

DISTRICT OF LAKE COUNTRY

BYLAW 1201, 2023

A BYLAW TO AMEND DEVELOPMENT APPROVAL PROCEDURES BYLAW 1133, 2021

The Council of the District of Lake Country, in open meeting assembled, enacts as follows:

1. Development Approval Procedures Bylaw Number 1133, 2021 is hereby amended as follows:

1.25 Adding the following to Section 3.1 (b) in numerical order:

(vi) Development Permit Exemption (DPE)

1.26 Deleting Section 3.2 (c) and replacing it with the following:

(c) The following duties and powers of **Council** are hereby delegated:

- (i) The **Director** may designate the form, content and categories of application forms.
- (ii) The **CAO** or **Director** may require the **Applicant** to provide information in respect of an application under this bylaw, at the **Applicant's** expense.
- (iii) The **CAO** or **Director** may require security as a condition of the issuance of a **DP, DVP, or TUP** in accordance with this bylaw.
- (iv) The **CAO** or **Director** may issue, refuse, or amend an application for DPE.
 - A. Pursuant to Section 3.2(c)(iv), the approval and subsequent issuance of a DPE is limited in scope to the plans approved as part of the application for the DPE, and these approved plans cannot be amended without re-application for a new DPE.
- (v) The **CAO** or **Director** may issue, refuse, amend or establish conditions for, and determine whether such and conditions have been met, for **Technical DPs** for the following **DP** areas:
 - A. Stability, Erosion and Drainage Hazard
 - B. Natural Environment
 - C. Wildland Fire Hazard
 - D. Greenhouse Gas Reduction and Resource Conservation [when associated with a **Technical DP**]
 - E. Hillside
- (vi) The **CAO** or **Director** may renew or extend a DP, Technical DP, or DVP in accordance Section 14, including DP'S that contain previously approved variances.

1.27 Deleting Section 3.2 (d) and replacing it with the following:

(d) All other **DPs** shall be considered by **Council** substantially in accordance with Schedule D of this bylaw.

1.28 Deleting Section 3.2 (e) and continuing the existing numbering.

1.29 Deleting Section 3.3 in its entirety and continuing the existing numbering.

1.30 Deleting section 4.2 (a) and replacing it with the following:

- (l) (a) Applications will be substantially processed in accordance with the corresponding Schedule, as set out below:

Amendment to OCP Bylaw or Zoning Bylaw	Schedule C
DP (Council)	Schedule D
Technical DP	Schedule E
DVP	Schedule F
TUP	Schedule G
ALC Applications for land within the ALR	Schedule H
Phased Development Agreement	Schedule I
Development Permit Exemption (DPE)	Schedule K

1.31 Deleting section 7.1. and replacing it with the following:

Any Owner subject to a decision by the CAO or Director under section 3.2 is entitled to have the decision reconsidered by Council, at no charge, in accordance with this section.

1.32 Deleting section and 7.1 (a) and continuing the existing numbering

1.33 Deleting section 7.1 (d) and replacing it with the following:

(d) Where a request for reconsideration is received, the CAO or Corporate Officer must:

- (i) Notify the **Director** of the request wherein the **Director** shall provide a written report to **Council** including the rationale for the decision and materials considered in making the decision;
- (ii) Place the request for reconsideration on an agenda for consideration by Council
- (iii) Give notice of the reconsideration in the same manner as the original application; and
- (iv) Notify the Applicant of the meeting date where reconsideration will take place.

1.34 Deleting Section 7.1 (h) and replacing it with the following:

(h) Council shall either confirm the decision of the CAO or Director or substitute its own decision, including applicable conditions.

1.35 Deleting section 9.1 (a) (iv) and replacing it with the following:

- (iv) may be subject to additional conditions to be specified by the **CAO or Director**.

1.36 Deleting section 9.2 (a) and (b) and replacing with the following:

(l) The amount of security required under this section shall be determined by the **CAO or Director** using the following:

- (i) An estimate from a qualified professional provided by the **Applicant** at the **Applicant's** expense.
- (ii) Methodologies as prescribed by the CAO or Director from time to time.
- (iii) An additional estimate from a **Qualified Professional** provided by the **Applicant** at the **Applicant's** expense, if determined necessary by the **CAO or Director**.

- (b) Where security is a condition of a Permit:
- (i) Respecting landscaping works, the amount shall be 125% of the cost of the works (excluding GST) with a minimum of one-thousand dollars (\$1,000.00), including inspections, monitoring, maintenance, irrigation, fencing, labour and planting materials paid in full prior to permit issuance;
 - (ii) Where a phased landscape plan has been approved, the amount shall be 125% of the cost of the works (excluding GST) with a minimum of one-thousand dollars (\$1,000.00) for each phase, including inspections, monitoring, maintenance, irrigation, fencing, labour and planting materials paid in full prior to permit issuance;
 - (iii) At the discretion of the **CAO** or **Director**, the security deposit shall also include the cost to restore, replant, or otherwise re-establish any tree designated in the landscape plan for retention, the value of which shall be based on the International Society of Arboriculture (ISA) evaluation method.

1.37 Deleting section 9.3 (c) (ii) and replacing it with the following:

- (ii) Upon substantial completion, the **District** shall return to the **Applicant** eighty-five percent (85%) of the security deposit. The **District** shall withhold the remaining fifteen percent (15%) for up to two (2) growing seasons.

1.38 Deleting section 9.3 (h) and replacing it with the following:

(h) If a phased landscape plan has been approved, the security for the works completed may be released for completed phases in accordance with Section 9.3 (b) (ii) and (c) (ii) as long as one hundred percent (100%) of the security deposit is retained by the **District** until the works are considered substantially complete in those subsequent phases.

1.39 Deleting section 12.1 and replacing it with the following:

12.1 Applicants shall be notified of **Council** decisions on **Amending Bylaw, DP, DVP, or TUP** within 21 days of the decision.

1.40 Deleting section 14 in its entirety and replacing it with the following:

14. RENEWALS, EXTENSIONS AND LAPSE

14.1 Applications to renew or extend a DP, DVP or TUP under this bylaw:

- (a) must be made prior to the lapse of the Permit; and
- (b) shall be substantially processed in accordance with the applicable Schedule of this bylaw.

14.2 A **DP, Technical DP, DVP or TUP** is considered issued on the date approved by Council, or the **CAO** or **Director**. The approval date will be used to calculate the permit expiry date. A permit will not be registered with the Land Titles Office until all prerequisite conditions have been satisfied.

14.3 Where an approved **DP, Technical DP, DVP or TUP** has no prerequisite conditions and the holder of a permit does not substantially start any construction within 2 years after the date the permit is issued, the permit lapses.

14.4 Where an approved Development Permit Exemption (DPE) has been issued and the holder of a permit does not substantially start construction within 2 years, the DPE lapses and cannot be renewed without re-application for a new DPE.

14.4 Where an approved **DP, Technical DP, DVP or TUP** is subject to prerequisite conditions:

- (a) the Applicant has twelve (12) months to complete all prerequisite conditions.
- (b) the Applicant may apply to:
 - (i) extend the requirement to satisfy prerequisite conditions for one (1) six (6) month period, provided the total time to satisfy the prerequisite conditions does not exceed eighteen (18) months from the date of approval.
 - (ii) Extend the time to substantially start construction for one (1) twelve (12) month period provided the total time (including the time to satisfy prerequisite conditions) does not exceed thirty (30) months from the date of approval.

14.5 Construction is considered substantially started where:

- (a) A valid Building Permit has been issued;
- (b) The **Site** is completely fenced for construction purposes;
- (c) Excavation of the **Site** (partially or entirely) has occurred; and
- (d) More than 50% of the approved **DP** project's footing and foundation is poured, or for an approved phased development 100% of the footing and foundation of the first phase is poured;
- (e) Subsequent phases of an approved phased development must meet the criteria listed above within two (2) years, unless otherwise indicated in an approved Phased Development Agreement, or the permit shall lapse.

14.6 An application will be considered abandoned where (all of the following conditions must be satisfied):

- (a) It has not received approval;
- (b) More than one year since the date of application has past; and,
- (c) There has been no recorded or written correspondence from the applicant for six (6) months or more;

The **Applicant** shall be notified in writing and the file shall be closed.

14.7 Where an application has been refused by Council, re-application shall not be accepted for a six (6) month period immediately following the date of refusal.

14.8 Where an application has lapsed or is considered abandoned, a new application must be submitted including applicable fees as per District Fees Bylaw.

1.41 Deleting Table 1 in Section 18.1 and replacing it with the following:

Table 1 – Forms of Public Notification and Consultation

Application Type	Development Notice Sign	Neighbour Consultation	Public Information Meeting
OCP Amendment	Y	Y	Y
OCP Amendment (Neighbourhood Plan)	Y	N	Y
Zoning Bylaw Amendment	Y	Y	N
Technical DP	N	N	N

DP	N	N	N
DVP	Y	Y	N
TUP	Y	Y	N
TUP Renewal	Y	Y	N
Phased Development Agreement	Y	N	Y
Development Permit Exemption (DPE)	N	N	N

Y = Required

N = Not required

1.42 Deleting section 18.2 and replacing it with the following:

18.2 Notwithstanding Table 1, where an application is initiated by the **District**, Public Information Meetings may be held at the discretion of the **CAO or Director**.

1.43 Deleting section 18.3 (a) and replacing it with the following:

(l) A Public Information Meeting is required to be held by the developer prior to **Council** consideration of an **OCP** Amendment (with or without a Neighbourhood Plan) or **Phased Development Agreement**.

1.44 Deleting section 18.7 (a) and replacing it with the following:

(l) Where an application to amend the Zoning Bylaw or OCP involves ten (10) or more parcels owned by ten (10) or more persons, an **Applicant** must, at their own cost, erect Development Notice Sign(s) on the land, which is subject to the application, in accordance with the following:

1.45 Amend the definition for Chief Administrative Officer (“CAO”) to read the following:

Chief Administrative Officer (“CAO”) means the person appointed as the **CAO** for the **District**, or designate.

1.46 Deleting section E.2 from Schedule E Technical Development Permit Application, and continuing the existing number.

1.47 Deleting section E.4 (i) and replacing it with the following:

(i) Where required in accordance with this bylaw, a Performance Security will be provided.

1.48 Deleting section F.2 (l) and replacing it with the following:

(l) If approved, staff shall prepare the required DVP and related schedules for signature.

1.49 Deleting section G.2 (h) and replacing it with the following:

(h) The **Planning & Development Department** shall prepare a staff report, including technical agency comments, advisory body comments, feedback received through Neighbour Consultation (to be supplied by the **Applicant**), a draft **TUP** to be provided to the **CAO** for review, and forwarding for consideration by **Council**.

1.50 Deleting section G.2 (l) and replacing it with the following:

(l) Where required in accordance with this bylaw, a Performance Security will be provided.

1.51 Adding Schedule J attached to and forming part of this bylaw as Schedule A, in alphabetical order.

2. This bylaw may be cited as “Development Approvals Amendment Bylaw 1201, 2023”.

READ A FIRST TIME this 16th day of May, 2023.

READ A SECOND TIME this 16th day of May, 2023.

READ A THIRD TIME this 16th day of May, 2023.

ADOPTED this 6th day of June, 2023.

Original signed by Blair Ireland
Mayor

Original signed by Reyna Seabrook
Corporate Officer

SCHEDULE A TO BYLAW 1201, 2023**SCHEDULE K DEVELOPMENT PERMIT EXEMPTION (DPE)**

- K.1 Applications for a DPE shall include the following items:
- (a) Written explanation for request
 - (b) Site Plan
 - (c) Floor Plan (if available)
 - (d) Elevation Drawings (may not be required depending on the nature of the application)
 - (e) Additional information may be required by the Director to evaluate adequately and to issue or deny a DPE in accordance with Section 21.3 of the OCP.
- K.2 Applications for a DPE shall be processed as follows:
- (l) Planning & Development will review the application to determine completeness.
 - (m) Incomplete applications will be returned to the **Applicant**.
 - (n) Planning & Development will evaluate the application for compliance with District bylaw and policies. Staff may conduct a **Site** visit as part of the evaluation process.
 - (o) Planning & Development shall conduct an internal staff review.
 - (p) Staff will prepare a written report, including technical review comments, for Directors consideration.
 - (q) Staff will notify the Applicant in writing of the Director's decision.