



Adopted: July 9th, 2007
Amended by Council Resolution April 14, 2009
Amended by Council Resolution August 8, 2011

Development Application Procedure Policy, 2011

- 1.0 The District of Sooke Planning Department accepts applications under Bylaw No. 490, *Development Procedures Bylaw, 2011* (as amended) and other approvals for:
 - Official Community Plan Bylaw Amendments (section 2 of this Policy);
 - Zoning Amendment Bylaws (section 3 of this Policy);
 - Development Permits (section 4 of this Policy);
 - Development Variance Permits (section 5 of this Policy);
 - Board of Variance Permits (section 6 of this Policy);
 - Applications for Exclusion, Inclusion, Subdivision and Non-Farm Use under the Agricultural Land Commission Act (section 7 of this Policy); and,
 - Temporary Commercial and Industrial Use Permits (section 8 of this Policy).
- 1.1 All applicants are encouraged to attend a pre-application meeting with District of Sooke staff prior to submitting an application. A pre-application form is required to be submitted to secure a date and time with staff.
- 1.2 All applicants must complete an application form as prescribed by the Municipal Planner, available from the District of Sooke Municipal Hall or the District website (www.sooke.ca), pay the designated fees under Bylaw No. 490 and submit all the basic submittal requirements.
- 1.3 An application form submitted without all the basic submittal requirements will be deemed incomplete and returned to the applicant.
- 1.4 District of Sooke Planning staff conducts an initial review of all applications, and if necessary, requests *additional information* from applicants and works with the applicant to resolve any issues prior to processing the application.
- 1.5 *Additional information* may be requested by staff at any stage of the application to help resolve issues that arise.

- 1.6 This policy is subject to Provincial and District of Sooke legislation as amended or replaced from time to time including, but not limited to the following;

Agricultural Land Reserve Act

Community Charter

Local Government Act

District of Sooke:

Bylaw No. 490, *Development Procedures Bylaw, 2011*

Bylaw No. 422, *Council Procedure Bylaw, 2009*

Bylaw No. 109, *Sooke Sign Regulation Bylaw, 2003*

Policy No. 8.4, *Manufactured Home Park Redevelopment Policy, 2008*

Policy No. 9.1, *Land Use Activities Contrary to Current Bylaws and Resolutions*

Policy No.13.2, *Affordable Housing & Social Housing Policy, 2007*

Policy No.13.3, *Community Amenity Contribution Policy, 2010*

OFFICIAL COMMUNITY PLAN AMENDMENT

- 2. The procedures for assessing Official Community Plan Bylaw Amendment applications are as follows:**
- 2.1 The applicant must submit the following basic submittal requirements:
- 2.1.1 A complete application form signed by the property owner(s).
 - 2.1.2 All applicable application fees.
 - 2.1.3 If there is more than one property owner or the applicant is not a property owner then an *Owner's Authorization Form* must be completed.
 - 2.1.4 All applications must include the following:
 - a *State of Title Certificate*, to be dated within 30 days of the application and include copies of all non-financial charges on title (ie. covenants, easements, rights of ways, etc.).
 - 3 copies of a legibly scaled (metric) Site Plan, one reduced 8.5" x 11" copy of the Site Plan and one digital copy of the Site Plan showing:
 - Civic address and legal description
 - Lot area
 - Roads and access locations
 - Existing buildings and structures with dimensions and Setbacks
 - Existing utility locations
 - Location of watercourses, steep slopes, and statutory rights of way
 - Concept plan
 - Scale bar and north arrow
 - Rationale – a written explanation on why an Official Community Plan Amendment is requested and why the amendment should be supported.
- 2.2 Staff may also request the following additional information at any point to assist with the evaluation of the Official Community Plan Bylaw Amendment application:

- Neighbourhood Area Plan
- Archaeology Study
- Traffic Study
- Environmental Assessment
- Contour Plan
- Rainwater Management Plan
- Riparian Area Assessment Report
- Geotechnical Assessment
- Sewer Servicing Report
- Tree Management Plan
- Wildfire Hazard Assessment
- Landscape Plan
- Other reports or assessments necessary to evaluate the impact of the Official Community Plan amendment on the District of Sooke and neighbouring properties.

- 2.3 Upon receipt of the application, the Development Services Clerk opens a new file in Tempest, logs events, assigns fees, processes invoice and passes the file to the GIS Department to create the subject property map.
- 2.4 The Development Services Clerk gives the completed application to the Municipal Planner, who assigns the application to a Planner.
- 2.5 The Planner reviews the application using guidelines in the District of Sooke Official Community Plan and Zoning Bylaw.
- 2.6 The Planner conducts a site investigation and reviews pertinent policy and issues that may need to be addressed.
- 2.7 The Planner completes referrals and distributes internally and to external agencies as required.
- 2.8 Council and/or Staff may require the applicant to hold an independent Public Information meeting at the applicant's cost, at a location separate from the District of Sooke office.
- 2.9 Staff forwards referral comments to applicant/owner and works with applicant/owner to resolve any major issues that may have arisen from the referral process.
- 2.10 Staff obtains Bylaw number for the Official Community Plan Amendment Bylaw from Corporate Services and prepares a report for presentation to the Committee of the Whole (COW)/Council. Staff advises applicant of meeting date.

- 2.11 If application goes to COW first, the application is considered and a recommendation may be forwarded to Council. COW may also recommend that Staff resolve any identified issues prior to presenting the issue to Council.
- 2.12 Council considers the application and at their discretion, may:
- i. Give first and second reading to the Official Community Plan Bylaw Amendment and direct staff to schedule a Public Hearing in accordance with the *Community Charter* and the *Local Government Act*;
 - ii. Deny the Official Community Plan Bylaw Amendment and close the application; or
 - iii. Give first reading and instruct Staff to work with the applicant to resolve outstanding issues before returning to Council for consideration of second reading.
- 2.13 Prior to Public Hearing, Staff ensures all information has been submitted and all covenants and agreements have been drafted to be presented at the Public Hearing. No new information can be accepted or considered by Council after the Public Hearing.
- 2.14 Staff will schedule a Public Hearing for the Official Community Plan Bylaw Amendment.
- i. Staff will mail or otherwise deliver notices to the owners and tenants who are in occupation of each parcel any part of which is within 100 metres of any part of the land that is the subject of the application. If 10 or more parcels owned by 10 or more persons are subject of the bylaw, then a mailed notice is not required.
 - ii. Staff notifies the applicant/owner of the Council meeting date.
 - iii. The Public Hearing is advertised in the paper as per the requirements of the Local Government Act.
- 2.15 The Public Hearing is held and after the close of the Public Hearing, Council has the option to consider third reading of the Official Community Plan Bylaw Amendment and, at their discretion, may:
- i. Give third reading;
 - ii. Deny the Official Community Plan Bylaw Amendment application and close the application; or
 - iii. If third reading is not given and the application is not denied immediately following the Public Hearing, Staff works with the applicant to address issues identified at the Public Hearing. Another report will be prepared by Staff to Council for reconsideration of third reading. Another Public Hearing may be required if new information is to be introduced to Council.

- 2.16 Council considers adoption of the Official Community Plan Bylaw Amendment at the next meeting and, at their discretion, may:
 - i. Adopt the Official Community Plan Bylaw Amendment ; or
 - ii. Deny the Official Community Plan Bylaw Amendment application and close the application.
- 2.17 The Development Services Clerk updates all events in Tempest and scans all information and records related to the application in Tempest.
- 2.18 The Official Community Plan Bylaw Amendment application file is closed.

ZONING BYLAW AMENDMENT

3. The procedures for assessing Zoning Bylaw Amendment applications, which may be conducted simultaneously but not before an Official Community Plan Amendment application, are as follows:

3.1 The applicant must submit the following *basic submittal requirements*:

3.1.1 A complete application form signed by the property owner(s).

3.1.2 All applicable application fees.

3.1.3 If there is more than one property owner or the applicant is not a property owner, then an *Owner's Authorization Form* must be completed.

3.1.4 All applications must include the following:

a *State of Title Certificate*, to be dated within 30 days of the application and include copies of all non-financial charges on title (ie. covenants, easements, rights of ways, etc.).

3 copies of a legibly scaled (metric) Site Plan, one reduced 8.5" x 11" copy of the Site Plan and one digital copy of the Site Plan showing:

- Civic address and legal description
- Lot area
- Roads and access locations
- Existing buildings and structures with dimensions and Setbacks
- Existing utility locations
- Location of watercourses, steep slopes, and statutory rights of way
- Concept plan
- Scale bar and north arrow

Rezoning Rationale – a written explanation that must include (1) description of the surrounding area (2) purpose of rezoning and (3) how the application relates to the goals and objectives of the Official Community Plan

3.2 Staff may also request the following additional information at any point to assist with the evaluation of the Zoning Bylaw Amendment application:

- Neighbourhood Area Plan
- Archaeology Study
- Traffic Study
- Environmental Assessment
- Contour Plan
- Rainwater Management Plan
- Riparian Area Assessment Report
- Geotechnical Assessment
- Sewer Servicing Report
- Tree Management Plan
- Wildfire Hazard Assessment
- Landscape Plan
- Other reports or assessments necessary to evaluate the Zoning Bylaw Amendment on the District of Sooke and neighbouring properties.

3.3 The applicant is required to fulfill the notice sign posting requirements and fees as per Bylaw No. 490, *Development Procedures Amendment Bylaw, 2007*.

3.4 Upon receipt of the application, the Development Services Clerk opens a new file in Tempest, logs events, assigns fees, processes invoice and passes the file to the GIS Department to create the subject property map.

3.5 The Development Services Clerk gives the completed application to the Municipal Planner, who assigns the application to a Planner.

3.6 The Planner reviews the application using guidelines in the District of Sooke Official Community Plan and Zoning Bylaw.

3.7 The Planner conducts a site investigation and reviews pertinent policy and issues that may need to be addressed.

3.8 The Planner completes referrals and distributes internally and to external agencies as required.

3.9 Council and/or Staff may require the applicant to hold an independent Public Information meeting at the applicant's cost at a location separate from the District of Sooke office.

3.10 Staff applies Policy No.13.3, *Community Amenity Contribution Policy, 2010*. If an amenity contribution is required, the owner will be required to

- pay an additional fee to enter into a Phased Development Agreement (PDA) with the District.
- 3.11 Staff, referencing section 4.7 *Housing* of the Official Community Plan, discusses affordable housing contributions with the applicant/owner. If amenities and/or affordable housing are to be contributed, Staff begins preparing the PDA.
 - 3.12 Staff forwards referral comments to applicant/owner and works with applicant/owner to resolve any major issues that may have arisen from the referral process.
 - 3.13 Staff obtains Bylaw numbers for the Zoning Amendment Bylaw and if applicable, the PDA Bylaw from Corporate Services and prepares a report for presentation to the Committee of the Whole (COW)/Council. Staff advises applicant of meeting date.
 - 3.14 If application goes to COW first, the application is considered and a recommendation may be forwarded to Council. COW may also recommend that Staff resolve any identified issues prior to presenting the issue to Council.
 - 3.15 Council considers the application and at their discretion, may:
 - i. Give first and second reading to the Zoning Amendment Bylaw and if applicable, the PDA Bylaw and direct staff to schedule a Public Hearing for the bylaws in accordance with the *Community Charter* and the *Local Government Act*;
 - ii. Deny the Zoning Bylaw Amendment application and close the application; or
 - iii. Give first reading and instruct Staff to work with the applicant to resolve outstanding issues before returning to Council for consideration of second reading.
 - 3.16 Prior to Public Hearing, Staff ensures all information has been submitted and all covenants and agreements have been drafted to be presented at the Public Hearing. No new information can be accepted or considered by Council after the Public Hearing.
 - 3.17 Staff will schedule a Public Hearing for the bylaw(s).
 - i. Staff will mail or otherwise deliver notices to the owners and tenants who are in occupation of each parcel any part of which is within 100 metres of any part of the land that is the subject of the application. If 10 or more parcels owned by 10 or more persons are

- subject of the Zoning Amendment Bylaw, then a mailed notice is not required.
- ii. Staff will notify the applicant/owner of the Council meeting date.
 - iii. The Public Hearing is advertised in the paper as per the requirements of the *Local Government Act*.
- 3.18 The Public Hearing is held and Council has the option to consider third reading and adoption of the Zoning Amendment Bylaw and if applicable, the PDA Bylaw and, at their discretion, may:
- i. Give third reading to the bylaw(s);
 - ii. Give third reading to the bylaw(s) with certain conditions;
 - iii. Give third reading and adopt the bylaw(s) in accordance with section 37.6 of Bylaw No. 422, Council Procedure Bylaw, 2009; or
 - iv. Deny the Zoning Amendment Bylaw application and close the application.
- 3.19 If third reading is not given and the application is not denied immediately following the Public Hearing, Staff works with the applicant to address issues identified at the Public Hearing. Another report will be prepared by Staff to Council for reconsideration of third reading. Another Public Hearing may be required if new information is to be introduced to Council.
- 3.20 If Council requires additional conditions with third reading then Staff works with the applicant to modify the applicable bylaw, agreement or covenant(s) to incorporate the required conditions.
- 3.21 Prior to final adoption of the Bylaw(s), all agreements and covenants must be signed by the required parties and covenants registered to the property title.
- 3.22 If the applicant's property is located within 800m of a controlled intersection on Highway 14, Ministry of Transportation and Infrastructure approval is required after third reading and prior to adoption for the Zoning Amendment Bylaw.
- 3.23 If adoption not given immediately upon third reading, Council considers adoption of the Zoning Amendment Bylaw and, if applicable, the PDA Bylaw and, at their discretion, may:
- i. Adopt the Bylaw(s); or
 - ii. Deny the Bylaw(s) and close the application.
- 3.24 Applicant/owner is notified of Council decision and requested to return the rezoning sign within 30 days from the notification letter. If rezoning sign is not returned within 30 days, the refund fee is forfeited and the rezoning file is closed.

3.25 The Development Services Clerk updates all events in Tempest and scans all information related to the application in Tempest.

3.26 The Zoning Amendment Bylaw application file is closed.

DEVELOPMENT PERMIT APPLICATIONS

4.0 The procedures for assessing Development Permit applications are as follows:

4.1 The applicant must submit the following basic submittal requirements:

4.1.1 A complete application form signed by the property owner(s).

4.1.2 All applicable application fees.

4.1.3 If there is more than one property owner or the applicant is not a property owner then an *Owner's Authorization Form* must be completed.

4.1.4 All applications must include the following:

- a *State of Title Certificate*, to be dated within 30 days of the application and include copies of all non-financial charges on title (ie. covenants, easements, rights of ways, etc.).
- 3 copies of a legibly scaled (metric) Site Plan, one reduced 8.5" x 11" copy of the Site Plan and one digital copy of the Site Plan showing:
 - Designer/architect name
 - Civic address and legal description
 - Lot area and lot coverage
 - Total floor area (if applicable)
 - Density and dwelling units
 - Location of accesses
 - Location and dimensions of all vehicle and bicycle parking and loading bays
 - Dimensions of the property lines, rights of ways, easements
 - Dimensions and setbacks of existing and proposed buildings, structures and utilities
 - Location of high water mark or top of bank of watercourses and riparian areas (if applicable) or location of SPEA if Riparian Areas Assessment has been completed
 - Location and grade of steep slopes (> 30%)

- Location of all existing and proposed water lines, gas lines, wells, septic fields, sanitary sewer and storm drain facilities
 - Location of any contaminated or polluted sites
 - Scale bar and north arrow

 - Elevation plan showing:
 - Exterior finishing materials and colours
 - Average, existing and finished grades
 - Height from finished grade (provide average grade calculations)
 - Building sections
 - Recession Plane, if applicable

 - Landscape Plan from a *Registered Landscape Architect* with:
 - Detailed planting plan (species, size, quantity, locations, irrigation, finished grade)
 - Estimate of costs for completion of the landscaping plan
- 4.2 Staff may also request the following additional information at any point to assist with the evaluation of the Development Permit Application:
- That the Site Plan and Elevation Plan drawings be in accordance with the Architects Act of British Columbia.
 - That the Site Plan include location of sidewalks, pathways, curbs, boulevards, edge of pavement and transit stops, manoeuvring aisles, and vehicle stops.
 - Contour plan with existing and proposed contours at 0.5m intervals.
 - Landscape plan location and design of outdoor lighting.
 - Floor plans with uses of spaces and dimensions for all levels
 - Building signage details
 - Archaeology Study
 - Ecological Study
 - Rainwater management plan
 - Affordable Housing Unit Specifications
 - Traffic study
 - Riparian Area Assessment Report
 - Other reports or assessments necessary to evaluate the Development Permit Application

- 4.3 The applicant may appeal, without charge, staff requests for basic submittal information or additional information in writing to Council.
- 4.4 Upon receipt of the application, the Development Services Clerk opens a new file in Tempest, logs events, assigns fees, processes invoice and passes the file to the GIS Department to create the subject property map.
- 4.5 The Development Services Clerk gives the completed application to the Municipal Planner, who assigns the application to a Planner.
- 4.6 The Planner reviews the application using guidelines in the Official Community Plan Bylaw and Zoning Bylaw, and any other Bylaws, Plans, Policies and Strategies approved by Council relevant to the application.
- 4.7 The Planner conducts a site investigation and reviews pertinent policy and issues that may need to be addressed.
- 4.8 The Planner completes referrals and distributes internally and to external agencies as required.
- 4.9 Staff forwards referral comments to applicant/owner and works with applicant/owner to resolve any major issues that may have arisen from the referral process.
- 4.10 If a Housing Agreement is required for the Development Permit application, Staff goes through the following process:
 - (a) Staff obtains a Bylaw number for the Affordable Housing Agreement Bylaw from Corporate Services and prepares the Agreement for review from internal Staff and the applicant.
 - (b) Staff prepares a report and the Affordable Housing Agreement Bylaw for presentation to Council and advises applicant of meeting date. The development permit application can be considered for approval by Council concurrently with the Affordable Housing Agreement Bylaw with the condition, stated within the Council resolution, that the Housing Agreement Bylaw be adopted by Council prior to issuance of the Development Permit.
 - (c) Council considers the Bylaw and at their discretion, may:
 - i. Give first, second and third reading to the Affordable Housing Agreement Bylaw; or
 - ii. Give first reading and instruct Staff to work with the applicant to resolve outstanding issues before returning to Council for consideration of second reading and third reading

- (d) Prior to final adoption of the Affordable Housing Agreement Bylaw, all applicable agreements and covenants must be signed by the required parties and registered to the property title.
 - (e) The Municipal Planner issues the development permit following adoption of Affordable Housing Agreement Bylaw.
- 4.11 Under Bylaw No. 305, *Development Permit Delegation Bylaw, 2009* specific Development Permit Applications can be approved by the Municipal Planner. Those applications that cannot be approved by the Municipal Planner must be considered by Council. Staff prepares report and development permit for Council or Municipal Planner consideration.
- 4.12 As directed by Bylaw No. 305, *Development Permit Delegation Bylaw, 2009*, Council or the Municipal Planner consider the staff reports and at their discretion, may:
- i. Approve the issuance of a Development Permit;
 - ii. Modify and approve the issuance of a Development Permit; or
 - iii. Request that the applicant to work with Staff to resolve outstanding issues and have Staff bring the Development Permit application back to Council or the Municipal Planner.
- 4.13 The Municipal Planner issues the development permit. Staff registers the Notice of Development Permit with the Victoria Land Registry Office.
- 4.14 Applicant/owner is notified of the decision and informed that the District will register the Development Permit to the title. A copy of the issued Development Permit is sent to the applicant/owner.
- 4.15 Prior to expiry of the development permit, an applicant can apply to renew a development permit for one year at Council or the Municipal Planner's discretion, provided that the application is the exact same and there is no staff time required to assess the application.
- 4.16 If at any time the applicant wants to alter or deviate from the particulars of a development permit after it is issued, a new application must be made. However, if the change is minor, Bylaw No. 305, *Development Permit Delegation Bylaw, 2009* permits the Municipal Planner to endorse a minor amendment to the permit.
- 4.17 Applications for minor amendments require the applicant to submit the basic submittal requirements for development permits listed in section 4.1 with drawings that clearly identify the amendments. The process for a minor amendment application will follow section 4.2 to section 4.9, section 4.13 and section 4.14.

4.18 The Municipal Planner shall determine if the development permit amendment request is minor and at the Municipal Planner’s discretion, may approve the issuance of the amendment.

The following chart outlines examples of what may be considered a minor amendment to a development permit:

1. Changes in the types and locations of landscaping materials, provided that:
a) Such changes do not reduce total amount of landscaping material or cost estimate;
2. The addition of a deck, patio, porch, or other appurtenance to a building, provided that:
a) Such additions are less than 30 square meters; and
b) Such additions comply with the required setbacks in the Zoning Bylaw.
3. A minor adjustment in the location and design of parking lots and access drives, provided that:
a) Such adjustment does not encroach into any required buffer or other landscaped area;
b) Such adjustment does not require a variance;
c) Such adjustment does not reduce the number of parking spaces.

4.19 The Development Services Clerk updates all events in Tempest and scans all information related to the application in Tempest.

4.20 The application is changed in Tempest from “in progress” to “active”.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

5.0 The procedures for assessing Development Variance Permit applications are as follows:

5.1 The applicant must submit the following basic submittal requirements:

5.1.1 A complete application form signed by the property owner(s).

5.1.2 All applicable application fees.

5.1.3 If there is more than one property owner or the applicant is not a property owner then an *Owner's Authorization Form* must be completed.

5.1.4 All applications must include the following:

a *State of Title Certificate*, to be dated within 30 days of the application and include copies of all non-financial charges on title (ie. covenants, easements, rights of ways, etc.).

3 copies of a legibly scaled (metric) Site Plan, one reduced 8.5" x 11" copy of the Site Plan and one digital copy of the Site Plan showing:

Civic address and legal description

A survey plan confirming the dimensions and setbacks of existing and proposed buildings, structures and utilities

Lot area and lot coverage

Dimensions of the property lines, rights of ways, easements

Location of high water mark or top of bank of watercourses and riparian areas (if applicable) or location of SPEA if Riparian Areas Assessment has been completed

Location and grade of steep slopes (> 30%)

Location of all existing and proposed water lines, gas lines, wells, septic fields, sanitary sewer and storm drain facilities

Scale bar and north arrow

Adjacent property uses

A brief description of the proposed variance and why the current bylaw requirements cannot be met.

5.2 Staff may also request the following additional information at any point to assist with the evaluation of the Development Variance Permit Application:

- That the Site Plan include location of sidewalks, pathways, curbs, boulevards, edge of pavement and transit stops, manoeuvring aisles, and vehicle stops.
- Contour plan with existing and proposed contours at 0.5m intervals.
- Landscape plan location and design of outdoor lighting.
- Floor plans with uses of spaces and dimensions for all levels
- Building signage details
- Archaeology Study
- Ecological Study
- Rainwater management plan
- Riparian Area Assessment Report
- Other reports or assessments necessary to evaluate the Development Variance Permit Application.

5.3 Upon receipt of the application, the Development Services Clerk opens a new file in Tempest, logs events, assigns fees, processes invoice and passes the file to the GIS Department to create the subject property map.

5.4 The Development Services Clerk gives the completed application to the Municipal Planner, who assigns the application to a Planner.

5.5 The Planner reviews the application using guidelines in the Official Community Plan Bylaw and Zoning Bylaw and any other relevant Bylaw, Plan, Policy or Strategy approved by Council.

5.6 The Planner conducts a site investigation and reviews pertinent policy and issues that may need to be addressed.

5.7 The Planner completes referrals and distributes internally and to external agencies as required.

5.8 Staff forwards referral comments to applicant/owner and works with applicant/owner to resolve any major issues that may have arisen from the referral process.

5.9 Staff prepares a report and the development variance permit to Council.

- 5.10 At least 10 days before the meeting of Council where the Development Variance Application is being considered for issuance, Staff will mail notices to the owners/residents of all adjacent property owners. Staff notifies the applicant of the meeting date.
- 5.11 Council considers the application, and at their discretion, may:
 - i. Approve the Development Variance Permit, and, if necessary, specify certain conditions;
 - ii. Deny the Development Variance Permit application and close the application; or
 - iii. Instruct Staff to work with the applicant to resolve outstanding issues before returning to Council for reconsideration.
- 5.12 The Municipal Planner issues the Development Variance Permit. Staff registers the Notice of Development Variance Permit with the Victoria Land Registry Office.
- 5.13 Applicant/owner is notified of the decision and informed that the District will register the development variance permit to the title. A copy of the issued development variance permit is sent to the applicant/owner.
- 5.14 The Development Services Clerk updates all events in Tempest and scans all information related to the application in Tempest.
- 5.15 The development variance permit application can be closed.

BOARD OF VARIANCE PERMIT APPLICATIONS

6.0 The procedures for assessing Board of Variance Permit applications are as follows:

6.1 The applicant must submit the following basic submittal requirements:

6.1.1 A complete application form signed by the property owner(s).

6.1.2 All applicable application fees.

6.1.3 If there is more than one property owner or the applicant is not a property owner then an Owner's Authorization Form must be completed.

6.1.4 All applications must include the following:

- a *State of Title Certificate*, to be dated within 30 days of the application and include copies of all non-financial charges on title (ie. covenants, easements, rights of way, etc.).
- 3 copies of a legibly scaled (metric) Site Plan, one reduced 8.5" x 11" copy of the Site Plan and one digital copy of the Site Plan showing:
 - Civic address and legal description
 - A survey plan confirming the dimensions and setbacks of existing and proposed buildings, structures and utilities
 - Lot area and lot coverage
 - Dimensions of the property lines, right of ways, easements
 - Location of high water mark or top of bank of watercourses and riparian areas (if applicable) or location of SPEA if Riparian Areas Assessment has been completed
 - Location and grade of steep slopes (> 30%)
 - Location of all existing and proposed water lines, gas lines, wells, septic fields, sanitary sewer and storm drain facilities
 - Scale bar and north arrow
 - Adjacent property uses

- A brief description of the proposed variance and why the current bylaw requirements are presenting hardship.

6.2 Staff may also request the following additional information at any point to assist with the evaluation of the Board of Variance Application:

- That the Site Plan include location of existing and proposed access, sidewalks, pathways, curbs, boulevards, edge of pavement and transit stops, location, numbering and dimensions of all vehicle and bicycle parking, manoeuvring aisles, vehicle stops and loading bays.
- Contour plan with existing and proposed contours at 0.5m intervals.
- Archaeology Study
- Ecological Study
- Rainwater management plan
- Riparian Area Assessment Report
- Other reports or assessments necessary to evaluate the Board of Variance Application.

6.3 Upon receipt of the application, the Development Services Clerk opens a new file in Tempest, logs events, assigns fees, processes invoice and passes the file to the GIS Department to create the subject property map.

6.4 The Development Services Clerk gives the completed application to the Municipal Planner, who assigns the application to a Planner.

6.5 The Planner reviews the application using guidelines in the Official Community Plan and Zoning Bylaw Regulation and any relevant Plans, Policies or Strategies approved by Council.

6.6 The Planner conducts a site investigation and reviews pertinent policy and issues that may need to be addressed.

6.7 The Planner completes referrals and distributes internally and to external agencies as required.

6.8 The Planner considers the referral comments and works with the applicant to resolve any issues.

6.9 The Planner prepares a staff report for review and approval by the Municipal Planner.

- 6.10 At least 10 days before where the Board of Variance Application is being considered for issuance, Staff will mail notices to the owners/residents of all adjacent property owners. Staff notifies the applicant of the meeting date.
- 6.11 The Planner prepares a Board of Variance package that includes the agenda, the draft minutes from the previous meeting, and staff reports for the applications being considered. The Board members can pick up the package one week prior to the meeting date.
- 6.12 The Board of Variance reviews the application in accordance with section 901 of the *Local Government Act*, and may:
 - i. Approve the Board of Variance Permit; or
 - ii. Deny the Board of Variance Permit application.
- 6.13 The Planner prepares the draft minutes including the resolutions and forwards to Corporate Services.
- 6.14 The Planner notifies the applicant of the Board of Variance decision.
- 6.15 The Development Services Clerk notifies the Building Department of the Board of Variance resolution.
- 6.16 In conjunction with the occupancy permit, the Building Inspector ensures that all requirements and conditions of the Board of Variance are met.
- 6.17 The Development Services Clerk updates all events in Tempest and scans all information related to the application in Tempest.
- 6.18 The original is placed in the safe.
- 6.19 The board of variance application is closed.

TEMPORARY COMMERCIAL AND INDUSTRIAL USE PERMIT APPLICATIONS

6.0 The procedures for assessing a temporary commercial or industrial use permit are as follows:

6.1 The applicant must submit the following basic submittal requirements:

6.1.1 A complete application form signed by the property owner(s).

6.1.2 All applicable application fees.

6.1.3 If there is more than one property owner or the applicant is not a property owner then an Owner's Authorization Form must be completed.

6.1.4 All applications must include the following:

a *State of Title Certificate*, to be dated within 30 days of the application and include copies of all non-financial charges on title (ie. covenants, easements, rights of way, etc.).

3 copies of a legibly scaled (metric) Site Plan, one reduced 8.5" x 11" copy of the Site Plan and one digital copy of the Site Plan showing:

- Civic address and legal description
- Lot area and lot coverage
- Dimensions of the property lines, right of ways, easements
- Dimensions and setbacks of existing and proposed buildings, structures and utilities
- Location of high water mark or top of bank of watercourses and riparian areas (if applicable) or location of SPEA if Riparian Areas Assessment has been completed
- Location and grade of steep slopes (> 30%)
- Location of all existing and proposed water lines, gas lines, wells, septic fields, sanitary sewer and storm drain facilities
- Scale bar and north arrow
- Adjacent property uses
- Description of the temporary commercial or industrial use and the anticipated length of time

6.2 Staff may also request the following additional information at any point to assist with the evaluation of the Temporary Commercial and Industrial Use Permit Application:

- Business Plan
- That the Site Plan include location of sidewalks, pathways, curbs, boulevards, edge of pavement and transit stops, manoeuvring aisles, and vehicle stops.
- Contour plan with existing and proposed contours at 0.5m intervals.
- Landscape plan showing rare and endangered species or habitats; existing and proposed covenant areas; all screening, paving, retaining walls, fencing & other details; location and design of outdoor lighting.
- Floor plans with uses of spaces and dimensions for all levels
- Building signage details
- Archaeology Study
- Ecological Study
- Rainwater management plan
- Riparian Area Assessment Report
- Other reports or assessments necessary to evaluate the Temporary Commercial or Industrial Permit Application.

6.3 Upon receipt of the application, the Development Services Clerk opens a new file in Tempest, logs events, assigns fees, processes invoice and passes the file to the GIS Department to create the subject property map.

6.4 The Development Services Clerk gives the completed application to the Municipal Planner, who assigns the application to a Planner.

6.5 The Planner reviews the application using guidelines in the Official Community Plan and Zoning Bylaw Regulation or other relevant Plans, Policies or Strategies approved by Council.

6.6 The Planner conducts a site investigation and reviews pertinent policy and issues that may need to be addressed.

6.7 The Planner completes referrals and distributes internally and to external agencies as required.

- 6.8 Staff forwards referral comments to applicant/owner and works with applicant/owner to resolve any major issues that may have arisen from the referral process.
- 6.9 Staff prepares a report and the Temporary Use Permit to Council.
- 6.10 At least 10 days before the meeting of Council where the Temporary Commercial or Industrial Use Permit is being considered for issuance, Staff will mail or otherwise deliver notices to the owners and tenants who are in occupation of each parcel any part of which is within 100 metres of any part of the land that is the subject of the application. If 10 or more parcels owned by 10 or more persons are subject of the Temporary Commercial or Industrial Use Permit, then a mailed notice is not required.
 - 6.10.1 Staff notifies the applicant/owner of the Council meeting date.
 - 6.10.2 The Public Hearing is advertised in the paper as per the requirements of the *Local Government Act*.
- 6.11 Council considers the application, and at their discretion, may:
 - i. Approve the Temporary Commercial or Industrial Use Permit, and, if necessary, specify certain conditions;
 - ii. Deny the Temporary Commercial or Industrial Use Permit application and close the application; or
 - iii. Instruct Staff to work with the applicant to resolve outstanding issues before returning to Council for reconsideration.
- 6.12 The Municipal Planner issues the Temporary Commercial or Industrial Use Permit.
- 6.13 Applicant/owner is notified of the decision and informed that the District will register the Temporary Use permit to the title. A copy of the issued Temporary Use permit is sent to the applicant/owner.
- 6.14 The Development Services Clerk updates all events in Tempest and scans all information related to the application in Tempest.
- 6.15 If a Temporary Use Permit has been issued, the applicant may apply to have the permit renewed. A Temporary Use Permit may only be renewed once. The terms of sections 921(8) to 921(12) of the *Local Government Act* and of this policy apply to an application for renewal.

**EXCLUSION, INCLUSION, SUBDIVISION AND
NON-FARM USE APPLICATIONS**
under the *Agricultural Land Reserve Act (ALR)*

- 7.0 The section applies to the following applications:**
- (a) to have land included in the agricultural land reserve (ALR);
 - (b) to have land excluded from the ALR;
 - (c) to subdivide or use land for non-farm purposes within the ALR; and
 - (d) for the special case of the subdivision or non-farm use within the ALR.
- 7.1 The applicant must submit the completed application form prescribed by the Agricultural Land Commission (ALC) with the appropriate fee and supporting documentation to the Development Services Department.
- 7.2 An applicant who is applying to exclude land from the ALR under the *Agricultural Land Reserve Act* must make application to the Development Services Department on the form prescribed by the ALC before complying with the notice requirement of the ALC.
- 7.3 Upon receipt of the application, the Development Services Clerk opens a new file in Tempest, logs events, assigns fees, processes invoice and passes the file to the GIS Department to create the subject property map.
- 7.4 The Development Services Clerk gives the completed application to the Municipal Planner, who assigns the application to a Planner.
- 7.5 The Planner reviews the application using guidelines in the Official Community Plan and Zoning Bylaw Regulation and any relevant Plans, Policies or Strategies approved by Council.
- 7.6 The Planner conducts a site investigation and reviews pertinent policy and issues that may need to be addressed.
- 7.7 Staff prepares a report for presentation to the Committee of the Whole (COW)/Council. Staff advises applicant of meeting date.
- 7.8 Where the application is to exclude land from the ALR, Staff must notify owners and tenants in occupation of each parcel that is within 100 m of the land that is the subject of the application of the Council meeting at which the application will be considered; and that submissions may be presented to the Council at or before this meeting.
- 7.9 Council must review the application and resolve to:

- i. not forward the application to the ALC subject to section 7.10 of this policy;
 - ii. forward the application to the ALC with a recommendation to support the application;
 - iii. forward the application to the ALC with a recommendation to reject the application; or
 - iv. forward the application to the ALC without recommendation.

- 7.10 As set out in section 34(5) of the *Agricultural Reserve Land Act*, the Council may only make a recommendation to not forward an application to the ALC if the application:
 - i. applies to land that is zoned to permit agricultural or farm use in a bylaw, or
 - ii. requires an amendment to the Official Community Plan or Zoning Bylaw in order to proceed.

- 7.11 Development Services staff will complete processing of the application and, if recommended by Council, the Development Services Clerk will forward the application to the ALC with the Council's comments and recommendations concerning the application.

- 7.12 A copy of the application forwarded to the ALC is scanned within Tempest.

- 7.13 Once a resolution is received from the ALC, the applicant/owner is notified and the file is closed and all events within Tempest updated.