits where:

14.11.1 The application is consistent with the Official Community Plan and relevant Development Permit Guidelines;

14.11.2 The proposed development is a maximum of three storeys in height and has a maximum floor area of 1400 square metres; and

14.11.3 Only variances which have been delegated are requested.

14.12 The power to issue Development Variance Permits where:

14.12.1 The proposed variance is a minor variance. For determining whether a proposed variance is a minor variance the following criteria will be used:

14.12.1.1 The proposed variance is to the Sign Bylaw;

14.12.1.2 The proposed variance to one or more of the following regulations in the Zoning Bylaw:

- a) Parcel coverage;
- b) Height of buildings and structures (such as ~~such as~~ dwellings, fences and retaining walls);
- c) Floor area of buildings and structures (excluding density regulations);
- d) Setbacks (excluding cannabis production);
- e) Off street parking and loading space requirements except for the number of spaces;
- f) Notwithstanding e) above, off street parking and loading space requirements for the number of spaces for existing buildings where no additions are proposed (e.g., change of use);
- g) Screening and Landscaping to mask or separate uses or to preserve, protect, restore and enhance natural environment.

14.12.2 If the proposed variance has been determined to be a minor variance, the Director of Development must consider the following guidelines in deciding whether to issue the Development Variance Permit:

14.12.2.1 If the proposed variance would result in inappropriate development of the site;

14.12.2.2 If the proposed variance would adversely affect the natural environment;

14.12.2.3 If the proposed variance would substantially affect the use and enjoyment of adjacent land or right of way; and

14.12.2.4 If the proposed variance defeats the intent of a bylaw.

14.12.3 The Director of Development will refer the Development Variance Permit to Council in the following circumstances:

14.12.3.1 The proposed variance does not meet the criteria of minor;

14.12.3.2 The proposed variance is part of a Development Permit application that is not delegated to Staff; or

14.12.3.3 The proposed variance does meet the criteria of minor, but in the opinion of the Director of Development , it would be in the public interest to instead have the application considered by Council.

14.13 The power to approve or refuse a strata plan of a previously occupied building where:

14.13.1 The Strata Conversion application is for a duplex.

15. Council Reconsideration of a Staff Decision

- 15.1 Within 14 days of being notified in writing of the decision of Staff under this bylaw, the applicant may, at no charge, request Council to reconsider the decision.
- 15.2 The applicant must give written notice to the City Clerk setting out the grounds on which the applicant considers the decision to be inappropriate, including the specific decision, and what decision Council should use as a substitute.
- 15.3 The City Clerk will notify the Director of Development of the request(s) for reconsideration and the Staff will, prior to the date of the meeting at which the reconsideration will occur, provide a written report to Council setting out the rationale for their decision.
- 15.4 The City Clerk will place the request(s) for reconsideration on the agenda of a meeting of Council to be held as soon as reasonably possible.
- 15.5 The City Clerk will notify the applicant of the date of the meeting at which reconsideration will occur.
- 15.6 Council will review the information provided by the applicant and Staff, and either confirm the decision made by Staff, or substitute its own decision including Development Permit conditions.

16 Severability

If any section, subsection, sentence, clause or phrase forming part of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed from the Bylaw without affecting the validity of the Bylaw or any remaining portions of the Bylaw.

17 Repeal

The Development Applications Procedures Bylaw No. 0131 together with any amendments is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME THIS 25TH DAY OF SEPTEMBER, 2018
ADOPTED THIS 2ND DAY OF OCTOBER, 2018

M A Y O R

CITY CLERK

Schedule 1 – Notice of Application Sign Requirements

- 1. Installation**

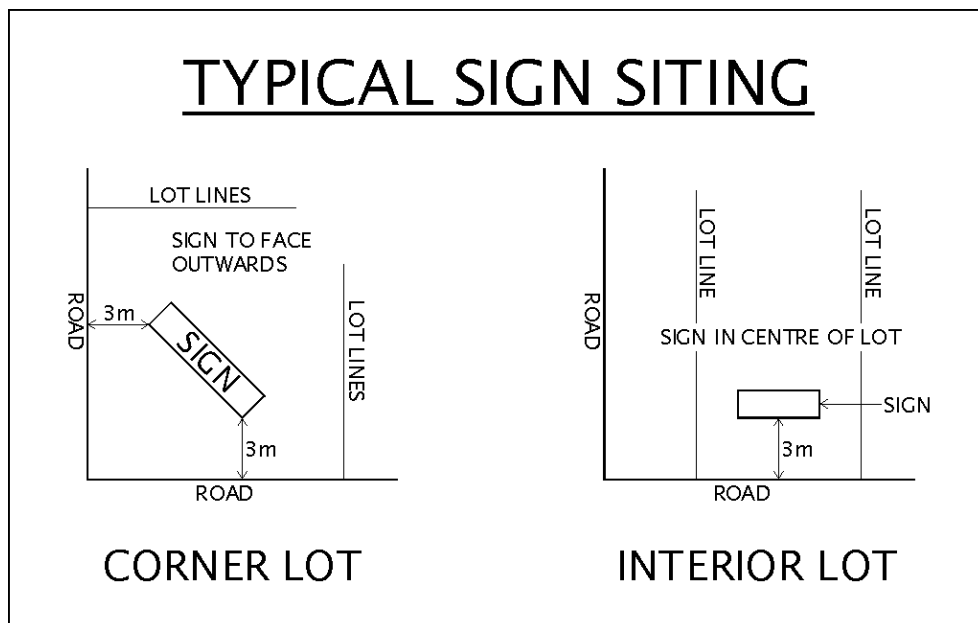
Except for Development Permits, Minor Development Permits, ~~Development Variance Permits which have been delegated to the Director of Development~~, Floodplain Exemptions and applications with respect of land under the Agricultural Land Reserve, an applicant under this bylaw must, at his/her cost, install a City of West Kelowna Notice of Application Sign in accordance with this bylaw. Applications with respect of land under the Agricultural Land Reserve must consult the Agricultural Land Commission's Application Information Package for notification requirements.
- 2. Timing**

The Notice of Application sign must be posted by the applicant within 14 days of submitting a formal application to the City.
- 3. Design of Sign**

The design of the sign shall be in a form prescribed by the Director of Development ('City Sign Format Sheet').
- 4. Preparation of Sign**

The preparation and posting of the Notice of Application sign is the responsibility of the applicant and must be undertaken as per the specifications of this bylaw (see Schedules 2-12) and as identified on the Sign Format Sheet. The applicant will provide a mock-up of the sign to the Development Services Division for review and approval prior to final printing. Once the sign is posted, the applicant shall demonstrate proof to the Development Services Division of the posted sign.
- 5. Siting of Sign**

All Notice of Application Signs shall be placed on the property at a setback of three metres from the front property line as demonstrated in the below diagram. The sign must face the street and be clearly visible. All proposed sign locations must be verified by the Development Services Division prior to installation. The sign must be located so as not to interfere with pedestrian or vehicular traffic, or obstruct visibility from streets, lanes, walkways or driveways so as to create a hazard. The Notice of Application Sign must be installed in a sound workmanlike manner and must be capable of withstanding wind and weather.



6. **Number of Signs**
The applicant shall post a minimum of one (1) Notice of Application Sign. For large parcels with over 200 m of street frontage, one (1) Notice of Application Sign shall be required for each 200 m of street frontage, to a maximum of three signs.
7. **Maintenance of Sign**
It is the responsibility of the applicant to ensure the sign(s) remain intact and visible as per the sign siting specifications until such time the sign can be removed, in accordance with Section 8.
8. **Amendments to Application**
If any significant amendments are made to the application, the applicant will be required to install new sign(s) reflecting the change in application. The applicant will provide a mock-up of the sign to the Development Services Division for review and approval prior to final printing.
9. **Sign Removal**
The Notice of Application Sign shall be removed by the applicant within seven (7) days following:
 - i. ~~The conclusion of the public hearing or adoption of the amending bylaw if the public hearing is not held~~The conclusion of the public hearing or adoption of the amending bylaw if the public hearing has been waived; or
 - ii. ~~The final consideration of an application by Council or the Director of Development; or~~The final consideration of an application by Council; or
 - iii. The abandonment of the application.

~~10. **Failure to Post and Maintain**
Failure to Post and maintain the required Notice of Application Sign(s) in accordance with this bylaw shall result in the postponement of any Council/committee meeting and any costs associated with the postponement will be borne by the applicant. Non-compliance with this section due to the removal, destruction, or alteration of the sign by vandalism or natural occurrence shall not affect the validity of the application or postpone a Council/Committee meeting as long as reasonable efforts have been taken by the applicant to maintain the sign.~~

10. **Failure to Post and Maintain**
Failure to Post and maintain the required Notice of Application Sign(s) in accordance with this bylaw shall result in the postponement of any Council/committee meeting or consideration by the Director of Development, and any costs associated with the postponement will be borne by the applicant. Non-compliance with this section due to the removal, destruction, or alteration of the sign by vandalism or natural occurrence shall not affect the validity of the application or postpone a Council/Committee meeting or consideration by the Director of Development as long as reasonable efforts have been taken by the applicant to maintain the sign.

Schedule 2: An Application for an Amendment to an Official Community Plan Bylaw, Zoning Bylaw (including the establishment of a Phased Development Agreement) or Land Use Contract

This 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. Rezoning applications for Non-Medical Cannabis Retail Stores will be processed in accordance with Schedule 11 of this bylaw.

1. Application Requirements

Application requirements are specified in the City of West Kelowna Development Application Form.

2. Consultation

An application for an amendment to the Official Community Plan will include one or more opportunities for consultation with persons, organizations and authorities it considers affected by the application as per Section 475 of the *Local Government Act*. The opportunity for consultation will be considered for each amendment application and will be outlined within Staff's technical report to Council.

3. Processing Procedure

An amendment application submitted in accordance with this bylaw will be substantially processed as follows:

- 3.1. The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the City.
- 3.2. Upon receipt of an application submitted in accordance with the requirements of this bylaw, Staff will open a file and issue a receipt to the applicant.
- 3.3. Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- 3.4. The Applicant will post a Notice of Application sign as per Schedule 1 of this bylaw.
- 3.5. Staff will review the proposal for compliance with relevant City bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- 3.6. Staff will refer the application to all applicable City departments, Council Committees, government ministries, agencies and organizations.
- 3.7. The application may be referred to the Development Review Committee (DRC) at the discretion of the Director of Development . The applicant may be invited to attend the DRC meeting.
- 3.8. The application will be referred to the Advisory Planning Commission (APC), as per the APC Bylaw, to make a recommendation to Council on the application. The applicant will be notified of the meeting and is encouraged to attend the meeting.
- 3.9. The application will be referred to the Agricultural Advisory Committee (AAC) to make a recommendation to Council as per the Terms of Reference for the AAC. The applicant will be notified of the meeting and is encouraged to attend the meeting.
- 3.10. Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - 3.10.1. Resolve conditions/requirements identified in the Comprehensive Letter(s);

3.10.2. Submit any necessary reports/studies; and

3.10.3. Complete any required approvals.

3.11. Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community and any recommendations from Council Committees.

3.12. The applicant is encouraged to attend the Council meeting at which the application will be considered to listen to the proceedings. Delegation requests may be considered by Council in accordance with the Council Policy for Development Application Delegation Requests.

3.13. Council will receive the technical report, and if Council decides to proceed with the amendment application, the amending bylaw may be given first and second readings. Council may alternatively decide to postpone or deny the application.

3.14. Should the amending bylaw receive first and/or second readings, a public hearing (if required) will be held to permit the public to comment on the application pursuant to the *Local Government Act* and as per Section 8 of this bylaw. Notice(s) of the amending bylaw(s) will be published ~~in a newspaper~~ pursuant to the *Local Government Act*.

3.14.1. A public hearing will not be held for a Zoning Bylaw Amendment application which is consistent with the Official Community Plan pursuant to the *Local Government Act*.

3.14.2. Notwithstanding the above, Council may at their discretion choose to hold a public hearing for a Zoning Bylaw Amendment application which is consistent with the Official Community Plan, unless eight or more written submissions have been received, in which case a public hearing is required. A written submission is a submission received in response to notice of first reading, and in accordance with the submission requirements set out in the notice. Petitions, or multiple submissions from one address, will be counted as one submission.

~~3.14.1. In accordance with Section 464(2) of the *Local Government Act*, Staff may include a request in the technical report for first and/or second reading of a zoning bylaw amendment for Council to consider waiving the public hearing if the proposed bylaw is consistent with the Official Community Plan.~~

3.15. Following the close of the public hearing, Council may proceed with third reading of the amending bylaw (including the imposition of conditions), postpone or deny the application. Upon third reading, an amendment bylaw may need to be referred to the relevant provincial minister(s) for signature before proceeding to adoption.

3.16. Once the applicant has adequately addressed all of the conditions identified at third reading (if any), Council will consider adoption of the bylaw(s).

3.17. Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.

3. Preparation of Phased Development Agreements

If a Phased Development Agreement is required, it may be processed concurrently with a Zoning Bylaw Amendment application, and will be substantially processed with the following additional steps:

3.1. The applicant will be required to work with Staff to develop a Terms Sheet identifying the basic conditions to be outlined in the Phased Development Agreement. Such conditions include, but are not limited to, the lands affected and intent of the agreement, the term, amenities, features

and phasing of the development. Other conditions may be required and will be determined on a site-specific basis.

- 3.2. The applicant will submit the draft Terms Sheet to the City who will refer it to applicable City departments, Council Committees, government ministries, agencies, organizations and the Development Review Committee.
- 3.3. Staff will prepare a technical report to the Director of Development for consideration of the Terms Sheet. Once the basic conditions in the Terms Sheet have been agreed upon, the applicant will be directed to draft the Phased Development Agreement, at the applicant's expense, and submit the agreement to the City.
- 3.4. Staff will refer the draft Phased Development Agreement to all applicable City departments, Council Committees, government ministries, agencies, organizations and may refer the draft Phased Development Agreement to a solicitor.
- 3.5. Staff will prepare a technical report for Council's consideration on the draft Phased Development Agreement, incorporating feedback received from the referral process and the community. The applicant is encouraged to attend the Council meeting at which the Phased Development Agreement bylaw is considered to listen to the proceedings. Delegation requests may be considered by Council in accordance with the Council Policy for Development Application Delegation Requests.
- 3.6. If Council wishes to proceed with the Phased Development Agreement, the Phased Development Agreement bylaw will be given first reading and second reading (including the placement of conditions, where appropriate). Council may alternatively decide to postpone or deny the application.
- 3.7. Should the Phased Development Agreement Bylaw receive first and second reading, a public hearing will be held and notice of the public hearing will be given in accordance with the *Local Government Act*. The public hearing should be scheduled to coincide with the public hearing for the related zoning bylaw amendment application.
- 3.8. Following the close of the public hearing, Council may proceed with third reading of the amending bylaw (including the imposition of conditions), postpone or deny the application.
- 3.9. Once the applicant has adequately addressed all of the conditions identified at third reading (if any), Council will consider adoption of the Phased Development Agreement bylaw(s).
- 3.10. If a Phased Development Agreement is entered into, a Notice of Permit will be registered against the title of the property at the Land Title Office by Staff.
- 3.11. Amendments to an approved Phased Development Agreement may occur pursuant to Section 519 of the *Local Government Act*.

Schedule 3: Comprehensive Development Plans

This 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. Application Requirements

Application requirements are specified in the City of West Kelowna Development Application Form.

2. Processing Procedure – PART A: Development of Terms of Reference for a Comprehensive Development Plan

A request for the development of Terms of Reference for Comprehensive Development Plans submitted in accordance with this bylaw will be substantially processed as follows:

- 2.1. The applicant will have a Pre-Application Meeting to discuss the proposed Terms of Reference and application requirements for the Comprehensive Development Plan with Staff prior to submitting a formal application to the City. Staff may refer the request for a Terms of Reference to Council for direction on whether to pursue a Comprehensive Development Plan or an Area Plan. Where applicable, the City may require collaboration/joint applications between adjoining landowners to ensure comprehensive development planning as per the Official Community Plan.
- 2.2. Upon receipt of an application submitted in accordance with the requirements of this bylaw, Staff will open a file and issue a receipt to the applicant.
- 2.3. The Applicant will post a Notice of Application sign as per Schedule 1 of this bylaw.
- 2.4. Staff will review the proposal for compliance with relevant City bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- 2.5. Staff will notify affected residents of the applicant's request to undertake a Comprehensive Development Plan as per Section 8 of this bylaw.
- 2.6. The Director of Development will work with the applicant to prepare a draft Terms of Reference for the Comprehensive Development Plan.
- 2.7. Staff will refer the draft Terms of Reference to applicable City departments, Council Committees, government ministries, agencies and organizations.
- 2.8. The draft Terms of Reference may be referred to the Development Review Committee (DRC) at the discretion of the Director of Development . The applicant may be invited to attend the DRC meeting.
- 2.9. Based on feedback received through the referral process, Staff may meet with the applicant and/or send the applicant a letter(s) identifying any outstanding issues to be addressed in order to finalize the draft Terms of Reference.
- 2.10. Staff will prepare a technical report for Council's consideration of the draft Terms of Reference, incorporating feedback received from the referral process, the community and any recommendations from Council Committees.
- 2.11. The applicant is encouraged to attend the Council meeting at which the application will be considered to listen to the proceedings.

2.12. Council will consider the technical report and may approve, approve with conditions, postpone or deny the draft Terms of Reference for the Comprehensive Development Plan.

3. Processing Procedure – PART B: Submission of a Comprehensive Development Plan

A Comprehensive Development Plan submitted in accordance with this bylaw will be substantially processed as follows:

- 3.1. Once the Terms of Reference have been prepared and approved by Council, the applicant will commission a consulting firm to prepare the draft Comprehensive Development Plan in consultation with the City and interested parties.
- 3.2. The applicant will submit the draft plan in accordance with the authorized Terms of Reference, which may require the plan to be developed and submitted in distinct phases.
- 3.3. The Applicant will post a Notice of Application sign as per Schedule 1 of this bylaw.
- 3.4. Staff will review the draft plan for compliance with the Terms of Reference, relevant City bylaws and policies, and may meet with the applicant to address any outstanding issues (as required). Staff may conduct a site visit as part of the evaluation process.
- 3.5. Staff will refer the draft plan to all applicable City departments, Council Committees, government ministries, agencies and organizations.
- 3.6. The applicant will arrange and conduct a public consultation session at the applicant's expense, to present the draft plan to the community and solicit feedback. The proposed format and timing for the session must be submitted to the Director of Development for approval a minimum of one-month prior to the consultation session. The consultation may include a referral to the local neighbourhood association(s).
- 3.7. Following the public consultation session, the applicant will be required to submit a report summarizing the session, including the following information at a minimum:
 - 3.7.1. Location, time and duration of meeting;
 - 3.7.2. Number of attendees;
 - 3.7.3. How the meeting was advertised and how surrounding property owners were notified of the meeting;
 - 3.7.4. Information provided at the meeting; and
 - 3.7.5. A summation of questions raised and major discussion points.
- 3.8. The draft plan may be referred to the Development Review Committee (DRC) at the discretion of the Director of Development to review the draft plan in accordance with the approved Terms of Reference. The applicant may be invited to attend the DRC meeting.
- 3.9. The draft plan will be referred to the Advisory Planning Commission (APC), as per the APC Bylaw, to make a recommendation to Council on the draft plan. The applicant will be notified of the meeting and is encouraged to attend the meeting.

- 3.10. The application will be referred to the Agricultural Advisory Committee (AAC) to make a recommendation to Council as per the Terms of Reference for the AAC. The applicant will be notified of the meeting and is encouraged to attend the meeting.
- 3.11. Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - 3.11.1. Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - 3.11.2. Submit any necessary reports/studies; and
 - 3.11.3. Complete any required approvals.
- 3.12. Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community and any recommendations from Council Committees.
- 3.13. The applicant is encouraged to attend the Council meeting at which the draft plan will be considered to listen to the proceedings.
- 3.14. Council will receive the technical report, and Council may approve the Comprehensive Development Plan or approve the Comprehensive Development Plan with conditions. Council may alternatively decide to postpone or deny the application.
- 3.15. Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- 3.16. If the Terms of Reference specify that the Comprehensive Development Plan be submitted or completed in distinct phases, the procedures outlined in this schedule will be repeated for each phase as applicable.

4. Processing Procedure – PART C: Official Community Plan Amendment

- 4.1. Once Council has approved all phases of the Comprehensive Development Plan, Staff will bring forward an amendment to the Official Community Plan, in accordance with Schedule 2 of this bylaw, to ensure consistency with the Comprehensive Development Plan.

Schedule 4: Development Permit Applications

This 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. Application Requirements

Application requirements are specified in the City of West Kelowna Development Application Form.

2. Processing Procedure

A Development Permit Application submitted in accordance with this bylaw will be substantially processed as follows:

- 2.1. The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the City.
- 2.2. Upon receipt of an application submitted in accordance with the requirements of this bylaw, Staff will open a file and issue a receipt to the applicant.
- 2.3. Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- 2.4. Staff will review the proposal for compliance with relevant City bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- 2.5. Staff will refer the application to all applicable City departments, Council Committees, government ministries, agencies and organizations.
- 2.6. The application may be referred to the Development Review Committee (DRC) at the discretion of the Director of Development . The applicant may be invited to attend the DRC meeting.
- 2.7. The application will be referred to the Agricultural Advisory Committee (AAC) to make a recommendation to Council as per the Terms of Reference for the AAC. The applicant will be notified of the meeting and is encouraged to attend the meeting.
- 2.8. Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - 2.8.1. Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - 2.8.2. Submit any necessary reports/studies; and
 - 2.8.3. Complete any required approvals.
- 2.9. Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community and any recommendations from Council Committees. If the Director of Development has delegated authority to review the Development Permit, the application and technical report will alternatively be referred to the Director of Development for consideration.
- 2.10. The applicant is encouraged to attend the Council meeting at which the application will be considered to listen to the proceedings. Delegation requests may be considered by Council in accordance with the Council Policy for Development Application Delegation Requests.

- 2.11. Council will receive the technical report, and if Council decides to proceed with the development permit application, Council may authorize the issuance of the development permit or authorize the issuance of the development permit with conditions. Council may alternatively decide to postpone or deny the application. If the Development permit application includes a request for a development variance(s), the request may be considered by Council in conjunction with the development permit application pursuant to requirements of this bylaw and the *Local Government Act*. Additional Fees will be required as per the City of West Kelowna Fees and Charges bylaw.
- 2.12. Once the minutes of the Council meeting have been prepared, the applicant will be notified of the outcome.
- 2.13. If a Development Permit is granted, a Notice of Permit will be registered against the title of the property at the Land title Office by Staff.

Schedule 5: Minor Development Permit Applications

This 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. Application Requirements

Application requirements are specified in the City of West Kelowna Development Application Form.

2. Processing Procedure

A Minor Development Permit Application submitted in accordance with this bylaw will be substantially processed as follows:

- 2.1. The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the City.
- 2.2. Upon receipt of an application submitted in accordance with the requirements of this bylaw, Staff will open a file and issue a receipt to the applicant.
- 2.3. Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- 2.4. Staff will review the proposal for compliance with relevant City bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- 2.5. The application may be referred to the Development Review Committee (DRC) at the discretion of the Director of Development . The applicant may be invited to attend the DRC meeting.
- 2.6. The application will be referred to the Agricultural Advisory Committee (AAC) to make a recommendation to Council as per the Terms of Reference for the AAC. The applicant will be notified of the meeting and is encouraged to attend the meeting.
- 2.7. Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - 2.7.1. Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - 2.7.2. Submit any necessary reports/studies; and
 - 2.7.3. Complete any required approvals.
- 2.8. Staff will prepare a technical report to the Director of Development who will receive and review the technical report. The Director of Development may authorize the issuance of the development permit or authorize the issuance of the development permit with conditions. The Director of Development may alternatively decide to deny the application, refer it back to Staff for further information or refer the application to Council for consideration.
- 2.9. If a Development Permit is granted, a Notice of Permit will be registered against the title of the property at the Land title Office by Staff.

Schedule 6: Development Variance Permit

This 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. Application Requirements

Application requirements are specified in the City of West Kelowna Development Application Form.

2. Processing Procedure

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

- 2.1. The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the City.
- 2.2. Upon receipt of an application submitted in accordance with the requirements of this bylaw, Staff will open a file and issue a receipt to the applicant.
- 2.3. Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- 2.4. The Applicant will post a Notice of Application sign as per Schedule 1 of this bylaw.
- 2.5. Staff will review the proposal for compliance with relevant City bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- 2.6. Staff will refer the application to all applicable City departments, Council Committees, government ministries, agencies and organizations.
- 2.7. The application may be referred to the Development Review Committee (DRC) at the discretion of the Director of Development . The applicant may be invited to attend the DRC meeting.
- 2.8. The application will be referred to the Agricultural Advisory Committee (AAC) to make a recommendation to Council as per the Terms of Reference for the AAC. The applicant will be notified of the meeting and is encouraged to attend the meeting.
- 2.9. Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - 2.9.1. Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - 2.9.2. Submit any necessary reports/studies; and
 - 2.9.3. Complete any required approvals.
- 2.10. Staff will mail or otherwise deliver notices to adjacent property owners as per Section 8 of this bylaw and as per requirements of the *Local Government Act*. ~~If the Director of Development has delegated authority to review the Development Variance Permit no notice is required as per the *Local Government Act*.~~
- 2.11. Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community and any recommendations from Council Committees. If the Director of Development has delegated authority to review the Development Variance

Permit, the application and technical report will alternatively be referred to the Director of Development for consideration.

- 2.12. The applicant is encouraged to attend the Council meeting at which the application will be considered to listen to the proceedings. Delegation requests may be considered by Council in accordance with the Council Policy for Development Application Delegation Requests.
- 2.13. Council will receive the technical report, and Council may grant the requested permit, or may postpone or deny the application.
- 2.14. Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- 2.15. If a Development Variance Permit is granted, a Notice of Permit will be registered against the title of the property at the Land title Office by Staff.

Schedule 7: Temporary Use Permit

This 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. Application Requirements

Application requirements are specified in the City of West Kelowna Development Application Form.

2. Processing Procedure

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

- 2.1. The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the City.
- 2.2. Upon receipt of an application submitted in accordance with the requirements of this bylaw, Staff will open a file and issue a receipt to the applicant.
- 2.3. Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- 2.4. The Applicant will post a Notice of Application sign as per Schedule 1 of this bylaw.
- 2.5. Staff will review the proposal for compliance with relevant City bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- 2.6. Staff will refer the application to all applicable City departments, government ministries, agencies and organizations.
- 2.7. The application may be referred to the Development Review Committee (DRC) at the discretion of the Director of Development . The applicant may be invited to attend the DRC meeting.
- 2.8. The application will be referred to the Advisory Planning Commission (APC), as per the APC Bylaw, to make a recommendation to Council on the application. The applicant will be notified of the meeting and is encouraged to attend the meeting.
- 2.9. The application will be referred to the Agricultural Advisory Committee (AAC) to make a recommendation to Council as per the Terms of Reference for the AAC. The applicant will be notified of the meeting and is encouraged to attend the meeting.
- 2.10. Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - 2.10.1. Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - 2.10.2. Submit any necessary reports/studies; and
 - 2.10.3. Complete any required approvals.
- 2.11. Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community and any recommendations from Council Committees.

- 2.12. Staff will mail or otherwise deliver notices to adjacent property owners as per Section 8 of this bylaw and as per requirements of the *Local Government Act*. Notice will also be published ~~in the newspaper~~ pursuant to the *Local Government Act*.
- 2.13. The applicant is encouraged to attend the Council meeting at which the application will be considered to listen to the proceedings. Delegation requests may be considered by Council in accordance with the Council Policy for Development Application Delegation Requests.
- 2.14. Council will receive the technical report, and Council may grant the requested permit (including the imposition of conditions), or may postpone or deny the application.
- 2.15. Once the minutes of the Council resolution have been prepared, the applicant will be notified on the outcome.
- 2.16. If a Permit is granted by Council, a Notice of Permit will be registered against the title of the property at the Land title Office by Staff.

Schedule 8: FloodPlain Exemptions

This 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. Application Requirements

Application requirements are specified in the City of West Kelowna Development Application Form.

2. Processing Procedure

A FloodPlain Exemption Application submitted in accordance with this bylaw will be substantially processed as follows:

- 2.1. The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the City.
- 2.2. Upon receipt of an application submitted in accordance with the requirements of this bylaw, Staff will open a file and issue a receipt to the applicant.
- 2.3. Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- 2.4. Staff will review the proposal for compliance with relevant City bylaws and policies and consistency with provincial guidelines. Staff may meet with the applicant as required and may conduct a site visit(s) as part of the evaluation process.
- 2.5. Staff will refer the application to all applicable City departments, Council Committees, government ministries, agencies and organizations.
- 2.6. The application may be referred to the Development Review Committee (DRC) at the discretion of the Director of Development . The applicant may be invited to attend the DRC meeting.
- 2.7. The application will be referred to the Agricultural Advisory Committee (AAC) to make a recommendation to Council as per the Terms of Reference for the AAC. The applicant will be notified of the meeting and is encouraged to attend the meeting.
- 2.8. Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - 2.8.1. Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - 2.8.2. Submit any necessary reports/studies; and
 - 2.8.3. Complete any required approvals.
- 2.9. Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process and any recommendations from Council Committees.
- 2.10. The applicant is encouraged to attend the Council meeting at which the application will be considered to listen to the proceedings.

- 2.11. Council will receive the technical report, and Council may grant the requested floodplain exemption, may grant the floodplain exemption with terms or conditions, or may postpone or deny the application.
- 2.12. Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- 2.13. If an exemption is granted, a covenant under Section 219 of the *Land Title Act* will be prepared at the expense of the applicant and will be registered against the title of the subject property at the Land Title Office.

Schedule 9: Applications under the *Agricultural Land Commission Act*

This 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. Application Requirements

- 1.1. Applicants must review the Agricultural Land Commission's (ALC) 'Applicant Information Package' prior to submitting an application to the City (available at www.alc.gov.bc.ca). This package contains details on ALC application requirements as well as the ALC process for issuing approvals.
- 1.2. Application requirements are specified in the City of West Kelowna Development Application Form.

2. Public Consultation

- 2.1. The applicant will give notice of the application in accordance with the *Agricultural Land Commission Act*.

3. Processing Procedure

An application under the *Agricultural Land Commission Act* submitted in accordance with this bylaw will be substantially processed as follows:

- 3.1. The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the City.
- 3.2. Upon receipt of an application submitted in accordance with the requirements of this bylaw, Staff will open a file and issue a receipt to the applicant.
- 3.3. Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- 3.4. Staff will review the proposal for compliance with relevant City bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- 3.5. Staff will refer the application to all applicable City departments, Council Committees, government ministries, agencies and organizations.
- 3.6. The application may be referred to the Development Review Committee (DRC) at the discretion of the Director of Development . The applicant may be invited to attend the DRC meeting.
- 3.7. The application will be referred to the Agricultural Advisory Committee (AAC) to make a recommendation to Council as per the Terms of Reference for the AAC. The applicant will be notified of the meeting and is encouraged to attend the meeting.
- 3.8. Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - 3.8.1. Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - 3.8.2. Submit any necessary reports/studies; and
 - 3.8.3. Complete any required approvals.

- 3.9. Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community and any recommendations from Council Committees.
- 3.10. The applicant is encouraged to attend the Council meeting at which the application will be considered to listen to the proceedings.
- 3.11. Council will receive the technical report. If the proposal triggers Sections 25(3) or 30(4) of the *Agricultural Land Commission Act*, Council will consider the technical report and may:
 - 3.11.1. Authorize the application to proceed to the Agricultural Land Commission; or
 - 3.11.2. Not authorize the application to proceed to the Agricultural Land Commission.
- 3.12. If Sections 25(3) or 30(4) of the *Agricultural Land Commission Act* are not triggered by the proposal, Council may make recommendation for ALC consideration.
- 3.13. Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- 3.14. If authorized by Council, Staff will forward a Local Government Report, including the complete application, Staff report and Council resolution to the Agricultural Land Commission for consideration.

Schedule 10: – An Application for a Liquor License under the Liquor and Cannabis Regulation Branch (LCRB)

This 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. Application Requirements

- 1.1. Applicants must review the Liquor and Cannabis Regulation Branch (LCRB) requirements¹ prior to submitting a Liquor License application to the City. The LCRB specifies application requirements and when local governments are required to comment on liquor licence applications. Applicants are required to first submit an application to the LCRB prior to submitting a formal application to the City.
- 1.2. Application requirements are specified in the City of West Kelowna Development Application Form.

2. Processing Procedure for Liquor Licenses

A Liquor License Application submitted in accordance with this bylaw will be substantially processed as follows:

- 2.1. The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the City.
- 2.2. Upon receipt of an application submitted in accordance with the requirements of this bylaw, Staff will open a file and issue a receipt to the applicant. Applicants are required to demonstrate proof of application to the LCRB prior to municipal consideration. The LCRB may forward a summary report to the City prior to the City's review of the application.
- 2.3. The Applicant will post a Notice of Application sign as per Schedule 1 of this bylaw. Applications for Special Occasion Licenses may not be required to post a Notice of Application sign.
- 2.4. Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- 2.5. Staff will review the proposal for compliance with relevant City bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- 2.6. Staff will refer the application to all applicable City departments, Council Committees, government ministries, agencies, organizations and the RCMP.
- 2.7. The application may be referred to the Development Review Committee (DRC) at the discretion of the Director of Development . The applicant may be invited to attend the DRC meeting.
- 2.8. Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - 2.8.1. Resolve conditions/requirements identified in the Comprehensive Letter(s);

¹ Provincial application requirements are available at <https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing/liquor-licences-permits/applying-for-a-liquor-licence-or-permit>.

- 2.8.2. Submit any necessary reports/studies; and
- 2.8.3. Complete any required approvals.
- 2.9. In order to obtain public input, the City may, in accordance with Section 11.1 of the *Liquor Control and Licensing Act*.
 - 2.9.1. Advertise the proposal in one edition of a local newspaper to solicit written comments on the application from the public. Such comments shall be submitted in writing to the Director of Development within fourteen (14) days of the publication of the notice.
 - 2.9.2. Send notifications to adjacent property owners in accordance with Section 8 of this bylaw.
 - 2.9.3. Advertisements and notifications under Sections 2.9.1 and 2.9.2 of this Schedule will include information on the type of license application; the proposed person capacity; and the proposed liquor service.
- 2.10. If a Council resolution is required as per the LCRB, Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community, and any recommendations from Council Committees and in accordance with the criteria local governments must consider as per guidelines specified by the LCRB.
- 2.11. The applicant is encouraged to attend the Council meeting at which the application will be considered to listen to the proceedings.
- 2.14. Council will receive the technical report, and Council will make a recommendation to the Provincial LCRB by passing a resolution to either approve or deny the application.
- 2.15. Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome. Staff will forward the Council resolution to the LCRB for their final review and approval.
- 2.16. If a Council resolution is not required as per the LCRB, the Director of Development will review the application and any feedback received from the referral process, the community, any recommendations from Council Committees and provide a recommendation to the LCRB for their final review and approval.

Schedule 11: – An Application for a Zoning Amendment for a New Non-Medical Cannabis Retail Store under the Liquor and Cannabis Regulation Branch (LCRB)

This 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. Application Requirements

- 1.1. Applicants must review the Liquor and Cannabis Regulation Branch (LCRB) requirements² prior to submitting a Zoning Amendment Application for a Non-Medical Cannabis Retail License application to the City. The LCRB specifies application requirements and when local governments are required to comment on non-medical cannabis retail license applications. Applicants are required to first submit an application to the LCRB prior to submitting a formal application to the City. Applicants must also review the City's Non-Medical Cannabis Retail Store Rezoning Policy prior to submitting an application.
- 1.2. Application requirements are specified in the City of West Kelowna Development Application Form.

2. Processing Procedure for a Zoning Amendment for a Non-Medical Cannabis Retail Store

A rezoning application for a non-medical cannabis retail store submitted in accordance with this bylaw will be substantially processed as follows:

- 2.1. Upon receipt of a complete application submitted in accordance with the requirements of this bylaw and the Non-Medical Cannabis Retail Store Rezoning Policy, Staff will open a file and issue a receipt to the applicant. Applicants are required to demonstrate proof of application to the LCRB prior to municipal consideration. The LCRB may forward a summary report to the City prior to the City's review of the application. The City will make every effort to review the rezoning applications for a non-medical cannabis retail store as part of the initial application intake concurrently with the Provincial review, where possible.
- 2.2. Staff will review the application to determine whether it is complete, and, if incomplete, will close the file and documents will be returned to the applicant.
- 2.3. Staff will review the proposal for compliance with the Non-Medical Cannabis Rezoning Policy and other relevant City bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- 2.4. Staff will score the application based on the evaluation guidelines established in the Non-Medical Cannabis Rezoning Policy and provide a summary of the evaluation score to Council.
- 2.5. Should Council wish to proceed with consideration of first reading, the application will proceed with the following steps (2.6 - 2.15). Should Council wish to not proceed with consideration of first reading, the file will be closed and documents will be returned to the applicant.
- 2.6. The Applicant will post a Notice of Application sign as per Schedule 1 of this bylaw.
- 2.7. Staff will refer the application to all applicable City departments, Council Committees, government ministries, agencies, organizations and the RCMP.

² Provincial application requirements are available at <https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing/cannabis-regulation>.

- 2.8. Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community and any recommendations from Council Committees.
- 2.9. The applicant is encouraged to attend the Council meeting at which the application will be considered to listen to the proceedings. Delegation requests may be considered by Council in accordance with the Council Policy for Development Application Delegation Requests.
- 2.10. Council will receive the technical report, and if Council decides to proceed with the amendment application, the amending bylaw may be given first and second readings. Council may alternatively decide to postpone or deny the application.
- 2.11. Should the amending bylaw receive first and/or second readings, a public hearing will be held to permit the public to comment on the application pursuant to the *Local Government Act*, the *Cannabis Control and Licensing Act* and as per Section 8 of this bylaw. Notice(s) of the amending bylaw(s) will be published ~~in a newspaper~~ pursuant to the *Local Government Act*.
- 2.12. Following the close of the public hearing, Council may proceed with third reading of the amending bylaw (including the imposition of conditions), postpone or deny the application. Upon third reading, an amendment bylaw may need to be referred to the relevant provincial minister(s) for signature before proceeding to adoption.
- 2.13. Once the applicant has adequately addressed all of the conditions identified at third reading (if any), Council will consider adoption of the bylaw(s).
- 2.14. Should Council adopt the bylaw, Council will consider a resolution in respect of the application for the Liquor and Cannabis Regulation Branch as per the *Cannabis Control and Licensing Act*.
- 2.15. Once the minutes of the Council resolution have been prepared, the applicant and the Liquor and Cannabis Regulation Branch will be notified of the outcome.

SCHEDULE 12: AMENDMENTS TO EXISTING NON-MEDICAL CANNABIS RETAIL LICENSES under the Liquor and Cannabis Regulation Branch (LCRB)

1. Application Requirements

- 1.1. Applicants must review the Liquor and Cannabis Regulation Branch (LCRB) requirements³ prior to submitting an amendment application to a Non-Medical Cannabis Retail License application to the City. The LCRB specifies application requirements and when local governments are required to comment on non-medical cannabis retail licenses applications. Applicants are required to first submit an application to the LCRB prior to submitting a formal application to the City. Applicants must also review the City's Non-Medical Cannabis Retail Store Rezoning Policy prior to submitting an application.
- 1.2. Application requirements are specified in the City of West Kelowna Development Application Form.

2. Processing Procedure for an Amendment to an existing Non-Medical Cannabis Retail License

An amendment to a Non-Medical Cannabis Retail License submitted in accordance with this bylaw will be substantially processed as follows:

- 2.12. The applicant will have a Pre-Application Meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the City.
- 2.13. Upon receipt of an application submitted in accordance with the requirements of this bylaw, Staff will open a file and issue a receipt to the applicant. Applicants are required to demonstrate proof of application to the LCRB prior to municipal consideration. The LCRB may forward a summary report to the City prior to the City's review of the application.
- 2.14. The Applicant will post a Notice of Application sign as per Schedule 1 of this bylaw.
- 2.15. Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- 2.16. Staff will review the proposal for compliance with relevant City bylaws and policies (including the evaluation guidelines specified in the Non-Medical Cannabis Retail Rezoning Policy), and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the review process.
- 2.17. Staff will refer the application to all applicable City departments, Council Committees, government ministries, agencies, organizations and the RCMP.
- 2.18. The application may be referred to the Development Review Committee (DRC) at the discretion of the Director of Development . The applicant may be invited to attend the DRC meeting.
- 2.19. Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - 2.19.1. Resolve conditions/requirements identified in the Comprehensive Letter(s);

³ Provincial application requirements are available at <https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing/cannabis-regulation>.

- 2.19.2. Submit any necessary reports/studies; and
- 2.19.3. Complete any required approvals.
- 2.20. In order to obtain public input, the City may, in accordance with the Cannabis *Control and Licensing Act*.
 - 2.20.1. Advertise the proposal in one edition of a local newspaper to solicit written comments on the amendment application from the public. Such comments shall be submitted in writing to the Director of Development within fourteen (14) days of the publication of the notice.
 - 2.20.2. Send notifications to adjacent property owners in accordance with Section 8 of this bylaw.
 - 2.20.3. Advertisements and notifications under Sections 2.20.1 and 2.20.2 of this Schedule will include information regarding the nature of the proposed amendment.
- 2.21. If a Council resolution is required as per the LCRB, Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community, and any recommendations from Council Committees and in accordance with the criteria local governments must consider as per guidelines specified by the LCRB.
- 2.22. The applicant is encouraged to attend the Council meeting at which the application will be considered to listen to the proceedings.
- 2.17. Council will receive the technical report, and Council will make a recommendation to the Provincial LCRB by passing a resolution to either approve or deny the application.
- 2.18. Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome. Staff will forward the Council resolution to the LCRB for their final review and approval.
- 2.19. If a Council resolution is not required as per the LCRB, the Director of Development will review the application and any feedback received from the referral process, the community, any recommendations from Council Committees and provide a recommendation to the LCRB for their final review and approval.