



**Development
Approval
Information Bylaw**

The following is a consolidated copy of Bylaw No. 369 and may be cited as “Comox Valley Regional District Development Approval Information Bylaw No. 369, 2015.”

| Bylaw No. | Bylaw Name | Adopted | Purpose |
|------------------|--|----------------|---|
| 369 | Comox Valley Regional District Development Approval Information Bylaw No. 369, 2015. | June 28, 2016 | A bylaw to establish procedures and policies on the process for requiring development approval information. |

This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. Titles and whereas clauses may be different than in original bylaws to make this consolidated version more clear and identify historical changes and conditions. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please contact the corporate legislative officer at the Comox Valley Regional District to view the complete bylaw when required.

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 369

A bylaw to establish procedures and policies on the process for requiring development approval information

WHEREAS the board of the Comox Valley Regional District has adopted an official community plan, which is Bylaw No. 337, being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014”;

AND WHEREAS section 485 of the *Local Government Act* (RSBC, 2015, c. 1) enables the Comox Valley Regional District to designate areas for which development approval information may be required from an applicant for an amendment to a zoning bylaw, a development permit or a temporary use permit;

AND WHEREAS section 486 of the *Local Government Act* (RSBC, 2015, c. 1) requires the Comox Valley Regional District, by bylaw, to establish procedures and policies on the process for requiring development approval information and the substance of the information that may be required;

AND WHEREAS the board of the Comox Valley Regional District has established development approval information areas in its official community plan;

NOW THEREFORE the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Application

1. (1) This bylaw shall be applicable to all lands and surface of the water within the Comox Valley Regional District (CVRD) that are subject to any planning application or permit.
- (2) Schedule ‘A’ attached hereto and forming part of this bylaw is hereby adopted as the development approval information procedures and policies for the CVRD.

Relation to *Local Government Act* (RSBC, 2015, c. 1) and severability

2. (1) This bylaw is not intended to conflict with any provision of the *Local Government Act* (RSBC, 2015, c. 1) (LGA) relating to any application nor to fetter any statutory authority of the CVRD.
- (2) If any section, subsection, sentence, clause or phrase forming part of this bylaw is for any reason held to be invalid by the decision of any court or 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.

Citation

This Bylaw No. 369 may be cited as the “Comox Valley Regional District Development Approval Information Bylaw No. 369, 2015.”

Schedule ‘A’

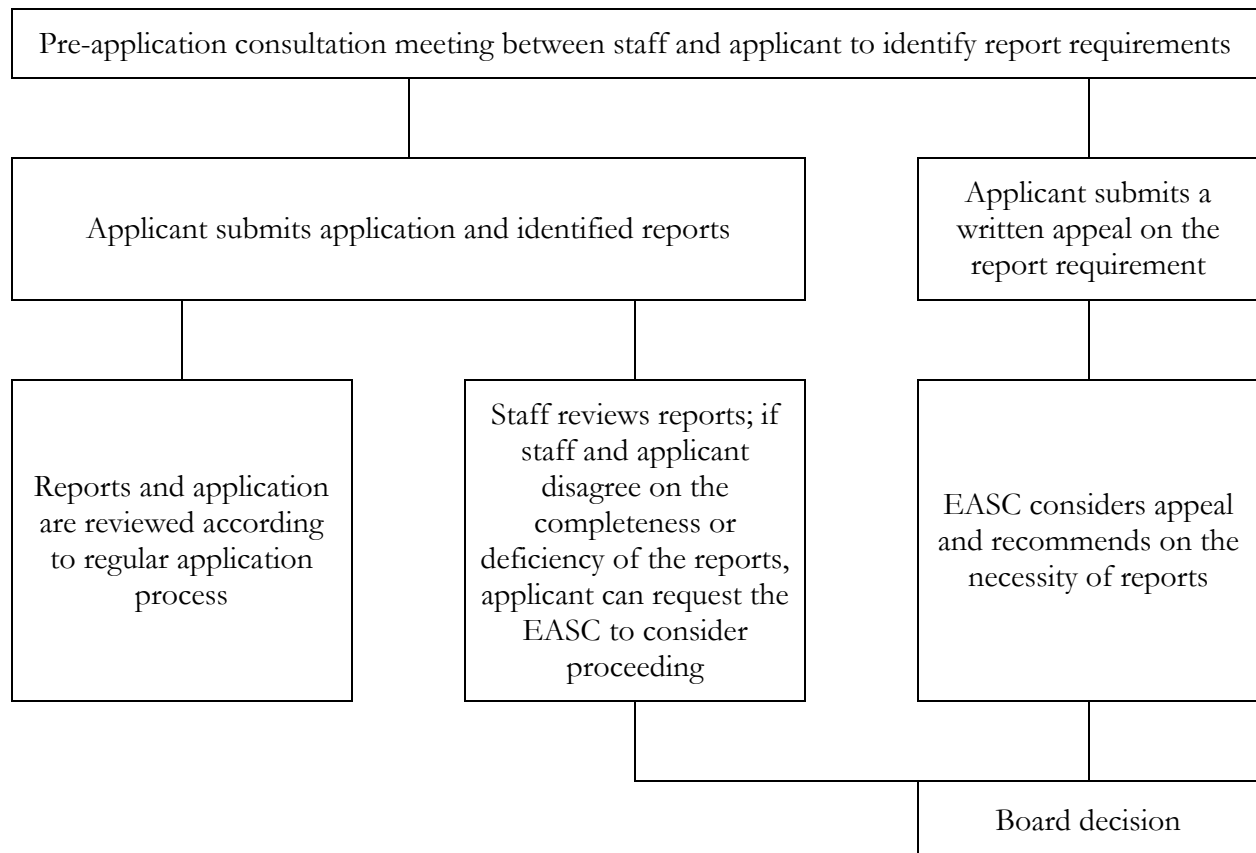
(1) Definitions

| | |
|---|---|
| Applicant | Means any person who makes application for development under the provisions of this bylaw as authorized by all owners of the land subject to the application. |
| Board | Means the board of the Comox Valley Regional District (CVRD). |
| CVRD officer | Means any person holding the officer positions of the CVRD as established in Bylaw No. 21, being “Comox Valley Regional District Officer Bylaw No. 21, 2008” and amendments thereto. |
| Electoral areas services committee (EASC) | Means a standing committee established pursuant to section 218 of the <i>Local Government Act</i> (RSBC 2015 c. 1). Comprising all electoral area directors, this committee considers matters relating to CVRD services that are delivered in electoral areas. |
| Qualified professional | May include a member of the Canadian Institute of Planners (MCIP), agrologist, landscape professional, qualified environmental professional, a registered professional biologist or a registered professional engineer, who is working within their field of expertise and is in good standing with any applicable professional organization. |

(2) Development approval information

- (a) Development approval information (DAI) applies to any area that has been designated in the official community plan as a DAI area. The “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014,” and amendments thereto, have designated the entire regional district, except for Denman and Hornby Islands, as a DAI area. The procedures and policies for requiring DAI information and the substance of such information are set out in this bylaw.
- (b) Notwithstanding section 487 of the LGA, this bylaw enables the CVRD officer to require DAI from an applicant for:
 - (i) an amendment to a zoning bylaw;
 - (ii) a development permit; or
 - (iii) a temporary use permit.
- (c) A CVRD officer will determine whether and to what extent the DAI is required. The decision criteria will include:
 - (i) scale and type of the proposed development or temporary use;
 - (ii) location of the proposed development or temporary use relative to surrounding properties, communities and other local governments; and

- (iii) possible impacts (sections 6 to 13 of this bylaw) that the proposed development or temporary use may generate.
- (d) If DAI is required, the CVRD officer will advise the applicant of information requirements in writing.
- (e) If DAI is required, the information will be provided by the applicant, at the applicant’s expense, in the form of a report. The report must:
 - (i) be prepared and certified by a qualified professional;
 - (ii) address all of the information requirements that are provided by the CVRD officer; and
 - (iii) include all of the applicable information requirements listed in the relevant sections 6 to 13 of this bylaw.
- (f) If a proposed development or temporary use involves more than one phase, all reports should address the impacts of each phase in addition to the cumulative impacts of all phases.
- (g) If a report includes maps or site plans, the maps and site plans are to be drawn at a scale of 1:2,000 or otherwise a scale prescribed by the CVRD officer. Electronic site plans, maps and data are to be provided to the CVRD in a file format prescribed by the CVRD officer.
- (h) The reports will be processed in substantial accordance with the following:



(3) Independent review

- (a) The CVRD officer or the board may request a report to be reviewed, at the applicant’s expense, by a second qualified professional unrelated to and independent of the qualified professional who prepared the initial submission. Such review may be required due to limited staff capacity for timely review or to address the substance, process or methodology employed in the DAI report.
- (b) The applicant will be notified in writing if an independent review of the report is required.

(4) Distribution and publication of reports

- (a) The CVRD officer or the board may request, at the applicant’s expense, the presentation of any report to the EASC, the board, the public and staff by the qualified professional who prepared the assessment.
- (b) The CVRD officer or the board may distribute and publicize a DAI report, at the applicant’s expense.

(5) Request for reconsideration

- (a) Pursuant to section 487 of the LGA, an applicant who is required to submit a DAI report may appeal to the board for reconsideration, without charge, by submitting a written notice to the CVRD officer.
- (b) The written notice must:
 - (i) state the nature of the proposed development or temporary use and its location; and
 - (ii) propose an alternative source of information, ask for a different professional to prepare the DAI report or request that the DAI report is not required.
- (c) The board will consider the appeal.

(6) Archaeology and heritage reports

- (a) If the CVRD officer requires information in the form of a report related to the impact of a proposed development or temporary use on archaeological and heritage matters, the report should:
 - (i) identify cultural heritage values of resource(s); and
 - (ii) assess impact of the proposed development or temporary use on those values.

(7) Community services reports

- (a) If the CVRD officer requires information in the form of a report related to the impact of a proposed development or temporary use on community services, the report should:
 - (i) assess community services and their users that would be affected by the proposed development or temporary use, such as parks, trails, recreation,

protective services, transit and solid waste management;

- (ii) examine the potential financial impacts of the proposed development or temporary use on the community services and public facilities; and
- (iii) outline any potential costs and identify potential funding sources for the provision of additional community services and public facilities.

(8) Economic and socioeconomic impact reports

- (a) If the CVRD officer requires information in the form of a report related to the impact of a proposed development or temporary use on economic and socioeconomic conditions, the report should:
 - (i) analyze economic indicators, such as market analysis, competition, absorption rates and build-out timing;
 - (ii) analyze socioeconomic indicators, such as demographics, housing types, average housing costs, vacancy rates, public amenities, neighbourhood stability and sociocultural issues; and
 - (iii) examine economic and socioeconomic impacts on special events.

(9) Environmental assessment reports

- (a) If the CVRD officer requires information in the form of a report related to the impact of a proposed development or temporary use on the environment, the report should:
 - (i) analyze the locations, size and characteristics of these features:
 - (a) streams (e.g., watercourses, ditches, wetlands, lakes, ponds and sea), either permanent or intermittent;
 - (b) rainwater and onsite drainage;
 - (c) groundwater quality and quantity;
 - (d) soil types, bedrock, topography and slopes;
 - (e) air quality, such as greenhouse gas emissions, pollution, dust, smoke and odours; and
 - (f) vegetation and animals, and their relationships;
 - (ii) examine how the proposed development or temporary use may impact the features in section (9)(a)(i) on the site and adjacent properties, and specify how the applicant proposes to mitigate these potential impacts, such as alteration and possible contamination;
 - (iii) for rainwater and onsite drainage, provide options for the suitable collection, storage and disbursement of rainwater; and
 - (iv) provide a plan for rehabilitation or revegetation to be undertaken by the applicant during and after the construction of the proposed development or temporary use.

(10) Geotechnical and hazardous conditions reports

- (a) If the CVRD officer requires information in the form of a report related to the impact of a proposed development or temporary use on geotechnical and hazardous conditions, the report should:
 - (i) assess the geomorphology, topography and soil composition of the land to be developed;
 - (ii) analyze hazardous conditions, such as mud flow, debris torrents, erosion, land slip, rock falls, subsidence, avalanche, wildfire, flood, inundation and storm waves;
 - (iii) provide professional geotechnical recommendations to mitigate against any hazardous conditions from the development sequence and siting of buildings and infrastructure, and earthworks (e.g., excavation and filling); and
 - (iv) certify that the land is safe for the use intended.

(11) Noise and visual impacts reports

- (a) If the CVRD officer requires information in the form of a report related to the impact of a proposed development or temporary use on noise and visual features, the report should:
 - (i) analyze noise, vibration and visual impacts;
 - (ii) address the nature, significance and magnitude of view corridors, shadows, glare, prominent features, landscape character and experiential characteristics; and
 - (iii) assess the compatibility of the proposed development or temporary use with adjacent land uses, neighbourhood character, form, scale and aesthetic quality.

(12) Traffic and transportation reports

- (a) If the CVRD officer requires information in the form of a report related to the impact of a proposed development or temporary use on traffic and transportation, the report should:
 - (i) estimate the number of additional vehicle trips per day to be generated by the proposed development or temporary use;
 - (ii) propose solutions to mitigate increased traffic, such as improving pedestrian and cyclist safety, facilitating cycling and transit use, enhancing accessibility, and ensuring network connectivity;
 - (iii) assess the compatibility of the proposed development or temporary use with applicable strategies and plans related to transportation, transit, parks and greenways; and
 - (iv) provide onsite parking and loading requirements, and show internal circulation routes.

(13) Water supply and sewage infrastructure impacts

- (a) If the CVRD officer requires information in the form of a report related to the impact of a proposed development or temporary use on water supply and sewage infrastructure, the report should:
 - (i) estimate water demand and sewage production from the proposed development or temporary use;
 - (ii) evaluate the quality and quantity of the existing water supply, and analyze options available for the proposed development or temporary use;
 - (iii) evaluate the quality and capacity of the existing sewage treatment and disposal, and analyze options available for the proposed development or temporary use;
 - (iv) identify any new capital works, their costs and potential funding sources for these expenditures.