



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4545

A Bylaw to Establish Procedures and Policies for Requiring Development Approval Information

WHEREAS the Board of the Cowichan Valley Regional District, pursuant to Section 485 of the *Local Government Act*, has specified in the Official Community Plan areas and circumstances for which development approval information may be required;

AND WHEREAS Section 486 of the *Local Government Act* requires the Cowichan Valley Regional District to establish, by bylaw, procedures and policies on the process for requiring development approval information;

NOW THEREFORE the Board of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

PART 1

INTRODUCTORY PROVISIONS

Citation

1.1 This bylaw may be cited for all purposes as "**CVRD Bylaw No. 4545 – Development Approval Information Bylaw, 2024**".

Definitions

1.2 In this bylaw,

“Applicant” means the owner of lands that are the subject of a *Development Application* or a person authorized by the owner to represent the interests of the owner in respect of such an application;

“Board” means the Board of the CVRD.

“CVRD” means the Cowichan Valley Regional District.

“Corporate Officer” means the officer responsible for the corporate administration of the CVRD, pursuant to the *Local Government Act*.

“Development Application” means an application for:

- (a) an amendment to a zoning bylaw;
- (b) a development permit; or
- (c) a temporary use permit.

“**Planner**” means an employee within the Development Services Division or Community Planning Division of the CVRD Land Use Services Department.

“**Qualified Professional**” includes a professional engineer, geoscientist, architect, archaeologist, landscape architect, biologist, planner or other professional licensed to practice in British Columbia with experience relevant to the applicable matter, as determined by the General Manager, Land Use Services, or their delegate, who is in good standing with the regulatory body for the individual's profession.

“**Report**” means a document containing development approval information that fulfils or intends to fulfil the requirements of this bylaw.

“**Subject Property**” means the land that is the subject of a *Development Application*.

“**Terms of Reference**” means a document prepared by the CVRD by reference to Schedule “A” of this bylaw that defines the scope of required development approval information to be prepared by a *Qualified Professional* and delivered to the CVRD.

Interpretation

1.3 Schedules attached to this bylaw form part of this bylaw.

PART 2

SCOPE OF BYLAW

Purpose

2.1 The objectives of this bylaw are to enable the *CVRD* to:

2.1.1 Obtain information on the anticipated impact of proposed activity or development on the community; and

2.1.2 Evaluate the impact of the proposed activity or development on the community.

Application

2.2 This bylaw applies to all *Development Applications* within the area designated as a development approval information area in the Official Community Plan.

2.3 Any *Development Application* for an activity or development that is a reviewable project under the *Environmental Assessment Act* is exempted from this bylaw.

PART 3

PROCEDURES AND POLICIES

3.1 A *Planner* may review a *Development Application* alongside the visions, goals, objectives and policies of the Official Community Plan to determine if development approval information is required.

3.2 Factors assessed by a *Planner* to determine whether development approval information is required may include:

3.2.1 The scale and type of the proposed activity or development;

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- 3.2.2 The location of the proposed activity or development relative to surrounding properties, communities and other local governments; or
- 3.2.3 The anticipated impact of the proposed activity or development on surrounding areas and land uses.
- 3.3 A *Planner* may notify an *Applicant* in writing of any required development approval information, by providing *Terms of Reference* prepared in accordance with Part 4 of this bylaw.
- 3.4 An *Applicant* shall, at their sole cost, provide the development approval information in a *Report* that shall be submitted to the *Planner* within 60 business days of written notification or such greater period of time as the *Planner* may specify in notifying the *Applicant* of the requirements.
- 3.5 A *Planner* may, at their sole discretion, amend the CVRD's requirements for any *Report*. All amendments shall be communicated to the *Applicant* in writing.
- 3.6 The *Planner* shall decide if the *Report* is complete within 45 business days upon receipt of the *Report*.
- 3.7 If the *Report* is determined to be incomplete, the *Applicant* shall be notified in writing of the nature of the deficiencies.
- 3.7 An *Applicant* shall resubmit to the *Planner* a revised *Report* addressing the deficiencies within 45 business days of receiving notification in accordance with Section 3.7.
- 3.8 A *Planner* may, after receiving and reviewing a *Report*, require a peer review of the *Report* by one or more *Qualified Professionals*, at the expense of the *Applicant*. The *Planner* may specify the *Qualified Professionals* who must be engaged to perform the peer review, or the particular qualifications that are required for the review.
- 3.9 An *Applicant* may apply to the *Board* in writing for reconsideration of a requirement for development approval information within 30 business days of the date on which the *Planner's* decision is communicated in writing to the *Applicant*.
- 3.10 An *Applicant* shall identify the grounds on which they request a reconsideration of a decision and any requirements that the *Applicant* considers the *Board* ought to substitute.
- 3.11 The Corporate Officer, or their delegate, shall forward each request for reconsideration to the next *Board* meeting, provided the request is received at least 10 business days prior to that meeting.
- 3.12 The Corporate Officer, or their delegate, shall make a reasonable attempt to notify the *Applicant* of the date of the *Board* meeting at which the reconsideration request will be considered.
- 3.13 At the *Board* meeting at which the request for reconsideration is heard, the *Board* may:
- 3.13.1 Confirm the requirement of the *Planner*;
- 3.13.2 Impose the requirement that the *Applicant* considers the *Board* ought to substitute;
or
- 3.13.3 Impose its own requirement.

PART 4**TERMS OF REFERENCE**

- 4.1 A *Planner* may, in exercising authority under Part 3, request that the *Applicant* provide one or more *Reports* prepared by a *Qualified Professional* related to one of more of the subject areas identified in Schedule “A” of this bylaw.
- 4.2 A *Planner* may create *Terms of Reference* for any required *Report* by reference to subject matters identified in Schedule “A” of this bylaw, taking into consideration the scale and potential impact of the proposed activity or development.
- 4.3 A *Qualified Professional* shall include the following information in all *Reports* unless exempted by the *Planner* who created the *Terms of Reference*:
- 4.3.1 The legal description and property identifier (PID) of the *Subject Property*;
 - 4.3.2 A description of all relevant charges registered on title, including covenants, easements and statutory-rights-of-way;
 - 4.3.3 A site plan prepared by a BC Land Surveyor or other professional as approved by the *Planner*, drawn at an appropriate scale, and depicting the following information:
 - 4.3.3.1 Existing and proposed buildings, structures, impervious surface and associated features;
 - 4.3.3.2 Location of natural features and infrastructure;
 - 4.3.3.3 Existing property boundaries;
 - 4.3.3.4 Contours at site appropriate contour intervals;
 - 4.3.3.5 Proposed site grading and post development contours;
 - 4.3.3.6 Property boundary setbacks; and
 - 4.3.3.7 Scale and north arrow.
 - 4.3.4 A description of the data, methodology, and assumptions used to prepare the *Report* including sufficient detail regarding the assessment and the methodology to facilitate a peer review, if required under Section 3.8;
 - 4.3.5 A description of the context, interaction, scope, magnitude and significance of the anticipated impact of the proposed activity or development in respect of the matters set out in the *Terms of Reference*, including how the anticipated impact may cumulatively contribute to the impact of activities or developments already approved or applied for;
 - 4.3.6 Recommendations for conditions or requirements that the *Board* or its delegate may impose to mitigate anticipated impacts; and
 - 4.3.7 Quality assurance statement with the signatures and seals of the involved *Qualified Professionals*.

PART 5

SEVERABILITY

- 5. If any section, subsection, sentence, clause, definition or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the bylaw.

PART 6

REPEAL

- 6. CVRD Bylaw No. 3540 – Development Approval Information Bylaw, 2011, is repealed.

READ A FIRST TIME this 10th day of April, 2024.

READ A SECOND TIME this 10th day of April, 2024.

READ A THIRD TIME this 10th day of April, 2024.

ADOPTED this 10th day of April, 2024.

Chair

Corporate Officer

SCHEDULE “A” – DEVELOPMENT APPROVAL INFORMATION

Transportation:

1. If the *CVRD* requires development approval information relating to transportation patterns and impacts, the following information may be required in a *Report*.
 - 1.1 A Traffic Impact Assessment for the proposed development which may include:
 - 1.1.1 An estimate of the number of additional motor vehicle trips per day to be generated by the proposed development or phase of development.
 - 1.1.2 A breakdown of traffic flows associated with the proposed development as follows:
 - 1.1.2.1 Weekday and weekend traffic rates;
 - 1.1.2.2 Peak morning and evening traffic rates;
 - 1.1.2.3 Different rates associated with different land use activities; and
 - 1.1.2.4 Percentage of in and out flows;
 - 1.2 An analysis of the anticipated impact of additional motor vehicle trips on existing public highways and road rights-of-way.
 - 1.3 An analysis of the anticipated impact of additional motor vehicle trips on nearby land uses.
 - 1.4 An analysis of the anticipated impact of additional motor vehicle trips on areas where there may be conflict with vehicles, including paths or walking trails, train crossings and other intersection points.
 - 1.5 An identification of any upgrading, reconstruction, reconfiguration or expansion to a public highway and road rights-of-way necessary to accommodate additional motor vehicle trips generated by the proposed development or phase of development.
 - 1.6 Provision of onsite parking and loading requirements in accordance with *CVRD* bylaws and regulations.
 - 1.7 Provision of designs in accordance with the Ministry of Transportation and Infrastructure design guidelines.

Local Infrastructure:

2. Local infrastructure may include systems under the authority of the *CVRD*, an Improvement District, or a private utility company. If the *CVRD* requires development approval information relating to local infrastructure, the following information may be required in a *Report*.
 - 2.1 An analysis of the anticipated impact on stormwater management, sanitary sewer and water supply systems generated by the proposed development or phase of development, including:
 - 2.1.1 Impacts of the proposed development on existing systems;
 - 2.1.2 Proposed improvements to the existing systems;
 - 2.1.3 Consideration for the development of adjacent or tributary lands; and

- 2.1.4 An analysis of the anticipated impact on water supply for fire protection systems.
- 2.2 Proposed improvements shall meet the Master Municipal Construction Documents (MMCD) standards and be designed in accordance with CVRD Electoral Areas Works and Servicing Bylaw No. 4331.
- 2.3 Proposed sewage treatment and disposal methods shall meet the requirements of the most recent CVRD Liquid Waste Management Plans and be designed in accordance with CVRD Source Control Bylaw No. 4232.

Stormwater Management:

3. If the CVRD requires development approval information relating to stormwater management, the following information may be required in a *Report*:
 - 3.1 A stormwater management plan providing an analysis of the pre-development and post-development natural hydrological conditions including peak flows and recommendations on low impact development features and design of on-site drainage works.
 - 3.2 An erosion and sediment control plan analysing the anticipated impact of the proposed development on stormwater drainage, including recommendations to mitigate anticipated impacts on infrastructure, watercourses, ponds, lakes, wetlands, ocean and adjacent properties.

Public Facilities and Services:

4. If the CVRD requires development approval information relating to public facilities and services, the following information may be required in a *Report*:
 - 4.1 An analysis of the anticipated impacts (financial, resource and capacity) to local facilities and services that would result from an increase in population associated with the proposed development, including:
 - 4.1.1 Protective services including fire, ambulance and police;
 - 4.1.2 Solid waste disposal and recycling facilities;
 - 4.1.3 Health care facilities;
 - 4.1.4 Schools;
 - 4.1.5 Parks;
 - 4.1.6 Community meeting facilities; and
 - 4.1.7 Recreation and cultural facilities and services.

Natural Environment:

5. If the CVRD requires development approval information relating to the natural environment, the following information may be required in a *Report*:
 - 5.1 An analysis of the natural environment on and in the vicinity of the *Subject Property*, including ecosystems, biological diversity, species at risk, regionally significant species, and riparian ecosystems.

- 5.2 A detailed biophysical assessment of the property.
- 5.3 A vegetation management plan including recommendations for restoration and maintenance.
- 5.4 An assessment of how the development will protect, retain and restore environmentally valuable resources.
- 5.5 A tree analysis and inventory and detailed tree retention strategy for the *Subject Property* and any potential impacts of tree removal on adjacent properties.
- 5.6 An analysis of the proposed development's impact on fish and wildlife habitat as well as groundwater and surface water quality and quantity, including pollution, nutrients, silt and pathogens.

Hazardous Conditions:

6. If the *CVRD* requires development approval information relating to hazardous conditions, the following information may be required in a *Report*:
 - 6.1 An analysis of natural hazards that may be present on or adjacent to the *Subject Property*, including landslide, flood including coastal flooding, stormwater runoff, and sea level rise in accordance with the "CVRD Natural Hazard Risk Tolerance Policy and Geohazard Assurance Statement", as amended from time to time.
 - 6.2 Certification that the lands are safe for the intended use, in accordance with the Engineers and Geoscientists BC (EGBC) professional practice guidelines.
 - 6.3 An analysis of any wildfire risk hazard including recommendations such as windbreaks, building setbacks, landscape plans, forest management strategy and modified building or subdivision design.

Economic and Social Development:

7. If the *CVRD* requires development approval information relating to economic and social development, the following information may be required in a *Report*:
 - 7.1 An analysis of the anticipated direct and indirect economic impacts generated by the proposed development on the community.
 - 7.2 An analysis of the anticipated impacts on existing nearby commercial uses including the effects of competition and tenancy.
 - 7.3 An analysis on the anticipated impacts on industrial land supply.
 - 7.4 An analysis on the anticipated impacts on the supply, use and quality of agricultural lands.
 - 7.5 An analysis of how affordable housing will be incorporated into the development, including addressing needs outlined in the most recent "Electoral Area Housing Needs Assessment Report.
 - 7.6 An analysis of how the proposed development will meet adaptable housing needs including, cooperative housing, seniors care or community care and assisted living needs.
 - 7.7 An analysis of how the proposal will ensure child care needs generated by the proposed development will be addressed.

Archaeological and Cultural Heritage Resources:

8. If the *CVRD* requires development approval information relating to archaeological and cultural heritage resources, the following information may be required in a *Report*:
 - 8.1 An analysis of any potential or existing heritage or archaeological features on the *Subject Property* or surrounding areas.
 - 8.2 An archaeological impact assessment analysing anticipated impacts on historical, cultural or archaeological buildings, sites or assets.
 - 8.3 A heritage impact assessment analysing anticipated impacts on historical, cultural or heritage buildings, sites or assets.
 - 8.4 Documentation submitted by a *Qualified Professional* indicating that the *Subject Property* is not an archaeological site recorded with the B.C. Archaeology Branch.

Climate Action:

9. If the *CVRD* requires development approval information relating to climate action, the following information may be required in a *Report*:
 - 9.1 An analysis of how the proposed development is likely to contribute to greenhouse gas emission reductions, energy conservation and/or water conservation.
 - 9.2 An analysis of the impacts of the proposed development on air quality including pollution, dust, fumes, smoke and odours.
 - 9.3 A climate risk and vulnerability assessment analysing the anticipated impact of the proposed development on climate change, including recommendations for measures to mitigate climate risk.
 - 9.4 Analysis of whether the proposed development supports transportation alternatives to use of personal vehicles.
 - 9.5 Analysis of whether the proposed development incorporates elements of site design, building design and orientation including utilizing LEED guidelines for building materials and resources, indoor environmental quality, use of natural light, innovation in design, and support for the reduction of personal vehicle use.