



# THE CORPORATION OF THE CITY OF ENDERBY

CONSOLIDATED FOR CONVENIENCE ONLY

BYLAW NO. 1586 AMENDMENT INDEX

BYLAW NO.	ADOPTION	TEXT AMENDMENT
1787		<ul style="list-style-type: none"><li>• Amending all references of the <i>Local Government Act</i> from Pre-RS2015 to RS2015.</li><li>• Removing the definition of '<i>Local Government Act</i>'.</li><li>• Including Section 6.1.1.a.ii and renumbering the remainder of the section accordingly.</li><li>• Replacing Section 6.2.</li><li>• Adding Section 6.2.4.</li><li>• Replacing Section 6.2.2.b.</li><li>• Amending Schedule '1' by adding Section 2.9.1.</li><li>• Amending Schedule '1' by replacing Section 2.11.</li><li>• Amending Schedule '1' by replacing Section 2.12.</li></ul>

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1586

A bylaw to establish procedures for the processing of development applications, including amendments to the Official Community Plan, Zoning Bylaw, or to a Land Use Contract; or Permits under ~~Part 26 of the Local Government Act~~ **Part 14 of the *Local Government Act (1787)***; Agricultural Land Commission applications; and Phased Development Agreements

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WHEREAS the Council of the City of Enderby has adopted an Official Community Plan and a Zoning Bylaw;

AND WHEREAS pursuant to ~~Section 895 (1) of the Local Government Act~~ **Section 460 of the *Local Government Act (1787)***, the Council of the City of Enderby must, by bylaw, define procedures to amend an Official Community Plan or Zoning Bylaw or issue a permit under ~~Part 26 of the Local Government Act~~ **Part 14 of the *Local Government Act (1787)***;

AND WHEREAS the Council of the City of Enderby has designated areas within its Official Community Plan wherein Temporary Use Permits may be issued;

AND WHEREAS pursuant to ~~Section 930 of the Local Government Act~~ **Section 546 of the *Local Government Act (1787)***, the Council of the City of Enderby may modify, vary, or discharge a Land Use Contract;

AND WHEREAS pursuant to ~~Section 905.1 of the Local Government Act~~ **Section 516 of the *Local Government Act (1787)***, the Council of the City of Enderby may, by bylaw, enter into a phased development agreement with a developer;

AND WHEREAS pursuant to Section 25 (3) of the Agricultural Land Commission Act, an application for permission for non-farm use under Section 20 (3) or for subdivision under Section 21 (2) may not proceed unless authorized by a resolution of the Council of the City of Enderby if, on the date the application is made, the application:

- a. applies to land that is zoned by bylaw to permit agricultural or farm use; or
- b. requires, in order to proceed, an amendment to an official settlement plan, an official community plan, an official development plan or a zoning bylaw.

AND WHEREAS pursuant to Section 30 (4) of the Agricultural Land Commission Act, an application to have land excluded from the agricultural land reserve may not proceed unless authorized by a resolution of the Council of the City of Enderby if, on the date the application is made, the application:

- a. applies to land that is zoned by bylaw to permit agricultural or farm use; or
- b. requires, in order to proceed, an amendment to an official settlement plan, an official community plan, an official development plan or a zoning bylaw.

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

**1. CITATION**

This Bylaw shall be cited as "The Corporation of the City of Enderby Development Applications Procedures Bylaw No. 1586, 2016".

**2. INTERPRETATION**

- 2.1 Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the Council of the City of Enderby, as amended, revised, consolidated or replaced from time to time.

- 2.2 If any section, subsection, sentence, clause or phrase of this Bylaw is held to be invalid by a court of competent jurisdiction, that section, subsection, sentence, clause or phrase, as the case may be, will be severed and the validity of the remaining portions of the Bylaw will not be affected.
- 2.3 The schedules attached to this Bylaw form part of this Bylaw.
- 2.4 The headings given to the sections and paragraphs in this Bylaw are for convenience of reference only. They do not form part of this Bylaw and will not be used in the interpretation of this Bylaw.

### 3. DEFINITIONS

In this Bylaw:

**"Agricultural Land Commission"** or **"ALC"** means the Agricultural Land Commission established by the *Agricultural Land Commission Act*.

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

**"Applicant"** means any person who makes application for development under provisions of this Bylaw as authorized by the owner of the parcel(s) of land.

**"Board of Variance"** means the City of Enderby Board of Variance established pursuant to the City of Enderby Board of Variance Bylaw No. 1373, 2005.

**"Bylaw Enforcement Officer"** means the officers, employees, or agents appointed by Council as such.

**"Certified Irrigation Designer"** means an Irrigation Designer certified by the Irrigation Industry Association of British Columbia (IIABC) in good standing with that association and operating in accordance with its Code of Ethics.

**"Chief Administrative Officer"** or **"CAO"** means the Chief Administrative Officer for the City of Enderby appointed by Council pursuant to Section 147 of the *Community Charter*, or the Chief Administrative Officer's designate.

**"City"** means the Corporation of the City of Enderby.

**"Corporate Officer"** means the employee appointed by Council pursuant to Section 148 of the *Community Charter*, or the Corporate Officer's deputy.

**"Council"** means the Council of the City of Enderby.

**"Fees and Charges Bylaw"** means the Fees and Charges Bylaw No. 1479, as amended from time to time.

**"Development Variance Permit"** means a permit authorized by ~~Section 922 of the *Local Government Act*~~ **Section 498 of the *Local Government Act (1787)***.

**"Landscape Architect"** means a registered Landscape Architect in good standing with the British Columbia Society of Landscape Architects (BCSLA) and acting in accordance with all applicable Acts and bylaws and policies of that Society.

**"Land Use Contract"** means a current Land Use Contract which is being amended, varied, or discharged as per ~~Section 930 of the *Local Government Act*~~ **Section 546 of the *Local Government Act (1787)***.

~~"Local Government Act" means the *Local Government Act* prior to the Statutory Revision which took effect on January 1, 2016. (1787)~~

**"Lot"** means a parcel of land, including Crown land, which is legally described either by registered plan or description.

**"Official Community Plan" or "OCP"** means the City of Enderby Official Community Plan Bylaw No. 1549, 2014, as amended from time to time.

**"Owner"** means the registered owner(s) of property as indicated on the Land Title Certificate.

~~"Phased Development Agreement" means an agreement authorized by Section 905.1 of the *Local Government Act*~~ **Section 516 of the *Local Government Act (1787)***.

~~"Public Hearing" means a Public Hearing of Council pursuant to Section 890 of the *Local Government Act*~~ **Section 464 of the *Local Government Act. (1787)***

**"Qualified Environmental Professional"** means an applied scientist or technologist, acting alone or together with another Qualified Environmental Professional, if:

- a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association;
- b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal; and
- c) the individual is acting within that individual's area of expertise.

**"Qualified Registered Professional"** means person who has a valid license from or a registration by an applicable professional association or professional regulatory organization and is presently a member in good standing.

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

~~"Temporary Use Permit" means a permit authorized by Section 921 of the *Local Government Act*~~ **Section 493 of the *Local Government Act. (1787)***

**"Zoning Bylaw"** means City of Enderby Zoning Bylaw No. 1550, 2014 as amended from time to time.

## **4. GENERAL PROVISIONS**

### **4.1 MAKING APPLICATION**

#### **4.1.1 General Requirements for All Applications**

In addition to application requirements found elsewhere in this Bylaw, the following is required for all applications made under this Bylaw:

- a. An application made pursuant to this Bylaw will be made to the Chief Administrative Officer and will be executed in writing by the Owner(s) of the land that is subject to the application, or by a person authorized by the Owner(s).

- b. If there is a change of ownership of a Lot that is the subject of an application pursuant to this Bylaw, the City will require an updated title certificate and written authorization from the new Owner(s) prior to proceeding with the application.
- c. An application made pursuant to this Bylaw will be submitted to the City on the prescribed application form approved by the Chief Administrative Officer and will include an application fee, payable to the City, in accordance with the Fees and Charges Bylaw.

#### **4.1.2 Application Requirements and Processing**

- a. An application for an amendment to the Official Community Plan, Zoning Bylaw, or a Land Use Contract amendment or discharge will be made and processed substantially as outlined in Schedule '1' of this Bylaw.
- b. An application for a Development Variance Permit will be made and processed substantially as outlined in Schedule '2' of this Bylaw.
- c. An application for a Temporary Use Permit will be made and processed substantially as outlined in Schedule '3' of this Bylaw.
- d. An application in respect of land within the Agricultural Land Reserve will be made and processed substantially as outlined in Schedule '4' of this Bylaw.
- e. An application for a Phased Development Agreement will be made and processed substantially in accordance with Schedule '5' of this Bylaw.

#### **4.2 COUNCIL'S RIGHT TO POSTPONE**

Council may, by resolution, agree to postpone consideration of individual amendments to the Official Community Plan Bylaw or the Zoning Bylaw until completion of any major review that the said Bylaw may be undergoing at the time of the request.

#### **4.3 DELEGATION OF AUTHORITY**

Pursuant to Section 154 (1) (b) of the *Community Charter*, Council delegates to the Chief Administrative Officer the duties and powers of Council as follows:

##### **4.3.1 Form and Content of Application Forms**

The Chief Administrative Officer may designate the form and content of application forms and in so doing may prescribe different forms for different categories of applications based on the nature or complexity of the application.

##### **4.3.2 Development Approval Information**

The powers of Council under ~~Section 920.1 of the *Local Government Act*~~ **Part 14 Division 6 – Development Approval Information Requirements (1787)** to require development approval information in respect of an application made under this Bylaw. Development approval information required under this Section will be provided by the applicant at the applicant's expense.

##### **4.3.3 Performance Security**

The powers of Council under ~~Section 925 of the *Local Government Act*~~ **Section 502 of the *Local Government Act (1787)*** to require security as a condition of the issuance of a

Development Variance Permit or Temporary Use Permit in accordance with Section 4.6 of this Bylaw.

#### **4.3.4 Council Reconsideration**

- a. Within fourteen (14) business days of being notified in writing of the decision of the Chief Administrative Officer to require Development Approval Information or to require security as a condition of the issuance of a Development Variance Permit or Temporary Use Permit, the applicant may, and at no charge, request Council to reconsider the decision.
- b. For a request under Section 4.3.4.(a), the applicant must give notice in writing to the Corporate Officer setting out the grounds on which the Owner considers the decision to be inappropriate and what decision Council ought to use as a substitute.
- c. The Corporate Officer will notify the Chief Administrative Officer of a request for reconsideration and the Chief Administrative Officer will, prior to the date of the meeting at which the reconsideration will occur, provide a written report to Council setting out the reasons for the decision.
- d. The Corporate Officer will place each request for reconsideration on the agenda of a regular, open meeting of Council upon receiving all relevant information, unless the closed meeting provisions of the *Community Charter* apply, in the sole determination of the Corporate Officer.
- e. The Corporate Officer will notify the applicant of the date of the meeting at which reconsideration will occur. The applicant will be given an opportunity to make representation before Council with respect to the reconsideration.
- f. Council will either confirm the decision of the Chief Administrative Officer or substitute its own decision.
- g. In a reconsideration, Council's decision is final.

#### **4.4 DEVELOPMENT APPROVAL INFORMATION**

**4.4.1** Where the OCP specifies circumstances or designates areas of “development approval information”, the Chief Administrative Officer may require in writing that the applicant provides development approval information in a report that is certified by a Qualified Registered Professional and complies with and fully addresses the terms of reference which are provided by the Chief Administrative Officer in accordance with Section 4.4.4 of this Bylaw, which may include:

- a. Identifying and defining the context, interaction, scope, magnitude and significance of the anticipated impacts of the activity or development on the site, area, and/or community, as well as the data and methodological accuracy, assumptions, uncertainties, acceptability thresholds, and how the anticipated impacts may cumulatively contribute to existing risks, stressors, and threats;
- b. Providing recommendations for conditions or requirements that may be imposed to mitigate or ameliorate the anticipated impacts; and
- c. Providing recommendations and detailed costs for modifications to the environment, or construction of works, to mitigate or ameliorate the anticipated impacts.

**4.4.2** Pursuant to ~~Section 920.1 of the Local Government Act~~ **Part 14 Division 6 – Development Approval Information Requirements (1787)** and the Official Community Plan, and without limiting any power or ability expressed elsewhere, the City may require an applicant to provide reports and impact studies including but not limited to the following:

- a. Environmental Impact Assessment;
- b. Environmental Management Plan;
- c. Biophysical Constraints;
- d. Geotechnical Study;
- e. Transportation and Traffic Impact Study;
- f. Site Access and Servicing (including sensitive habitat and natural hazards, accessibility, energy and water conservation);
- g. Visual Impact Assessment;
- h. Stormwater Management Study;
- i. Wildfire Hazard Assessment;
- j. Biological Assessment;
- k. Functional Servicing Report;
- l. Tree Assessment Study;
- m. Demand for Local Community Service Study; and
- n. Other Studies as deemed necessary.

**4.4.3** Where applicable, an assessment required under this Section must make recommendations on measures to mitigate and to compensate for any impacts identified.

**4.4.4** The applicant will be required to work with the City to review and confirm the terms of reference for the report or impact study.

**4.4.5** The applicant will be required to provide the reports and studies prepared by Qualified Registered Professionals at the applicant's expense and in accordance with the terms of reference for the report or study. The City may require an independent review of the study at the applicant's expense, in certain circumstances including but not limited to: Staff expertise, Staff capacity, and to ensure the timely review of the study results. The applicant will be notified if an independent review is required and will be provided a cost estimate prior to the independent review proceeding.

**4.4.6** If it is determined by the Chief Administrative Officer that a report or study containing development approval information is incomplete or deficient, the applicant will be notified in writing of the nature of the deficiencies and the timeframe to submit the revised report or study.

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

**4.4.8** The City may at its sole discretion make available to any person or the public more generally, all or part of a report, study, or independent review required under this part, consistent with applicable legislation.

## **4.5 PLANS COMPLETED BY A REGISTERED PROFESSIONAL**

**4.5.1** Where a development proposal indicates a building that meets any of the following criteria, all building plans, elevations and floor plans must be completed by a registered architect or engineer in good standing and licensed to practice in BC:

- a. The building footprint exceeds 600 m<sup>2</sup>;
- b. The building height exceeds three storeys;
- c. The building is used for Assembly Occupancies, including but not limited to theatres, churches, community halls, restaurants, schools and arenas;
- d. The building is used for Care and Detention Occupancies, including but not limited to prisons, hospitals and nursing homes;
- e. The building is used for High Hazard Occupancies, including but not limited to spray painting operations, waste paper processing plants, chemical plants and bulk plants for flammable liquids; or
- f. The building requires firewalls as provided for in the BC Building Code with a common egress system for occupants.

## **4.6 PERFORMANCE SECURITY**

### **4.6.1 Form of Security**

Security will be in the form of a cash deposit, certified cheque, or an irrevocable letter of credit, effective for a period to be determined by the Chief Administrative Officer. Such irrevocable letter of credit will be clean and unconditional, automatically renewing and redeemable at a financial institution acceptable to the City, and may be subject to additional conditions to be specified by the Chief Administrative Officer. Security will be required prior to the issuance of a permit.

### **4.6.2 Amount of Security**

The amount of security will be calculated using:

- a. An estimate or quote provided at an applicant's expense by a professional qualified to undertake or supervise the works for which the securities are required; and
- b. The Chief Administrative Officer may require the applicant to obtain a second quote from a qualified professional of the Chief Administrative Officer's choosing, at the applicant's expense; or
- c. Such methodologies as the Chief Administrative Officer may prescribe from time to time.

### **4.6.3 Conditions of Security**

Where security is a condition of a permit,

- a. In the case of a condition in a permit respecting landscaping works, the amount will be 125% of the cost of the works, including inspections, monitoring and maintenance, paid in full prior to permit issuance.
- b. In the case of an unsafe condition that might result from a contravention of a permit condition, the amount of security will reflect the nature of the permit condition, the nature of the unsafe condition, and the cost to the City of entering on the land, undertaking work to correct the unsafe condition, including the cost of repairing any



damage to land and improvements that may have been caused by the unsafe condition or that may have occurred in connection with the repair work.

- c. In the case of damage to the natural environment that might result from a contravention of a permit condition, the amount will reflect the nature of the permit condition, the nature of the damage, and the cost to the City of entering on the land, correcting the damage to the environment, and restoring or enhancing the natural environment to compensate for the damage that has been caused by the contravention of the permit condition.
- d. Where security is required pursuant to Sections 4.6.3 (b) and (c) of this Bylaw, the City will return to the applicant the entirety of the security deposit, and any accrued interest equivalent to the interest rate charge on the City's operating bank account, upon receipt of a Letter of Assurance from a Qualified Registered Professional certifying that the unsafe condition or damage to the natural environment has been corrected, less the value of any expenditure incurred by the City pursuant to Section 4.6.3 (b) and (c) of this Bylaw.
- e. Where security is required as a condition of a permit as per Section 4.6.3 (a), the following will also apply:
  - i. The landscape works (including irrigation) will be considered substantially complete upon receipt of letters or statements from a Landscape Architect or Certified Irrigation Designer which certify that the landscape and irrigation works have been completed in accordance with the approved permit.
  - ii. Upon substantial completion, the City will return to the applicant ninety percent (90%) of the security deposit. The City may withhold the remaining ten (10) percent for up to two (2) growing seasons.
  - iii. At least one (1) year after substantial completion of the landscape works, the City may return the remainder of the security deposit on the condition that a letter or statement has been submitted by a Landscape Architect certifying that the landscaping remains in substantial compliance with the approved permit.

#### **4.7 NOTICE OF DECISION**

Written notice of a Council decision will be mailed or otherwise delivered by the Corporate Officer to an applicant at the address provided on the application form.

#### **4.8 INCOMPLETE APPLICATIONS**

If the Chief Administrative Officer determines that an application is incomplete, 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 fee will be returned. An incomplete application is deemed not to have been received.

#### **4.9 PERMIT RENEWALS, EXTENSIONS AND LAPSES**

##### **4.9.1 Permit Renewals and Extensions**

- a. Applications to renew or to extend a Development Variance Permit or Temporary Use Permit must make application prior to the lapse of the permit.
- b. Applications to renew or to extend a Development Variance Permit or Temporary Use Permit will be made and processed substantially in accordance with Schedules '2' and '3' of this Bylaw, as applicable.
- c. A Development Variance Permit may only be renewed or extended three (3) times, with each individual renewal or extension not exceeding two (2) years in duration measured from the date of issuance of the permit by Council.

- d. A Temporary Use Permit may be renewed only once as provided for in ~~Section 921 of the Local Government Act~~ **Section 493 of the Local Government Act. (1787)**

#### **4.9.2 Permit Issuance and Lapse**

- a. A Development Variance Permit and Temporary Use Permit are considered to have been issued upon the date of their authorization by Council.
- a. Subject to the terms of the permit, if the holder of a permit does not substantially start any construction with respect to which the permit was issued within two (2) years after the date it is issued, the permit lapses pursuant to ~~Section 926 of the Local Government Act~~ **Section 504 of the Local Government Act. (1787)**

#### **4.10 LAPSE OF APPLICATION**

**4.10.1** In the event that an application made pursuant to this Bylaw is one (1) year old or older and has been inactive for a period of six (6) months or greater:

- a. The application will be deemed to be abandoned;
- b. In the case of an amendment application, the Corporate Officer may place on the agenda of a meeting of Council a motion to rescind all readings of the bylaw associated with that amendment application.

**4.10.2** Upon written request by the applicant prior to the lapse of the application, and subject to the payment of any applicable fees and charges, the Corporate Officer may extend the deadline for a period of six (6) months.

**4.10.3** If a proposal under Schedules '1' or '3' is deemed to have lapsed prior to advertising, the applicable refund will be paid to the applicant in accordance with the Fees and Charges Bylaw.

**4.10.4** For a lapsed application to proceed, a new application and fee will be required and the process restarted, and any readings associated with a bylaw that has not been adopted shall be considered repealed or rescinded notwithstanding any other Council resolution.

#### **4.11 RE-APPLICATION**

Where an application made pursuant to this Bylaw has been refused by Council, re-application will not be accepted for a six (6) month period immediately following the date of refusal, but this time period may be varied by an affirmative vote of at least 2/3 of Council, pursuant to ~~Section 895 (3) of the Local Government Act~~ **Section 460 (3) of the Local Government Act. (1787)**

#### **4.12 BOARD OF VARIANCE**

Board of Variance applications shall follow the regulations and process as outlined in the City of Enderby Board of Variance Bylaw No. 1373, 2005, as amended from time to time, and ~~Sections 901 and 902 of the Local Government Act~~ **Part 14 Division 15 – Board of Variance of the Local Government Act. (1787)**

#### **4.13 ENFORCEMENT**

##### **4.13.1 Inspection**

The Chief Administrative Officer or any other authorized agent of the City is hereby authorized to enter at all reasonable times upon any premises to ascertain whether the regulations and provisions of this Bylaw are being, or have been met.

#### 4.13.2 Offence

- a. Every person who violates a provision of this Bylaw commits an offence and is liable on summary conviction to a penalty not exceeding Ten Thousand Dollars (\$10,000.00) and the costs of prosecution.
- b. Each day a violation of the provisions of this Bylaw exists or is permitted to exist will constitute a separate offence.
- c. No person will interfere with or obstruct the entry of an authorized agent of the City onto any land or into any building to which entry is made or attempted pursuant to the provisions of this Bylaw.

### 5. APPLICATION FEES

#### 5.1 APPLICATION FEE REQUIREMENT

5.1.1 At the time of application, the applicant will pay to the City any application fees in the amounts as set out in the Fees and Charges Bylaw.

5.1.2 Where one or more Public Information Meeting(s) is required, the applicant will pay all costs associated with the Public Information Meeting(s).

5.1.3 The fees prescribed in Fees and Charges Bylaw apply to each parcel of land for which the application is made, as follows:

- a. If an application involves two or more contiguous parcels of land, they will be treated as one proposal;
- b. If an application involves two or more parcels of land that are not contiguous, they will be treated as separate applications and the fee prescribed in the Fees and Charges Bylaw applies to each parcel of land for which the application is made;
- c. The Chief Administrative Officer, at his/her discretion, may waive the fee described in 5.1.3 (b) of this Bylaw if it is determined that the planning analyses for the two or more parcels of land that are not contiguous, are essentially similar, and do not represent a significant incremental cost to the City.

### 6. PUBLIC NOTIFICATION AND CONSULTATION

#### 6.1 PUBLIC NOTIFICATION

##### 6.1.1 Giving Notice

- a. In accordance with the *Local Government Act*, the City will mail or otherwise deliver individual notices to all Owners and tenants of the subject property for which an application is being made, and all Owners and tenants of all other properties within a distance of not less than 30 metres measured from the boundaries of any subject property to which the application pertains and which are located within City limits, advising of:
  - i. A scheduled Public Hearing for an Official Community Plan or Zoning Bylaw amendment, or Land Use Contract Discharge or Amendment;
  - ii. **A scheduled Council meeting for considering a Zoning Bylaw where the City decides *not* to hold a public hearing, or is prohibited from holding a public hearing in accordance with Section 464 of the *Local Government Act* (1787)**

- iii. A scheduled Council meeting for considering a Development Variance Permit; **(1787)**
  - iv. A scheduled Council meeting for considering a Temporary Use Permit; **(1787)**
  - v. A scheduled Council meeting for considering a Phased Development Agreement Bylaw; or **(1787)**
  - vi. A scheduled Board of Variance meeting to consider an application. **(1787)**
- b. The notification outlined in sub-section 6.1.1(a) is not required if 10 or more parcels owned by 10 or more persons are subject of the application.
- c. Individual notices will be mailed or otherwise delivered not less than ten (10) days prior to Council consideration of a Temporary Use Permit or Development Variance Permit, or the consideration of an application by the Board of Variance, and not less than ten (10) days prior to the holding of a Public Hearing for an Official Community Plan or Zoning Bylaw amendment, Land Use Contract Discharge or Amendment, or Phased Development Agreement.

## 6.2 PUBLIC HEARINGS

~~In accordance with the *Local Government Act*, the City will not adopt or amend an Official Community Plan Bylaw, Zoning Bylaw, Phased Development Agreement Bylaw or a Bylaw under Section 548 of the *Local Government Act* [early termination of Land Use Contracts] of the *Local Government Act*, or approve a permit, without first holding a Public Hearing on the bylaw or permit in order to allow the public to make representations to Council respecting matters contained in the proposed bylaw or permit. **(1787)**~~

**In accordance with the *Local Government Act*, the City will not adopt or amend an Official Community Plan Bylaw, Zoning Bylaw, Phased Development Agreement Bylaw or a Bylaw under Section 548 of the *Local Government Act* [early termination of Land Use Contracts] of the *Local Government Act*, or approve a Temporary Use Permit, without holding a Public Hearing on the bylaw or permit in order to allow the public to make representations to Council respecting matters contained in the proposed bylaw or permit.**

**If the City decides not to hold a public hearing, or is prohibited from holding a public hearing under Section 464 of the *Local Government Act*, the City will give notice that a public hearing is not held in accordance Section 6.2.4 of this Bylaw. **(1787)****

### 6.2.1 Waiving of a Public Hearing

~~Pursuant to Section 890 (4) of the *Local Government Act* Section 464 (2) of the *Local Government Act* **(1787)**, the City may waive the holding of a Public Hearing for an application to amend the Zoning Bylaw, if the proposed bylaw is consistent with the Official Community Plan.~~

### 6.2.2 Giving Notice of a Public Hearing

In addition to the public notification requirements contained in Section 6.1 of this Bylaw, public notice of a Public Hearing to be held under Section 6.2 of this Bylaw must:

- a. State the following:
  - i. the time and date of the hearing;
  - ii. the place of the hearing;
  - iii. in general terms, the purpose of the bylaw;

- iv. the land or lands that are the subject of the bylaw; and
  - v. the place where and the times and dates when copies of the bylaw may be inspected.
- ~~b. Be published in at least 2 consecutive issues of a newspaper, the last publication to appear not less than 3 days and not more than 10 days before the public hearing, except for in the case of a Temporary Use Permit in which case the public notice must be published in a newspaper at least 3 days and not more than 14 days before the adoption of the resolution to issue the permit. (1787)~~
- b. Be provided in accordance with Sections 466 or 494 of the *Local Government Act* and the standards prescribed in the City of Enderby Public Notice Bylaw No. 1770, 2023. (1787)**
- c. Include a sketch that shows the area that is the subject of the bylaw alteration, including the name of adjoining roads if applicable, if the public notice is given in relation to a Temporary Use Permit or a bylaw which, i) proposes to alter the permitted use or density of any area, or ii) is a bylaw under section 548 of *the Local Government Act* [early termination of land use contracts]. If the location of the land can be clearly identified in the notice in a manner other than a sketch, it may be identified in that manner.

### 6.2.3 Obligation to Deliver Notice of Public Hearing

The obligation to deliver a notice under Section 6.2.2 of this Bylaw is satisfied if a reasonable effort was made to mail or otherwise deliver the notice, pursuant to ~~Section 892 (6) of the *Local Government Act*~~ **Section 466 (8) of the *Local Government Act*. (1787)**

### 6.2.4 Notice if Public Hearing Not Held

**Where the City decides not to hold a public hearing, or is prohibited from holding a public hearing under Section 464 of the *Local Government Act*, the City will provide notice that a public hearing is not held in accordance with Section 467 of the *Local Government Act* and the standards prescribed in the City of Enderby Public Notice Bylaw No. 1770, 2023. The notice will include a statement that written representations respecting the proposed bylaw may be submitted to the City up until 3:00 pm on the day in which the bylaw will be considered by Council for first reading, with the written submissions to be read before Council at the meeting, prior to first reading. (1787)**

## 6.2 PUBLIC INFORMATION MEETINGS

- a. Applicants are encouraged as a best practice to hold Public Information Meetings prior to a statutory Public Hearing or prior to the application being considered by Council to provide an opportunity for the public to access information about the proposal.
- b. Council may require an applicant to arrange and conduct a Public Information Meeting to the satisfaction of the City according to the following guidelines:
  - i. The location, time and duration of a Public Information Meeting shall be set in accordance with the intent to provide a reasonable opportunity for the public to access information and to inquire thoroughly about the proposal.
  - ii. Where a Public Information Meeting is required by Council, the applicant shall submit to the Corporate Officer a report summarizing the Public Information Meeting and providing, at a minimum, responses to the following questions:
    - Where was the meeting held?

- At what time and for what duration was the meeting held?
  - How many people attended the meeting?
  - How was the meeting advertised?
  - How were surrounding property owners notified of the meeting?
  - What information was provided at the meeting?
  - What specific concerns were expressed by the public, and what was the nature of the response given?
- c. The Corporate Officer shall advance the report of the Public Information Meeting to Council as part of a Statutory Public Hearing information package or otherwise as part of the information that Council will review when considering the application.

### **6.3 INTERNAL AND EXTERNAL REFERRAL PROCESS**

- a. When reviewing applications, Staff may develop a referral list of agencies, organizations, levels of government, or internal departments to which the application may be sent for review and comment.
- b. Each agency, organization, level of government, or internal department will be given thirty (30) days, or less at the discretion of the Chief Administrative Officer, from receipt of the referral, to provide any comments. If after thirty (30) days, or fewer if referral period has been reduced at the discretion of the Chief Administrative Officer, the agency, organization, level of government, or internal department has not notified the City in writing about their concerns, the agency, organization, level of government, or internal department is considered to have no concern.
- c. The Chief Administrative Officer may grant an extension of up to thirty (30) days as requested by an agency, organization, level of government, or internal department as long as the request is made before the initial referral period has ended.

## **7. IRREGULARITY**

- 7.1 The failure of Council to observe the provisions of this Bylaw does not affect the validity of resolutions passed or bylaws enacted by Council.

## **8. REPEAL AND EFFECTIVE DATE**

- 8.1 This Bylaw repeals the "City of Enderby Land Use Procedures Bylaw No. 1116, 1994" and all amendments thereto.
- 8.2 This Bylaw comes into force and takes effect on the date of adoption.

READ a FIRST time this 18<sup>th</sup> day of January, 2016.

READ a SECOND time this 18<sup>th</sup> day of January, 2016.

READ a THIRD time this 18<sup>th</sup> day of January, 2016.

ADOPTED this 1<sup>st</sup> day of February, 2016.

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Mayor

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Chief Administrative Officer

## **Schedule '1' - Applications for an Amendment to the Official Community Plan Bylaw, Zoning Bylaw or Land Use Contract Amendment or Discharge**

This information is not regarded as the right to development approval if the steps indicated are followed.

### **1.0 APPLICATION REQUIREMENTS**

- 1.1 Application requirements are specified in the City of Enderby Development Application Form.
- 1.2 Additional Development Approval Information may be required by the Chief Administrative Officer to adequately evaluate an amendment application, in accordance with Section 4.4 of this Bylaw.

### **2.0 PROCESSING PROCEDURES**

An application for an amendment to the Official Community Plan, Zoning Bylaw, or a Land Use Contract amendment or discharge submitted in accordance with this Bylaw will be processed as follows:

- 2.1 The applicant will have a pre-application meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the City.
- 2.2 Upon receipt of an application package submitted to the City in accordance with the requirements of this Bylaw, Staff will issue a fee receipt to the applicant.
- 2.3 Staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. Staff will open a file only upon receipt of a complete submission package.
- 2.4 Staff will review the proposal for compliance with relevant City bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- 2.5 Staff will refer the application to all applicable agencies, organizations, levels of government, and internal departments.
- 2.6 Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - 2.6.1 Resolve conditions/requirements identified in the Comprehensive Letter(s);
  - 2.6.2 Submit any necessary reports/studies; and
  - 2.6.3 Complete any required approvals.
- 2.7 Staff will prepare a Staff report for Council's consideration, incorporating feedback received from the referral process.
- 2.8 Staff will mail or otherwise deliver notices to adjacent property owners as per Section 6.1.1 of this Bylaw and as per requirements of the *Local Government Act*.
- 2.9 Staff will give notice of a Public Hearing as per Section 6.2.2 of this Bylaw and as per requirements of the *Local Government Act*.
- 2.9.1 **Staff will give notice if a Public Hearing is not held as per Section 6.2.4 of this Bylaw and the requirements of the *Local Government Act*. (1787)**



- 2.10** The applicant is encouraged to attend the Council meeting at which the application will be considered.
- ~~**2.11** Council will receive the Staff report, and if Council decides to proceed with the amendment application, the amending bylaw(s) may be given first and second readings. Council may alternatively decide to postpone or deny the application. (1787)~~
- 2.11** Council will receive the Staff report, and Council may choose one of the following options for the amending bylaw(s):
- i. If Public Hearing is not being held, give up to three readings and adoption, subject to Section 135 of the *Community Charter* and Section 480 of the *Local Government Act*;
  - ii. Give first and second readings and forward to a Public Hearing; or
  - iii. Postpone consideration or deny. (1787)
- ~~**2.12** Should the bylaw(s) receive first and second readings, a Public Hearing will be held to allow the public to comment on the application and notice of the Public Hearing will be given pursuant to Section 6.2.2 of this Bylaw and the *Local Government Act*. (1787)~~
- 2.12** Should the bylaw(s) receive first and second reading and be forwarded to a Public Hearing, a Public Hearing will be held to allow the public to comment on the application and notice of the Public Hearing will be given pursuant to Section 6.2.2 of this Bylaw and the *Local Government Act*. (1787)
- 2.12.1** In accordance with ~~Section 890(4) of the *Local Government Act*~~ **Section 464 (2) of the *Local Government Act* (1787)** and Section 6.2.1 of this Bylaw, Staff may include a request in the Staff report for first and/or second reading of a Zoning Bylaw amendment bylaw(s) for Council to consider waiving the Public Hearing if the proposed bylaw(s) is consistent with the Official Community Plan.
- 2.13** Following the close of the Public Hearing, Council may proceed with third reading of the amending bylaw(s) (including the imposition of conditions), postpone or deny the application. Upon third reading, an amendment bylaw(s) may need to be referred to the relevant provincial minister(s) for signature before proceeding to adoption.
- 2.14** Once the applicant has adequately addressed all of the conditions identified (if any), and the bylaw(s) has received signatures from any relevant provincial minister(s), Council will consider the adoption of the bylaw(s).
- 2.15** The Corporate Officer will notify the applicant in writing of the decision of Council.

## **Schedule '2' - Applications for a Development Variance Permit**

This information is not regarded as the right to development approval if the steps indicated are followed.

### **1.0 APPLICATION REQUIREMENTS**

- 1.1 Application requirements are specified in the City of Enderby Development Application Form.
- 1.2 Additional information may be required by the Chief Administrative Officer to evaluate adequately and to make a recommendation to Council concerning a Development Variance Permit, in accordance with Section 4.4 of this Bylaw.

### **2.0 PROCESSING PROCEDURES**

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

- 2.1 The applicant will have a pre-application meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the City.
- 2.2 Upon receipt of an application package submitted to the City in accordance with the requirements of this Bylaw, Staff will issue a fee receipt to the applicant.
- 2.3 Staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. Staff will open a file only upon receipt of a complete submission package.
- 2.4 Staff will review the proposal for compliance with relevant City bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- 2.5 Staff will refer the application to all applicable agencies, organizations, levels of government, and internal departments.
- 2.6 Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - 2.6.1 Resolve conditions/requirements identified in the Comprehensive Letter(s);
  - 2.6.2 Submit any necessary reports/studies; and
  - 2.6.3 Complete any required approvals.
- 2.7 Staff will mail or otherwise deliver notices to adjacent property owners as per Section 6.1.1 of this Bylaw and as per requirements of the *Local Government Act*.
- 2.8 Staff will prepare a Staff report for Council's consideration, incorporating feedback received from the referral process.
- 2.9 The applicant is encouraged to attend the meeting of the Council at which the application is being considered.
- 2.10 Council will receive Staff report, and Council may grant the requested permit, or may postpone or deny the application.
- 2.11 The Corporate Officer will notify the applicant in writing of the decision of Council.

**2.12** If a Development Variance Permit is granted, a Notice of Permit will be registered on the title of the property at the Land Title Office by Staff.

## **Schedule '3' - Applications for a Temporary Use Permit**

This information is not regarded as the right to development approval if the steps indicated are followed.

### **1.0 APPLICATION REQUIREMENTS**

- 1.1 Application requirements are specified in the City of Enderby Development Application Form.
- 1.2 Additional information may be required by the Chief Administrative Officer to evaluate adequately and to make a recommendation to Council concerning a Development Variance Permit, in accordance with Section 4.4 of this Bylaw.

### **2.0 PROCESSING PROCEDURE**

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

- 2.1 The applicant will have a pre-application meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the City.
- 2.2 Upon receipt of an application package submitted to the City in accordance with the requirements of this Bylaw, Staff will issue a fee receipt to the applicant.
- 2.3 Staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. Staff will open a file only upon receipt of a complete submission package.
- 2.4 Staff will review the proposal for compliance with relevant City bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- 2.5 Staff will refer the application to all applicable agencies, organizations, levels of government, and internal departments.
- 2.6 Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - 2.6.1 Resolve conditions/requirements identified in the Comprehensive Letter(s);
  - 2.6.2 Submit any necessary reports/studies; and
  - 2.6.3 Complete any required approvals.
- 2.7 Staff will prepare a Staff report for Council's consideration, incorporating feedback received from the referral process.
- 2.8 Staff will mail or otherwise deliver notices to adjacent property owners as per Section 6.1.1 of this Bylaw and as per requirements of the *Local Government Act*.
- 2.9 Staff will give notice of a Public Hearing as per Section 6.2.2 of this Bylaw and as per requirements of the *Local Government Act*.
- 2.10 The applicant is encouraged to attend the Council meeting at which the application will be considered.

- 2.10** Council will receive Staff report, and Council may grant the requested permit, or may postpone or deny the application.
- 2.11** The Corporate Officer will notify the applicant in writing of the decision of Council.
- 2.12** If a Temporary Use Permit is granted, a Notice of Permit will be registered on the title of the property at the Land Title Office by Staff.

## **Schedule '4' - Applications under the Agricultural Land Commission Act**

This information is not regarded as the right to development approval if the steps indicated are followed.

### **1.0 APPLICATION REQUIREMENTS**

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

An application under Section 30(4) of the *Agricultural Land Commission Act* for exclusion of land from the ALR requires evidence that all registered owners of land that share a common boundary with the property under application, including Owners of property separated by a public road have been served a signed copy of the application (note that these requirements exceed ALC notification requirements).

### **2.0 PROCESSING PROCEDURES**

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

- 2.1** The applicant will have a pre-application meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the City.
- 2.2** Upon receipt of an application package submitted to the City in accordance with the requirements of this Bylaw, Staff will issue a fee receipt to the applicant.
- 2.3** Staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. Staff will open a file only upon receipt of a complete submission package.
- 2.4** Staff will review the proposal for compliance with relevant City bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- 2.5** Staff will refer the application to all applicable agencies, organizations, levels of government, and internal departments.
- 2.6** Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
  - 2.6.1** Resolve conditions/requirements identified in the Comprehensive Letter(s);
  - 2.6.2** Submit any necessary reports/studies; and
  - 2.6.3** Complete any required approvals.
- 2.7** Staff will prepare a Staff report for Council's consideration, incorporating feedback received from the referral process.
- 2.8** The applicant is encouraged to attend the Council meeting at which the application will be considered.
- 2.9** Council will receive the Staff 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:

- 2.9.1** Authorize the application to proceed to the ALC; or
- 2.9.2** Not authorize the application to proceed to the ALC.
- 2.10** If Sections 25 (3) or 30(4) of the *Agricultural Land Commission Act* are not triggered by the proposal, Council may make a recommendation(s) for ALC consideration.
- 2.11** The Corporate Officer will notify the applicant in writing of the decision of Council.
- 2.12** If the application is authorized by Council, Staff will forward a Local Government Report, including the complete application, Staff report and Council resolution to the ALC for consideration.

## **Schedule '5' - Applications for a Phased Development Agreement**

This information is not regarded as the right to development approval if the steps indicated are followed.

### **1.0 APPLICATION REQUIREMENTS**

Prior to the preparation of any Phased Development Agreement documents, an applicant subject to this schedule must first submit a request for Council's authorization to proceed with a Phased Development Agreement. The request must include, but will not be limited to, the following:

- 1.1 A State of Title certificate, printed within ninety (90) days before making application, for all properties subject of the application;
- 1.2 Owner's Authorization (where applicable);
- 1.3 A letter of request outlining the subject property(s), including legal descriptions, and an outline of the proposed development;
- 1.4 A map illustrating the subject property(s);
- 1.5 A terms of reference for the Phased Development Agreement addressing those items required under the applicable provisions of the *Local Government Act*.

### **2.0 PROCESSING PROCEDURES**

A Phased Development Agreement application submitted in accordance with this Bylaw will be processed as follows:

- 2.1 The applicant will have a pre-application meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the City.
- 2.2 Upon receipt of an application package submitted to the City in accordance with the requirements of this Bylaw, Staff will issue a fee receipt to the applicant.
- 2.3 Staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. Staff will open a file only upon receipt of a complete submission package.
- 2.4 Staff will review the proposal and work with the applicant as necessary to prepare a report for Council's authorization to proceed with the preparation of a Phased Development Agreement.
- 2.5 Council will consider the Staff report and may consider whether to authorize, authorize with conditions, or deny the preparation of a Phased Development Agreement.
- 2.6 If authorized, Staff will work with the applicant to prepare a draft Phased Development Agreement, which may require additional supporting information.
- 2.7 Staff will refer the draft Phased Development Agreement to all applicable agencies, organizations, levels of government, internal departments, and the City's solicitor.
- 2.8 Staff will prepare a Staff report incorporating feedback received from the referral process, accompanied by the draft Phased Development Agreement, for Council's consideration.
- 2.9 The applicant is encouraged to attend the Council meeting at which the application will be considered.



- 2.10** Council will receive the Staff report, and if Council decides to proceed with the application, the Phased Development Agreement bylaw will be given first and second readings (including the placement of conditions, where appropriate). Council may alternatively decide to defer, postpone or deny the application.
- 2.11** Should the bylaw receive first and second readings, a Public Hearing will be held to allow the public to comment on the application and notice of the Public Hearing will be given pursuant to Section 6.2.2 of this Bylaw and the *Local Government Act*.
- 2.12** Following the close of the Public Hearing, Council will consider the bylaw and may proceed with third reading, defer, postpone or deny the application.
- 2.13** Once the applicant has adequately addressed all of the conditions identified (if any), Council will consider the adoption of the bylaw.
- 2.14** The Corporate Officer will notify the applicant in writing of the decision of Council.
- 2.15** If approved, notice of the Phased Development Agreement will be registered on Title.