CONSOLIDATED

REGIONAL DISTRICT OF CENTRAL OKANAGAN

DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 1527, 2023

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CONSOLIDATED FOR CONVENIENCE TO INCLUDE
BYLAWS NO. 1550 (2024), 1576 (2026)

REGIONAL DISTRICT OF CENTRAL OKANAGAN

DEVELOPMENT APPLICATION PROCEDURES BYLAW NO. 1527

A bylaw to establish development application procedures to amend an official community plan, zoning bylaw or rural land use bylaw; issue or amend permits under Part 14 of the *Local Government Act*; prepare a phased development agreement; request a floodplain regulation exemption; amend and discharge charges registered on land titles; and consider applications under the Agricultural Land Commission and the Liquor and Cannabis Regulation Branch.

WHEREAS the Regional Board has adopted Official Community Plans by bylaw and Zoning Bylaws by bylaw;

AND WHEREAS the Regional Board has designated areas within which Temporary Use Permits are required;

AND WHEREAS the Regional Board has designated areas within which Development Permits are required;

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AND WHEREAS the Regional Board has adopted a Bylaw to regulate the removal and deposit of soil in the Regional District as per Section 327 of the *Local Government Act*;

AND WHEREAS the Regional Board shall, under Section 460 of the *Local Government Act*, by bylaw establish procedures to amend an official community plan or zoning bylaw or issue a permit under part 26 of the *Local Government Act*;

AND WHEREAS, the Regional Board may, under section 466 of the *Local Government Act*, make requirements for the posting of development signs on properties that are subject to a proposed bylaw amendment;

AND WHEREAS the Regional Board may, under Section 502 of the *Local Government Act*, require that the *Applicant* for a permit under Part 14 of the *Local Government Act* provide security in an amount stated in the permit by an irrevocable letter of credit or the deposit of securities in a form satisfactory to the local government;

AND WHEREAS the Regional Board may, pursuant to the *Liquor Control and Licensing Act* impose fees to recover the cost of providing comments or recommendations on license applications made under that *Act*;

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan in open meeting assembled HEREBY ENACTS AS FOLLOWS:

PART 1 – TITLE AND SCOPE

Title

1.1 This bylaw may be cited as the "Development Application Procedures Bylaw No. 1527, 2023."

Scope

1.2 This bylaw applies to the following:

(a) an application to amend an official community plan, zoning bylaw, or rural land use bylaw;

(b) an application for the issuance of a development permit, development variance permit, or temporary use permit;

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(c) an application for issuance of a soil removal or soil deposit permit;

(d) a referral application from the Agricultural Land Commission;

(e) an application for an exemption to a floodplain regulation;

(f) an application for a phased development agreement;

(g) an application to amend or discharge a charge registered on a land title;

(h) an application for a Liquor License;

(i) a Board of Variance application; and

(j) a letter of concurrence or non-concurrence to Industry Canada for an Antenna System.

PART 2 – INTERPRETATION

Interpretation

2.1 A reference in this bylaw to any enactment of British Columbia is a reference to the enactment as amended, revised, consolidated or replaced from time to time.

2.2 A reference in this bylaw to any bylaw, policy, or form of the *Regional District* is a reference to the bylaw, policy, or form as amended, revised, consolidated or replaced from time to time.

2.3 The headings in this bylaw are for convenience only and must not be construed as defining or in any way limiting the scope or intent of this bylaw.

Definitions

2.4 In this bylaw:

Applicant means an *Owner* or agent authorized in writing by the *Owner*, who makes an application under the provisions of this bylaw.

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Development Services Department means the *Development Services Department* of the *Regional District* of Central Okanagan, as renamed from time to time.

Corporate Officer means the person appointed as such by the *Regional Board* and includes his/her designate.

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Director of Development and Engineering Services means the person appointed as such and includes their designate.

Fees and Charges Bylaw means the *Regional District* of Central Okanagan Development Application *Fees and Charges Bylaw* No. 1483.

Owner means the registered *Owner*(s) of real property as demonstrated on the state of title certificate.

Qualified Professional means a registered professional engineer, geoscientist, architect, landscape architect, biologist, agrologist, planner or other professional licensed to practice in British Columbia, acting alone or together with another *Qualified 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 in the assessment methods is recognized by the *Regional District* as expertise 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.

Regional Board means the duly elected and appointed officials of the Board of Directors of the *Regional District*.

Regional District means the *Regional District* of Central Okanagan as described in its Letters Patent and amendments thereto but shall not include incorporated municipalities.

PART 3 – GENERAL PROVISIONS

General Requirements for All Applications

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3.1 The *Applicant* must meet with *Development Services Department* staff prior to submitting an application pursuant to this bylaw.

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3.2 In addition to application requirements found elsewhere in this bylaw, all applications made under this bylaw shall be submitted to the *Development Services Department* using the form prescribed by the *Director of Development and Engineering Services* for that type of application and shall be accompanied by:

(a) the applicable fees specified in the *Fees and Charges Bylaw*;

(b) written authorization from the *Owner* of the land to which the application pertains;

(c) state of title certificate, issued not more than thirty (30) days prior to the application date for any parcel of land subject to the application;

(d) copies of all existing covenants, rights of way, and easements registered on the title of the subject property;

(e) a copy of the resolution of the Strata Council adopted by a unanimous vote under the *Strata Property Act* in support of the application if the land subject to the application involves common property;

(f) a copy of a BC Company Summary if a numbered company or corporation owns the property, to confirm the company director(s) or officer(s);

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(g) a completed site disclosure statement prepared in accordance with Schedule 1 of the *Contaminated Sites Regulation* from the Ministry of Environment and Climate Change Strategy (as applicable);

(h) all of the required information and documents specified in the application form including, but not limited to, a site plan drawn to scale showing the proposed development, the proposed use and rationale for the proposal;

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(i) development approval information as deemed necessary by the *Director of Development and Engineering Services* (as applicable); and

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(j) additional information as deemed necessary by the *Director of Development and Engineering Services* in order to evaluate the application.

3.3 If there is a change of *Owner*ship of a parcel of land that is the subject of an application pursuant to this bylaw, the *Regional District* will require an updated state of title certificate and written authorization from the new *Owner* prior to proceeding further with the application.

Application Fees

3.4 The fees prescribed in the *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 shall be treated as one proposal;

(b) if an application involves two or more parcels of land that are not contiguous, the parcels 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.

3.5 Any costs associated with the postponement of a public hearing, either at the request of the *Applicant*, or due to the failure of the *Applicant* to comply with the requirements of this bylaw, shall be paid by the *Applicant*.

3.6 Where a public information meeting is required by the Regional Board, or where an *Applicant* chooses to hold a public information meeting, the *Applicant* shall arrange and conduct the meeting at his/her expense.

3.7 If an application is withdrawn, application fees shall be refunded as specified in the *Fees and Charges Bylaw*.

Incomplete Application

3.8 Applications made pursuant to this bylaw must include all application requirements in order to be accepted by the *Regional District*.

Application Processing

3.9 Applications will be processed in accordance with the *Regional District*'s *Planning Application Processing Procedures* administrative policy.

Lapse of Application

3.10 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 more due to inaction on the part of the *Applicant*:

(a) the application shall be deemed to be abandoned and lapsed and the file shall be closed;

(b) the *Applicant* will be given written notice of the file closure and any applicable refunds will be paid to the *Applicant* in accordance with the *Fees and Charges Bylaw*; and

(c) in the case of a bylaw amendment application, any bylaw that has not received final adoption shall be considered abandoned.

3.11 Prior to the lapse of an application that requires Regional Board resolution pursuant to this bylaw, the *Applicant* may apply for an extension. Upon receipt of the application and payment of the application fee, as prescribed in the *Fees and Charges Bylaw*, the Regional Board has the option of extending the deadline up to one (1) year by passing a resolution to that effect.

3.12 Prior to the lapse of an application that is delegated to the *Director of Development and Engineering Services* pursuant to this bylaw, the *Applicant* may apply for an extension. Upon receipt of the application and payment of the application fee, as prescribed in the *Fees and Charges Bylaw*, the *Director of Development and Engineering Services* has the option of extending the deadline up to one (1) year by their approval.

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3.13 In order for an application that has lapsed to proceed, a new application and payment of a new application fee(s) as prescribed in the *Fees and Charges Bylaw* will be required.

Permit Issuance, Extension, and Lapse

3.14 The issue date for a development permit, development variance permit, temporary use permit, or soil removal or deposit permit is considered to be the date of resolution by the Regional Board, or, where applicable, approved by the *Director of Development and Engineering Services*.

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3.15 Prior to the lapse of a development permit or development variance permit, an *Applicant* may apply to extend a development permit or development variance permit once for a maximum two (2) year extension, beyond which a new application is required.

3.16 In order for a development permit or development variance permit to be extended, an application and payment of an application extension fee(s) as prescribed in the *Fees and Charges Bylaw* will be required.

Reapplication

3.17 Where an application made pursuant to this bylaw has been refused by the Regional Board, reapplication for the same amendment or permit will not be accepted for a six-month period immediately following the date of refusal, unless the timeline is varied by the Regional Board in accordance with the *Local Government Act*.

PART 4 – DELEGATION OF AUTHORITY

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The Regional Board delegates to the *Director of Development and Engineering Services* the duties and powers of the Regional Board as follows:

Security

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4.1 The *Director of Development and Engineering Services* is authorized to require security as a condition of the issuance of a development permit, development variance permit or temporary use permit in accordance with Part 6 of this bylaw.

Issuance of Development Variance Permits, Minor

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4.2 The *Director of Development and Engineering Services* is authorized to issue development variance permits if the proposed variance is a minor variance. For determining whether a proposed variance is a minor variance, the following criteria will be uses:

(a) The proposed variance to one or more of the following regulations in the Zoning Bylaw or Joe Rich Rural Land Use Bylaw:

i) Parcel coverage;

ii) Height of buildings and structures (including fences and retaining walls);

iii) Floor area of buildings and structures (excluding density regulations);

iv) Setbacks and setback exemptions;

v) Off street parking and loading space requirements; and

vi) Screening and Landscaping to mask or separate uses or to preserve, protect restore and enhance natural environment.

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(b) If the proposed variance has been determined to be a minor variance, the *Director of Development and Engineering Services* must consider the following guidelines in deciding whether to issue the Development Variance Permit:

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

ii) If the proposed variance would adversely affect the natural environment

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

iv) If the proposed variance defeats the intent of a bylaw.

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(c) The *Director of Development and Engineering Services* will refer the Development Variance to the Regional Board in the following circumstances:

i) The proposed variance does not meet the criteria of minor;

ii) The proposed variance is part of a Development Permit application that is not delegated to staff; or

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iii) The proposed variance does meet the criteria of minor, but in the opinion of the *Director of Development and Engineering Services*, it would be in the public interest to instead have the application considered by the Regional Board.

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Issuance of Soil Removal or Deposit Permits

4.3 The *Director of Development and Engineering Services* is authorized to issue soil removal or deposit permits and to amend soil removal or deposit permits, provided the permit has been issued and has not lapsed, under the following conditions:

(a) The *Applicant* has provided a report prepared by a *Qualified Professional* that is consistent with the application requirements of the Regional District's Soil Removal and Deposit Bylaw;
(b) The proposed soil and fill replacement set out in the application conforms with the Regional District's Soil Removal and Deposit Bylaw, and all other bylaws of the Regional District, and all other applicable federal and provincial enactments; and
(c) The *Applicant* for the permit has paid the Regional District the required application fees;

Issuance of Development Permits

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4.4 The *Director of Development and Engineering Services* is authorized to issue development permits and to amend development permits, provided the development permit has been issued and has not lapsed, for development permit areas under the following stated conditions:

(a) Protection of the natural environment, its ecosystems, and biological diversity and protection of development from hazardous conditions, provided that:

i) the *Applicant* has provided a report prepared and signed by a *Qualified Professional* that is consistent with the applicable development permit guidelines of the official community plan and the *Terms of Reference for Professional Reports for Planning Services*; and

ii) the proposed development complies with the applicable development permit guidelines of the official community plan and any other requirements of affected provincial and/or federal agencies.

(b) Establishment of objectives for form and character, provided that:

i) no variances are requested excluding minor variances;

ii) if the application is with respect to the issuance of a development permit, that the proposed development consists only of façade alterations to existing buildings, alterations to landscaping, and/or a building addition with a gross floor area of less than 200 square metres; and

iii) if the application is with respect to the amendment of a development permit, that the changes do not substantially alter the form and character approved in the issued development permit.

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Extension of Development Permits

4.5 The *Director of Development and Engineering Services* is authorized to extend development permits in all development permit areas provided:

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(a) The approved development permit has not lapsed;

(b) No changes have been proposed to the issued development permit; and

(c) The development permit has not been extended more than once.

(d)

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Renewal of Soil Removal and Deposition Permits

4.6 The *Director of Development and Engineering Services* is authorized to renew a permit for soil deposition or removal for one additional term not to exceed twelve (12) months at the request of the *Applicant* if the *Director* determines, after inspecting the permit parcel, that the *Applicant* is in full compliance with the issued permit and the Soil Removal and Deposit Bylaw.

Reconsideration of Delegated Decisions

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4.7 Within thirty (30) days of being notified in writing of the decision of the *Director of Development and Engineering Services* to issue, amend, or refuse a development permit application, the *Applicant* may, at no charge, request the Regional Board reconsider the decision.

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4.8 For a request under Section 4.5 of this bylaw, the *Applicant* must give notice in writing to the *Corporate Officer* setting out the grounds on which the *Applicant* considers the decision to be inappropriate, including the specific decision and what decision the Regional Board ought to use as a substitute.

4.9 The *Corporate Officer* will place each request for reconsideration on the agenda of a meeting of the Regional Board to be held as soon as reasonably possible but not more than sixty (60) days from the date on which the completed request for reconsideration, in accordance with Section 4.5, was delivered.

PART 5 – DEVELOPMENT APPROVAL INFORMATION

5.1 The requirements of Part 5 apply to the following applications:

(a) amendments to a zoning bylaw;

(b) development permit; and

(c) temporary use permit.

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5.2 The *Director of Development and Engineering Services* is authorized to require development approval information in respect of an application identified in Section 5.1.

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5.3 An *Applicant* making an application identified in Section 5.1 must provide the *Director of Development and Engineering Services* with the following development approval information, as the Director considers relevant to the particular application:

(a) Geotechnical Study;
(b) Environmental Impact Assessment;
(c) Wildfire Hazard Assessment;
(d) Stormwater Management and Drainage Plans;
(e) Groundwater Management Assessments;
(f) Flood Protection;
(g) Visual Quality/Impact Assessments;
(h) Traffic Impact and Pedestrian Safety Studies;
(i) Archaeological Assessment;
(j) Environmental Management Plan;
(k) Erosion and Sediment Control Plan;
(l) Site Access and Servicing;
(m) Tree Assessment Study;
(n) Site Grading Plan;
(o) Demand for Local Community Services Study; and,
(p) Other information, including reports or studies, as deemed necessary to evaluate the application.

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5.4 If after receiving a complete application it is determined by the *Director of Development and Engineering Services* that additional development approval information is required to evaluate the application, the *Applicant* will be notified in writing of the development approval information that is required.

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5.5 Development approval information must comply with and fully address all requirements outlined in the *Terms of Reference Professional Reports for Planning Services*. If it is determined by the *Director of Development and Engineering Services* that a report containing development approval information is incomplete or deficient, the *Applicant* will be notified in writing of the nature of the deficiencies.

5.6 Development approval information will be provided by the *Applicant* at the *Applicant*'s expense.

5.7 An *Owner* may appeal, in writing, the decision of the *Director of Development and Engineering Services* to require development approval information to the Regional Board.

PART 6 – SECURITY

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Security may be required as a condition of the issuance of a development permit, development variance permit or temporary use permit as follows:

Form and Amount of Security

6.1 Security will be provided in the form of a bank draft, cash drawn on a chartered bank in Canada, or an Irrevocable Letter of Credit, valid for a period of one year and that automatically renews thereafter.

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6.2 The amount of security will be 125% of an estimate or quote of the cost of works, including but not limited to: inspections, monitoring, maintenance, irrigation, labour, planting materials, and works required to restore the land or remove any temporary structures as per the terms of a permit. The estimate or quote must be submitted at the *Applicant*'s expense by a *Qualified Professional* or other professional approved by the *Director of Development and Engineering Services*.

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6.3 Phased landscape plans may be approved for large-scale developments at the discretion of the *Director of Development and Engineering Services* to enable the completion of the landscape plan in phases and the submission of the related security deposit at each phase. The *Applicant* is required to request a phased landscape plan at the time of development permit application, clearly identifying on the submitted landscape plan the proposed phases and related cost estimates for each phase.

Conditions of Security

6.4 The *Regional District* may apply the security in payment of the cost of works, construction, or other activities required to satisfy the landscaping condition, to correct the unsafe condition, to correct the damage to the environment, including restoration,

enhancement, and mitigation works, or to ensure the performance of the terms of a permit if any of the following occur:

(a) a condition in a permit respecting landscaping has not been satisfied;

(b) an unsafe condition has resulted as a consequence of a contravention of a condition in a permit; or

(c) damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit.

(d) landscaping and restoration works are not completed within twenty-four (24) months of commencement.

Return of Security

6.5 Unless otherwise stated in this bylaw, the *Regional District* will return the security when written request has been submitted by the *Applicant* and includes a satisfactory Substantial Completion Report prepared by a *Qualified Professional* or other professional approved by the *Director of Development and Engineering Services*, certifying that the works have been completed in substantial compliance with the approved plan(s) and permit conditions.

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6.6 Should there be any deficiencies identified in the Substantial Completion Report or should the *Regional District* find any discrepancies and/or deficiencies during an inspection, an inspection report will be issued to the *Applicant* and the security will be retained until the deficiencies have been addressed. Any changes to the approved plans will require approval of the *Regional District* prior to installation of any works. Depending on the level of non-conformance with the approved plans, Regional Board approval of the revised plan(s) may be required through an amended permit application or new permit application prior to the release of the security.

6.7 Site inspections and final acceptance by the *Regional District* of the installation of plant material, sodding, or seeding must not be carried out between November 1st and April 30th due to weather conditions, unless otherwise approved by the *Director of Development and Engineering Services*.

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6.8 Upon substantial completion, the *Regional District* will return 90% of the security deposit. The *Regional District* will withhold the remaining 10% as a maintenance bond for two years to ensure that the work has been fully implemented and demonstrated to function (ecologically or as designed). The maintenance bond may be held for longer periods if persistent failure of the works is documented.

PART 7 – PUBLIC NOTIFICATION AND CONSULTATION

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Public Hearings

7.1 A public hearing is not required for a Zoning Bylaw Amendment application which is consistent with the Official Community Plan for the area, pursuant to section 464(2) of the *Local Government Act*.

7.2 A public hearing must not be held for a Zoning Bylaw Amendment application which is:

a) consistent with the Official Community Plan for the area; and
b) solely to permit a development that is, in whole or in part, a residential development, and;
c) the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development.

7.3 A public hearing is mandatory if it requires an Official Community Plan Amendment, or the Zoning Amendment proposal is not consistent with the Official Community Plan for that area.

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Public Notice

7.4 The *Regional District* will mail, by regular mail, or otherwise deliver individual notices to:

a) all registered property *Owner*s and tenants of the subject property for which an application is being made; and

b) properties within not less than 150 metres, or not less than 500 metres if within the Joe Rich Rural Land Use Bylaw No. 1195 area, measured from the lot lines of the subject property to which the application pertains.

7.5 If a Public Hearing is **mandatory**:

a) Public notice for the Public Hearing will be provided after first reading of the proposed amendment.
b) The notice will invite public input through written correspondence or in person at the Public Hearing

7.6 If Public Hearing is **not required**:

a) Public notice will be provided prior to first reading of the proposed amendment.

b) The notice will invite public input through written correspondence prior to first reading;
    i. At first reading, the Regional Board may schedule a Public Hearing, in which case, the process described in subsection 7.5 will be followed.

7.7 If Public Hearing is **prohibited** by legislation:

a) Public notice will be provided prior to first reading of the proposed amendment.

b) The notice will invite public input through written correspondence prior to first reading.
    i. The Board may not schedule a public hearing and will consider correspondence at first reading.

Notice of Application Signs

7.8 A Notice of Application sign(s) must be posted on the subject property a minimum of ten (10) days prior to first reading of a bylaw or a Regional Board meeting at which the permit application is scheduled for consideration, for the following application types:

(a) amendment to an official community plan, zoning bylaw, or rural land use bylaw;

(b) phased development agreement;

(c) development variance permit excluding development variance permit, minor;

(d) temporary use permit; and

(e) floodplain exemption.

7.9 The Notice of Application sign content shall include the following information:

(a) application type;

(b) brief description of the purpose of the application;

(c) application file number; and

(d) *Applicant*'s name.

7.10 The Notice of Application sign face dimensions shall be 81.28 cm by 81.28 cm (32" by 32").

7.11 One (1) Notice of Application sign shall be required for each 200 metres of street frontage, to a maximum of three (3) signs.

7.12 All Notice of Application signs shall be placed on the property at a setback of 3 metres from the front property line as demonstrated in the diagram below and must be:

(a) faced towards the street and clearly visible;

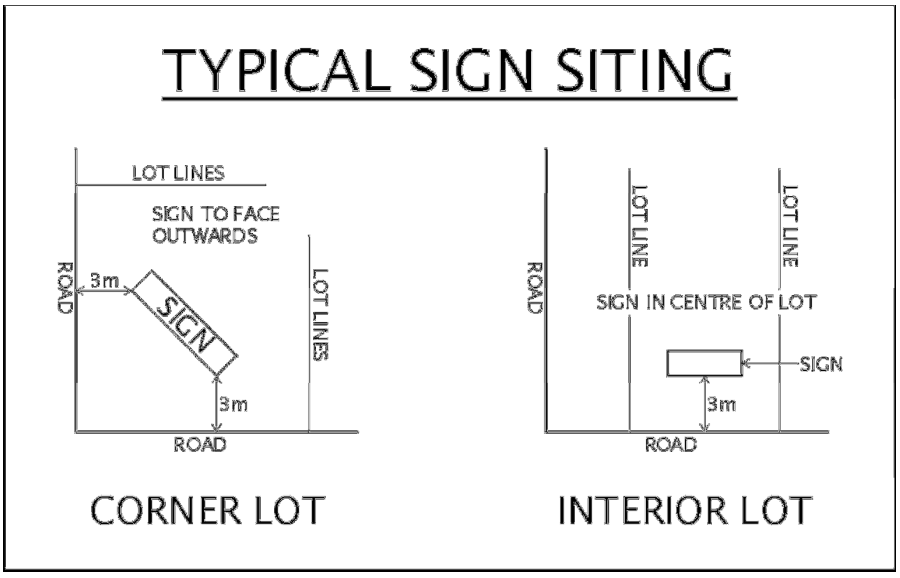
(b) located so as not to interfere with pedestrian or vehicular traffic, or obstruct visibility from streets, lanes, walkways or driveways so as to create a hazard;

(c) made from a weather-proof material;

(d) installed in a safe and sturdy manner capable of withstanding wind and weather;

(e) mounted on independent posts (mounting on trees or landscaping is not acceptable); and

(f) maintained by the *Applicant* so as to remain intact and visible.



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7.13 All proposed sign locations and sign content must be verified with the *Development Services Department* prior to installation.

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7.14 The *Applicant* must provide the *Development Services Department* with photographic evidence confirming that all Notice of Application signs required by this bylaw have been installed on the subject property as per the requirements of this bylaw before the application shall be considered at a Regional Board meeting.

7.15 If any significant amendments are made to the application, the *Applicant* will be required to install a new Notice of Application sign(s) reflecting the change to the application.

7.16 Failure to post the required Notice of Application sign(s) in accordance with this bylaw shall result in the postponement of consideration of the application by the Regional Board. Any costs incurred by the *Regional District* associated with the postponement of consideration shall be the responsibility of the *Applicant*.

7.17 The Notice of Application sign(s) must be removed by the *Applicant* within seven (7) days following:

(a) The conclusion of the public hearing or adoption of the amending bylaw if the public hearing is not held;

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(b) The final consideration of a permit application by the Regional Board or the *Director of Development and Engineering Services*; or

(c) The abandonment of the application.

7.18 The cost of preparation and installation of the Notice of Application sign(s) is the responsibility of the *Applicant*.

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PART 8 – SEVERABILITY

8.1 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.

PART 9 – REPEAL

9.1 The Regional District of Central Okanagan "Development Applications Procedures Bylaw No. 944, 2002" and all amendments thereto, are repealed.

READ A FIRST, SECOND AND THIRD TIME THIS 4 DAY OF MAY , 2023.

ADOPTED THIS 4 DAY OF MAY , 2023.

"Original signed by" "Original signed by"

CHAIRPERSON CORPORATE OFFICER