

Site Plan Approval Appeal Hearing

Monday, May 12, 2025

5:00 p.m. – 6:00 p.m.

Council Chambers



Agenda

A site plan approval application was received on February 6, 2025 for the development of six 8-unit residential buildings at PID 55266134 (Phase 3 of the Hibou Court development). The Development Officer approved the application on April 3, 2025, and notification letters describing the appeal process were sent to property owners within a 30m radius on April 4, 2025. One appeal was received within the 14-day appeal period which led to the scheduling of this appeal hearing.

1. Meeting Opening (Mayor)

2. Appeal Hearing

- a. **Staff Presentation** – Development Officer provides an overview of application and review process
 - i. Council may ask questions pertaining to site plan criteria for development in residential zones (LUB Section 5.1.12)
- b. **Appellant Presentation** – Appellant presents argument of how the decision of the Development Officer does not comply with the Land Use Bylaw
 - i. Council may ask questions pertaining to site plan criteria for development in residential zones (LUB Section 5.1.12)
- c. **Council Deliberation** – Council discusses whether the Development Officer properly applied Section 5.1.12, or whether there was an error in interpretation or an unreasonable decision. Council may ask questions of both the Development Officer and Appellant.
- d. **Council Decision** – Council renders a decision to uphold or overturn the decision of the Development Officer.

3. Meeting Adjourned (Mayor)

Public Hearings – Guide

Role of Council:

- **Act as the Appeal Body:** Council serves as the appeal authority, as per Municipal Government Act Section 232(3) and 237, for Site Plan Approval decisions made by the Development Officer under the Land Use Bylaw.
- **Apply the Same Criteria as Staff:** Council must evaluate the appeal using the same criteria that guided the original decision—specifically, the *Site Plan Criteria for Residential Zones outlined in Section 5.1.12* of the Land Use Bylaw.
- **Review Grounds of Appeal Only:** Council's focus is limited to determining whether the Development Officer properly applied Section 5.1.12, or whether there was an error in interpretation or an unreasonable decision.
- **Avoid Introducing New Criteria:** Council may not consider issues outside the scope of Section 5.1.12 or impose new or alternative conditions not enabled by the Land Use Bylaw.
- **Render a Jurisdictional Decision:** Council can uphold or overturn the Development Officer's decision, but only within the limits of the enabling bylaw and planning framework.

Staff

- Present matter being considered (summary of report and analysis)
- Council may ask Staff questions

Appellant (or Designate)

- Appeal rationale presented
- Council may ask questions of the Appellant

Public

- There is no speaking role for the Public. An opportunity to appeal was provided to all property owners within 30m of the subject lands.