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## STAFF REPORT

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**TO:** CHIEF ADMINISTRATIVE OFFICER  
**FROM:** BRIGID REYNOLDS, CONSULTING TOWN PLANNER  
**SUBJECT:** PROPOSED DEVELOPMENT APPROVAL PROCEDURES BYLAW NO. 1125  
**MEETING DATE:** JANUARY 13, 2026

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### PURPOSE

1. To review draft 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.
2. To provide direction to the Planning Department on key questions related to the draft bylaw.
3. To provide direction to the Planning Department regarding engagement on the proposed draft bylaw.

### 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 26<sup>th</sup> and September 18<sup>th</sup>.

The existing Development Approval Procedures Bylaw No. 1109 is out of date, doesn't provide direction for all land use applications that may come before Council, and doesn't consider recent amendments to the *Local Government Act* to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

## **ANALYSIS**

A summary of the proposed bylaw amendments is outlined below:<sup>1</sup>

### *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*

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.

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

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

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 will send 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.

### **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 following recommendations were made to Council

No. APC.19/25 that the Advisory Planning Commission recommends 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

No. APC 20/25 that the Advisory Planning Commission recommends to Council that the delegation of authority be given to staff to approve minor Development Variance Permit applications with the necessary amendments to the Town's bylaw and procedures

No. APC. 25/25 that the Advisory Planning Commission recommends to Council that the delegation of authority be given to staff to approve minor Development Variance Permit applications with the necessary amendments to the Town's bylaw and procedures.

The Commission also requested that these amending bylaw(s) be forwarded for its review prior to its ratification by Council. At its September 18, 2025 meeting, Commission members made the following comments, and recommendation on the matter of delegation approval of Development Permits and minor Development Variance Permits:

- Risk is reduced by establishing a threshold;
- Concerns with unilateral decisions by staff but mechanisms to address this;
- Better use of staff resources;
- Temporary Use Permit, add a condition requiring applicant(s) to reapply for zoning amendment;

- Delegating to staff would speedup the process for Development Permits and Temporary Use Permits;
- Suggest to Council delegating authority of Temporary Use Permits to staff for a pilot period;
- Temporary Use Permit for cannabis retail should go to Council with conditions as recommended by staff;
- Possible quota for Temporary Use Permits for Short Term Rental but Temporary Use Permits not permitted on residentially zoned property;
- Delegation to staff with conditions tied to proposed Temporary Use Permit must be reasonable.

## QUESTIONS FOR COUNCIL

In preparing the draft bylaw, several questions have arisen for which the contract Planner is seeking Council's direction.

1. Should delegation of approval for development permits apply to all development permits or should some limits be established? The draft bylaw currently sets a limit for multi-family developments to less than 20 units, for example.
2. Does Council support the criteria for minor development variance permit?
3. Does Council support the requirement for public information meetings for OCP, zoning amendment and temporary use permit applications?
4. Does Council support that no notice is required for DPs and/or minor DVPs?
5. All temporary use permit applications would be considered by Council and are not proposed to be delegated to staff.

## 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 pay the Contract Planner.

### 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.

**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.

## **CONCLUSION**

The draft bylaw 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.

## **OPTIONS**

- 1) Provide responses to the questions outlined in the staff report.
- 2) Direct staff to send the draft bylaw to local area builders and the broader community to seek input and provide Council with the feedback.
- 3) Grant 1<sup>st</sup> and 2<sup>nd</sup> reading to the DRAFT Development Approval Procedures Bylaw No. 1125 and direct staff to prepare notice of public hearing for Bylaw No. 1125.
- 4) Direct staff to amend DRAFT Development Approval Procedures Bylaw No. 1125 [provide direction for amendments].

## **RECOMMENDATION**

The contract planner recommends

- Option 1 – respond to questions identified in the staff report AND

- Option 2 - send the draft bylaw to local area builders/developers and the broader community to seek input and provide Council with the feedback for Development Approval Procedures Bylaw No. 1125.

Signed:

***Brigid Reynolds***

Brigid Reynolds RPP MCIP  
Contract Planner

Concurrence:

***John T***

John Thomas  
Chief Administrative Officer

**ATTACHMENT 1**  
**Development Application Procedures Bylaw No. 1125, 2026**



TOWN OF LAKE COWICHAN

BYLAW NO. 1125-2026

DEVELOPMENT APPROVAL PROCEDURES

**TOWN OF LAKE COWICHAN  
BYLAW NO. 1125-2026**

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

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## 1.0 STATUTORY AUTHORITY

1.1 **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*;

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

1.3 **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;

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

## 2.0 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.

## 3.0 TITLE

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

## 4.0 DEFINITIONS

“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.

“Application” means an application for:

- an amendment to the Official Community Plan or Zoning Bylaw; or
- a Permit;

“Chief Administrative Officer” means the municipal officer appointed under section 147 of the *Community Charter*.

“Council” means the Council of the Town of Lake Cowichan.

“Development Permit Area” means a development permit area designated as such in the OCP.

“Director of Planning and Building” means the person so appointed by the Chief Administrative Officer.

“Fees and Charges for Services Bylaw” means the Town of Lake Cowichan Fees and Charges for Services Bylaw No. 1111-2024.

“Landscape Security” has the meaning assigned to in section 10.1 (a).

“Local Government Act” means the *Local Government Act*, RSBC 2015, c 1.

“Official Community Plan” or “OCP” means Town of Lake Cowichan Official Community Plan Bylaw No. 1097-2023.

“Owner” means the registered Owner or Owners of property as identified in the records of the Land Title Office.

“Performance Security” has the meaning assigned to in section 10.1 (b).

“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*.

“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 Manager.

“Remediation Security” has the meaning assigned to in section 10.1 (c).

“Substantial Completion” means the work has been completed to the Town’s satisfaction.

“Substantial Completion Report” has the meaning assigned to in section 10.5.2.

“Works” means the works authorized by or carried out pursuant to the Permit.

“Zoning Bylaw” means a Zoning Bylaw under the *Local Government Act*.

## 5.0 INTERPRETATION

- 5.1 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.
- 5.2. 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.
- 5.3 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.
- 5.4 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.
- 5.5 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.

## 6.0 GENERAL PROVISIONS

- 6.1 Application Fees
- 6.1.1. At the time of Application, the Applicant must pay the Town an application fee in the amount set out in the Fees and Charges for Services Bylaw.
- 6.2 Application Requirements and Processing Procedures
- 6.2.1 An Application made under this Bylaw must be submitted:
- (a) be submitted by the Owner or their designate;
  - (b) to the Town in accordance with the provisions of this Bylaw;
  - (c) as one complete package;
  - (d) in the form required by the Director of Planning and Building;
  - (e) along with the required Application fee.
- 6.2.2. The Town only accepts complete Applications. If Town staff determine that an Application is incomplete during the initial review, the Application will be placed on

hold and the Town will ask the Applicant to provide the required missing information. If an Applicant does not provide the required information within three (3) months of the Town's request, the file will be closed and the Application and fee will be returned to the Applicant in accordance with the Fees and Charges for Services Bylaw..

6.2.3. An application that has been inactive for more than 6 months is deemed to be abandoned and may be closed.

### 6.3 Number of Development Applications

6.3.1. Where land 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.

### 6.4 Development Permit Required Prior to Development

6.4.1 In all Development Permit Areas, an Applicant must obtain all required Development Permits before land is subdivided or development occurs, including but not limited to land clearing, vegetation removal, preparation for the construction of services or roads, blasting, and construction of, addition to or alteration of a building or structure, unless otherwise exempted from requiring a Development Permit as specified in the Official Community Plan.

## 7.0 SIGNAGE

7.1 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.

7.2 The applicant must post the Notice of Application sign as follows:

- (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.

## 8.0 NOTIFICATION

- 8.1 Pursuant to section 466(4)(b) of the *Local Government Act*, if the bylaw in relation to which the notice is given alters the permitted use or density of any area or the residential rental tenure in any area, or limits the form of tenure to residential rental tenure in any area, the notice must be mailed or otherwise delivered 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 the bylaw alteration.
- 8.2 In addition to statutory requirements for notice required pursuant to the *Local Government Act*, the Town will provide also provide notice in the following ways:
- (a) Public Notice posting at the municipal hall at 39 South Shore Road board and on the main page of the Town's website;
  - (b) Social media posting – public hearing will be posted on Facebook at least 14 days prior to the hearing.
- 8.3 Where notification is not required by the *Local Government Act*, the Town will provide notification to owners and tenants as follows:
- (a) The Town will provide notification for delegated Minor Development Variance Permits to be mailed or otherwise delivered to owners and tenants of parcels within 50 metres from the boundaries of the subject application at least 10 days prior to consideration of the application.
  - (b) 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 the bylaw alteration at least 10 days prior to the meeting.

## 9.0 PUBLIC INFORMATION MEETINGS

- 9.1 An Applicant is required to hold a public information meeting prior to OCP Bylaw amendments, Zoning Bylaw amendments, and Temporary Use Permit applications being considered by Council for 1<sup>st</sup> reading to provide an additional opportunity for the public to access information and to inquire about the proposal beyond that available through the standard application processes.
- 9.2. When a public information meeting is held by the Applicant, it is the responsibility of the Applicant to arrange and conduct the meeting at a location that is approved by

- staff, accessible to individuals with disabilities, and in the Town and/or on a virtual meeting platform at their expense.
- 9.3. The Applicant must advertise the meeting in a local newspaper at least 10 days prior to the meeting at their expense.
- 9.4. After the meeting is held, applicants must submit a report within two weeks of the meeting, to the Town summarizing the meeting including the following information:
- (a) Location, time, and duration of meeting;
  - (b) Number of attendees;
  - (c) Proof of how the meeting was advertised;
  - (d) Information provided at the meeting; and
  - (e) A summation of questions raised and major discussion points.
- 9.5. 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.

## 10.0 SECURITY

- 10.1 Council may require security as a condition of permit issuance for the following:
- (a) undertake the works, construction or other activities required to satisfy a landscaping condition (“Landscape Security”);
  - (b) correct an unsafe condition or damage to the natural environment that results as a consequence of a contravention of a condition in a permit (“Remediation Security”); or
  - (c) in relation to a Temporary Use Permit, to guarantee the performance of the terms of a permit (“Performance Security”).
- 10.2 Form of Security
- 10.2.1 *Security* required prior to issuance of a *Permit* 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*.

- 10.2.2 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 in Nanaimo, and otherwise on terms acceptable to the Director

### 10.3 Amount of Security

If an Applicant is required to provide Security pursuant to this Bylaw, the security Applicant will cause a Qualified Professional to calculate the estimated security in accordance with the following guidelines and provide such estimate to the Director:

- 10.3.1. For Landscape Security, the amount of security will be 125% of an estimate or quote of the cost of the landscaping works, including but not limited to: inspections, monitoring, maintenance, hardscaping, irrigation, labour and plantings materials.
- 10.3.2. For Remediation Security, the amount of security will be 125% of an estimate or quote of the cost of works, including but not limited to: inspections, monitoring, maintenance, irrigation, labour and planting materials; or another amount determined by the Director.

In determining the amount of Remediation Security required, the Director may also consider the following factors:

- (a) The nature of the permit condition;
- (b) The nature of the unsafe condition or damage; and
- (c) The cost to the Town of entering the land to undertake the work to correct the unsafe condition or restore and enhance the natural environment, including the cost of repairing any damage to land that may have been caused by the unsafe condition or that may have occurred in connection with the repair work.

- 10.3.3 For Performance Security, the amount of security will be 125% of an estimate or quote of the cost of works to guarantee the performance of the terms of the permit or another amount determined by the Director. Such works may include but are not limited to inspections, monitoring, maintenance, irrigation, labour, planting materials and works required to restore the land or remove any temporary structures.

In determining the amount of Performance Security required, the Director may also consider the estimate of the Qualified Professional and the

following factors: the nature of the permit condition, and the cost to the Town of entering on the land and carrying out the conditions of the permit.

## 10.5 Return of Security

- 10.5.1 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 at the approval of the Manager.
- 10.5.2 Unless otherwise stated in this bylaw, the Town will return the security when written request has been submitted by the Applicant and includes a satisfactory a substantial completion report by a Qualified Professional (a “Substantial Completion Report”) certifying that:
- (a) The works related to the Permit have been completed in substantial compliance with the approved plan(s);
  - (b) No unsafe condition exists on the lands, nor has any damage to the natural environment occurred;
  - (b) 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.
- 10.5.3. The Substantial Completion Report must be signed and sealed by a Qualified Professional and provide sufficient detail for the Town to confirm that the work has been completed to its satisfaction.
- 10.5.4. Upon receipt of a Substantial Completion Report, the Town may conduct a site inspection to verify that the works are installed in accordance with the approved plans.
- 10.5.5. Should there be any deficiencies identified in the Substantial Completion Report, or should the Town find any discrepancies between the completed Works and the Plans or deficiencies in the Works during an inspection, the Town will issue an inspection report to the Applicant and the security will be retained until the deficiencies have been addressed.
- 10.5.6. Upon completion of any items outlined in an inspection report, the Applicant shall re-submit a revised Substantial Completion Report to the Town in accordance with section 10.5.3.

## 10.6 Partial Return of Landscape Security

- 10.6.1. The Town may return a portion of the Landscape Security upon receipt of a report from a Qualified Professional provided:
- (a) Evidence that the total landscaping is 50% complete and substantially complies with the approved landscape plan;
  - (b) Evidence that the perimeter landscaping is 100% complete as required by the approved landscape plan for any portion of the subject property that includes street frontage;
  - (c) The report contains sufficient detail for the Town to confirm that the work has been completed to its satisfaction.
- 10.6.2. A partial return of Security must not result in the Town holding less than \$1,000 or 10% of the Security required, whichever is greater.

## 11.0 PERMIT ISSUANCE, LAPSE, AMENDMENT, RENEWAL, AND EXTENSION

### 11.1 Issuance

- 11.1.1 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.
- 11.1.2. An application for an amendment to an issued Permit will be determined 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 will be issued without change to the expiry date.

### 11.2 Lapse

- 11.2.1 In the event that an Application has not been given final adoption by Council within one (1) year after the date it was given third reading or one (1) year after the date of last consideration by Council the application will be deemed to have lapsed and may be closed.
- 11.2.2. In the case of an Application that has been delegated to the Director, if final approval of the Application is not granted within one (1) year after a written request from the Director to submit any outstanding items or meet the conditions of approval, the Application will be deemed to have lapsed and may be closed.

11.2.3. In order for an Application that has been deemed to have lapsed under Sections 6.2.5, 6.2.6, 11.2.1. and 11.2.2. to proceed, a new Application and fee will be required.

### 11.3 Extension

11.3.1. Applications to renew or extend a Permit under this bylaw must be made prior to the lapse of the Permit.

11.3.2. Council or the Director may consider an Application for one extension of an approved Permit provided no change in the approved Permit is proposed. A permit may only be extended once.

### 11.4 Re-Application

11.4.1. Where an Application has been refused by Council or the Director, re-application for the same amendment or permit will not be accepted for a six (6) month period immediately from the date of refusal, with the exception of OCP applications which may not be accepted for a 12-month period immediately following the date of refusal.

11.4.2. Where an Applicant intends to appeal to the Council to vary the time limit set in section 11.4.1. pursuant to the *Local Government Act*, the Applicant shall submit, in writing, a detailed statement as to why the time limit for the reapplication should be varied.

11.4.3. Despite section 11.4.1., a revised Application that is, in the opinion of the Director, significantly different from an Application that has been refused can be accepted for consideration immediately.

11.4.4. Despite subsection 11.4.1., where a material bylaw change occurs subsequent to the refusal of an Application and which would be relevant to consideration of the same or similar Application, the Director may accept a re-application within the respective timeframes specified in subsection 11.4.1. for each type of application.

## 12.0 CHANGE OF OWNERSHIP

12.1. If there is a change of ownership of a parcel(s) of land that is the subject of an Application, the Town will require updated Land Title Office searches for the

parcel(s) and written authorization from the new Owner(s) prior to proceeding with the Application.

## 13.0 DELEGATION OF AUTHORITY

- 13.1 Council delegates the following powers, duties, and functions to the Director of Planning or their designate:
- 13.1 The power to require security under ss. 496 and 502 of the *Local Government Act*.
- 13.2. The power to designate the form of any Permit issued under this Bylaw.
- 13.3. The power to designate the form and content of Application forms.
- 13.4. The authority to create, amend, and prescribe graphic design templates for development application notice signs.
- 13.5 Subject to Section 13.7, the power to issue or amend a Development Permit under Division 7 of Part 14 of the *Local Government Act*
- 13.6 Without limiting the generality of the delegation of authority in Section 13.5 and pursuant to section 491(4) and (5) of the *Local Government Act*, the authority to require an Applicant for a development permit to provide a report or other information required by the Director of Planning to evaluate the proposed development or subdivisions; and
- 13.7 The delegation under section 13.5 does not include the authority to issue or amend Development permits within a Development Permit Area created under section 488(1)(f) of the *Local Government Act* in relation to form and character of multi-family residential development, commercial and industrial development where one or more of the following is applicable:
- (a) the number of dwelling units proposed exceeds 20 units; and
  - (b) the development will unduly impact the character of the streetscape or surrounding neighbourhood.
- 13.8 Despite subsection 13.7, Council delegates to the Director of Planning its powers to issue
- (a) Development permits, which under section 490 (1)(a) of the *Local Government Act* contain minor variances;

- 13.2. A proposed variance is minor for the purposes of subsection 13.8 only if it meets the criteria set out Section 13.11.
- 13.3. In deciding whether to issue a development variance permit or development permit containing a variance, the delegate must consider the guidelines set out in Section 13.12.

#### 13.4 Minor Development Variance Permits

The criteria for determining whether a proposed variance is minor are set out below. Any variance not indicated below is not considered a minor variance.

<b>Type of Variance</b>	<b>Maximum degree of variance to be considered a minor variance</b>
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In relation to a Zoning Bylaw provision concerning the siting, size and dimensions of buildings and structures, off-street parking, bike parking, fence height and landscaping

a. Yard setback	25%
b. Lot coverage	25% and no increase in density
c. Projections into a required setback	25%
d. Building height	10%
e. Minimum number of parking spaces	25%
f. Any other provisions pertaining to off-street parking	Any variance to standards
g. Minimum number of bike parking spaces	10%
h. Off-street loading	Any variance to the number and standards
i. Fence heights	25%
j. Landscaping and Screening	25%

#### Sign bylaw

i. Sign dimensions, height or setback	25% of standard
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- 13.5 The Director of Planning 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 variance on the natural environment, ecosystems or biodiversity.
  - (d) How the proposed variance addresses a physical or legal constraint associated with the site (e.g., unusual parcel shape, topographical features, statutory right of way, etc.).

- (e) The proposed variance provides a community or environmental benefit to the larger community.

13.13 Despite 13.11 the Director will refer an Application for minor Development Variance Permit to Council in the following circumstances:

- (a) The proposed variance is in conjunction with a Development Permit Application that is not delegated; or
- (b) The proposed variance meets the criteria of minor, but in the opinion of the Manager, it would be in the public interest to instead have the application considered by Council.

13.14 The following powers, duties and functions of Council are delegated to the Director of Planning, and Chief Administrative Officer when required as a condition of a development application approval:

- (a) To approve and execute or amend a Section 219 Covenant or Statutory Right of Way;
- (b) To approve and execute the discharge of a restrictive covenant which is no longer required or is to be replaced;
- (c) To 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; and
- (d) To approve and execute a discharge of a statutory right of way which is no longer required by the Town or is to be replaced.

## 14.0 RECONSIDERATION

14.1 An Applicant who is subject to a decision made under the delegated authority to issue a development permit or development variance permit of this Bylaw is entitled to have the decision reconsidered by Council in accordance with this section.

14.2 To obtain reconsideration, an Applicant will take the following steps:

- (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

- (g) 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.

## 15.0 STATUTORY CONDITIONS AND RESTRICTIONS

- 15.1 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.

## 16.0 SEVERABILITY

- 16.1 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.

## 17.0 LEGISLATIVE PROCEDURE

- 17.1 This bylaw shall take effect on XXXX.
- 17.2 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 \_nd day of December, 2025.

READ A SECOND TIME on the \_nd day of December, 2025.

READ A THIRD TIME on the \_nd day of December, 2025.

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

X

Tim McGonigle  
Mayor

X

John Thomas  
Corporate Officer

## SCHEDULE 1

### NOTICE OF APPLICATION SIGN REQUIREMENTS

#### **1. Installation**

In respect of an application for an OCP Bylaw Amendment, Zoning Amendment, or Temporary Use Permit the applicant, at their cost, must install a Town of Lake Cowichan Notice of Application Sign in accordance with this bylaw.

#### **2. Timing**

The Notice of Application sign must be posted in accordance with the specifications outlined in the Schedule forming part of this bylaw.

#### **3. Design of Sign**

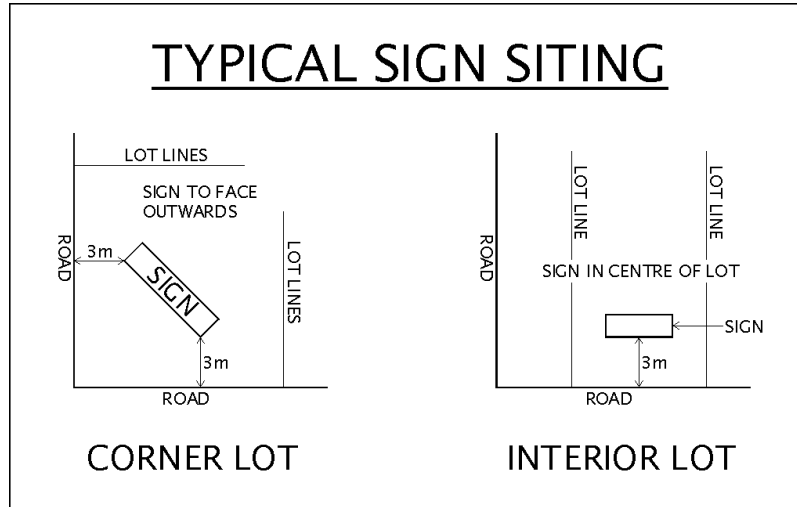
The design of the sign shall be in a form prescribed by the Director.

#### **4. Preparation of Sign**

The preparation and posting of the Notice of Application sign is the responsibility of the applicant and must be undertaken as per the requirements of this bylaw. The applicant will provide a mock-up of the sign with their complete application for review and approval prior to final printing. Once the sign is posted, the applicant shall demonstrate proof to the staff of the posted sign within 10 days of staff's approval of the mock-up.

#### **5. Siting of Sign**

All Notice of Application Signs shall be placed on the property at a setback of 3 metres from the front property line as demonstrated in the below diagram. The sign must face the street and be clearly visible. All proposed sign locations must be verified by the Town Staff prior to installation. The sign must be located so as not to interfere with pedestrian or vehicular traffic, or obstruct visibility from streets, lanes, walkways or driveways so as to create a hazard. The Notice of Application Sign must be installed in a sound workmanlike manner and must be capable of withstanding wind and weather.



## 6. Number of Signs

The applicant shall post a minimum of one (1) Notice of Application Sign. For large parcels with over 200 m of street frontage, one (1) Notice of Application Sign shall be required for each 200 m of street frontage, to a maximum of three signs.

## 7. Maintenance of Sign

It is the responsibility of the applicant to ensure the sign(s) remain intact and visible as per the sign siting specifications until such time the sign can be removed, in accordance with Section 9.

## 8. Amendments to Application

If any significant amendments are made to the application, the applicant will be required to install new sign(s) reflecting the change in application. The applicant will provide a mock-up of the sign to the Town Staff for review and approval prior to final printing.

## 9. Sign Removal

The Notice of Application Sign shall be removed by the applicant within seven (7) days following:

- i. The conclusion of the public hearing or adoption of the amending bylaw if a public hearing is not required; or
- ii. The final consideration of an application by Council; or
- iii. The abandonment of the application.

## 10. Failure to Post, Maintain or Remove

- i. Failure to Post and maintain the required Notice of Application Sign(s) in accordance with this bylaw may result in the postponement of any Public Information or Council meeting and any costs associated with the postponement will be borne by the applicant. Non-compliance with this section due to the removal, destruction, or alteration of the sign by vandalism or natural occurrence shall not affect the validity of the application or postpone a Public Information or Council meeting as long as reasonable efforts have been taken by the applicant to maintain the sign.
- ii. Failure to remove the sign as required may result in the sign being removed at the expense of the applicant. The Town shall not be liable for any damage or loss of the sign.