



STAFF REPORT

TO: CHIEF ADMINISTRATIVE OFFICER

FROM: BRIGID REYNOLDS, CONSULTING TOWN PLANNER

SUBJECT: PROPOSED DEVELOPMENT APPROVAL PROCEDURES BYLAW NO. 1125,
PROPOSED PUBLIC NOTICE BYLAW NO. 1129, AND FEE BYLAW AMENDMENT
BYLAW NO. 1130

MEETING DATE: APRIL 14, 2026

PURPOSE

1. To review three interrelated bylaws, recommend to Council that each bylaw be given 1st and 2nd readings and that advertising for a public hearing be completed:
 - a. Development Approval Procedures Bylaw No. 1125 to establish new development approval procedures to streamline land use approvals, make the bylaw consistent with recent *Local Government Act* changes, and establish delegated approval for some land use applications including minor development variance permit applications.
 - b. Public Notice Bylaw No. 1129
 - c. Fee Bylaw Amendment Bylaw No. 1130

BACKGROUND

In early 2022, the Province approved Bill 26 to amend the Local Government Act (LGA) to modernize and streamline certain development approvals to address the housing supply issue. The new regulations established powers to allow delegated approval by staff of certain applications including minor development variances and not requiring a public hearing for rezoning amendments that were consistent with the Official Community Plan (OCP). Additionally, one of Council's strategic priorities is to streamline development approvals.

At its meeting of June 26, the Advisory Planning Commission recommended to Council that the delegation of authority be given to staff to approve all Development Permit applications with the

necessary amendments to the Town's bylaw and procedures (APC.19/25). This recommendation was reported to Council at its July 22, 2025 regular meeting.

The APC has reviewed delegation and development approvals at two meetings, June 26th and September 18th.

The existing Development Approval Procedures Bylaw No. 1109 is out of date, doesn't provide direction for all land use applications that may come before Council, and doesn't consider recent amendments to the *Local Government Act* to streamline the approval processes for land use applications.

At its regular meeting on January 13, 2026 the Committee of the Whole Council passed the following resolution:

That the Town send the draft bylaw to local area builders and developers and the broader community to seek input and provide Council with the feedback for Development Approval Procedures Bylaw no. 1125.

ANALYSIS

Development Approval Procedures Bylaw No. 1125

A summary of the proposed bylaw amendments is outlined below:¹

1. Public Hearings for Rezoning Applications

The *Local Government Act* has been amended to prohibit the requirement to hold public hearings for rezoning applications where the more than 50% of the floor area consists of residential uses and the proposals are consistent with the OCP. The intent of the legislative revision is to reduce processing timelines and resources to coordinate and organize previously required public hearings.

When no public hearing is being held, notice of the proposed zoning amendment is required prior to first reading of the bylaw. This provides the public with an opportunity to identify concerns earlier in the process for Council's consideration. At the time that Council considers first reading of the bylaw, Council can consider public submissions and require amendments to the application if necessary.

It is a recommended best practice to engage the community early in the rezoning process rather than after bylaws have been drafted. The draft Development Procedures Bylaw includes provisions over and above the legislative requirements for development application notification signs, public information meetings to be held by the applicant prior to Council's consideration of the bylaw and notification mail outs that are generally aligned with current practices.

2. Delegated Development Permits

¹ Much of this section was written based upon a report prepared by the Manager of Planning from the Village of Cumberland, March 27, 2023.

In the current Delegation of Authority Bylaw No. 802, adopted in 2005, Council delegates authority for various matters to the CAO including purchasing, approvals for temporary use of public streets, releasing charges on titles, and approvals of strata conversions. There is no delegated authority for any planning/land use related matters. Bylaw No. 802 would have to be rescinded should Bylaw No. 1125 be adopted by Council.

The BC DAPR Report recommends increasing delegated development permit approval authority, empowering staff to deal with routine approvals to improve service delivery. Development permits are a non-discretionary approving authority, meaning that both the local government and the applicant are bound to adhere to the established development permit Guidelines in the OCP. The time to engage the community is during the development of the guidelines in the OCP and not during the DP application approval process. Local governments that have denied development permit applications based on considerations other than the guidelines have been ordered by the Courts to reverse their decisions.

Delegation powers can be expanded or retracted by a bylaw amendment. When considering increasing the scope of development permits it is important to establish the comfort level of Council and staff. Delegating powers to staff can also be phased in over time to ensure that both Council and staff have a policy and regulatory framework in place to guide decision making. Based on this direction, the recommended scope of delegated development permit authority is summarized as follows:

- Streamside protection development permits
- Residential developments that do not exceed 20 units;
- Industrial and commercial developments;
- Hazard lands development permits for steep slopes, floodplain, and wildfire hazard;
- Minor amendments to approved permits; and
- Renewal of unchanged, lapsed permits.

There are often instances where some form of security is a condition to approval, like in the case of landscape bonding or riparian replanting. The draft bylaw proposes to delegate this to staff. For applications that are considered controversial staff may determine that these applications should be considered by Council.

3. Delegated Minor Development Variance Permits (DVPs)

The amendment of the *Local Government Act* to allow for delegated minor DVPs can support local governments in streamlining application reviews by reducing processing times as well as the number of minor land use applications that the Council must consider. Under Section 498 of the *Local Government Act*, a local government may issue a DVP by Council resolution to vary requirements of specified bylaws. Section 498.1 has been added allowing a local government to adopt a bylaw to delegate to an officer or employee the authority to issue a DVP, if the proposed variance:

- is minor in nature, and
- varies the provisions of a bylaw under any of the following:

- the Zoning Bylaw respecting siting, size and dimensions of buildings, structures and permitted uses;
- off-street parking and loading space requirements;
- the regulation of signs;
- screening and landscaping requirements to mask or separate uses or to preserve, protect, restore and enhance natural environment;
- and a provision of the *Local Government Act* prescribed by regulation of the Lieutenant Governor in Council.

As per the *Local Government Act*, a bylaw delegating the power to issue a DVP must include:

- a) criteria for determining whether a proposed variance is minor; and
- b) guidelines the delegate must consider in deciding whether to issue a DVP.

The criteria and guidelines proposed for the delegation of minor DVPs in the draft Development Approval Procedures Bylaw utilize a two-step approach. This approach ensures that the Council’s interests in the variance process are represented while providing staff with a suitable level of professional judgement to determine whether a variance is “minor” based on a suite of land use planning considerations. The draft bylaw does not require that notice be provided for these delegated permits. Staff would like to confirm that no notice is required for delegated or minor DVPs.

If cases when staff determines a Development Permit application or minor Development Variance Permit application doesn’t meet the draft guidelines or they consider that the application may have significant community concerns, staff retain the option of sending the application to Council for its consideration.

Since January 2025 Council has reviewed and approved 11 development permits, two of those include variances to the Zoning Bylaw, and nine development variance permits. Many of the variances are consistent with the proposed criteria for a minor variance.

Public Notice Bylaw, Bylaw No. 1129

Community Charter, Section 94.2 allows Council to adopt a bylaw that provides for alternative means of publishing notices instead of using the local newspaper. This bylaw must specify at least two (2) means of publication by which a notice is to be published and may include internet or other electronic means.

This bylaw is used in conjunction with proposed Development Approval Procedures Bylaw No. 1125. The alternative means of notification are proposed to include a notice on the Town’s social media (Facebook) with a link to the Town’s website notice page and to have one notice only in the local newspaper.

This alternative notice requirement would apply to applications for OCP amendments, Zoning Bylaw amendments and Temporary Use Permits only. Section 499 (1.1) states that the requirement to give notice for minor development variance permits does not apply.

Fee Bylaw Amendment Bylaw No. 1130

One of the provisions in the Development Approval Procedures Bylaw No. 1125 requires an amendment to Fee Bylaw No. 1127. Specifically, Draft Bylaw 1125 Section 6.4 states that 10% of the application fees will be refunded when an application has been submitted but it is not completed and additional information has been requested. If after three months the requested additional information has not provided, staff will close the application and refund the application fees less a 10% administration fee.

This provision is intended to address the perception that an incomplete application will continue to be processed even when all the necessary information hasn't been submitted.

When applications are determined to be complete and staff have prepared a report and the application has been presented to Council, no fees will be refunded.

Advisory Planning Commission

At the APC regular meetings of June 26, 2025 and September 18, 2025, the members discussed proposed amendments to the Development Procedures Bylaw and Delegation of Authority Bylaw. The Commissions recommendations have been incorporated into the draft Bylaw 1125

PUBLIC ENGAGEMENT

As directed by Council, a questionnaire was prepared, distributed to local developers, notice of it was posted on the Town's facebook page directing people to the questionnaire on the website. A copy of the questionnaire is in Attachment XXX. Four responses were received and they are in Attachment XXX as well as a summary of their responses including comments.

In summary:

- three of the four respondents have done development in the Town
- three of the four said Council should delegate approvals to staff
- three of the four said notice should only be provided for major development
- three of the four said a public information should be held for zoning amendment applications

IMPLICATIONS

a. Financial:

This is a Council directed amendment, so no application fees are paid. A Provincial grant has been received to support this work and is being used to cover the Contract Planners wages for this work.

b. Policy/Legislation:

In 2019 the Province completed the Development Approvals Process Review and the findings determined that local governments must improve their approval processes. The

Province has since adopted enabling regulations with the goal to expedite local government development approvals.

c. Strategic Priority:

One of Council's strategic priorities is to streamline development approvals. Community Planning - Streamlining development application processes.

d. Sustainability:

N/A

e. Communication:

As required by the *Local Government Act*, bylaw amendments are required to receive 3 readings and final adoption. A public hearing is required for the adoption of this bylaw and requires notice 10 days prior to the public hearing.

In addition to the statutory notice, Bylaw no. 1109 requires a notice be posted on the Town's website, on Facebook, and at the Town Hall. The APC requested to review the draft bylaw, which has been completed. The APC suggested that local area builders be informed of the proposed amendment to receive their input.

A questionnaire was prepared with notice provided on the Town's website

f. Staffing Implication:

The proposed bylaw amendments to delegate authority to staff to approve some land use approvals and to streamline the approval process will reduce staff's workload in Administration and Planning Departments. Preparing and mailing notices for one application can take more than an hour, for example. Staff reports would still be prepared for delegated applications however their preparation will not have to follow Council meeting deadlines and would contain fewer details.

g. Legal Implication:

The draft Bylaw No. 1125 has been reviewed by the Town's lawyers and Bylaw No. 1129 is under review to confirm they are consistent with the Provincial legislation.

CONCLUSION

The draft Bylaw No. 1125 to delegate authority empowers staff to respond to applications in a timely manner, reduces processing times, improves customer service and creates greater staff efficiency in workload.

Amendments to the development approval procedures will remove notification for development permit and minor development variance permit applications and recognizes recent changes to the

Local Government Act related to a prohibition of public hearings zoning amendment applications that are consistent with the OCP and include more than 50% residential gross floor area.

The draft Public Notice Bylaw No. 1129 is necessary to establish additional notice requirements for OCP Amendment and Zoning Amendment Bylaws and Temporary Use Permits.

The draft Fee Bylaw Amendment Bylaw No. 1130 provides for the return of application fees for application submittals that are incomplete after a three-month period.

OPTIONS

- 1) To recommend to Council to grant 1st and 2nd reading to the three bylaws and direct staff to advertise for the public hearing.
- 2) To not recommend to Council to grant any readings for the bylaws and direct staff to make additional amendments.

RECOMMENDATION

The contract planner recommends the Committee of the Whole recommend to Council to grant 1st and 2nd reading to the:

- Development Approval Procedures Bylaw No. 1125
- Public Notice Bylaw No. 1129
- Fee Bylaw Amendment Bylaw No. 1130, AND
- To direct staff to complete advertising for a public hearing for each bylaw.

Signed:

Brigid Reynolds

Brigid Reynolds RPP MCIP
Contract Planner

Concurrence:

John T

John Thomas
Chief Administrative Officer

ATTACHMENT 1
DRAFT - Development Application Procedures Bylaw No. 1125, 2026

ATTACHMENT 2
DRAFT - Alternative Means Notice Bylaw, No. 1129, 2026

ATTACHMENT 3
DRAFT - Fee Bylaw Amendment, No. 1130, 2026

ATTACHMENT 4
Questionnaire and Results

DRAFT – FINAL REVIEW AND ADJUSTMENTS IN PROGRESS

TOWN OF LAKE COWICHAN

BYLAW NO. 1125-2025

A Bylaw to establish procedures for the processing of select development applications and to delegate powers, duties, and functions of Council

WHEREAS Section 460 of the *Local Government Act*, RSBC 2015, c 1, requires the Council to define, by bylaw, the procedures under which an owner of land may apply for amendment to an official community plan or zoning bylaw, or the issuance of a permit under Part 14 of the *Local Government Act*;

WHEREAS Section 154 of the *Community Charter*, SBC 2003, c 26, allows Council to delegate certain authorities to officers and employees of the municipality;

WHEREAS Section 94.2 of the *Community Charter* allows Council to provide for alternative means of publishing a notice instead of publishing the notice in a newspaper;

NOW THEREFORE the Council of the Town of Lake Cowichan, in open meeting assembled, hereby enacts as follows:

TABLE OF CONTENT - TBD

DRAFT

1. PURPOSE

The purpose of this Bylaw is to establish development approval procedures; align the procedures with the *Local Government Act*; and delegate the authority to approve some land use applications, including minor development variance permits.

2. TITLE

This Bylaw may be cited as the “Development Application Procedures Bylaw No. 1125, 2026”.

3. DEFINITIONS

- 3.1. **“Applicant”** means the Owner of land subject to an Application or an agent duly authorized to act on the Owner’s behalf in relation to an Application.
- 3.2. **“Application”** means an application for:
 - an amendment to the Official Community Plan or Zoning Bylaw; or
 - a Permit;
- 3.3. **“Alternative Publication Bylaw”** means the Town of Lake Cowichan Alternative Publication Bylaw No. 1129-2026.
- 3.4. **“Chief Administrative Officer”** means the municipal officer appointed under section 147 of the Community Charter.
- 3.5. **“Council”** means the Council of the Town of Lake Cowichan.
- 3.6. **“Development Permit”** means a permit authorized under Section 490 of the Local Government Act.
- 3.7. **“Development Permit Area”** means a development permit area designated as such in the OCP.
- 3.8. **“Development Variance Permit”** means a permit authorized under Section 498 of the Local Government Act.
- 3.9. **“Director”** means the Director of Bylaws and Development Services or their designate so appointed by the Chief Administrative Officer, or, if no Director of Bylaws and Development Services is currently appointed, the Chief Administrative Officer.
- 3.10. **“Fees and Charges for Services Bylaw”** means the Town of Lake Cowichan Fees and Charges for Services Bylaw No. 1111-2024.
- 3.11. **“Landscape Report”** has the meaning assigned to it in section 9.16.

- 3.12. **“Landscape Security”** has the meaning assigned to in section 10.1 (a).
- 3.13. **“Local Government Act”** means the Local Government Act, RSBC 2015, c 1.
- 3.14. **“Lot”** means a parcel of land, including crown land, which is legally described either by registered plan or description.
- 3.15. **“Minor Variance”** means
- 3.16. **“Official Community Plan”** or **“OCP”** means Town of Lake Cowichan Official Community Plan Bylaw No. 1097-2023.
- 3.17. **“Owner”** means the registered owner or owners of a parcel as identified on a title search issued by the Land Title Survey Authority.
- 3.18. **“Performance Security”** has the meaning assigned to in section 10.1 (b).
- 3.19. **“Permit”** means a development permit, temporary use permit, development variance permits, and any other permit Council is entitled to issue pursuant to the *Local Government Act*.
- 3.20. **“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, registered with a regulatory body (if applicable), and with experience relevant to the applicable matter, that is acceptable to the Director.
- 3.21. **“Remediation Security”** has the meaning assigned to in section 10.1 (c).
- 3.22. **“Staff”** means an employee of the Town.
- 3.23. **“Substantial Completion”** means the work has been completed to the Town’s satisfaction.
- 3.24. **“Substantial Completion Report”** has the meaning assigned to in section 10.5.2.
- 3.25. **“Temporary Use Permit”** means a permit authorized by Section 493 of the *Local Government Act*.
- 3.26. **“Works”** means the works authorized by or carried out pursuant to the Permit.
- 3.27. **“Zoning Bylaw”** means a Zoning Bylaw under the *Local Government Act*.

4. INTERPRETATION

- 4.1. A reference in this bylaw to any enactment of British Columbia is a reference to the enactment as amended, revised, consolidated, or replaced from time to time.

- 4.2. A reference in this bylaw to any bylaw, policy or form of the Town is a reference to the bylaw, policy or form as amended, revised, consolidated or replaced from time to time.
- 4.3. Where this bylaw delegates a power, duty or function of Council to a named position, the delegation is to the person who holds the position, and to any person who is the deputy of, or who is authorized to act for, that person.
- 4.4. Unless a power, duty or function of Council has been expressly delegated by this bylaw or another municipal bylaw, the powers, duties and functions of Council remain with Council.
- 4.5. A person to whom a power, duty or function has been delegated under this bylaw, or another bylaw, has no authority to further delegate to another person any power, duty or function that has been delegated to them by this bylaw.

5. GENERAL PROVISIONS

Scope

- 5.1. This Bylaw applies to an Application for:
 - (a) an amendment to the Official Community Plan;
 - (b) an amendment to the Zoning Bylaw;
 - (c) the issuance of a Development Permit;
 - (d) the issuance of a Development Variance Permit; and
 - (e) the issuance of a Temporary Use Permit.

Application Requirements and Processing Procedures

- 5.2. An Application made under this Bylaw must be submitted:
 - (a) by the Owner or an individual that the Owner has designated as their agent in writing to the Town;
 - (b) to the Town in accordance with the provisions of this Bylaw;
 - (c) as one complete package, with all required information, attachments, supplementary information;
 - (d) in the form required by the Town;
 - (e) along with the required Application fee Application Fees in the amount set out in the Fees and Charges for Services Bylaw.
- 5.3. The Chief Administrative Officer may prescribe the form and content of application forms related to this Bylaw, and in so doing may prescribe different forms for different categories of Applications based on the nature or complexity of the Application.

5.4. If Staff determines that:

- (a) an Application is incomplete during the initial review, or
- (b) additional information is needed in order to allow for the proper consideration of an Application

the Application will be placed on hold and Staff will ask the Applicant to provide the required missing or additional information required. If an Applicant does not provide the required information within three months of the Staff request, the Application will lapse and the Town will return the Application and fee to the Applicant in accordance with the Fees and Charges for Services Bylaw.

Number of Development Applications

- 5.5. Where a Lot is subject to more than one Development Permit Area designation, only one Development Permit Application is required. The Development Permit Application must address each applicable Development Permit Area requirement and the Applicant must pay the Application fee for each Development Permit Area in the amount set out in the Fees and Charges for Services Bylaw.

Development Permit Required Prior to Development

- 5.6. Pursuant to *Local Government Act*, the following activities are prohibited in Development Permit Areas unless the Owner obtains a Development Permit or the Official Community Plan exempts the Owner from obtaining a Development Permit:
- (a) Subdivision: land within the Development Permit Area cannot be subdivided;
 - (b) Construction: no building or structure can be constructed, added to, or altered;
 - (c) Land Alteration in Natural Environment or Hazard Areas: land within areas designated for natural environment or hazardous conditions cannot be altered; and
 - (d) Land or Building Alteration in Specific Designated Areas: land or buildings within areas designated for revitalization, energy conservation, water conservation, or greenhouse gas reduction cannot be altered.

6. SIGNAGE AND NOTIFICATION

Signage

- 6.1. In respect of an Application for an OCP Bylaw amendment, Zoning Bylaw amendment, and Temporary Use Permit, the Applicant, at their cost, must post a “Notice of Application Sign” in accordance with Schedule 1 of this bylaw and the following timelines:
- (a) within 15 days after submitting an Application; and
 - (b) at least 15 days before the scheduled date of the public information meeting related to the Application if such meeting is required.

Notification

- 6.2. The distance specified for the purpose of notification in relation to an Application to amend a bylaw under section 466(4) of the Local Government Act or to amend a land use contract under section 546(5) of the Local Government Act is 50 metres, measured from the boundaries of any Lot to which the Application pertains, subject to section 466(7) of the Local Government Act.
- 6.3. The Town will mail or otherwise deliver a notice to the owners and tenants in occupation of all parcels within a distance of 50 metres from that part of the area that is subject to a proposed OCP or Zoning Bylaw amendment or Temporary Use Permit Application at least 10 days prior to the date that a Public Information Meeting is being held.
- 6.4. The distance specified for the purpose of notification in relation to an Application for a Development Variance Permit under section 499(3) of the Local Government Act or a Temporary Use Permit under section 494(4) is 50 metres, measured from the boundaries of any Lot to which the Application pertains.
- 6.5. If Council directs, the Town will mail or otherwise deliver to the owners and tenants in occupation of all parcels within a distance of 50 metres from that part of the area that is subject to a Development Variance Permit issued by a delegate at least 10 days prior to the consideration of the Application by the Delegate.
- 6.6. The Town will provide notice of a public hearing held pursuant to section 464 of the Local Government Act in the following ways:
- (a) by posting the notice in the public notice posting places in accordance with section 94(1)(b) of the Community Charter; and
 - (b) by publishing the notice in a newspaper in accordance with the Town’s Alternative Publication Bylaw.

6.7. As an exception to section 7.4, the Town will provide notice of a public hearing on an Official Community Plan that includes a schedule under section 614(3)(b) (*designation of heritage conservation area*) of the Local Government Act in accordance with section 592 of the Local Government Act.

7. PUBLIC INFORMATION MEETINGS

7.1. In order to provide an opportunity for the public to access information and to inquire about an Application, an Applicant must hold a public information meeting (a “PIM”) prior to:

(a) an Application for a OCP Bylaw amendment or Zoning Bylaw amendment being considered by Council for first reading; and

(b) an Application for a Temporary Use Permit being considered by Council

7.2. Prior to holding a PIM, an Applicant must receive approval of its proposed meeting location from Staff in writing. The meeting location must be accessible to individuals with disabilities, and located within the Town or held virtually.

7.3. At least 10 days prior to the PIM, the Applicant must advertise in a newspaper that is distributed at least weekly in the area affected by the Application.

7.4. Within 14 days after the date of the PIM, the Applicant must submit a report to the Town summarizing the PIM, and such report will include the following information:

(a) location, time, and duration of PIM;

(b) number of attendees;

(c) proof of how the PIM was advertised;

(d) a summary of the information provided at the PIM; and

(e) a list of all questions asked to the Applicant and a summary of all discussion that took place.

The report required by this section will include a certification by the Applicant that the information included in the report is correct.

7.5. Council may require the Applicant to conduct additional public consultation to seek additional community engagement regarding the proposed Application, the cost of which will be the responsibility of the Applicant.

8. SECURITY

8.1. Council may require security as a condition of permit issuance for the purposes of section 502(1) and 496(1) of the Local Government Act, and in doing so must consider the following guidelines as to how the amount of security is to be determined:

(a) In the case of a condition in a permit respecting landscaping, security the amount of security will be up to 125% of an estimate or quote of the cost of Town entering the land and completing the landscaping works, including but not limited to: inspections, monitoring, maintenance, hardscaping, irrigation, labour and plantings materials (“**Landscaping Security**”).

(b) In the case of an unsafe condition that might result from a contravention of a permit condition:

- i. the nature of the permit condition,
- ii. the nature of the potential unsafe condition, and
- iii. the cost to the Town of entering on the land, undertaking work to correct the unsafe condition, including the cost of repairing any damage to land and improvements that may have been caused by the unsafe condition or that may have occurred in connection with the repair work.

(c) In the case of damage to the natural environment that might result from a contravention of a permit condition:

- i. the nature of the permit condition,
- ii. the nature of the potential damage, and
- iii. the cost to the Town of entering on the land, correcting the damage to the environment, and restoring or enhancing the natural environment to compensate for the damage that has been caused by the contravention of the permit condition.

(d) In the case of a condition in a Temporary Use permit that the owner give an undertaking to demolish or remove a building or other structure and restore the land:

- i. the nature of the permit condition, and

- ii. the cost to the Town of entering on the land and carrying out the demolition, removal or restoration if the owner of the land fails to comply with the undertaking.

Form of Security

- 8.2. Provision of *security* is required prior to issuance of a *Permit* and will be provided by the Applicant in the form of cash, a certified cheque, or an unconditional, irrevocable, standby letter of credit, effective for a period determined by the *Director*.
- 8.3. Irrevocable letters of credit must be issued by a Canadian chartered bank, with partial draws allowed, not require any documentation for draws, be cashable at a branch acceptable to the Director, and otherwise on terms acceptable to the Director.

Return of Security

- 8.4. If a Permit is cancelled by the Applicant and no work has occurred related to the security, the security will be returned to the Applicant.
- 8.5. An Applicant may request return of the non-Landscaping security by submitting substantial completion report by a Qualified Professional (a “**Substantial Completion Report**”) certifying that:
 - (a) The works subject to the permit have been completed strictly in compliance with the requirements of the permit; and
 - (b) In relation to unsafe conditions or damage to the natural environment, that either:
 - i. no unsafe condition exists on the lands subject to the permit, nor has any damage to the natural environment occurred; or
 - ii. if an unsafe condition existed on the lands, or any damage to the natural environment occurred, the unsafe condition or damage to the natural environment has been corrected.
- 8.6. The Substantial Completion Report must be signed and sealed by a Qualified Professional and provide sufficient detail for the Town to confirm that the certifications provided therein are accurate.
- 8.7. Upon receipt of a Substantial Completion Report, the Town may conduct a site inspection to verify that the certifications provided in the Substantial Completion Report are accurate.

8.8. Should the Town:

(a) identify any deficiencies in the works subject to the permit not identified in the Substantial Completion Report,

(b) determine that the certifications provided under section 9.5 are inaccurate.

Town will issue an inspection report to the Applicant and the security will be retained until the deficiencies have been addressed.

8.9. Upon completion of any items outlined in the Town's inspection report, the Applicant shall re-submit a revised Substantial Completion Report to the Town in accordance with section 9.5

8.10. The Town will return the security to the Applicant once it has determined that the Substantial Completion Report, or the revised Substantial Completion Report, are acceptable.

Landscaping Security

8.11. An Applicant may request a certificate of completion in relation to Landscaping Works from the Town by submitting a Substantial Completion Report that complies with the requirements of section 9.6 and 9.7 (the "Landscaping Substantial Completion Report").

8.12. Upon receipt of a Landscaping Substantial Completion Report, the Town may conduct a site inspection to verify that the certifications provided in the Substantial Completion Report are accurate.

8.13. Should the Town:

(a) identify any deficiencies in the works subject to the permit not identified in the Landscaping Substantial Completion Report,

(b) determine that the certifications provided therein are inaccurate.

Town will issue an inspection report to the Applicant and it will not issue a certificate of completion.

8.14. Upon completion of any items outlined in the Town's inspection report, the Applicant shall re-submit a revised Landscaping Substantial Completion Report to the Town in accordance with section 9.11.

- 8.15. The Town will issue a certificate of completion to the Applicant once it has determined that the Substantial Completion Report, or the revised Substantial Completion Report, are acceptable.
- 8.16. On the date that is one year after the date the City issues a certificate of completion, an Applicant may request return of the Landscaping security by submitting substantial completion report by a Qualified Professional certifying that the landscaping works are successfully established, meaning that no less than 75% of all planted specimens are alive, in good health, and exhibiting growth consistent with their species and the season, with any dead or dying specimens having been replaced prior to certification (the “Landscape Report”).
- 8.17. Upon receipt of a Landscape Report, the Town may conduct a site inspection to verify that the certifications provided in the Landscape Report are accurate.
- 8.18. Should the Town:
- (a) identify any deficiencies in the works subject to the permit not identified in the Landscape Report,
 - (b) determine that the certifications provided in the Landscape Report are inaccurate.
- Town will issue an inspection report to the Applicant and the Landscape Security will be retained until the deficiencies have been addressed.
- 8.19. Upon completion of any items outlined in the Town’s inspection report, the Applicant shall re-submit a revised Landscape Report to the Town in accordance with section 9.16.
- 8.20. The Town will return the Landscape Security to the Applicant once it has determined that the Landscape Report, or the revised Landscape Report, are acceptable.

9. PERMIT ISSUANCE, AMENDMENT, RENEWAL, AND EXTENSION

Issuance

- 9.1. The date of issuance for a Permit is the date of approval of the Permit by Council or the Director, unless otherwise specified in the Permit.

- 9.2. An Application for an amendment to an issued Permit will be considered by Council or the Director according to the Application type. Approval of any amendment does not constitute a renewal or extension to a Permit, and a revised Permit may be issued without change to the expiry date.

Extension

- 9.3. A Permit-holder may apply to extend the term of a Permit by submitting a request to the entity that originally issued the Permit. The term of a Permit may only be extended once.

Re-Application

- 9.4. Where an Application has been denied, the Town may refuse an Application that it determines is the same or substantially similar to the Application that was denied for a period six months form the date of the denial.
- 9.5. Notwithstanding the foregoing, where an Application requesting an OCP amendment is denied, the Town may refuse an Application that it determines is the same or substantially similar to the Application that was denied for a period six months form the date of the denial.

10. CHANGE OF OWNERSHIP

- 10.1. If registered ownership of Lot that is the subject of an Application changes, the Application will be held in abeyance until the Applicant provides the Town with:
- (a) an updated title search from the Land Title Survey Authority reflecting such change; and
 - (b) written authorization for the Application from the new Owner in a form acceptable to the Town.

If an Applicant does not provide the documents required under this section within three months of registered ownership changing, the Application will lapse and the Town will return the Application and fee to the Applicant in accordance with the Fees and Charges for Services Bylaw.

11. DELEGATION OF AUTHORITY

- 11.1. Council delegates the authority to the Director to:
- (a) subject to section , issue or amend a Development Permit and impose conditions in relation thereto;

- (b) without limiting the generality of the delegation of authority 12.1(f), pursuant to section 491(4) and (5) of the *Local Government Act*, require an Applicant for a development permit to provide a report to assist the Director in determining what conditions or requirements it will impose;
 - (c) issue a Development Variance Permit in respect of a Minor Variance and impose conditions in relation thereto;
 - (d) amend a Development Variance Permit in respect of a Minor Variance provided that the combined variances do not exceed the criteria set out in section;
 - (e) require security under ss. 496 and 502 of the *Local Government Act*;
 - (f) designate the form of any Permit issued under this Bylaw;
 - (g) designate the form and content of Application forms;
 - (h) designate the required form and content of notification signs;
 - (i) negotiate, execute and amend a section 219 covenant;
 - (j) execute the discharge of a restrictive covenant or statutory right of way which is no longer required or is to be replaced; and
 - (k) approve and execute a statutory right of way or easement or amendment to a statutory right of way or easement on behalf of the Town in connection with the operation of a sewer, water or drainage works, or for the purpose of trails or pedestrian or vehicular access.
- 11.2. The criteria for determined whether a proposed variance is a Minor Variance is outlined in Schedule 2.
- 11.3. The guidelines a delegate must consider in deciding whether to issue a Development Variance Permit are outlined in Schedule 2.
- 11.4. Despite section 12.1(c), the Director:

- (a) will refer an Application for a Development Variance Permit containing a Minor Variance to Council if the proposed variance is in conjunction with a Development Permit Application that is not delegated; and
 - (b) may refer any an Application for a Development Variance Permit containing a Minor Variance to Council for any reason.
- 11.5. The delegation of authority by Council under section 12.1(a) does not include the authority to issue or amend a Development Permit within a development permit area designated for the establishment of objectives for the form and character of commercial, industrial or multi-family residential development in accordance with section 488(1)(f) of the *Local Government Act* where one or more of the following is applicable:
- (a) the number of dwelling units in the proposed in the Application exceeds 20 units; and
 - (b) the development proposed in the Application will unduly impact the character of the surrounding streetscape or neighbourhood.

12. RECONSIDERATION

- 12.1. An Applicant that is subject to the decision of the delegate regarding:
- (a) the issuance or amendment of a Development Permit or the imposition conditions in relation thereto;
 - (b) the issuance or amendment of Development Variance Permit in respect of a Minor Variance or the imposition of conditions in relation thereto;
- is entitled to have Council reconsider the matter.
- 12.2. An Applicant may apply for reconsideration under section 13.1 as follows:
- (a) The Applicant, within 30 days of receiving notice of the Director's decision, will apply in writing to the Corporate Officer and provide the following information:
 - i. a description of the decision for which the Applicant seeks reconsideration;
 - ii. the date of the decision;
 - iii. the name of the delegate who made the decision;

- iv. the grounds on which reconsideration is being requested; and
 - v. a copy of any materials that the Applicant wants Council to take into account when reconsidering the decision.
- (b) Council must reconsider the decision at a regular meeting of Council or a statutory public hearing held within a reasonable period of time after the date on which the Applicant delivers the application for reconsideration to the Corporate Officer.
- (c) After receiving the application for reconsideration, the Corporate Officer must:
- i. place the reconsideration of the decision on the agenda for a regular meeting of Council or statutory public hearing;
 - ii. Give notice of reconsideration of the decision in accordance with any notice requirements applicable to the original decision; and
 - iii. Before the reconsideration of the decision by Council, deliver to each Council member a copy of the materials that were considered by the delegate in making the original decision, and a copy of all materials submitted by the Applicant to the Corporate Officer as part of the application for reconsideration.
- (d) In reconsidering the decision, Council must consider all the material before it.
- (e) At the meeting at which Council reconsiders the decision, Council will first hear from Staff in relation to the subject matter of the decision and in relation to the decision itself, and will then hear from the Applicant. Council may then hear from Staff in relation to any new information raised by the Applicant in its submissions to Council.
- (f) Council is entitled to adjourn the reconsideration of the decision; and
- (f) After hearing from Staff and the owner, Council will reconsider the decision and may either confirm the decision, amend the decision, or set aside the decision and substitute the decision of Council.

13. STATUTORY CONDITIONS AND RESTRICTIONS

A person to whom powers, duties or functions are delegated under this Bylaw may only exercise those powers, duties or functions subject to any applicable conditions and restrictions established by statute in relation to them.

14. SEVERABILITY

If any part of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed from the Bylaw without affecting the validity of the Bylaw or any remaining portions of the Bylaw.

15. LEGISLATIVE PROCEDURE

15.1. This bylaw shall take effect on XXXX.

15.2. Upon adoption of this bylaw, the “Development Approval Procedures and Notification Bylaw No. 1109-2024” and amendments are repealed” is hereby repealed effective XXXX.

READ A FIRST TIME on the ___ day of _____, 2025.

READ A SECOND TIME on the ___ day of _____, 2025.

READ A THIRD TIME on the ___ day of _____, 2025.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the ___ day of January, 2026.

X

Tim McGonigle
Mayor

X

John Thomas
Corporate Officer

SCHEDULE 1

NOTICE OF APPLICATION SIGN REQUIREMENTS

1. Design of Sign

The design of a notification sign shall be in a form prescribed by the Director.

2. Preparation of Sign

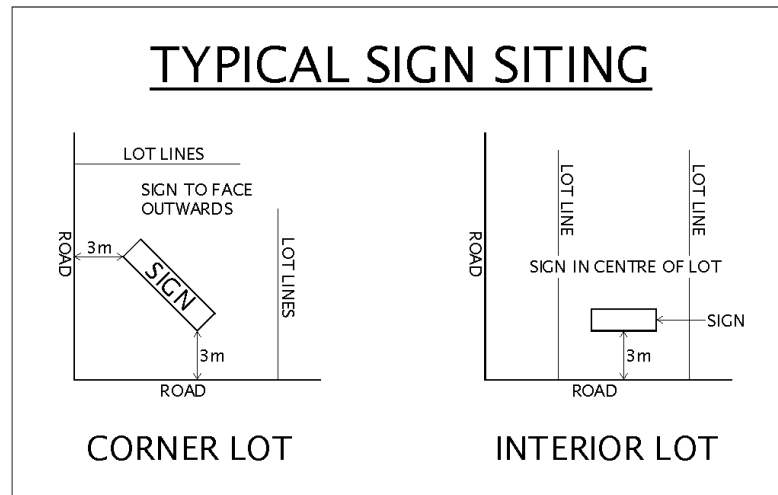
- 2.1. The Applicant will provide a mock-up of the notification sign and proposed siting location(s) with their Application for review and approval prior to final printing.
- 2.2. The Applicant will provide evidence satisfactory to Staff, acting reasonably, that the notification sign has been posted in accordance with the requirements of this bylaw within 10 days of the posting of thereof.

3. Siting of Sign

All notification signs must:

- (a) be placed on the Lot subject to the Application at a setback of three metres from the front parcel line (as shown in the “Typical Sign Siting” diagram below) ;
- (b) be in the siting location(s) approved by Staff;
- (c) must face the highway and be clearly visible;
- (d) not interfere with pedestrian or vehicular traffic,
- (e) obstruct visibility from highways, lanes, walkways or driveways; and

- (f) be installed in a sound workmanlike manner and must be capable of withstanding wind and weather.



4. Number of Signs

An Applicant shall post a minimum of one notification sign.

For large Lots with over 200 metres of street frontage, an Applicant must post one notification sign for each 200 metres of street frontage, to a maximum of three signs.

5. Maintenance of Sign

The Applicant will ensure that the notification sign(s) remain visible at all times and in a good condition, such that all the required information thereon is readable.

6. Amendments to Application

If Applicants amends and Application such that the notification sign is no longer accurate or does not include any required information, the Applicant will install new sign(s) reflecting the change in Application. The Applicant will not post such new sign(s) until it has received approval from Staff in accordance with section 2.2 of this bylaw.

7. Sign Removal

The Applicant will remove all notification signs within seven days of any of the following occurring:

- (a) in relation to an Application for an OCP or Zoning Bylaw amendment:
 - i. the conclusion of the public hearing for an Application;

ii. if a public hearing is not required, approval or refusal of the Application by Council

(b) in relation to an Application for a Development Permit, Development Variance Permit, approval or refusal of the Application; or

(c) the Application lapses or is withdrawn by the Applicant.

If Applicant fails to remove a sign in accordance with the above, and the Applicant has been given notice of such non-compliance, the Town may, within seven days of providing such notice to the Applicant and through its employees or other persons, remove all signs at the expense of the Applicant, and the Town shall not be liable for any damage or loss of the sign(s).

8. Failure to Post, Maintain or Remove

Failure to post and maintain a notification sign required by this bylaw may result in a delay of the Application, and any costs associated with the postponement will be borne by the applicant.

SCHEDULE 2

MINOR VARIANCE CRITERIA AND DELEGATE GUIDELINES

1. The criteria for determining whether a proposed variance is minor are set in this Schedule. Any variance not indicated below is not considered a minor variance.
2. For a variance relating to:
 - (a) zoning bylaws respecting siting, size and dimensions of buildings, structures and permitted uses;
 - (b) bylaws respecting off-street parking and loading space requirements; or
 - (c) bylaws respecting screening and landscaping to mask or separate uses or to preserve, protect, restore and enhance natural environment,

A variance is a “Minor Variance” if, when calculated as a percentage of the relevant requirement, the proposed change does not exceed the “Maximum Degree of Variance” and meets all other requirements outlined in the table below:

Type of Variance	Maximum Degree of Variance
Yard setback	25%
Lot coverage	25% and no increase in density
Projections into a required setback	25%
Building height	10%
Minimum number of parking spaces	25%
Any other provisions pertaining to off-street parking	Any variance to standards
Minimum number of bike parking spaces	10%
Off-street loading	Any variance to the number and standards
Fence heights	25%
Landscaping and Screening	25%

3. For a variance relating to bylaws respecting the regulation of signs, a variance is a “Minor Variance” if, when calculated as a percentage of the relevant requirement, the proposed change does not exceed the “Maximum Degree of Variance” set out in the table below:

Type of Variance	Maximum Degree of Variance
Sign dimensions, height or setback	25%

4. The Director must consider the following guidelines in deciding whether to issue a Development Variance Permit:
- (a) The anticipated impact of the proposed variance on neighbouring properties.
 - (b) The anticipated impact of the proposed variance on Town infrastructure.
 - (c) The anticipated impact of the proposed variance on the natural environment, ecosystems or biodiversity.
 - (d) How the proposed variance addresses a physical or legal constraint associated with the Lot subject to the variance application (for example, if the variance is necessary to address unusual parcel shape, topographical features, or an existing statutory right of way).
 - (e) If the proposed variance provides a community or environmental benefit to the community.



The Town of Lake Cowichan would like to hear from you!

The Town would like to streamline how some development permits are approved. This change would apply to development permits and minor development variance permits. Council must adopt a bylaw for this purpose.

Council would like to hear your opinion about these proposed changes. The results of this survey will be given to Council for their information when they consider the new bylaw. You can see a copy of the [draft bylaw](#).

Development Permits

Development permits are required for a variety of reasons as outlined in [section 488](#) of the *Local Government Act*. You can find these details in part 6 of the Town's [Official Community Plan](#). Development permits are required before a building permit is issued or a subdivision is approved.

Development permits (DP) are required for the following purposes:

- protection of the natural environment, its ecosystems and biological diversity,
- protection of development from hazardous conditions,
- revitalization of an area in which a commercial use is permitted,
- establishment of objectives for the form and character of intensive residential, commercial, industrial or multi-family residential development, and
- to promote energy conservation, water conservation; the reduction of greenhouse gas emissions.

Development Variance Permits

Development variance permits (DVP) have to do with 'varying' or changing a regulation in the Zoning Bylaw. Some examples of a DVP include when someone wants to build a new house closer to a front lot line or build a home taller than the maximum permitted height or build a taller fence than the bylaw permits. A recent change to the *Local Government Act* gives local governments authority to delegate to staff approval of these minor variances.

This questionnaire asks your opinion about these potential changes.

1. Have you done any development or building in Lake Cowichan?

Yes No If yes, when

a. Within the last 12 months



b. Within the last 2 years

c. Within the last 5 years or more

2. What type of development approval did you seek from the Town? List all that apply.

a. Building permit

b. Development permit

c. Rezoning

d. OCP amendment

e. Subdivision

Delegating Approval

Currently most development applications must be approved by Council (building permits are reviewed and approved by the building inspector, not Council). To speed up the approval process, the Town is proposing that some development applications¹ could be approved by the Director of Planning. The bylaw must include specific criteria and guidelines to guide this decision making. In all cases, an applicant can ask Council to reconsider a decision made by staff.

3. Do you think Council should delegate the approval of some permits staff to speed up approvals?

Yes No

Why? _____

Notice

Currently the Town sends a notice to neighbours within 50 m (164 ft) of a property that is the subject of development permit or development variance permit applications. In many cases, the Town does not receive any comments from neighbours about applications. Issuing these notices takes time and slows down the process which can add costs the applicant. The draft bylaw does not require notices to be sent to neighbours for development permits or minor development variance permits.

4. Do you think a notice should be sent out for

a. All types of development

Yes No

¹ These applications would include development permits and minor development variance permits.



b. Minor development variance permit applications Yes No

c. Only major development, like a multi-family building or new commercial development.
Yes No

Public Hearings

The *Local Government Act* prohibits public hearings for some rezoning applications. The proposed bylaw would require a Public Information Meeting to be held by the developer for rezoning applications and OCP amendments early in the process. This would allow neighbours and community to learn about the application and give their comments early.

5. Do you think an applicant should hold a public information meeting to present their rezoning application to the community? Yes No

Why? _____

Who are you?

6. Tell us about yourself. Do you?

a. Own a home in Lake Cowichan Yes No

b. Rent a home in Lake Cowichan Yes No

c. Build or develop properties in Lake Cowichan Yes No

d. If none of the above, what is your connection to Lake Cowichan?

7. Do you have other comments for Council about development approvals?

Please submit your completed questionnaire to the Town Hall by March 26, 2026.

You can email it to b.reynolds@lakecowichan.ca or drop it off at Town Hall at 39 South Shore Rd.

Date released March 6, 2026

*This questionnaire has been prepared by the
Town of Lake Cowichan Planning Department
39 South Shore Rd, Lake Cowichan, BC*