

DISTRICT OF SOOKE

**DEVELOPMENT PROCEDURES BYLAW
BYLAW No. 900
CONSOLIDATED TO INCLUDE: BYLAW 933 (900-01)**

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Table of Contents

Citation	5
Interpretation	5
General Application	6
Development Approval Information	7
Notification.....	11
Public Information Meetings (PIM)	11
Security	12
Abandonment, Renewals, Extensions, Lapses and Re-application... 12	
Change of Ownership	13
Delegation of Authority.....	13
Council Reconsideration of a Staff Decision	16
Severability	17
Repeal.....	17
SCHEDULE 1 – Notice of Application Sign Requirements.....	18
Installation.....	18
Timing	18
Design of Sign	18
Preparation of Sign	18
Siting of Sign.....	18
Number of Signs	19
Maintenance of Sign.....	19
Amendments to Application	19
Sign Removal	19
Failure to Post, Maintain or Remove	20
SCHEDULE 2 – An Application for an Amendment to an Official Community Plan Bylaw or Zoning Bylaw (Including the Establishment of a Phased Development Agreement).....	21
Application Requirements.....	21
Consultation	21
Scope.....	21

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Processing Procedure	21
SCHEDULE 3 - Development Permit Applications	24
Application Requirements.....	24
Scope.....	24
Processing Procedure	24
SCHEDULE 4 – Development Variance Permit and Minor Development Variance Permit Applications.....	26
Application Requirements.....	26
Scope.....	26
Processing Procedure	26
SCHEDULE 5 – Board of Variance Permit Applications	29
Application Requirements.....	29
Scope.....	29
Processing Procedure	29
SCHEDULE 6 - Temporary Use Permit Applications	31
Application Requirements.....	31
Scope.....	31
Processing Procedure	31
SCHEDULE 7 – Housing Agreements	33
Application Requirements.....	33
Scope.....	33
Processing Procedure	33
SCHEDULE 8 – Applications under the <i>Agricultural Land Commission Act</i>.....	34
Application Requirements.....	34
Scope.....	34
Public Consultation	34
Processing Procedure	34
SCHEDULE 9 - Flood Plain Exemptions	37
Application Requirements.....	37
Site Specific Exemptions	37
Processing Procedure	37
Consolidated for convenience – do not rely. Only original bylaws are enforceable.	

SCHEDULE 10 – A Referral for a Liquor Licence Application from the Liquor and Cannabis Regulation Branch (LCRB) 40

 Application Requirements..... 40

 Scope..... 40

 Processing Procedure 40

SCHEDULE 11 – Section 219 Covenant and/or Statutory Right of Way Amendments..... 43

 Application Requirements..... 43

 Scope..... 43

 Processing Procedure 43

SCHEDULE 12 – Radiocommunication and Broadcasting Antenna System Referrals Under the Innovation, Science, and Economic Development (IESD’s) Client Procedures Circular CPC-2-0-03 45

 Application Requirements..... 45

 Scope..... 45

 Processing Procedure 46

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DISTRICT OF SOOKE DEVELOPMENT PROCEDURES BYLAW BYLAW No. 900

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

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

Citation

1. This Bylaw is cited as the *Development Procedures Bylaw No. 900, 2024*

Interpretation

2. In this bylaw:

Applicant means the owner or an agent duly authorized to act on the owner's behalf in relation to an application(s).

CAO means the Chief Administrative Officer of the District of Sooke.

Community Charter means the Community Charter as amended from time to time.

Council means the elected Council of the District of Sooke.

Day means calendar day.

Development Review Committee or DRC means a group of District of Sooke Staff responsible for review of development applications.

District means the District of Sooke.

Director means the person designated as the Director of Planning and Development appointed to be responsible for the administration of development applications at the District and includes a delegate fulfilling an Acting Director position in the Director's absence.

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Gross Floor Area means as defined in the *District of Sooke Zoning Bylaw* as amended from time to time.

Local Government Act means the *Local Government Act* as amended from time to time.

Municipal Planner means the Municipal Planner of the Planning and Development Department of the District of Sooke, or in their absence, the next most senior Planner of the District of Sooke who is acting in the Municipal Planner's place, or another person designated by resolution of Council to act in the place of the Municipal Planner.

Official Community Plan or OCP means the *District of Sooke Official Community Plan Bylaw* as amended or superseded from time to time.

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

Phased Development Agreement means an agreement authorized by Section 516 of the *Local Government Act*.

Public Interest means the political, economic, social, and environmental wellbeing and safety of the broader public. The Public Interest can also be understood as a well-ordered society in which citizens can exercise their democratic rights, where they trust and feel protected by public institutions and where competing interests are balanced and managed effectively and fairly.

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

Zoning Bylaw means the *District of Sooke Zoning Bylaw*.

General Application

3. Application Fees

- (1) At the time of application, the applicant must pay the District an application fee in the amount set out in any applicable *District of Sooke Fees & Charges Bylaw*.

4. Application Requirements and Processing Procedure

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- (1) In respect of an application for an OCP Bylaw amendment and Zoning Bylaw amendment, the applicant, at their cost, must post a Notice of Application Sign in accordance with Schedule 1 of this Bylaw.
- (2) Before commencing work that requires approval of an OCP Bylaw amendment, Zoning Bylaw amendment, Development Permit, Development Variance Permit, Minor Development Permit, and Temporary Use Permit, the applicant must submit the applicable application and receive approval for such amendment or permit from the District.
- (3) An applicant must submit any application in the form required by the Director and the application will be processed substantially as outlined in the applicable Schedules to this Bylaw.

5. Number of Development Applications

- (1) Where a proposed activity or development involves more than one type of application, the applicant must comply with all of the applicable provisions of this Bylaw.
- (2) Where land is subject to more than one Development Permit Area designation, only one Development Permit application is required and the application must address the requirements of each applicable Development Permit Area.

6. Development Permit Required prior to Development

- (1) In all Development Permit Areas, an applicant must obtain all required Development Permits unless otherwise exempted as specified in the Official Community Plan.

Development Approval Information

7. Type of Information Required

- (1) Pursuant to the *Local Government Act*, the Director may require an applicant to provide information, at the applicant's expense, on the anticipated impact of a proposed activity or development on the community, including, but not limited to, the following:
 - (a) Compliance of the activity or development with the OCP and any other relevant District bylaw, plan or policy in preparation or adopted by Council;

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- (b) The impact of the proposed development on the natural environment such as adjacent riparian and wetland areas, vegetation, soils and erosion, geotechnical characteristics, topographical features, ecosystems and biological diversity, fish and wildlife habitat, environmentally sensitive features, and rare or endangered plant or animal species;
- (c) Hazardous conditions including, but not limited to, mud flow, debris torrents, erosion, land slip, rock falls, subsidence, avalanche, wildfire, flood, inundation or other hazard (including appropriate construction elevations and setbacks);
- (d) Transportation assessments including but not limited to transportation impacts in terms of daily and peak hour trip generation and assignments, public transit, parking demand, traffic safety, pedestrian, cyclist and vehicular traffic flow or operation, trip generation, site access and egress, network connectivity and accessibility;
- (e) The aesthetic values of the proposed development such as visual character, landscaping, integration with public areas, view corridors, and the natural environment, lighting, noise, and odour;
- (f) The impact of the proposed development on groundwater quantity and quality, surface water generated by the proposed development, and the options for collection, storage, reuse and dispersal of such drainage;
- (g) Hydrological and/or hydrogeological assessment including, but not limited to, infiltration, interception, groundwater and overland flow, as well as hydrologic processes including accretion and erosion;
- (h) An assessment of wildfire hazard that assures project construction activities comply with Urban Wildfire Interface management principles;
- (i) Assessment of servicing infrastructure including, but not limited to, drainage, water, sewer or other utilities, to determine the impact of the development on District infrastructure including capital, operations and maintenance over the lifecycle of the development;
- (j) Tree assessment and plan that promotes the retention and planting of native plant species, plant health, habitat preservation, reduce wildfire risk, minimize erosion and to ensure that the landscape retains a natural appearance;
- (k) Impacts on the demand for local services including, but not limited, to community facilities and services including, but not limited to, schools, parks, recreation, emergency protective and health services;
- (l) Assessments of historical, cultural and archaeological buildings, structures, sites or features;
- (m) How the proposed development impacts and buffers adjacent uses;
- (n) Energy efficiency, water efficiency and emissions reduction;
- (o) Air Quality Impact Assessment including, but not limited to, pollution, dust, fumes, smoke and odours;

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- (p) Retail impacts of a proposed commercial development, including but not limited to, the effects of additional competition, traffic impacts, effects on tenancy and potential impacts to neighbourhood;
- (q) Socio-economic impacts affecting the day-to-day quality of life of people and communities including, but not limited to, direct and indirect economic impacts, demographics, housing, local services and socio-cultural issues;
- (r) Construction management plan outlining the staging, implementation schedule, and duration of construction for any proposed development including proposed impact mitigation; and
- (s) Other studies to which the Director considers the proposed activity or development impacts the jurisdiction of the District as deemed necessary.

8. Preparation of the Terms of Reference

- (1) The applicant will be required to work with staff to review and confirm the scope of the report or impact study which may include acceptance of the proposed Terms of Reference for the preparation of the report or impact study or in accordance with any relevant Terms of Reference for Professional Reports.
- (2) The Director may require that the applicant provide, at the applicant's expense, documents, plans, and/or development approval information in a report that is certified by a Qualified Professional, which:
 - (a) Complies with and fully addresses the relevant assessments;
 - (b) Identifies and defines the context, magnitude and significance of the anticipated impacts of the activity or development on the community, as well as the methodology, assumptions, acceptability thresholds, and how the anticipated impacts may cumulatively contribute to existing circumstances and risks;
 - (c) Provides recommendations for conditions or requirements Council or the Director may impose to mitigate or ameliorate the anticipated impacts;
 - (d) Provides recommendations and details costs for modifications to the environment, or construction of works, to mitigate or ameliorate the anticipated impacts; and
 - (e) Is prepared to the satisfaction of the Director.
- (3) The Director is authorized to:
 - (a) Establish and revise the required information, documents, plans, and/or development approval information needed for each type of application pursuant to this Bylaw;

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- (b) Establish and revise the size, form and quality of information, documents, plans, and/or development approval information needed to assist in reviewing or processing the application; and
- (c) Waive any of the information, documents, plans, and/or development approval information if at their discretion the information is not required to assist in reviewing or processing the application.

9. Selection of Personnel

- (1) The applicant will be required to provide the reports and impact studies prepared by Qualified Professionals at the applicant's expense in accordance with Section 8.
- (2) If required by the Director, a Qualified Professional must certify all documentation including drawings, reports, security estimates, technical letters, and other documentation submitted to the Director for the purposes of reviewing the application.
- (3) The Director may review all documents and design drawings to verify general compliance with the requirements but will not necessarily check the adequacy or accuracy of the Qualified Professional's design. Any errors or omissions will be the sole responsibility of the qualified professional who has certified the documents and design drawings.

10. Requirement for Independent Review

- (1) The District may require an independent review of the study results in certain circumstances, at the applicant's expense, and to ensure the timely review of the study results and application processing timelines. The applicant will be notified if an independent review is required and the additional fees associated with the peer review.

11. Incomplete or Deficient Reports

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

12. Presentation of Reports or Impact Studies

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

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13. Publication of Information

- (1) The District may distribute and publish a report containing development approval information requested under this Bylaw.

Notification

14. Notice of Application Sign

- (1) A Notice of Application Sign must be posted by the applicant, at their cost, in accordance with Schedule 1 of this Bylaw for the following applications:
 - (a) OCP Amendments; and
 - (b) Zoning Bylaw Amendments.

15. Notice of Application by Mail

- (1) Where a notice is required to be mailed or delivered to owners and tenants in accordance with this Bylaw, or pursuant to the *Local Government Act*, the District will provide notice to owners and tenants in occupation of parcels within 100 metres from any boundary of any subject property to which the application pertains.

Public Information Meetings (PIM)

16. As outlined in the Schedules to this Bylaw, an applicant for OCP and Zoning Bylaw amendments are subject to facilitation of a Public Information Meeting in accordance with the following:

- (1) Applications proposing residential developments are required to hold a PIM; and
- (2) Applications proposing all other types of development may be required to hold a PIM at the request of Council and/or District staff.

17. When a PIM is held by the applicant, it is the responsibility of the applicant to confirm an appropriate meeting date, time, and location separate from the District of Sooke Municipal Hall.

18. The applicant must advertise the PIM in two issues of the local newspaper the week prior to and the week of the meeting at their expense.

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19. The applicant is required to mail or otherwise deliver notice of the PIM to the owners and tenants in occupation of parcels within 100 metres from any boundary of any subject property to which the application pertains. The notice will outline the nature of the application and the date, time, and location of the PIM. The notice must be sent at least 10 days prior to the date of the PIM.
20. Notice to the District
 - (1) When an applicant is required to distribute a notice of a Public Information Meeting under section 19, the applicant must provide the District with a copy of the notice, including the date of distribution, in accordance with meeting guidelines provided by District staff. (**Bylaw 933**)
21. The applicant is required to facilitate a PIM in accordance with meeting guidelines provided by District staff.
22. After the meeting is held, the applicant must submit a report to the District summarizing the meeting including the following information:
 - (1) Location, time, and duration of meeting;
 - (2) Number of attendees;
 - (3) Proof of how the meeting was advertised;
 - (4) Information provided at the meeting; and
 - (5) A summation of questions raised and major discussion points.

Security

23. Pursuant to the *Local Government Act*, security may be required as a condition of permit issuance in an amount equal to 125% of the estimated cost of the performing or carrying out the condition for which the security is being provided, with the form of the security to be an automatically renewing irrevocable letter of credit, certified cheque, bank draft, or another form satisfactory to the Director.

Abandonment, Renewals, Extensions, Lapses and Re-application

24. Where additional information has been requested after an application has been accepted, the application will be held for six (6) months, pending submission of the required information. If the required materials have not been provided within six (6) months of the request, the application fee is forfeited to the District in accordance with the *District of Sooke Fees and Charges Bylaw*, unless otherwise stated.

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25. Any request by an applicant to amend an application will be reviewed by the Director to determine if a new application is required.
26. If an application involves a bylaw amendment and the amending bylaw has not been given final adoption by Council within one year after the date it was given third reading, the application may be deemed to be abandoned and the file closed.
27. For applications involving the issuance of a permit, if the permit has not been issued within one year following authorization to issue the permit due to outstanding conditions, the permit authorization must lapse if an extension has not been approved.
28. Despite Section 27, the deadline may be extended by the Director for a period of up to one year. An application for extension must be made to the Director in writing and must include a justification as to why the application has been inactive and the time required to satisfy all outstanding conditions.
29. A new application and fee will be required for any lapsed or abandoned application.
30. For applications subject to the *Local Government Act* Section 460(3), where an application made pursuant to this Bylaw has been refused, re-application for the same amendment or permit will not be accepted for a six-month period immediately following the date of refusal.

Change of Ownership

31. If there is a change of ownership of a parcel(s) of land that is the subject of an application under this Bylaw, the District will require updated Certificate(s) of Title for the parcel(s) of land and written authorization from the new owner(s) prior to proceeding with the application.

Delegation of Authority

32. The following authorities, duties and functions of Council are delegated to the Director:
 - (1) The authority to require security as a condition of the issuance of a land use permit under Section 496 and 502 of the *Local Government Act*.
 - (2) The authority to designate the form of any permit issued under this Bylaw as per the *Local Government Act*.
 - (3) The authority to designate the form and content of application forms.

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- (4) The authority to create, amend, and prescribe graphic design templates for development application notice signs.
 - (5) The authority to require development approval information.
 - (6) The authority to decide whether to hold a Public Hearing on a proposed Zoning Bylaw amendment that is not consistent with the Official Community Plan.
 - (7) The authority to exercise all the authorities and perform the duties of Council to provide opportunities the District consider appropriate for consultation with persons, organizations, and authorities they consider will be affected by an amendment to the Official Community Plan.
 - (8) The authority to issue or amend Development Permits for the following:
 - (a) Residential development;
 - (b) Commercial, industrial, or institutional development with 2,500 square metres or less of gross floor area;
 - (c) Development Permits required for the subdivision or alteration of land;
 - (d) Development Permits required for the construction of, addition to, or alteration of a building or structure; and
 - (e) Amendments to existing Development Permits that do not exceed the authority granted in parts a, b, c, or d.
 - (9) The following Development Permits are exempt from Section 32(8) and require consideration by Council. Development Permits that:
 - (a) Form part of a Phased Development Agreement;
 - (b) Are within the Official Community Plan Development Permit Area (DPA #1) Town Centre;
 - (c) Are within a Comprehensive Development Zone in the Zoning Bylaw; and/or
 - (d) Are on lands owned by the District of Sooke.
 - (10) The Director will refer a delegated Development Permit to Council when:
 - (a) The proposed delegated Development Permit meets the criteria to be delegated to staff, but in the opinion of the Director, it would be in the Public Interest to instead have the application considered by Council; or
 - (b) The proposed delegated Development Permit is associated with a Development Variance Permit that requires Council consideration.

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- (11) The authority to renew Development Permits that have been issued and lapsed provided:
- (a) No changes have been proposed to the permit; and
 - (b) The permit is consistent with the current OCP and relevant guidelines and Zoning Bylaw.
- (12) The authority to issue Minor Development Variance Permits in accordance with the following sub-sections:
- (a) A Development Variance Permit is considered minor where it meets the following criteria:
 - (i) The variance would have no significant negative impact on the use of immediately adjacent or nearby properties;
 - (ii) The degree or scope of the variance relative to the regulation from which a variance is sought is not significant; and
 - (iii) The proposed variance is consistent with the general purpose and intent of the zone.
 - (b) In deciding whether to issue a Minor Development Variance Permit the Director must consider the following guidelines:
 - (i) The proposed variance addresses a physical or legal constraint associated with the site (e.g., unusual parcel shape, topographical feature, statutory right-of-way, etc.);
 - (ii) There is a community or environmental benefit to the larger community in granting the variance and/or it would support a Council priority (e.g., affordable housing, environmental protection, provision of a trail statutory right of way);
 - (iii) The variance request must not include a reduction in the required number of parking stalls, except in situations where an increase in parking spaces is associated with a change in use associated with a business licence application and does not propose additional floor area;
 - (iv) Proximity and impact of the variance to neighbouring properties is considered;
 - (v) The proposed variance would unduly impact the character of the streetscape or surrounding neighbourhood; or
 - (vi) If strict compliance with the zoning regulation would be unreasonable.
- (13) Despite Section 32(12), the Director will refer a Minor Development Variance Permit to Council in the following circumstances:
- (a) The proposed variance is in conjunction with a Development Permit Application that is not delegated to staff; or

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- (b) The proposed variance meets the criteria of minor, but in the opinion of the Director, it would be in the Public Interest to instead have the application considered by Council.
- (14) The following authorities, duties and functions of Council are delegated to the Director, Corporate Officer, and Chief Administrative Officer when required as a condition of a development application approval:
- (a) To approve and execute or amend a Section 219 *Land Title Act* Covenant or Statutory Right of Way;
 - (b) To approve and execute the discharge of a restrictive covenant which is no longer required or is to be replaced;
 - (c) To approve and execute a statutory right of way or easement or amendment to a statutory right of way or easement on behalf of the District in connection with the operation of sewer, water or drainage works, or for the purpose of trails or pedestrian or vehicular access; and
 - (d) To approve and execute a discharge of a statutory right of way which is no longer required by the District or is to be replaced.

Council Reconsideration of a Staff Decision

33. Within 30 days of being notified in writing of the decision of a delegate under this Bylaw, an applicant may, at no charge, request that Council reconsider the decision. Council reconsideration of a delegate's decision must be in accordance with Section 156 of the *Community Charter*.
34. The applicant must give written notice to the District Corporate Officer to have a decision reconsidered by Council, which must set out all the following:
- (1) The date of the decision and the nature of the decision;
 - (2) Reasons why the owner wishes the decision to be reconsidered by Council;
 - (3) The decision the owner requests be made by Council, with brief reasons in support of the requested decision; and
 - (4) A copy of any materials considered by the owner to be relevant to the reconsideration by Council.
35. The District Corporate Officer will notify the delegate of the request(s) for reconsideration and the delegate will, prior to the date of the meeting at which the reconsideration will occur, provide a copy of the written memo setting out for Council, the rationale for their decision.
36. The District Corporate Officer will place the request(s) for reconsideration on the agenda of a meeting of Council to be held as soon as reasonably possible

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after the date which the reconsideration application is delivered to the Corporate Officer.

- 37. The District Corporate Officer will notify the applicant of the date of the meeting at which reconsideration will occur.
- 38. Council will review the information provided by the applicant and staff.
- 39. Council will either confirm the decision made by staff or substitute its own decision including permit conditions.

Severability

- 40. If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the valid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Repeal

- 41. *Development Procedures Bylaw No. 490, 2011*, as amended, is hereby repealed.
- 42. *Development Permit Delegation Bylaw No. 705, 2018*, as amended, is hereby repealed.

READ a FIRST, SECOND and THIRD time on the 28th day of October, 2024.

ADOPTED the 12th day of November, 2024.

Original signed by _____
Maja Tait
Mayor

Original signed by _____
Jessica Bagnall
Corporate Officer

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SCHEDULE 1 – Notice of Application Sign Requirements

Installation

1. In respect of an application for an OCP and/or Zoning Bylaw Amendment, the applicant, at their cost, must install a Notice of Application Sign in accordance with this Bylaw.

Timing

2. The Notice of Application Sign must be posted on the site not less than 10 days after instructions are provided.

Design of Sign

3. The design of the sign must be in a form prescribed by the Director to be provided to the applicant.

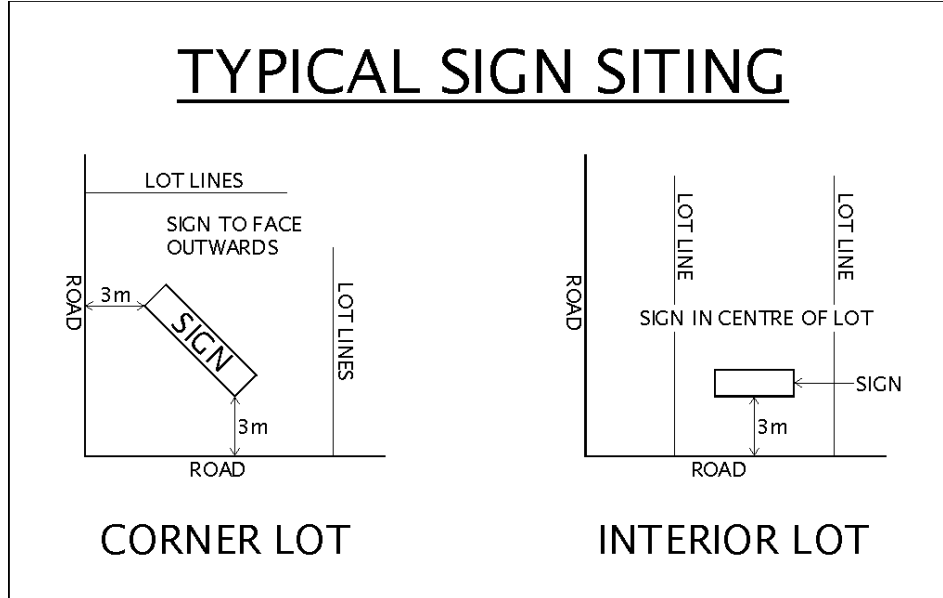
Preparation of Sign

4. Staff will provide the applicant with the Notice of Application Sign in a digital format. It is the responsibility of the applicant to print and install the sign in accordance with this Bylaw. Once the sign is posted, the applicant must demonstrate proof to the staff of the posted sign within 10 days of staff's instructions.

Siting of Sign

5. All Notice of Application Signs must be placed on the property no higher than 2 metres (6.6 ft.) above the grade of the road and at a setback of 3 metres from the front property line as demonstrated in the below diagram. The sign must face the street and be clearly visible. All proposed sign locations must be verified by the District Staff prior to installation. The sign must be located so as not to interfere with pedestrian or vehicular traffic, or obstruct visibility from streets, lanes, walkways or driveways so as not to create a hazard. The Notice of Application Sign must be installed in a sound manner and must be capable of withstanding wind and weather.

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Number of Signs

6. The applicant must post a minimum of one (1) Notice of Application Sign. For large parcels with over 200 m of street frontage, one (1) Notice of Application Sign must be required for each 200 m of street frontage, to a maximum of three signs. For applications with more than one street frontage, a minimum of one sign must be placed on each street frontage.

Maintenance of Sign

7. It is the responsibility of the applicant to ensure the sign(s) remain intact and visible as per the sign siting specifications until such time the sign can be removed, in accordance with Schedule 1, Section 9.

Amendments to Application

8. If any significant amendments are made to the application, the applicant will be required to install a new sign(s) reflecting the change in application.

Sign Removal

9. The Notice of Application Sign must be removed by the applicant within ten (10) days following:

- (1) The conclusion of the Public Hearing or adoption of the amending bylaw if a Public Hearing is not required;

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- (2) The final consideration of an application by Council; or
- (3) The abandonment of the application.

Failure to Post, Maintain or Remove

- 10. Failure to Post and maintain the required Notice of Application Sign(s) in accordance with this Bylaw may result in the postponement of any Public Information or Council meeting and any costs associated with the postponement will be borne by the applicant. Non-compliance with this section due to the removal, destruction, or alteration of the sign by vandalism or natural occurrence must not affect the validity of the application or postpone a Public Information or Council meeting as long as reasonable efforts have been taken by the applicant to maintain the sign.
- 11. Failure to remove the sign as required may result in the sign being removed at the expense of the applicant. The District must not be liable for any damage or loss of the sign.

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SCHEDULE 2 – An Application for an Amendment to an Official Community Plan Bylaw or Zoning Bylaw (Including the Establishment of a Phased Development Agreement)

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

Application Requirements

1. Application requirements are specified in the District of Sooke Development Application Form.

Consultation

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

Scope

3. This schedule establishes procedures in relation to applications for:
 - (1) Amendments to the Official Community Plan;
 - (2) Amendments to the *Zoning Bylaw*; or
 - (3) Combined amendments to the OCP and Zoning Bylaws.

Processing Procedure

4. An amendment application submitted in accordance with this Bylaw will be substantially processed as follows:
 - (1) The applicant will have a pre-application meeting to discuss the proposal and application requirements with a Municipal Planner prior to submitting a formal application to the District.
 - (2) The applicant will submit a Development Application Form with all basic application requirements.

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- (3) Staff will review the application and determine whether it is complete, and, if incomplete, will return the application and request the required information from the applicant.
- (4) Upon receipt of a complete application submitted in accordance with the requirements of this Bylaw, the Planning and Development Administrator will open a file and issue a receipt to the applicant.
- (5) A Municipal Planner will review the proposal for compliance with relevant District bylaws and policies and may meet on site with the applicant, as required.
- (6) The Applicant will post a Notice of Application Sign in accordance with Schedule 1 of this Bylaw.
- (7) A Municipal Planner will refer the application to internal and external agencies, where applicable, and place the item on the Development Review Committee (DRC) agenda.
- (8) A Municipal Planner will prepare a Comprehensive Letter, incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - (a) Resolve conditions/requirements identified in the Comprehensive Letter;
 - (b) Submit any necessary reports/studies; and
 - (c) Complete any required approvals.
- (9) The applicant must address the items in the Comprehensive Letter and may wish to revise the application accordingly.
- (10) The applicant is required to host a Public Information Meeting at their own expense prior to the amending bylaw being considered by Council. The applicant is to conduct a PIM in accordance with the requirements of this Bylaw.
- (11) For a rezoning application where the proposed Zoning Bylaw Amendment is consistent with the OCP, the Municipal Planner will publish and give notice of Council's consideration of the amendment bylaw(s) advising of the date of consideration of first reading of the proposed bylaw in accordance with the *Local Government Act*.
- (12) A Municipal Planner will obtain a bylaw number for the Official Community Plan and/or Zoning Amendment Bylaw from Corporate Services and prepares a report for presentation to Council, incorporating feedback

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received from the referral process, the community and any recommendations from the Development Review Committee (DRC).

- (13) Council will receive the report, consider the application, and at their discretion, may:
 - (a) Give first and second reading to the amendment bylaw and direct staff to schedule a Public Hearing, if required, in accordance with the *Community Charter* and the *Local Government Act*;
 - (b) Give first, second, and third reading to the amendment bylaw, if a Public Hearing is not required;
 - (c) Postpone consideration of the amendment bylaw and provide staff with direction on how to proceed before returning to Council for consideration;
 - (d) Deny the amendment bylaw and close the application; or
 - (e) Give first reading and instruct staff to work with the applicant to resolve outstanding issues before returning to Council for consideration of second and/or third reading.
- (14) If a Public Hearing is held prior to third reading to permit the public to comment on the application pursuant to the *Local Government Act* and as per this Bylaw, notice(s) of the amendment bylaw(s) will be published in accordance with Section 94 [requirements for public notice] of the *Community Charter*. For a rezoning application where the proposed zoning bylaw is consistent with the OCP, a Public Hearing is not permissible as per the *Local Government Act*.
- (15) Following a Public Hearing, if required, Council may proceed with third reading of the amendment bylaw(s) (including the imposition of conditions), postpone or deny the application.
- (16) After third reading, an amendment bylaw may need to be referred to the relevant provincial minister(s) for signature before Council considers adoption.
- (17) Once all of the conditions identified at third reading, if any, have been addressed, Council will consider adoption of the amendment bylaw(s).
- (18) Once a certified resolution has been prepared and supplied by the Corporate Officer, the applicant will be notified of the outcome.

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SCHEDULE 3 - Development Permit Applications

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

Application Requirements

1. Application requirements are specified in the District of Sooke Development Application Form.

Scope

2. This schedule establishes procedures in relation to applications for:
 - (1) Issuance of a Development Permit;
 - (2) Amendment to a Development Permit; and
 - (3) Renewal of a Development Permit.

Processing Procedure

3. A Development Permit Application submitted in accordance with this Bylaw will be substantially processed as follows:
 - (1) The applicant will have a pre-application meeting to discuss the proposal and application requirements with a Municipal Planner prior to submitting a formal application to the District.
 - (2) The applicant will submit a Development Application Form with all basic application requirements.
 - (3) Staff will review the application and determine whether it is complete, and, if incomplete, will request the required information from the applicant.
 - (4) Upon receipt of a complete application submitted in accordance with the requirements of this Bylaw, the Planning and Development Administrator will open a file and issue a receipt to the applicant.
 - (5) A Municipal Planner will review the proposal for compliance with relevant District bylaws and policies and may meet on site with the applicant, as required.

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- (6) A Municipal Planner will refer the application to internal and external agencies, where applicable, and place the item on the Development Review Committee (DRC) agenda.
- (7) A Municipal Planner will prepare a Comprehensive Letter, incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - (a) Resolve conditions/requirements identified in the Comprehensive Letter;
 - (b) Submit any necessary reports/studies; and
 - (c) Complete any required approvals.
- (8) The applicant must address the items in the Comprehensive Letter and may wish to revise the application accordingly.
- (9) A Municipal Planner will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations from the Development Review Committee (DRC). If the Director has delegated authority to review the Development Permit, the application and technical report will be referred to the Director for consideration, otherwise the report will be prepared for Council's consideration.
- (10) If authority has not been delegated, Council will receive the technical report, and if Council decides to proceed with the Development Permit Application, Council may authorize the issuance of the Development Permit or authorize the issuance of the Development Permit with conditions. Council may alternatively decide to postpone or deny the application. If the Development Permit Application includes a request for a development variance(s), the request may be considered by staff or Council in conjunction with the Development Permit Application pursuant to requirements of this Bylaw and the *Local Government Act*. Additional fees will be required as per the *District of Sooke Fees and Charges Bylaw* as amended from time to time.
- (11) The applicant will be notified of the decision regarding the application.
- (12) If a Development Permit is issued, staff will register a Notice of Development Permit against the title of the property with the Victoria Land Registry Office.

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SCHEDULE 4 – Development Variance Permit and Minor Development Variance Permit Applications

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

Application Requirements

1. Application requirements are specified in the District of Sooke Development Application Form.

Scope

2. This schedule establishes procedures in relation to applications for:
 - (1) Issuance of a Development Variance Permit; and
 - (2) Issuance of a Minor Development Variance Permit.

Processing Procedure

3. A Development Variance Permit Application submitted in accordance with this Bylaw will be substantially processed as follows:
 - (1) The applicant will have a pre-application meeting to discuss the proposal and application requirements with a Municipal Planner prior to submitting a formal application to the District.
 - (2) The applicant will submit a Development Application Form with all basic application requirements.
 - (3) Staff will review the application and determine whether it is complete, and, if incomplete, will request the required information from the applicant.
 - (4) Upon receipt of a complete application submitted in accordance with the requirements of this Bylaw, the Planning and Development Administrator will open a file and issue a receipt to the applicant.
 - (5) A Municipal Planner will review the proposal for compliance with relevant District bylaws and policies and may meet on site with the applicant, as required.

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- (6) A Municipal Planner may refer the application to internal and external agencies, where applicable, and place the item on the Development Review Committee (DRC) agenda. Staff will determine whether the variance request is minor or needs to be referred to Council for a decision.
- (7) The Municipal Planner will prepare a Comprehensive Letter, incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - (a) Resolve conditions/requirements identified in the Comprehensive Letter;
 - (b) Submit any necessary reports/studies; and
 - (c) Complete any required approvals.
- (8) The applicant must address the items in the Comprehensive Letter and may wish to revise the application accordingly.
- (9) Staff will prepare and mail or otherwise deliver notices as per the requirements of this Bylaw and the *Local Government*. If the Director has delegated authority to review the Development Variance Permit, no notice is required as per the *Local Government Act*; however, the Director may require notification to be sent to adjacent property owners and tenants in accordance with this Bylaw.
- (10) A Municipal Planner will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations from the Development Review Committee (DRC). If the application is deemed to be a Minor Development Variance Permit and the Director has delegated authority to approve the permit, the application and technical report will be referred to the Director for consideration, otherwise the report will be prepared for Council's consideration.
- (11) The Director may authorize the issuance of a Minor Development Variance Permit or alternatively decide to deny the application or refer it back to staff for further information or deem that the variance is not minor and refer the application to Council for a decision. If authority has not been delegated or the Director denies the application, Council will receive the technical report, and if Council decides to proceed with the Development Variance Permit application, Council may authorize the issuance of the Development Variance Permit or authorize the issuance of the Development Variance Permit with conditions. Council may alternatively decide to postpone or deny the application.

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- (12) When a permit is to be reconsidered by Council, staff will forward a technical memo, incorporating feedback received from the referral process and the community.
- (13) Council will receive the technical memo and may authorize the issuance of the Development Variance Permit or authorize the issuance of the Development Variance Permit with conditions. Council may alternatively decide to postpone or deny the application.
- (14) If a Development Variance Permit is granted by Council, Staff will register a Notice of Permit against the title of the property with the Victoria Land Registry Office.

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SCHEDULE 5 – Board of Variance Permit Applications

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

Application Requirements

1. Application requirements are specified in the District of Sooke Development Application Form.

Scope

2. This schedule establishes procedures in relation to applications for the issuance of Board of Variance Permits.

Processing Procedure

3. A Board of Variance Permit Application submitted in accordance with this Bylaw will be substantially processed as follows:
 - (1) The applicant will have a pre-application meeting to discuss the proposal and application requirements with a Municipal Planner prior to submitting a formal application to the District.
 - (2) The applicant will submit a Development Application Form with all basic application requirements.
 - (3) Staff will review the application and determine whether it is complete, and, if incomplete, will request the required information from the applicant.
 - (4) Upon receipt of a complete application submitted in accordance with the requirements of this Bylaw, the Planning and Development Administrator will open a file and issue a receipt to the applicant.
 - (5) A Municipal Planner will review the proposal for compliance with relevant District bylaws and policies and may meet on site with the applicant, as required.
 - (6) A Municipal Planner may refer the application to internal and external agencies, where applicable, and place the item on the Development Review Committee (DRC) agenda.

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- (7) The Municipal Planner will prepare a Comprehensive Letter, incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - (a) Resolve conditions/requirements identified in the Comprehensive Letter;
 - (b) Submit any necessary reports/studies; and
 - (c) Complete any required approvals.
 - (8) The applicant must address the items in the Comprehensive Letter and may wish to revise the application accordingly.
 - (9) Staff will prepare and mail or otherwise deliver notices as per the requirements of this Bylaw and the *Local Government Act*.
 - (10) A Municipal Planner will prepare a technical report for consideration by the Board of Variance, incorporating feedback received from the referral process and any recommendations from the Development Review Committee (DRC).
 - (11) The Board of Variance reviews the application, in accordance with Section 542 of the *Local Government Act*, and may:
 - (a) Approve the Board of Variance Permit; or
 - (b) Deny the Board of Variance Permit application.
 - (12) The applicant will be notified of the decision regarding the application.
 - (13) If a permit is granted by the Board of Variance, staff will register a Notice of Permit against the title of the property with the Victoria Land Registry Office.

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SCHEDULE 6 - Temporary Use Permit Applications

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

Application Requirements

1. Application requirements are specified in the District of Sooke Development Application Form.

Scope

2. This schedule establishes procedures in relation to applications for:
 - (1) Issuance of a Temporary Use Permit; and
 - (2) Renewal of a Temporary Use Permit.

Processing Procedure

3. A Temporary Use Permit Application submitted in accordance with this Bylaw will be substantially processed as follows:
 - (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 District.
 - (2) The applicant will submit a Development Application Form with all basic application requirements.

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- (3) Staff will review the application and determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- (4) Upon receipt of a complete application submitted in accordance with the requirements of this Bylaw, the Planning and Development Administrator will open a file and issue a receipt to the applicant.
- (5) A Municipal Planner will review the proposal for compliance with relevant District bylaws and policies and may meet on site with the applicant, as required.
- (6) A Municipal Planner may refer the application to internal and external agencies, where applicable, and place the item on the Development Review Committee (DRC) agenda.
- (7) A Municipal Planner will prepare a Comprehensive Letter, incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - (a) Resolve conditions/requirements identified in the Comprehensive Letter;
 - (b) Submit any necessary reports/studies; and
 - (c) Complete any required approvals.
- (8) The applicant must address the items in the Comprehensive Letter and may wish to revise the application accordingly.
- (9) Staff will prepare and mail or otherwise deliver notices as per the requirements of this Bylaw and the *Local Government Act*.
- (10) Staff will prepare a technical report for consideration, incorporating feedback received from the referral process and any recommendations from the Development Review Committee (DRC).
- (11) Council will receive the technical report, and if Council decides to proceed with the Temporary Use Permit application, Council may authorize the issuance of the Temporary Use Permit or authorize the issuance of the Temporary Use Permit with conditions. Council may alternatively decide to postpone or deny the application.
- (12) If a permit is granted by Council, staff will register a Notice of Permit against the title of the property with the Victoria Land Registry Office.

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SCHEDULE 7 – Housing Agreements

Application Requirements

1. Application requirements are specified in the District of Sooke Development Application Form.

Scope

2. This schedule establishes procedures in relation to applications for Housing Agreements required for:
 - (1) Development Permit applications; or
 - (2) Building Permit applications.

Processing Procedure

3. A Housing Agreement in accordance with this Bylaw will be substantially processed as follows:
 - (1) Staff prepares a report and the *Affordable Housing Agreement Bylaw* for presentation to Council and advises applicant of meeting date. The *Housing Agreement Bylaw* must be adopted by Council prior to issuance of the subject Development Permit or Building Permit.
 - (2) Council considers the Bylaw and at their discretion, may:
 - (a) Give first, second and third reading to the *Affordable Housing Agreement Bylaw*; or
 - (b) Give first reading and instruct Staff to work with the applicant to resolve outstanding issues before returning to Council for consideration of second reading and third reading.
 - (3) Prior to final adoption of the *Affordable Housing Agreement Bylaw*, all applicable agreements and covenants must be signed by the required parties and registered to the property title.
 - (4) The District may issue the Development Permit or Building Permit following adoption of the *Affordable Housing Agreement Bylaw*.

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SCHEDULE 8 – Applications under the *Agricultural Land Commission Act*

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

Application Requirements

1. Applicants must review the Agricultural Land Commission's (ALC) 'Applicant Information Package' prior to submitting an application to the District. This package contains details on ALC application requirements as well as the ALC process for issuing approvals.
2. Application requirements are specified in the District of Sooke Development Application Form.

Scope

3. This schedule applies to the following applications:
 - (1) to include land into the Agricultural Land Reserve (ALR);
 - (2) to subdivide land within the ALR; and
 - (3) to conduct a non-farm use within the ALR.

Public Consultation

4. The applicant will give notice of the application in accordance with the *Agricultural Land Commission Act*.

Processing Procedure

5. An application under the *Agricultural Land Commission Act* submitted in accordance with this Bylaw will be substantially processed as follows:
 - (1) The applicant will have a pre-application meeting to discuss the proposal and application requirements with a Municipal Planner prior to submitting a formal application to the District.
 - (2) Upon receipt of an application submitted in accordance with the requirements of this Bylaw, the Planning and Development Administrator will open a file and issue a receipt to the applicant.

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- (3) Staff will review the application and determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- (4) A Municipal Planner will review the proposal for compliance with relevant District bylaws and policies and may meet on site with the applicant, as required.
- (5) A Municipal Planner will refer the application to internal and external agencies, where applicable, and place the item on the Development Review Committee (DRC) agenda.
- (6) The application may be referred to the Development Review Committee (DRC) at the discretion of the Director of Planning and Development.
- (7) Staff will prepare a Comprehensive Letter, incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - (a) Resolve conditions/requirements identified in the Comprehensive Letter;
 - (b) Submit any necessary reports/studies;
 - (c) Complete any required approvals.
- (8) The applicant must address the items in the Comprehensive Letter and may wish to revise the application accordingly.
- (9) A Municipal Planner will prepare a technical report for Council's consideration, incorporating feedback received from the referral process, the community, and any recommendations from Council Committees.
- (10) The applicant is encouraged to attend the Council meeting at which the application will be considered to listen to the proceedings.
- (11) Council will receive the technical report. If the proposal triggers Section 25(3) of the *Agricultural Land Commission Act*, Council will consider the technical report and may:
 - (a) Authorize the application to proceed to the Agricultural Land Commission, with or without terms and conditions; or
 - (b) Not authorize the application to proceed to the Agricultural Land Commission.
- (12) Once a certified resolution has been prepared and supplied by the Corporate Officer, the applicant will be notified of the outcome.

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- (13) If authorized by Council, a Municipal Planner will forward a Local Government Report, including the complete application, staff report, and Council resolution to the Agricultural Land Commission for consideration.

SCHEDULE 9 - Flood Plain Exemptions

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

Application Requirements

1. Application requirements are specified in the District of Sooke Development Application Form.

Site Specific Exemptions

2. The District may under these regulations exempt a person from the application of Sections 9 through 11 of the District of Sooke *Flood Plain Regulation Bylaw* in relation to a specific parcel of land or a use, building, or other structure on the land, if the District considers it advisable and either:
 - (1) Considers that the exemption is consistent with the provincial guidelines; or has received a report that the land may be safely used for the use intended certified by a person who is:
 - (a) A professional engineer or geoscientist and experienced in geotechnical engineering; or
 - (b) A person in a class prescribed by the environment minister under Section 524(9) of the *Local Government Act*.
 - (2) The granting of an exemption, and the exemption, may be made subject to the terms and conditions the District considers necessary or advisable, including, without limitation:
 - (a) Imposing any term or condition contemplated by the Provincial guidelines in relation to an exemption;
 - (b) Requiring that a person submit a report described in this section; and
 - (c) Requiring that a person enter into a covenant under Section 219 of the *Land Title Act*.

Processing Procedure

4. A Flood Plain Exemption Application submitted in accordance with this Bylaw will be substantially processed as follows:

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- (1) The applicant will have a pre-application meeting to discuss the proposal and application requirements with a Municipal Planner prior to submitting a formal application to the District.
- (2) The applicant will submit a Development Application Form with all basic application requirements.
- (3) Staff will review the application and determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- (4) Upon receipt of a complete application submitted in accordance with the requirements of this Bylaw, the Planning and Development Administrator will open a file and issue a receipt to the applicant.
- (5) A Municipal Planner will review the proposal for compliance with relevant District bylaws and policies and consistency with provincial guidelines. A Municipal Planner may meet on site with the applicant, as required.
- (6) A Municipal Planner will refer the application to internal and external agencies, where applicable, and place the item on the Development Review Committee (DRC) agenda.
- (7) A Municipal Planner will prepare a Comprehensive Letter, incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - (a) Resolve conditions/requirements identified in the Comprehensive Letter;
 - (b) Submit any necessary reports/studies; and
 - (c) Complete any required approvals.
- (8) The applicant must address the items in the Comprehensive Letter and may wish to revise the application accordingly.
- (9) A Municipal Planner will prepare a technical report for Council's consideration, incorporating feedback received from the referral process.
- (10) Council will receive the technical report, and Council may grant the requested Flood Plain Exemption, may grant the Flood Plain Exemption with terms or conditions, or may postpone or deny the application.
- (11) Once a certified resolution has been prepared and supplied by the Corporate Officer, the applicant will be notified of the outcome.

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- (12) If an exemption is granted, staff will prepare a covenant under S.219 of the *Land Title Act* at the expense of the applicant and will be registered against the title of the subject property with the Victoria Land Registry Office.

SCHEDULE 10 – A Referral for a Liquor Licence Application from the Liquor and Cannabis Regulation Branch (LCRB)

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

Application Requirements

1. Applicants must review the Liquor and Cannabis Regulation Branch (LCRB) requirements and submit an application to the LCRB prior to submitting a Liquor Licence application to the District. The LCRB specifies application requirements and when local governments are required to comment on liquor licence applications.
2. Application requirements are specified in the District of Sooke Liquor Licence Application Form.

Scope

3. This schedule establishes procedures in relation to the following applications to the LCRB:
 - (1) An application for a new Liquor Primary Licence; or
 - (2) An application to amend a Liquor Primary, Liquor Primary Club, Winery, or Food Primary Licence.

Processing Procedure

4. A Liquor Licence Application submitted in accordance with this Bylaw will be substantially processed as follows:
 - (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 District.
 - (2) The applicant will submit a Liquor Licence Application Form with all basic application requirements.
 - (3) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
 - (4) Upon receipt of an application submitted in accordance with the requirements of this Bylaw, the Planning and Development Administrator

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- will open a file and issue a receipt to the applicant. Applicants are required to demonstrate proof of application to the LCRB prior to municipal consideration.
- (5) A Municipal Planner will review the proposal for compliance with relevant District bylaws and policies. A Municipal Planner may meet on site with the applicant, as required.
 - (6) A Municipal Planner will refer the application to internal and external agencies, where applicable, and place the item on the Development Review Committee (DRC) agenda.
 - (7) A Municipal Planner will prepare a Comprehensive Letter, incorporating feedback received from the referral process to identify recommended conditions/requirements which will be sent to the applicant to:
 - (a) Resolve conditions/requirements identified in the Comprehensive Letter;
 - (b) Submit any necessary reports/studies; and
 - (c) Complete any required approvals.
 - (8) The applicant must address the items in the Comprehensive Letter and may wish to revise the application accordingly.
 - (9) A Municipal Planner will prepare a preliminary report for consideration, where Council must determine whether it wishes to either:
 - (a) Not comment on the application; or
 - (b) Comment on the application and direct staff to forward a report on the regulatory criteria and obtain the views of resident.
 - (10) If Council determines to comment on the application, the applicant must:
 - (a) Post a Notice of Application Sign on the proposed site in accordance with Schedule 1 of this Bylaw.
 - (11) If Council determines to comment on the application, staff will:
 - (a) Publish a notice in two consecutive issues of the local newspaper prior to the public input meeting;
 - (b) Prepare and mail or otherwise deliver notices to adjacent property owners and tenants as per the requirements of this Bylaw; and
 - (c) Prepare a technical report for Council's consideration, incorporating feedback received from the referral process and the public, and

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outlining the regulatory criteria local governments must consider as per guidelines specified by the LCRB.

- (12) Following the public input meeting, Council must make a recommendation to the LCRB by passing a resolution to either support or not support the application.
- (13) Once a certified resolution has been prepared and supplied by the Corporate Officer, the applicant will be notified of the outcome. Staff will forward the Council resolution to the LCRB for their final review and approval.
- (14) If a Council resolution is not required per the LCRB, the Director will review the application and any feedback received from the review and provide a recommendation to the LCRB for their review and final approval.

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SCHEDULE 11 – Section 219 Covenant and/or Statutory Right of Way Amendments

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

Application Requirements

1. Application requirements are specified in the District of Sooke Development Application Form.

Scope

2. This schedule establishes procedures in relation to applications for:
 - (1) An amendment to a Section 219 *Land Title Act* Covenant and/or Statutory Right of Way agreement.

Processing Procedure

3. An application to amend a Section 219 *Land Title Act* Covenant or Statutory Right of Way submitted in accordance with this Bylaw will be substantially processed as follows:
 - (1) The applicant will have a pre-application meeting to discuss the proposed amendment and application requirements with a Municipal Planner prior to submitting a formal application to the District.
 - (2) The applicant will submit a Development Application Form with all basic application requirements.
 - (3) Staff will review the application and determine whether it is complete, and, if incomplete, will request the required information from the applicant.
 - (4) Upon receipt of a complete application submitted in accordance with the requirements of this Bylaw, the Planning and Development Administrator will open a file and issue a receipt to the applicant.
 - (5) A Municipal Planner will review the proposal for compliance with relevant District bylaws and policies and consistency with provincial guidelines. A Municipal Planner may meet on site with the applicant, as required.

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- (6) A Municipal Planner will refer the application to internal and external agencies, where applicable, and place the item on the Development Review Committee (DRC) agenda.
 - (7) A Municipal Planner may prepare a Comprehensive Letter, incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - (a) Resolve conditions/requirements identified in the Comprehensive Letter;
 - (b) Submit any necessary reports/studies;
 - (c) Complete any required approvals.
 - (8) The applicant must address the items in the Comprehensive Letter and may wish to revise the application accordingly.
 - (9) A Municipal Planner will prepare a technical report for Council consideration, incorporating feedback received from the referral process and any recommendations.
 - (10) Council will receive the technical report and may approve the request or approve the requested amendment with terms or conditions. Council may alternatively decide to postpone or deny the application.
 - (11) Once a certified resolution has been prepared and supplied by the Corporate Officer, the applicant will be notified of the outcome.
 - (12) If proposed amendment is approved, staff will prepare an amended covenant or statutory right of way under the *Land Title Act* or request to discharge at the expense of the applicant and will be registered against the title of the subject property at the Victoria Land Registry Office.

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SCHEDULE 12 – Radiocommunication and Broadcasting Antenna System Referrals Under the Innovation, Science, and Economic Development (IESD’s) Client Procedures Circular CPC-2-0-03

This information is meant as a general guide to the processing procedure and is not regarded as the right to development approval if the steps indicated are followed. For the purposes of this Schedule:

An **ANTENNA SYSTEM** is normally composed of an antenna and some sort of supporting structure, normally a tower. Most antennas have their own integral mast so that they can be fastened directly to a building or tower. Thus, where this Schedule refers to a an “antenna,” the term includes an integral mast.

A **TELECOMMUNICATIONS CARRIER** means a person who owns or operates a transmission facility used by that person or another person to provide telecommunications services to the public for compensation.

Application Requirements

1. Application requirements are specified in the District of Sooke Radiocommunication and Broadcasting Antenna System Referral Application Form.

Scope

2. This schedule establishes procedures in relation to the installation or modification of an antenna system, regardless of type, by:
 - (1) Telecommunications carriers;
 - (2) Businesses;
 - (3) Governments;
 - (4) Crown agencies;
 - (5) Operators of broadcasting undertakings; and
 - (6) The public (including for amateur radio operation and over-the-air TV reception).
3. This schedule does not apply to:
 - (1) Residential TV antennae or satellite dishes;
 - (2) New antennas less than 15 m above ground level, provided the system is not being proposed by a telecommunications carrier, broadcasting undertaker, or third party tower owner;

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- (3) Antennas on building rooftops, water towers, lamp posts, etc., provided the overall above-ground height of the non-tower structure is not increased by more than 25%;
- (4) Existing antennae that are modified or replaced, as long as the height increase is less than 25%;
- (5) Temporary antenna systems used for special events or emergency operations, provided the antenna system is removed within three months of installation; or
- (6) Routine maintenance of an existing antenna system.

Processing Procedure

4. A Radiocommunication and Broadcasting Antenna System Application submitted in accordance with this Bylaw will be substantially processed as follows:

- (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 District.
- (2) The applicant will submit a Radiocommunication and Broadcasting Antenna System Referral Application with all basic application requirements, including, but not limited to:
 - (a) Expected time of construction; and
 - (b) Plans indicating size, location, and type of antenna structure proposed.
- (3) Staff will review the application to determine whether it is complete, and, if incomplete, will request the required information from the applicant.
- (4) Upon receipt of an application submitted in accordance with the requirements of this Bylaw, the Planning and Development Administrator will open a file and issue a receipt to the applicant.
- (5) Upon issuing the applicant a receipt of application, a Municipal Planner will review the proposal for compliance with relevant District bylaws and policies. A Municipal Planner may refer the application to internal and external agencies or meet on site with the applicant as required.
- (6) A Municipal Planner will prepare a technical report to the Committee of the Whole regarding the proposal.
- (7) In addition to the applicant's notification requirements under IESD's Client Procedures Circular CPC-2-0-03, the District shall provide notice to property

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owners and tenants in occupation of any parcel that is within 100 meters of the subject property boundary. This notification shall include:

- (a) The date, time, and location of the Committee of the Whole meeting where the application is to be discussed;
 - (b) The District's role in processing the application; and
 - (c) How members of the public can submit written feedback regarding the proposal.
- (8) Following the Committee of the Whole meeting, staff will prepare a report to Council and include the recommendations of the Committee of the Whole.
- (9) Council will receive the report and will pass a resolution to recommend that staff:
- (a) Provide a letter of concurrence to be issued in support of the proposal;
or
 - (b) Provide a letter of non-concurrence indicating non-support for the proposal.
- (10) Once a certified resolution has been prepared and supplied by the Corporate Officer, the Municipal Planner shall forward Council's comments and recommendations, along with all public comments concerning the application, to the applicant and the ISED. The letter shall include, but is not limited, to the following information:
- (a) A description of the proposal;
 - (b) A summary of public feedback; and
 - (c) The date of the Council Meeting and resolution.

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