



**COWICHAN VALLEY REGIONAL DISTRICT**  
**BYLAW No. 3540**

**A Bylaw to Establish Development Approval Information Requirements and Procedures**

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**WHEREAS** Section 920.01 of the *Local Government Act*, hereafter referred to as the "Act", as amended, empowers the Regional Board to designate in an Official Community Plan areas and prescribe circumstances in which development approval information may be required from an applicant for an amendment to a zoning bylaw, a development permit or a temporary commercial or industrial use permit;

**AND WHEREAS** Section 920.1 of the *Local Government Act* establishes that the CVRD may, by bylaw, establish the procedures and policies on the process for requiring development approval information and the substance of the information that may be required;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 3540 - Development Approval Information Bylaw, 2011**".

2. **DEFINITIONS**

"**Applicant**" means a person who applies for:

- i) An amendment to a zoning bylaw under Sections 903 or 904 of the *Local Government Act*;
- ii) A development permit under Section 920 of the *Local Government Act*; or
- iii) A temporary commercial or industrial use permit under Section 921 of the *Local Government Act*.

"**Appropriate Professional**" means any professional listed in the table in paragraph 10 that has expertise in the subject matter about which an Applicant may be required to provide a report under this Bylaw.

"**Fish Habitat**" means aquatic environments, whether marine or freshwater, that either are riparian areas pursuant to the *Riparian Areas Regulation* or are fronting on the seashore or an estuary.

"**Officer**" means an employee of the Cowichan Valley Regional District who has been delegated the duty of determining whether Development Approval Information is required.

"**Wildlife Habitat**" means an area where any red or blue listed species, as specified by the British Columbia Conservation Data Centre, are known to frequent.

### 3. DESIGNATION OF DEVELOPMENT APPROVAL INFORMATION AREAS

Where an Official Community Plan identifies land in an electoral area within the Cowichan Valley Regional District as being an area for which development approval information may be required, the procedures and policies for requiring such information and the substance of such information are set out in this bylaw.

### 4. APPLICATION THAT MAY NECESSITATE DEVELOPMENT APPROVAL INFORMATION

The requirements of this bylaw apply to lands that are the subject of one of the following types of land use application:

- (a) An amendment to a zoning bylaw under Section 903 of the *Local Government Act*;
- (b) A Development Permit under Section 920 of the *Local Government Act*;
- (c) A Temporary Use Permit under Section 921 of the *Local Government Act*;

Within these areas, an Officer of the Cowichan Valley Regional District, upon receipt of an application, shall determine whether and to what extent development approval information will be required in accordance with this bylaw.

### 5. PROVISION OF INFORMATION

Where development approval information is to be provided, the information shall be provided by the Applicant, at the Applicant's expense, in the form of a report prepared by the appropriate professional as set out in the table included within section 11 to the Cowichan Valley Regional District within 120 days of the Applicant receiving a written request from the Cowichan Valley Regional District to provide a report.

### 6. TRANSPORTATION PATTERNS

If an Officer of the Cowichan Valley Regional District requires information in the form of a report related to transportation patterns, including traffic flow, the report must:

- (a) Estimate the number of additional motor vehicle trips per day to be generated by the proposed development and, in the case of phased development, by each phase of the development;
- (b) Provide an analysis of the proposed development's impact on existing public highways identified in the Official Community Plan receiving the increased traffic circulation, including vehicular capacity of the road, size and configuration of intersections, turning lanes, merging lanes, traffic lights and pullout areas;
- (c) Provide an analysis of the impact of the traffic to be generated by the proposed development on nearby and adjacent uses of the land;
- (d) Provide an analysis of the impact of the traffic to be generated by the proposed development on areas where there may be conflict with vehicles, including, without limitation, paths or walking trails and train crossings and other intersection points;
- (e) Provide onsite parking and loading requirements and identify internal circulation routes of the proposed development;

- (f) Provide a breakdown of traffic flows associated with the proposed development as follows:
  - i) Weekday and weekend traffic rates;
  - ii) Peak morning and evening traffic rates;
  - iii) Different rates associated with different land use activities;
  - iv) Percentage of in and out flows;
- (g) Identify any highway upgrading, reconstruction, reconfiguration or expansion to the highways referred to in Section 6(b) that may be necessary in order to accommodate the additional vehicle trips per day to be generated by the proposed development, including the construction of or alterations to intersections, turning lanes, merge lanes, traffic lights and pullout area and their cost and potential funding sources;
- (h) Provide solutions to possible traffic problems in addition to those described in Section 6(g), including, without limitation, opportunities for facilitating mass transit, rail passenger services and access by alternative highways; and
- (i) Have content and form suitable to the Ministry of Transportation and Infrastructure.

## **7. SEWER, WATER AND DRAINAGE INFRASTRUCTURE**

If an Officer of the Cowichan Valley Regional District requires information in the form of a report relating to the impact of development on local infrastructure, the report must:

- (a) Have regard for servicing strategies and policies that may be contained within the Official Community Plan;
- (b) Estimate the demand to be generated by the proposed development for water, and in the case of phased development, by each phase of the development;
- (c) Provide an analysis of existing community water systems and the options available for the supply and delivery of water to the proposed development, in consultation with the water purveyor;
- (d) Provide an analysis of existing community sewer systems if any, and the options available for the treatment and disposal of sewage from the proposed development;
- (e) Estimate the amount of additional surface drainage that would be generated by the proposed development and the options available for on-site retention/absorption, collection, storage and dispersal of such drainage;
- (f) Identify any possible deficiencies of the current water, sewer and drainage systems in dealing with the proposed development; and
- (g) Identify the new capital works required for the proposed development for water, sewer and drainage systems and their cost and the potential funding sources for these expenditures.

## **8. ENVIRONMENTAL IMPACT ASSESSMENT**

If an Officer of the Cowichan Valley Regional District requires information in the form of a report relating to the impact of development on the natural environment, the report shall:

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- (h) Have regard to the environmental goals, objectives and policies within the Official Community Plan;
  - (i) Identify on the site of the proposed development any of the following physical features, both surface and subsurface:
    - i) Wet lands and bogs;
    - ii) Streams, creeks or rivers, either permanent or intermittent;
    - iii) Lakeshore regions;
    - iv) Foreshore regions;
    - v) Steeps slopes;
    - vi) Flora and fauna;
    - vii) Groundwater - quality and quantity;
    - viii) Fish and Wildlife Habitat;
    - ix) Wildfire hazard interface areas;
    - x) Soil conditions;
    - xi) Surface water drainage patterns; and
    - xii) Bedrock.
  - (j) Estimate the volumes of surface drainage waters that would be directed to watercourses and the methods to be used to ensure that contaminants are not released into these waters as a result of the proposed development, and in the case of phased development, each phase of the development;
  - (k) Examine the proposed development's impact on the discharge of surface drainage waters in relation to Fish Habitats;
  - (l) Examine the potential for the slipping of soil, sand or silt into water courses as a result of the construction of buildings and structures and the installation of paved areas and the removal of trees and other vegetation in connection with the proposed development;
  - (m) Examine the impact of the proposed development on the forest, if any, including the trees and under storey, by determining the number and type of trees and type and extent of vegetation, which would be removed to accommodate the proposed development;
  - (n) Examine the impact of the proposed development on the Fish and Wildlife Habitat, if any, and alteration of the native fauna associated with such habitat;
  - (o) Examine the impact of any proposed road and bridge construction on the watercourses and the banks of such watercourses;
  - (p) Provide a plan of revegetation to be undertaken by the Applicant during and following the construction of the proposed development to preserve disturbed soils, prevent erosion and sloughing and restore native flora;
  - (q) Examine the site's natural environmental features;
  - (r) Examine how the proposed development may impact the environment on the site of the proposed development and adjacent properties;
  - (s) Examine how the Applicant proposes to mitigate any potential impacts on the environment; and
  - (t) Identify how the Applicant intends to ensure that no foreign materials enter into any water courses, including, without limitation, greases, oils, gasoline, sediments and other contaminants during and after the construction phase of the proposed development.

**9. COMMUNITY SERVICES, PUBLIC FACILITIES AND PARKS**

If an Officer of the Cowichan Valley Regional District requires a report containing information relating to community services and public facilities, including schools and parks, the report must:

- (u) Consider any goals, objectives and policies contained within an Official Community Plan respecting community services, public facilities and parks;
- (v) Identify the local community services that would be affected by the proposed development including, without limitation, any of the following: the provision of public safety services, including but not limited to: fire, ambulance and police, health care, community meeting space, indoor recreation facilities, outdoor recreational facilities and services;
- (w) Examine the potential financial impacts of the proposed development on the existing community services and public facilities;
- (x) Examine the impact of the proposed development on the number of users of existing community services and public facilities;
- (y) Outline any potential costs and identify possible strategies to mitigate against the potential impacts, including, an outline of the potential funding sources for the provision of additional community services and public facilities that may be required as a consequence of the proposed development, and make recommendations in that regard.

**10. OTHER INFORMATION**

If an Officer of the Cowichan Valley Regional District requires a report containing information relating to heritage resources, archaeological resources, agricultural resource lands, forestry resource lands, local employment opportunities, energy conservation and reduction of greenhouse gases, the report must:

- (a) Have regard for any goals, objectives and policies within an Official Community Plan related to heritage resources, archaeological resources, agricultural resource lands, forestry resource lands, local employment opportunities, energy conservation and reduction of greenhouse gases;
- (b) Identify any potential impacts of the proposed development upon heritage resources, archaeological resources, agricultural resource lands, forestry resource lands, local employment opportunities, energy conservation and reduction of greenhouse gases;
- (c) Examine ways in which any negative impacts on these matters may be mitigated and make recommendations in that regard.

**11. APPROPRIATE PROFESSIONALS**

The required development approval information must be prepared by an appropriate professional as outlined in the table below:

| TYPE OF INFORMATION                              | CONSULTANT  |
|--|---|
| Transportation                                   | Traffic Engineer (P. Eng.)  |
| Local Infrastructure<br>(Water, Sewer, Drainage) | Civil Engineer (P. Eng.)  |
| Natural Environment                              | Registered Professional Biologist (R.P. Bio)<br>Hydrological Engineer (P. Eng.)<br>Geotechnical Engineer (P. Eng.)<br>Professional Geologist or Geoscientist (P. Geo.)<br>Member of Canadian Institute of Planners (MCIP)<br>Registered Professional Forester (RPF)<br>Architect (MAIBC)<br>Landscape Architect (BCSLA)<br>Professional Agrologist (P. Ag.) |
| Public Facilities and Community Services         | Member of Canadian Institute of Planners (MCIP)<br>Architect (MAIBC)<br>Civil Engineer (P. Eng.)  |
| Archaeological Assessment                        | Professional Archaeologist acceptable to the local first nation(s)  |
| Forestry Resource Lands                          | Registered Professional Forester (RPF)<br>Member of Canadian Institute of Planners (MCIP)   |
| Agricultural Resource Lands                      | Professional Agrologist (P. Ag.)<br>Member of Canadian Institute of Planners (MCIP)   |
| Energy Conservation, GHG Reduction               | Bachelor's degree in a related scientific field   |
| Employment                                       | Bachelor's degree in Economics, Demography or Economic Development<br>Member of Canadian Institute of Planners (MCIP)   |

## 12. **MAPPING**

If a report includes text and maps, the maps are to be drawn at a scale of 1:2000 or, with the prior approval of the Cowichan Valley Regional District, at a scale of 1:5000.

**13. ACCEPTANCE OF REPORT**

- (1) Within 60 days of receiving a report from an Applicant, the Cowichan Valley Regional District will decide whether the report is complete.
- (2) If the Cowichan Valley Regional District decides a report is incomplete or deficient it will notify the Applicant in writing of the nature of the deficiencies within 20 days of the determination under (1) above and the Applicant must resubmit the corrected report within 40 days of the Cowichan Valley Regional District's notification that the report is incomplete or deficient.

**14. DISTRIBUTION OF REPORT**

The Cowichan Valley Regional District may distribute a report to any person and publicize the results of a report.

**15. SEVERANCE**

If any section, subsection, sentence, clause, definition, 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.

**16. FORCE AND EFFECT**

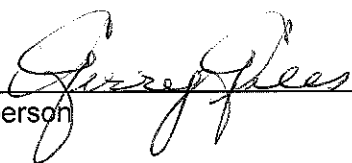
This bylaw shall take effect upon its adoption by the Regional Board.

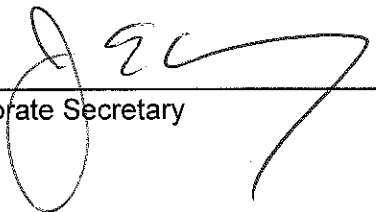
READ A FIRST TIME this      14<sup>th</sup>      day of      September      , 2011.

READ A SECOND TIME this      14<sup>th</sup>      day of      September      , 2011.

READ A THIRD TIME this      14<sup>th</sup>      day of      September      , 2011.

ADOPTED this      14<sup>th</sup>      day of      September      , 2011.

  
 \_\_\_\_\_  
 Chairperson

  
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 Corporate Secretary