



MEMORANDUM

TO: ADVISORY PLANNING COMMISSION
FROM: BRIGID REYNOLDS, CONSULTING TOWN PLANNER
SUBJECT: DELEGATION OF AUTHORITY FOR DPS AND MINOR DVPS
MEETING DATE: JUNE 24, 2025

Purpose

The purpose of this report is to introduce and discuss possible amendments to Town of Lake Cowichan Delegation of Defined Authority Bylaw No. 802 and Town of Lake Cowichan Development Approval Procedures and Notifications Bylaw No. 1109 with the goal to improve development approval processes.

Background

In 2019 the Province of BC published a document reviewing local government development approval procedures in recognition that many local government approval processes were too unwieldy and took too long. All of which cost developers and builders.

Community Charter Section 154 gives Council the authority to delegate its powers, duties and functions to officers, employees, or committees of Council.

Local Government Act Section 498 gives Council the authority to delegate to an officer or employee to issue 'minor' development variance permits for certain matters including zoning regulations respecting siting, size and dimensions of buildings, structures and permitted uses; off-street parking and loading space requirements; regulation of signs; and screening and landscaping to mask or separate uses or to preserve, protect, restore and enhance natural environment.

This staff report discusses delegation of authority to approve development permits and minor development variance permits. There are two bylaws that are relevant for this discussion [Town of Lake Cowichan Delegation of Defined Authority Bylaw No. 802](#) and [Town of Lake Cowichan Development Approval Procedures and Notifications Bylaw No. 1109](#).

Currently, the Delegation of Defined Authority Bylaw section 205 delegates the CAO to

- make agreements related to purchasing,
- approve applications for temporary private uses of Town streets
- release obsolete charges on title
- approve strata conversions.

The bylaw also delegates to the Fire commissioner the authority to ban outdoor burning.

The Development Approvals Procedures Bylaw details procedures to amend the OCP, Zoning Bylaw, and issuing DPs and DVPs.

Discussion

Development Permits

The Town's OCP designates 7 Development Permit Areas (DPA) and development permits are required for most types of development as follows:

1. Watercourse and Streamside Protection
2. Natural Hazard Lands (Steep Slope, Interface Fire, Floodplain)
3. Greenhouse Gas Reduction (Climate Protection)
4. Downtown
5. Highway Commercial, Neighbourhood Centre and Tourism
6. Multi-unit Residential and
7. Industrial.

There are some exemptions written into the development permit guidelines outlining when a DP might not be required.

With the exception of hazard DPs, development permits are not discretionary. Meaning approval of a DP cannot be withheld provided the DP is generally consistent with the DP guidelines. A DP application may be required to provide additional information or approval may have conditions, but approval cannot be withheld, unlike a variance for example, where Council may choose to not approve it.

Currently, all DPs must be approved by Council.

Development Variance Permits (DVP)

Currently, all DVPs are approved by Council. As noted above, there are some provisions in the LGA that allow minor DVPs to be delegated by staff for approval consideration. The Procedures Bylaw must clearly define a minor variance, criteria and guidelines for assessing a minor variance. It must also include an appeal mechanism for an applicant.

Procedures to Approve DPs and DVPs

- Application submitted
- Initial application review
- Request additional information
- Staff may refer the application to other departments.
- Begin preparing the staff report.
- Notice mailed to to neighbours within 50 m of the subject property 10 days prior to Council's consideration of the DP or DVP. *Note: Council meets the 4th Tuesday of the month. The 2nd Tuesday of the month is a COW meeting. To sit as Council requires notice.*
- Staff report reviewed by CAO and approved to put on agenda. *This must be completed the Thursday before the Council meeting.*
- Council considers approval. If Council requests additional information it would be another month until the next meeting.
- Council approves and any conditions must be met.
- Permit issued, sent to the Land Title Office for registration on the certificate of title, and sent to the applicant.
- The applicant may apply for a BP.

For comparison purposes I have [attached excerpts](#) from the relevant bylaws from the CVRD, North Cowichan, Ladysmith and Duncan.

Questions for APC

Should Council consider delegating to staff to approve DPs.

Should Council considering establishing provisions for minor variances and delegate their approval to staff?