



# CITY OF WEST KELOWNA

## COUNCIL POLICY MANUAL

Pages: 1 of 2  
Approval Date: February 12, 2019

**SUBJECT: Policy on Additional Development Application Requirements (Late Hits)**

### **Purpose:**

The City of West Kelowna will strive to minimize and avoid applying additional requirements on applicants late in the review process (sometimes referred to as “late hits”), that are within the City’s control. The City of West Kelowna will also strive to provide a reasonable level of certainty and clear expectations to clients who are processing land development applications and minimize unexpected requirements that will add to costs and/or delays in processing. This policy is intended to first define a late hit, and further establish a process for staff and applicants to follow in the event a late hit is identified as necessary.

### **Definition:**

1. The definition of a late hit is when a project issue or requirement is not identified by staff during the project review period or outlined in a Comprehensive Letter but is identified during a subsequent analysis.
2. If a project issue or requirement is identified after the project review period for the following reasons, it is not classified as a late hit.
  1. New legal requirements that occurred since the initial submittal and are not grandfathered; this may be Provincial or Municipal requirements.
  2. New information provided to staff by the applicant that trigger project issues or requirements.
  3. The initial submittal was rejected due to being incomplete or inadequate and requires additional review.
  4. Applicant initiates project changes, which result in new issues or requirements.
  5. New information is available that could not have been known with the exercise of reasonable diligence by staff in the initial reviews.
  6. The applicant provided erroneous or incorrect information or omitted information that was not cast until later in the review process.
  7. New requirements imposed as a result of an Advisory Committee, Council discussion or deliberation on an application.
  8. Legal deficiencies identified.

9. Application requirements for subsequent applications are not late hits if the subsequent application has the legislative authority for the request.
10. Approving Officer Decisions protecting the public interest under the *Land Title Act*.

**Consequence:**

The consequence of a late hit may increase project costs and/or lengthen processing times.

**Policy:**

If during the processing, design or construction of a land development project and staff identifies a new project omission, inadequacy, bylaw or code non-compliance issue, or requirement that qualifies as a late hit, as defined in this policy, staff are instructed to immediately advise their Department Manager. Both staff and the Department Manager must bring the matter to the attention of the General Manager of Development Services for discussion and an ultimate resolution.

Special attention will be given to those situations where ignoring the late hit will result in health and safety issues. In such cases, the General Manager of Development Services will discuss the issue with the Department Manager to determine an agreed upon resolution.

Ultimately, the purpose of this policy is to raise awareness of when a late hit has been identified. This will provide management an opportunity to consider the situation and make a determination on the best course of action. Identifying the situation to management is also intended to lead to process improvements and to avoid similar situations in the future.

**Process:**

1. Formal submission of a late hit complaint is required to be in writing and directed to the Department Manager which will be acknowledged within ten (10) days.
2. If a late hit is reported, the Department Manager will verify if the late hit meets this policy, determine how the error occurred and make a recommendation to the General Manager of Development Services on how to further proceed.
3. If a late hit has been identified, the applicant and property owner will be notified in writing and be provided an explanation and proposed resolution.
4. If the applicant and/or owners concern is not identified as a late hit, as defined in this policy and in accordance with Section B; 1 through 10, the applicant and/or owner will be notified and provided an explanation in writing.

Previous Revision/s: none