

THE CORPORATION OF THE DISTRICT OF PEACHLAND

BYLAW NO. 2396

A Bylaw to establish procedures for the processing of development applications, to establish policies for development approval information to specify distances for notification, and to delegate powers, duties, and functions of Council.

Amended by: Bylaw No. 2407 Adopted January 23, 2024

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The Council of the Corporation of the District of Peachland, in open meeting assembled, enacts as follows:

1. TITLE

This Bylaw may be cited as the “Development Application Procedures Bylaw No. 2396”.

2. DEFINITIONS

In this bylaw,

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

DISTRICT means the Corporation of the District of Peachland.

COUNCIL means the Council of the District of Peachland.

DAY means calendar day.

DEVELOPMENT REVIEW TEAM or **DRT** means a group of District of Peachland staff responsible for review of development applications.

DIRECTOR means the person appointed to be responsible for the administration of development applications at the District and includes a delegate fulfilling an Acting Director position during the Director’s absence.

GROSS FLOOR AREA means as defined in the District of Peachland Zoning Bylaw as amended from time to time.

Land Use Permit means a development permit, a temporary use permit, a development variance permit, a tree cutting permit, or any other permit under Division 10 [Other Permits and Permit Matters] of the *Local Government Act*.

OFFICIAL COMMUNITY PLAN or **OCP** means the District of Peachland Official Community Plan Bylaw as amended or superseded from time to time.

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

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

QUALIFIED PROFESSIONAL means a professional engineer, geoscientist, architect,

landscape architect, certified arborist, biologist, planner, forester, qualified environmental professional, or other professional licensed to practice in British Columbia with experience relevant to the applicable matter, as determined appropriate by the Director.

ROAD CLOSURE means the permanent closure of a highway and removal of its highway dedication.

TECHNICAL DEVELOPMENT PERMIT means a Development Permit in a Sensitive Environment and/or Natural Hazard Development Permit Area.

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 District of Peachland is a reference to the bylaw, policy or form as amended, revised, consolidated or replaced from time to time.

4. GENERAL PROVISIONS

4.1. Application Fees

4.1.1. At the time of application, the applicant must pay the District an application fee in the amount set out in any applicable District of Peachland Development Application & License Fees Bylaw as amended or superseded from time to time.

4.2. Application Requirements and Processing Procedure

4.2.1. In respect of an application for an OCP Bylaw amendment, Zoning Bylaw amendment, Development Variance Permit, or Temporary Use Permit, the applicant, at their cost, must post a Development Proposal sign in accordance with Schedule 1 of this bylaw.

4.2.2. An applicant must submit an application as set out in the Schedules to this bylaw. An application will be made and processed substantially as outlined in the Schedules of this bylaw.

4.3. Number of Development Applications

- 4.3.1. Where a proposed activity or development involves more than one type of application, the applicant must comply with all the applicable provisions of this bylaw.
- 4.3.2. Where land is subject to more than one Development Permit Area designation, a combined development permit application may be accepted for delegated Development Permits, and the application must address the requirements of each applicable Development Permit Area and the applicant must pay the application fees for each Development Permit Area in the amount set out in any District of Peachland Development Application and License Fees Bylaw as amended or superseded from time to time.
- 4.3.3. Any application involving two or more parcels of land that are not contiguous will require separate applications for each non-contiguous parcel.

4.4. Development Permit Required Prior to Development

- 4.4.1. In all Development Permit Areas, an applicant, or their contractor, must obtain all required Development Permits 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.

4.5. Conditions of Land Use Permit

- 4.5.1. The holder of a land use permit must comply with the terms and conditions of the permit to the satisfaction of the Director.

4.6. Incomplete Applications

- 4.6.1. Upon receipt of an application, if staff determines that the application is incomplete, staff will return the application package, including any application fees, to the applicant for resubmission of a completed package. Staff will not open a file until a completed application package has been received and all applicable application fees have been paid in full by the applicant.
- 4.6.2. If an application is accepted, and staff later determines that the 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 application and refundable portion of the fee will be returned to the applicant and the file closed.

5. DEVELOPMENT APPROVAL INFORMATION

5.1. Type of Information Required

Pursuant to the *Local Government Act* and as set out in the OCP, the Director may require an applicant to provide information on the anticipated impact of a proposed activity or development on the community, including but not limited to the following:

- 5.1.1. Compliance of the activity or development with the OCP and any other relevant District bylaw, plan or policy in preparation or adopted by Council;
- 5.1.2. The impact of the proposed development on the natural environment such as adjacent riparian and wetland areas, vegetation, soils and erosion, geotechnical characteristics, topographical features, ecosystems and biological diversity, fish and wildlife habitat, environmentally sensitive features, and rare or endangered plant or animal species;
- 5.1.3. Hazardous conditions including, but not limited to, mud flow, debris torrents, erosion, land slip, rock falls, subsidence, avalanche, wildfire, flood, inundation or other hazard (including appropriate construction elevations and setbacks);
- 5.1.4. Transportation assessments including but not limited to transportation impacts in terms of daily and peak hour trip generation and assignments, public transit, parking demand, traffic safety, pedestrian, cyclist and vehicular traffic flow or operation, trip generation, site access and egress, network connectivity and accessibility;
- 5.1.5. The aesthetic values of the proposed development such as visual character, landscaping, integration with public areas, view corridors, and the natural environment, lighting, noise, and odour;
- 5.1.6. The impact of the proposed development on groundwater quantity and quality; surface water generated by the proposed development; and the options for collection, storage, reuse and dispersal of such drainage;

- 5.1.7. Hydrological and/or hydrogeological assessment including, but not limited to, infiltration, interception, groundwater and overland flow, as well as hydrologic processes including accretion and erosion;
- 5.1.8. An assessment of wildfire hazard that assures project construction activities comply with Urban Wildfire Interface management principles;
- 5.1.9. Functional servicing assessment of local infrastructure and site servicing including, but not limited to, drainage, water, sewer or other utilities; to determine the impact of the development on District infrastructure including capital, operations and maintenance over the lifecycle of the development;
- 5.1.10. Tree assessment and plan that promotes the retention and planting of native plant species, plant health, habitat preservation, reduce wildfire risk, minimize erosion and to ensure that the landscape retains a natural appearance;
- 5.1.11. Impacts on the demand for local services, including, but not limited to, community facilities, schools, parks, recreation, emergency protective, and health services;
- 5.1.12. Historical, cultural and archaeological buildings, sites or assets;
- 5.1.13. How the proposed development impacts and buffers adjacent uses;
- 5.1.14. Energy efficiency, water efficiency and emissions reduction;
- 5.1.15. Air Quality Impact Assessment including, but not limited to, pollution, dust, fumes, smoke and odours;
- 5.1.16. Retail impacts of a proposed commercial development, including but not limited to, the effects of additional competition, traffic impacts, the effects on tenancy and the impacts to neighbourhood stability;
- 5.1.17. Socio-economic impacts affecting the day-to-day quality of life of people and communities, including direct and indirect economic impacts, demographics, housing, local services and socio-cultural issues;
- 5.1.18. Construction management plan outlining the staging, implementation schedule, and duration of construction for any proposed development including proposed impact mitigation; and
- 5.1.19. Other studies to which the Director considers the proposed activity

or development impacts the jurisdiction of the District as deemed necessary.

5.2. Preparation of the Terms of Reference

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

5.2.2. The Director may require that the applicant provide, at the applicant's expense, documents, plans, and/or development approval information in a report that is certified by a qualified professional, which:

- a) complies with and fully addresses the relevant assessments;
- b) identifies and defines the context, magnitude and significance of the anticipated impacts of the activity or development on the community, as well as the methodology, assumptions, acceptability thresholds, and how the anticipated impacts may cumulatively contribute to existing circumstances and risks;
- c) provides recommendations for conditions or requirements Council or the Director may impose to mitigate or ameliorate the anticipated impacts;
- d) provides recommendations and details costs for modifications to the environment, or construction of works, to mitigate or ameliorate the anticipated impacts; and
- e) is prepared to the satisfaction of the Director.

5.2.3. The Director is authorized to establish and revise the required information, documents, plans, and/or development approval information needed for each type of application pursuant to this bylaw. The Director is authorized to establish and revise the size, form and quality of information, documents, plans, and/or development approval information needed to assist in reviewing or processing the application.

5.2.4. The Director is authorized to waive any of the information, documents, plans, and/or development approval information if at their discretion the information is not required to assist in reviewing or processing the application.

5.3. Selection of Personnel

- 5.3.1. The applicant will be required to provide the reports and impact studies prepared by Qualified Professionals at the applicant's expense in accordance with the District's specifications for Terms of Reference for Professional Reports.
- 5.3.2. If required by the Director, a qualified professional shall certify all documentation including drawings, reports, security estimates, technical letters, and other documentation submitted to the Director for the purposes of reviewing the application.
- 5.3.3. The Director may review all documents and design drawings to verify general compliance with the requirements but will not necessarily check the adequacy or accuracy of the qualified professional's design. Any errors or omissions will be the sole responsibility of the qualified professional who has certified the documents and design drawings.

5.4. Requirement for Independent Review

- 5.4.1. The District may require an independent review of the study results in certain circumstances, at the applicant's expense, including but not limited to staff capacity and to ensure the timely review of the study results and application processing timelines. The applicant will be notified if an independent review is required, and the additional fees associated with the peer review.

5.5. Incomplete or Deficient Reports

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

5.6. Presentation of Reports or Impact Studies

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

5.7. Publication of Information

- 5.7.1. The District may distribute and publish a report containing development approval information requested under this bylaw.

6. NOTIFICATION

- 6.1. Where a notice is required to be mailed or delivered to owners and tenants, pursuant to the *Local Government Act or Community Charter*, the District will provide notice to owners and tenants in occupation of parcels within 100 metres from any boundary of any subject property of the application or proposed bylaw not less than 15 days prior to Council consideration or Public Hearing.

- 6.2. Where notification is not required by the *Local Government Act or Community Charter*, the District will mail or otherwise deliver notification to owners and tenants in occupation of parcels within 100 metres from the boundaries of the subject application at least 15 days prior to the consideration of the application for the following applications:

- 6.2.1. Development Variance Permit (or, for Minor Development Variance Permit, to adjacent property owners)

- 6.2.2. Liquor Licence for Liquor Primary Club or Manufacturer

- 6.2.3. Cannabis Cultivation Licence

- 6.2.4. Cannabis Nursery Licence

- 6.2.5. Non-medical Cannabis Retail Store Licence

- 6.3. When a public information meeting is required by the District, the District will provide the applicant with the addresses of properties within 100 metres from the subject lands. A public information meeting must be advertised by both mail to owners and tenants of property located within 100 metres of the subject property(s) and by local newspaper advertisements and/or electronic means in accordance with the Public Notice Bylaw, as amended or superseded. Notification must be delivered and printed, as applicable, a minimum of 15 days in advance of holding a public information meeting.

7. PUBLIC INFORMATION MEETINGS

- 7.1. As outlined in the Schedules to this bylaw, an applicant is required to hold a public information meeting prior to OCP amendments and zoning amendments being considered by Council to provide an additional opportunity

for the public to access information and to inquire about the application.

- 7.2. When a public information meeting is held by the applicant, it is the responsibility of the applicant to arrange and conduct the meeting at a location accessible to individuals with disabilities in Peachland or, when authorized in advance by the Director, on a virtual meeting platform at the applicant's expense.
- 7.3. As determined by the Director, the applicant must advertise the meeting in a local newspaper and/or by electronic means in accordance with the Public Notice Bylaw, as amended or superseded from time to time, at least 15 days prior to the meeting at their expense.
- 7.4. The applicant must make available for review all relevant plans, studies and technical information regarding the proposal.
- 7.5. The applicant must provide to the District a copy of the advertisement(s), and mail out notification(s) sent, so that the information can be posted in accordance with the Public Notice Bylaw, as amended or superseded from time to time.
- 7.6. After the meeting is held, applicants must submit a report to the District which will form part of staff's Report to Council for consideration of first reading, summarizing the meeting including the following information:
 - 7.6.1. Location, time, and duration of meeting;
 - 7.6.2. Number of attendees;
 - 7.6.3. Proof of how the meeting was advertised;
 - 7.6.4. Information provided at the meeting; and
 - 7.6.5. A summation of questions raised and major discussion points.
- 7.7. Council may require the applicant to conduct additional public consultation to seek additional community engagement regarding the proposed application, the cost of which will be the responsibility of the applicant.

8. AGENCY REFERRAL PROCESS

- 8.1. When reviewing applications, staff may refer to other agencies, organizations, or levels of government for review and comment. Each agency, organization or level of government shall be given a minimum of thirty (30) days from the date of the referral to provide any comments.

- 8.2. Requests from any agency to extend the referral period may be granted at the discretion of the Director.

9. SECURITY

- 9.1. Pursuant to the *Local Government Act* and the OCP, security may be required as a condition of permit issuance for the following:

- 9.1.1. Landscaping (“Landscape Security”);
- 9.1.2. 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;
- 9.1.3. To guarantee the performance of the terms of a permit (“Performance Security”).

- 9.2. Phased Landscape

- 9.2.1. Plans may be approved for large-scale developments at the discretion of the Director 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 approach to the execution of the 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.

- 9.3. Form of Security

- 9.3.1. Security will be provided in the form of an automatically renewing irrevocable letter of credit, certified cheque, bank draft or in a form satisfactory to the Director.

- 9.4. Amount of Security

The amount of security will be calculated and submitted by a Qualified Professional at the applicant’s expense, to the satisfaction of the Director using the following:

- 9.4.1. 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.
- 9.4.2. 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.

9.4.2.1. Where security is required in the case of an unsafe condition or damage to the natural environment 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 or damage; and
- c) the cost to the District of entering the land to undertake the work to correct the unsafe condition or restore and enhance the natural environment, including the cost of repairing any damage to land that may have been caused by the unsafe condition or that may have occurred in connection with the repair work.

9.4.3. 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.

9.5. Return of Security

9.5.1. 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.

9.5.2. Unless otherwise stated in this bylaw, the District will return the security when written request has been submitted by the applicant and includes a satisfactory Substantial Completion Report by a Qualified Professional certifying that:

9.5.2.1. The works have been completed in substantial compliance with the approved plan(s).

9.5.2.2. The unsafe condition or damage to the natural environment has been corrected.

9.5.3. The Substantial Completion Report must be signed and sealed by a

Qualified Professional and include the following at a minimum:

- 9.5.3.1. The date and drawing number of the plan reviewed by the Qualified Professional;
 - 9.5.3.2. Date(s) of inspection by the Qualified Professional;
 - 9.5.3.3. A statement from the Qualified Professional that the completed works substantially comply with the approved plan;
 - 9.5.3.4. 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 British Columbia Society of Landscape Architects (BCSLA)/British Columbia Landscape & Nursery Association (BCLNA) standards;
 - 9.5.3.5. Confirmation that the depth of soils and composition of soils are to British Columbia Society of Landscape Architects (BCSLA)/British Columbia Landscape & Nursery Association (BCLNA) standards;
 - 9.5.3.6. 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;
 - 9.5.3.7. The requested amount of funds to be released.
- 9.5.4. Upon receipt of a Substantial Completion Report, the District may conduct a site inspection to verify that the works are installed in accordance with the approved plans.
 - 9.5.5. Should there be any deficiencies identified in the Substantial Completion Report or should the District 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 District 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 permit application prior to the release of the security.

- 9.5.6. Site inspections and final acceptance by the District of the installation of plant material, sodding or seeding, will not be carried out between November 1st and April 30th due to weather conditions, unless otherwise approved by the Director.
- 9.5.7. Upon completion of any items outlined in an inspection report, the applicant shall notify the District for further inspection in order to obtain a final release of the security.
- 9.5.8. Upon substantial completion, the District will return a portion of the security deposit. The District may withhold 10% of the total security 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).
- 9.5.9. 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.

9.6. Partial Return of Landscape Security

The District may return a portion of the Landscape Security upon receipt of a report from a Qualified Professional.

- 9.6.1. The report must include the following:
 - 9.6.1.1. Evidence that the total landscaping is 50% complete and substantially complies with the approved landscape plan;
 - 9.6.1.2. Evidence that the perimeter landscaping is 100% complete as required by the approved landscape plan for any portion of the subject property that includes street frontage;
 - 9.6.1.3. The date and drawing number of the landscape plan reviewed by the Qualified Professional;
 - 9.6.1.4. Date(s) of inspection by the Qualified Professional;
 - 9.6.1.5. 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 British Columbia Society of Landscape Architects (BCSLA)/British Columbia Landscape & Nursery Association (BCLNA)

standards;

- 9.6.1.6. Identification of all deviations from the approved landscape plan;
 - 9.6.1.7. 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; and
 - 9.6.1.8. The request for the amount of funds to be released.
- 9.6.2. 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.
- 9.6.3. If the request for the partial return of security is approved, the District will return up to 50% of the original cost estimate or quote and will withhold a portion of the original cost estimate as a maintenance bond as set out in s. 9.5.8.
- 9.6.4. The partial return of the landscape security will occur only once per security deposit unless as otherwise approved by the Director.

10. PERMIT RENEWALS, EXTENSIONS, LAPSES AND RE-APPLICATION

- 10.1. An application that has been inactive for more than six (6) months is deemed to be abandoned and may be closed.
- 10.2. If 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 the application may be deemed to be abandoned and the file closed.
- 10.3. In the case of applications that have been delegated to the Director, if final approval of the application is not granted within one (1) year after a written request from the Director to submit any outstanding items and/or meet the conditions of approval, the application will be deemed to be abandoned and may be closed.
- 10.4. For an application that has lapsed under Sections 10.1 to 10.3 to proceed, a new application and fee will be required.
- 10.5. 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 per the Development and Licence Fees Bylaw, as amended or superseded from time to time.

- 10.6. If a land use permit is approved, and issuance of the permit is subject to satisfaction of various conditions, the conditions must be satisfied within one (1) year or the approval is deemed to have lapsed. Prior to the lapse of application, and upon written request, the Director may grant one extension for a period of one (1) year. Only one extension may be granted.
- 10.7. In the case of a subdivision, the Approving Officer may grant up to two (2) Preliminary Layout Review extensions of six (6) months each upon written request.
- 10.8. Re-application
 - 10.8.1. Subject to 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.

11. CHANGE OF OWNERSHIP

- 11.1. If there is a change of ownership of a parcel(s) of land that is the subject of an application under this bylaw, the District 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.

12. DELEGATION OF AUTHORITY

The following powers, duties and functions of Council are delegated to the Director:

- 12.1. The authority to require security under sections 496 and 502 of the *Local Government Act*.
- 12.2. The authority to designate the form of any permit issued under this bylaw as per the *Local Government Act*.
- 12.3. The authority to designate the form and content of application forms.
- 12.4. The authority to create, amend, and prescribe graphic design templates for development application notice signs.

- 12.5. The authority to administer this bylaw and to require development approval information.
- 12.6. The authority to issue or amend Development Permits for the following:
 - 12.6.1. Any residential developments that do not exceed four (4) units;
 - 12.6.2. Any industrial developments that do not unduly impact the character of the streetscape or surrounding neighbourhood;
 - 12.6.3. Any accessory building(s);
 - 12.6.4. Renovations or construction of an addition to an existing building including alterations to the façade;
 - 12.6.5. Any Technical Development Permits where there are no, or only minor, variances requested and the applicant has provided a report prepared and signed by a Qualified Professional addressing the development permit area guidelines and any other requirements of affected Provincial and/or Federal agencies, and recommendations of District Staff.
- 12.7. The Director may refer a delegated Development Permit to Council if, in the opinion of the Director, it would be in the public interest to instead have the application considered by Council.
- 12.8. Despite 12.6 the authority to amend any Development Permit that has been issued provided:
 - 12.8.1. The changes are minor in nature regarding landscaping or form and character issues; and
 - 12.8.2. Only minor variances are requested.
- 12.9. The authority to renew/extend Development Permits that have been approved or issued and lapsed provided:
 - 12.9.1. No changes have been proposed to the Permit;
 - 12.9.2. The combined term of the original approval and extension does not exceed two (2) years from the date of the original approval; and
 - 12.9.3. The Permit is consistent with the current OCP and relevant Guidelines.
- 12.10. Pursuant to the provisions of the Business Licence Bylaw and of this bylaw,

Council delegates to the Director and the Bylaw Enforcement and Licencing Officer the authority to grant a Cannabis Nursery Licence, a Cannabis Cultivation Licence and/or a Cannabis Processing Licence.

- 12.11. The authority to issue Minor Development Variance Permits in accordance with the following sub-sections:

Determination of Minor

12.11.1. Where the variance would be minor and would have no significant negative impact on the use of immediately adjacent or nearby properties. In making this determination the Director must consider the following criteria:

- 12.11.1.1. Degree or scope of the variance relative to the regulation from which a variance is sought;
- 12.11.1.2. If the proposed variance is consistent with the general purpose and intent of the zone and/or applicable regulation;
- 12.11.1.3. There is a valid reason for the variance request;
- 12.11.1.4. Proximity of the building or structure to adjacent properties; and
- 12.11.1.5. Character of development in the vicinity of the subject property.

Evaluation of Proposal

12.11.2. In deciding whether to issue a Minor Development Variance Permit the Director must consider the following guidelines:

- 12.11.2.1. If the proposed variance addresses a physical or legal constraint associated with the site (e.g., unusual parcel shape, topographical feature, statutory right-of-way, etc.);
- 12.11.2.2. If there is a community or environmental benefit to the larger community in granting the variance and/or it would support a Council priority (i.e. affordable housing, environmental protection, tree protection, provision of a trail SRW);

- 12.11.2.3. The variance request must not include a reduction in the required number of parking stalls except in situations where an increase in parking spaces is associated with a change in use associated with a business licence application and does not propose additional floor area;
 - 12.11.2.4. The proposed variance request must not include an increase to allowable height except in circumstances where the variance request is for less than 10% of the roof area or for variances greater than 10% of the roof area, an increase of less than 1.0 metre of the maximum allowable building height;
 - 12.11.2.5. The proposed variance must not exceed a 10% increase of the allowable lot coverage;
 - 12.11.2.6. If strict compliance with the zoning regulation would be unreasonable and;
 - 12.11.2.7. If the proposed variance would unduly impact the character of the streetscape or surrounding neighbourhood.
- 12.11.3. If the proposed variance would unduly impact the character of the streetscape or surrounding neighbourhood. The Director will refer a Minor Development Variance Permit to Council in the following circumstances:
- 12.11.3.1. The proposed variance does not meet the criteria of minor;
 - 12.11.3.2. The proposed variance is in conjunction with a Development Permit application that is not delegated to staff; or
 - 12.11.3.3. The proposed variance meets the criteria of minor, but in the opinion of the Director, it would be in the public interest to instead have the application considered by Council.
- 12.12. The following powers, duties and functions of Council are delegated to the Director, Corporate Officer, and Chief Administrative Officer when required as a condition of a development application approval:
- 12.12.1. To enter into, execute, or amend a Covenant or Statutory Right of Way;

12.12.2. To approve and execute the discharge of a restrictive covenant which is no longer required or is to be replaced;

12.12.3. To acquire and execute a statutory right of way or easement or amendment to a statutory right of way or easement on behalf of the District in connection with the operation of a sewer, water or drainage works, or for the purpose of trails or pedestrian or vehicular access; and

12.12.4. To approve and execute a discharge of a statutory right of way which is no longer required by the District or is to be replaced.

13. COUNCIL RECONSIDERATION OF A STAFF DECISION

13.1. Within 14 days of being notified in writing of the decision of a delegate under this bylaw, an applicant may, at no charge, request that Council reconsider the decision.

13.2. The applicant must give written notice to the District Corporate Officer 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.

13.3. The District Corporate Officer will notify the delegate of the request(s) for reconsideration and the delegate will, prior to the date of the meeting at which the reconsideration will occur, provide a copy of the written memo setting out for Council, the rationale for their decision.

13.4. The District Corporate Officer will place the request(s) for reconsideration on the agenda of a meeting of Council to be held as soon as reasonably possible.

13.5. The District Corporate Officer will notify the applicant of the date of the meeting at which reconsideration will occur.

13.6. 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.

14. ENFORCEMENT

14.1. Subject to the *Community Charter*, the Director, an employee of the District, or any appointed officer of the District engaged in the administration or enforcement of this bylaw, are hereby authorized to enter a Premises, vehicle, or other place in respect of which a Permit or Licence has been applied for or granted pursuant to this bylaw, at all reasonable times to inspect and

determine whether the regulations and requirements of this or any other bylaw and the Permit or Licence are being observed.

- 14.2. Every person who violates a provision of this bylaw commits an offence and is liable on summary conviction to a penalty not exceeding \$50,000.00 and the costs of prosecution.
- 14.3. Each day a violation of the provisions of this bylaw exists or is permitted to exist will constitute a separate offence.

15. SEVERABILITY

- 15.1. 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.

16. REPEAL

- 16.1. The Development & Licence Approval Procedures Bylaw No. 2278, 2020 together with any amendments is hereby repealed.

READ A FIRST TIME THIS 16TH DAY OF MAY 2023.

READ A SECOND TIME THIS 16TH DAY OF MAY 2023.

READ A THIRD TIME THIS 16TH DAY OF MAY 2023.

ADOPTED THIS 1ST DAY OF AUGUST 2023.

Mayor

Corporate Officer

SCHEDULE 1 – DEVELOPMENT PROPOSAL SIGN REQUIREMENTS

1. Installation

In respect of an application for an OCP Bylaw Amendment, Zoning Amendment, Development Variance Permit, and Temporary Use Permit, the applicant, at their cost, must install a District of Peachland Development Proposal sign in accordance with this bylaw.

2. Timing

The Development Proposal sign must be posted on site within two weeks of District acceptance of an application. The sign must be posted in accordance with the specifications outlined in the Schedules forming part of this bylaw.

3. Design of Sign

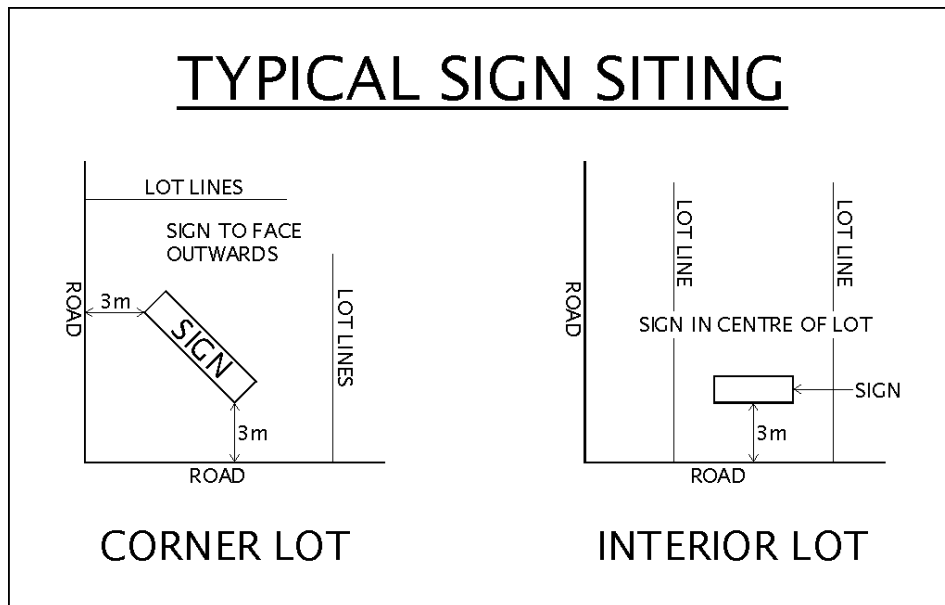
The design of the sign shall be in a form prescribed by the Director (Development Proposal Sign Template).

4. Preparation of Sign

The preparation and posting of the Development Proposal sign is the responsibility of the applicant and must be undertaken as per the requirements of this bylaw and as identified on the Development Proposal Sign Template. The applicant will provide a mock-up of the sign with their complete application for review and approval prior to final printing. Once the sign is posted, the applicant shall demonstrate proof to the staff of the posted sign within 10 days of staff's approval of the mock-up.

5. Siting of Sign

All Development Proposal signs shall be placed on the property at a setback of 3 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 District Staff 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 Development Proposal sign must be installed in a sound, well-constructed manner and must be capable of withstanding wind and weather.



6. Number of Signs

The applicant shall post a minimum of one (1) Development Proposal sign. For large parcels with over 200 metres of street frontage, one (1) Development Proposal sign shall be required for each 200 metres of street frontage, to a maximum of three signs. For applications with more than one street frontage, a minimum of one sign shall be placed on each street frontage.

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 9.

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 District Staff for review and approval prior to final printing.

9. Sign Removal

The Development Proposal 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 a public hearing is not required; or
- (ii) The final consideration of an application by Council or delegate; or
- (iii) The abandonment of the application.

10. Failure to Post, Maintain or Remove

- (i) Failure to post and maintain the required Development Proposal sign(s) in accordance with this bylaw may result in the postponement of any public information or Council 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 public information or Council meeting as long as reasonable efforts have been taken by the applicant to maintain the sign.
- (ii) Failure to remove the sign as required may result in the sign being removed at the expense of the applicant. The District shall not be liable for any damage or loss of the sign.

**SCHEDULE 2 – OFFICIAL COMMUNITY PLAN AMENDMENT OR ZONING BYLAW
AMENDMENT APPLICATIONS (INCLUDING THE ESTABLISHMENT OF
A PHASED DEVELOPMENT AGREEMENT)**

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 District of Peachland Development Application Form.

2. Consultation

An application for an amendment to the OCP will include one or more opportunities for consultation with persons, organizations and authorities it considers affected by the application as per the *Local Government Act*. The opportunity for consultation will be considered for each amendment application and will be outlined within the staff report to Council.

3. Processing Procedure

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

- a) 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 District. Following the Pre-application meeting, staff will provide the applicant with a marked-up application form that outlines all of the supporting documentation required to form a complete application package.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will return the application and request the required information from the applicant.
- c) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, staff will open a file and issue a receipt to the applicant.
- d) Staff will review the proposal for compliance with relevant District bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- e) The Applicant will post a Development Proposal sign as per Schedule 1 of this

bylaw.

- f) Staff may prepare an initial Report to Council to introduce the application and seek preliminary direction regarding the application.
- g) Staff will refer the application to all applicable District departments, Development Review Team (DRT), government ministries, agencies and organizations.
- h) 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:
 - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s)
 - (ii) Submit any necessary reports/studies; and
 - (iii) Complete any required approvals.
- i) The applicant must address the items in the comprehensive letter and may wish to revise the application accordingly.
- j) The applicant is required to host a public information meeting at their own expense prior to the amending bylaw being considered by the Council. The applicant is to conduct public information meeting in accordance with the requirements of Section 7 of this bylaw.
- k) For a rezoning application where the proposed zoning bylaw is consistent with the OCP, staff will publish and give notice of the amending bylaw(s) advising of the date of the first reading of the bylaw in accordance with the *Local Government Act*.
- l) Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community and any recommendations from the Development Review Team (DRT).
- m) Council will receive the technical report, and if Council decides to proceed with the amendment application, the amending bylaw may be given readings. Council may alternatively decide to postpone or deny the application.
- n) Should the amending bylaw receive readings and should Council decide that a public hearing be held prior to third reading to permit the public to comment on the application pursuant to the *Local Government Act* and as per this bylaw, notice(s) of the amending bylaw(s) will be published in a newspaper, or

electronic means, pursuant to the *Local Government Act* and the Public Notice Bylaw. For a rezoning application where the proposed zoning bylaw is consistent with the OCP, a public hearing is not a default requirement of the *Local Government Act*; however, may be required by Council.

- o) If a public hearing is held, the minutes of the Public Hearing will be presented to Council prior to consideration of third reading of the amending bylaw.
- p) 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.
- q) Once all of the conditions identified at third reading, if any, have been addressed, Council will consider adoption of the bylaw(s).
- r) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.

4. 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:

- a) 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.
- b) The applicant will submit the draft Terms Sheet to the District who will refer it to applicable District departments, government ministries, agencies, organizations and the Development Review Team.
- c) Staff will prepare a technical report to the Director 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 District.
- d) Staff will refer the draft Phased Development Agreement to all applicable District departments, government ministries, agencies, organizations and may

refer the draft Phased Development Agreement to a solicitor.

- e) Staff will prepare a technical report for Council's consideration on the draft Phased Development Agreement, incorporating feedback received from the referral process, the community and any recommendations from Development Review Team (DRT).
- f) Notices of the amending bylaw(s) will be given advising of the date of the first reading of the bylaw in accordance with the *Local Government Act*.
- g) If Council wishes to proceed with the Phased Development Agreement, the Phased Development Agreement Bylaw will be given first and second readings (including the placement of conditions, where appropriate). Council may alternatively decide to postpone or deny the application.
- h) Should the Phased Development Agreement Bylaw receive first and second readings and Council decides that a public hearing be held to permit the public to comment on the application pursuant to the *Local Government Act* and as per this bylaw, notice(s) of the amending bylaw(s) will be published in a newspaper, or electronically, pursuant to the *Local Government Act* and the Public Notice Bylaw.
- i) 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.
- j) 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).
- k) 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.
- l) Amendments to an approved Phased Development Agreement may occur pursuant to the *Local Government Act*.

SCHEDULE 3 – 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 District of Peachland Development Application Form.

2. Processing Procedure

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

- a) 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 District.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, staff will open a file and issue a receipt to the applicant.
- d) Staff will review the proposal for compliance with relevant District bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- e) Staff may refer the application to all applicable District departments, advisory committees, Development Review Team (DRT), government ministries, agencies and organizations.
- f) 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:
 - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - (ii) Submit any necessary reports/studies;
 - (iii) Complete any required approvals.

The applicant must address the items in the comprehensive letter and may wish to revise the application accordingly.

- g) Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations from the Development Review Team (DRT). If the Director has delegated authority to review the Development Permit, the application and technical report will be referred to the Director for consideration, otherwise the report will be prepared for Council's consideration.
- h) If authority has not been delegated, 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 staff or 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 District of Peachland Fees and Charges Bylaw as amended from time to time.
- i) The applicant will be notified of the decision regarding the application.
- j) 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 4 – MINOR DEVELOPMENT VARIANCE PERMIT AND DEVELOPMENT VARIANCE 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 District of Peachland Development Application Form.

2. Processing Procedure

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

- a) 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 District.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, staff will open a file and issue a receipt to the applicant.
- d) Staff will mail or otherwise deliver notices to owners and tenants within 100 metres per requirements of this bylaw and the *Local Government Act*. If the Director has delegated authority to review the Development Variance Permit no notice is required as per the *Local Government Act*; however, notification will be sent to adjacent property owners as per this bylaw.
- e) Staff will review the proposal for compliance with relevant District bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- f) Staff may refer the application to the Development Review Team (DRT), all applicable District departments, government ministries, agencies and organizations. Staff will determine whether the variance request is minor or needs to be referred to Council for a decision.
- g) Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations from the

Development Review Team (DRT). If the application is deemed to be a Minor Development Variance Permit and the Director has delegated authority to approve the Permit, the application and technical report will be referred to the Director for consideration, otherwise the report will be prepared for Council's consideration.

- h) The Director may authorize the issuance of a Minor Variance Permit or alternatively decide to deny the application or refer it back to staff for further information or deem that the variance is not minor and refer the application to Council for a decision. If authority has not been delegated or the Director denies the application, Council will receive the technical report, and if Council decides to proceed with the development variance permit application, Council may authorize the issuance of the development variance permit or authorize the issuance of the development variance permit with conditions. Council may alternatively decide to postpone or deny the application.
- i) When a permit is to be (re)considered by the Council, staff will forward a technical memo, incorporating feedback received from the referral process, and the community.
- j) Council will receive the technical memo and may authorize the issuance of the Development Variance Permit or authorize the issuance of the Development Variance Permit with conditions. Council may alternatively decide to postpone or deny the application.
- k) The applicant will be notified of the decision regarding the application.
- l) 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 5 – TEMPORARY USE 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 District of Peachland Development Application Form.

2. Processing Procedure

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

- a) 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 District.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, staff will open a file and issue a receipt to the applicant.
- d) The Applicant will post a Development Proposal sign as per Schedule 1 of this bylaw.
- e) Staff will review the proposal for compliance with relevant District bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- f) Staff will refer the application to all applicable District departments, Development Review Team (DRT), government ministries, agencies, and organizations.
- g) 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:
 - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - (ii) Submit any necessary reports/studies; and

- (iii) Complete any required approvals.
- h) Staff will mail or otherwise deliver notices to adjacent property owners per this bylaw and per the requirements of the *Local Government Act*. Notice will also be published in the newspaper, or other electronic means, pursuant to the *Local Government Act* and the Public Notice Bylaw.
- i) The applicant may be required and is encouraged to host a public information meeting at their own expense prior to the permit being considered by Council. If required, the applicant is to conduct public information meeting in accordance with the requirements of this bylaw.
- j) Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community and any recommendations from the Development Review Team (DRT).
- k) 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.
- l) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- m) 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 6 – A REFERRAL FOR A LIQUOR LICENSE AND CANNABIS 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 license approval if the steps indicated are followed.

1. Application Requirements

- a) Applicants must review the Liquor and Cannabis Regulation Branch (LCRB) requirements prior to submitting a Liquor License or a Cannabis License application to the District. The LCRB specifies application requirements and when local governments are required to comment on liquor license applications.

2. Processing Procedure for Liquor Licenses and Cannabis Licenses

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

- a) The applicant may have a pre-application meeting to discuss the proposal and application requirements with staff prior to submitting a formal application to the District.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) 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 District prior to the District's review of the application.
- d) Staff will review the proposal for compliance with relevant District bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- e) Staff may refer the application to all applicable District departments, Development Review Team (DRT), government ministries, agencies and organizations.
- f) Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary conditions/requirements which will be sent to the applicant to:

- (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - (ii) Submit any necessary reports/studies; and
 - (iii) Complete any required approvals.
- g) In order to obtain public input, the District may, in accordance with the *Liquor Control and Licensing Act* and the *Cannabis Control and Licensing Act*:
 - (i) Advertise the proposal to solicit written comments on the application from the public. Such comments shall be submitted in writing to the Director within fourteen (14) days of the publication of the notice.
 - (ii) Send notifications to adjacent property owners in accordance with this bylaw.
- h) Where a Council resolution is required, staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community, and any recommendations from the Development Review Team (DRT) and in accordance with the criteria local governments must consider as per guidelines specified by the LCRB.
- i) Council will receive the technical report, and Council will make a recommendation to the LCRB by passing a resolution to either approve or deny the application.
- j) Staff will forward comments where delegated and/or the Council resolution to the LCRB for their final review and approval.

SCHEDULE 7 – SECTION 219 COVENANT AND/OR STATUTORY RIGHT OF WAY AMENDMENTS

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

1. Application Requirements

Application requirements are specified in the District of Peachland Development Application Form.

2. Processing Procedure

An application to amend a Section 219 Covenant or statutory right of way submitted in accordance with this bylaw will be substantially processed as follows:

- a) The applicant will have a Pre-application Meeting to discuss the proposed amendment and application requirements with staff prior to submitting a formal application to the District.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, staff will open a file and issue a receipt to the applicant.
- d) Staff will review the proposal for compliance with relevant District 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.
- e) Staff will refer the application to all applicable District departments, Development Review Team (DRT), government ministries, agencies and organizations.
- f) 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:
 - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - (ii) Submit any necessary reports/studies; and

(iii) Complete any required approvals.

- g) Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations. If the application is deemed to meet the criteria of delegated authority, the amendment request and technical report will be referred to the Director for consideration otherwise the report will be prepared for Council's consideration.
- h) Council/Director will receive the technical report, and Council/Director may approve the request, may approve the requested amendment with terms or conditions, or may postpone or deny the application.
- i) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- j) If the proposed amendment is approved, an amended covenant or statutory right of way under the *Land Title Act* or request to discharge 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 8 – ROAD CLOSURE APPLICATIONS

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

1. Application Requirements

Application requirements are specified in the District of Peachland Development Application Form.

2. Processing Procedure

An application to close a municipal road must be submitted in accordance with this bylaw will be substantially processed as follows:

- a) The applicant will have a pre-application Meeting to discuss the proposed request and application requirements with staff prior to submitting a formal application to the District.
- b) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, staff will open a file and issue a receipt to the applicant.
- d) Staff will review the proposal for compliance with relevant District 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.
- e) Staff will refer the application to all applicable District departments, Development Review Team (DRT), government ministries, agencies and organizations.
- f) 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:
 - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - (ii) Submit any necessary reports/studies; and
 - (iii) Complete any required approvals.

- g) Staff will prepare a technical report and road closure bylaw for consideration of up to three readings, incorporating feedback received from the referral process and any recommendations. If disposition is being considered Council may be asked to authorize the disposition and direct staff to advertise Council's intention to close and sell the road closure area, as per Section 40 and 94 of the *Community Charter*.
- h) Prior to adopting a road closure bylaw, the District must:
 - i. Provide public notice in accordance with the *Community Charter*.
 - ii. Provide an opportunity for persons who are affected by the bylaw to make representations to Council.
 - iii. Deliver notice of its intention to close a highway to operators of utilities who council considers will be affected by the closure. The operator of a utility affected by a closure may require the municipality to provide reasonable accommodation of the utility's works.
 - iv. Ensure that a proposed highway closure does not completely deprive an owner of access to their property, unless the municipality receives consent from the property owner or compensates the owner and provides alternative access.
 - v. Refer any road closure bylaws to the Minister of Transportation and Infrastructure for approval where the proposed highway closure is within 800 metres of an arterial highway.
- i) Once the applicant has adequately addressed all of the conditions identified at third reading, Council will consider adoption of the subject bylaw(s).
- j) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- k) If the proposed bylaw(s) are adopted by Council, the removal of road dedication bylaw is filed in the appropriate Land Title Office. The road dedication is then cancelled and title to the property will be registered in the name of the municipality in accordance with the *Land Title Act*.
- l) For title to be raised in the name of the District, the Land Title Office requires the District to submit the bylaw and plan package, the property transfer tax form and fee to the Registrar of Land Titles. As raising title and disposing of the land may occur in close conjunction, note also the Land Title Office filing requirements for property disposal.

SCHEDULE 9 – AGRICULTURAL LAND COMMISSION ACT 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

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

Application requirements are specified in the Development Application Form.

2. Public Consultation

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:

- a) 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 Agricultural Land Commission.
- b) Upon submission of a formal application, staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- c) Upon receipt of a complete application submitted in accordance with the requirements of this bylaw, staff will open a file and issue a receipt to the applicant.
- d) Staff will review the proposal for compliance with relevant bylaws and policies and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- e) Staff will refer the application to all applicable District departments, Development Review Team (DRT), government ministries, agencies and organizations.

- f) 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:
 - (i) Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - (ii) Submit any necessary reports/studies; and
 - (iii) Complete any required approvals.
- g) Staff will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community, and any recommendations from the Development Review Team (DRT).
- h) 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:
 - (i) Authorize the application to proceed to the Agricultural Land Commission; or;
 - (ii) Not authorize the application to proceed to the Agricultural Land Commission.
- i) If Sections 25(3) or 30(4) of the *Agricultural Land Commission Act* are not triggered by the proposal, Council may make recommendation for Agricultural Land Commission consideration.
- j) Once the minutes of the Council resolution have been prepared, the applicant will be notified of the outcome.
- k) 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.