



STAFF REPORT TO COMMITTEE

DATE OF REPORT September 27, 2023
MEETING TYPE & DATE Electoral Area Services Committee Meeting of October 18, 2023
FROM: General Manager
Land Use Services Department
SUBJECT: Development Services Modernization/Delegated Authority
FILE: 0600-20

PURPOSE/INTRODUCTION

This report provides information about Board-delegated land use authority pursuant to CVRD Development Application Procedures Bylaw, 2023.

RECOMMENDED RESOLUTION

For information.

BACKGROUND

The CVRD Board first delegated authority to the General Manager, Land Use Services (GM) to issue development permits (DPs) through the adoption of CVRD Bylaw No. 4204 – CVRD Development Application Procedures and Fees Bylaw, 2018. This included most DPs for the purposes of:

- protection of the natural environment, its ecosystems and biological diversity;
- protection of development from hazardous conditions;
- protection of farming;
- establishment of objectives to promote energy conservation;
- establishment of objectives to promote water conservation;
- establishment of objectives to promote the reduction of greenhouse gas emissions; and
- signs.

The [Province of BC Development Approval Process Review](#) (2019) and CVRD Development Services Review (2020-21) recommended further streamlining application processes and increasing delegation of authority to staff.

The CVRD Strategic Plan (2020-22) also directed modernization of the CVRD development approval function.

In 2022, the CVRD Board increased delegated authority to staff through the adoption of Development Procedures Bylaw No. 4379. Delegated authority was expanded to all DP types (including form and character of commercial, industrial and multiple dwelling residential development). Delegated authority was also granted to the GM to make recommendations to the Liquor and Cannabis Regulation Branch (LCRB) on minor liquor license/permit applications and to discharge covenants which are no longer of any force or effect.

In 2023, following legislative changes, the Board authorized further delegation of minor development variance permits through the adoption of (current) CVRD Bylaw No. 4483 - Development Application Procedures Bylaw, 2023.

To summarize, the following authorities are currently delegated to the GM:

1. Issue DPs.
2. Make recommendations regarding minor LCRB licenses and permit applications.
3. Discharge covenants where all terms of covenant have been satisfied (and the covenant is no longer necessary).
4. Issue minor development variance permits (DVPs), including:
 - Setback of no more than 20%;
 - Increase in the overall height of buildings or structures of no more than 10%;
 - Reduction in the required landscape buffer or screen by not more than 20%; and
 - Reduction to off-street parking spaces by no more than 20%.

In addition, the Board has delegated authority to the CAO and Corporate Officer to execute (i.e. sign) certain legal agreements (that have previously been authorized by the Board or are required by bylaw).

ANALYSIS

Development Permits

The primary rationale for delegating DPs to staff is that they are not discretionary – DP guidelines exist to guide how development will take place. If an application complies with the guidelines, the DP must be issued. With certain DP types, there can also be significant back and forth between staff, applicants, professionals working on behalf of applicants, and provincial agencies. Processing DPs at a technical/non-political level helps to limit the time and number of steps involved in the application process.

The following table provides details on the number and types of DPs issued per area from 2021 to 2023 and the number of open DP files as of the date of this report.

Electoral Area	Development Permits Issued			Open DP Files
	Board or GM		GM	
	2021	2022	2023	
A – Mill Bay/Malahat	4	4	4	9
B – Shawnigan Lake	9	12	3	24
C – Cobble Hill	8	3	2	4
D – Cowichan Bay	9	3	2	9
E – Cowichan Station/Sahtlam/Glenora	15	5	6	7
F – Cowichan Lake/Skutz Falls	5	1	6	6
G - Saltair	4	2	1	2
H – North Oyster/Diamond	2	0	2	5
I – Youbou/Meade Creek	11	9	1	7
Total	67	39	27	73

In 2021, 67 DPs were issued by the Board or GM for one or more purposes including 52 DPs for Riparian Protection.

In 2022, 39 DPs were issued by the Board or GM for one or more purposes including 35 DPs for Riparian Protection.

In 2023 (to date), 27 DPs were issued by the GM for one or more purposes including 23 DPs for Riparian Protection.

As noted, the majority of DPs are issued for the purpose of riparian protection, as mandated by the Province of BC through the *Riparian Areas Protection Act*. In many cases, DPs are required for multiple or other purposes including protection of farming, sensitive ecosystems protection and protection from hazardous conditions (e.g. fire, flood, slopes).

From 2021 through 2023, 10 DPs have been issued for signs.

Four DP applications have been denied by the GM since 2021:

- DP19C05 – The applicant proposed signs that were over height, number of permitted signs was exceeded and signs did not comply with character (lighting) requirements. The decision was appealed to the Board and the Board upheld the decision to deny the DP.
- DP20B09 - The applicant renovated and constructed an addition to an existing retaining wall on the southern portion of the property, adjacent to the high-water mark of Shawnigan Lake. The development occurred without the necessary local government and provincial approvals and permits, in contravention of the South Cowichan Development Permit Area, the *Riparian Areas Protection Regulation*.
- DP20B11 - The applicant constructed a set of concrete stairs within 30 metres of the highwater mark of Shawnigan Lake prior to the application and issuance of a Development Permit. The stairs were located within the Streamside Protection and Enhancement Area, in contravention of the *Riparian Areas Protection Regulation*. Application No. DP20B11 was recommended for denial, due to non-compliance with guidelines within the South Cowichan Rural DPA.
- DP21D01 – The applicant proposed an internally illuminated free standing sign, which was not in compliance with Official Community Plan Bylaw No. 3605, Rural Character DPA Sign Guidelines.

Minor LCRB Licenses/Permits

Minor LCRB licenses and permits have been delegated to the GM although none have been considered since this authority was delegated.

The EASC continues to consider most LCRB referrals including:

- new or amended cannabis licenses (unless the Board has previously authorized the cannabis-related use through a rezoning application);
- new liquor licenses;
- amendments to liquor licenses to relocate the license or to increase the number of patrons or expand operating hours;
- temporary special event permits to authorize events involving persons who have paid to participate; and
- temporary special event permits where the number of persons in attendance will be 150 or greater.

Covenants

The GM authorized the discharge of one covenant in 2023.

Development Variance Permits

The authority to delegate minor DVPs was introduced recently. To date, the GM has not considered or issued any minor DVPs.

Summary

The CVRD Board has delegated certain land use approval authority to staff in order to streamline application processes.

The Board has the option to increase or decrease the degree of delegated land use authority. Authority could be expanded to include higher thresholds for minor DVPs, and the authority to approve strata title of previously occupied buildings (residential or commercial/industrial). Temporary use permits (TUP) may also be delegated but is not appropriate for consideration at the current time given the limited scope and application of TUPs in CVRD electoral areas.

Staff will continue to review the minor DVP thresholds set out in Bylaw No. 4483 with a view to streamlining and minimizing staff/committee resource allocation to very minor applications.

FINANCIAL CONSIDERATIONS

N/A

COMMUNICATION CONSIDERATIONS

N/A

STRATEGIC/BUSINESS PLAN CONSIDERATIONS

6.3) *Modernize the CVRD's development approval function by implementing a land management and development tracking software system, and by enhancing policies, procedures, and support for Advisory Planning Commissions.*

GENERAL MANAGER COMMENTS

☐ Not Applicable

Referred to (upon completion):

- ☐ Community Services (Arts & Culture, Cowichan Community Centre, Cowichan Lake Recreation, South Cowichan Recreation, Facilities & Transit)
- ☐ Corporate Services (Finance, Human Resources, Information Technology, Legislative Services)
- ☐ Operations (Parks & Trails, Recycling & Waste Management, Utilities)
- ☐ Land Use Services (Building Inspection & Bylaw Enforcement, Community Planning, Development Services, Strategic Initiatives)
- ☐ Strategic Services (Communications & Engagement, Economic Development, Emergency Management, Environmental Services)

Prepared by:

A handwritten signature in blue ink, appearing to read 'Ann Kjerulf', is written over a horizontal line.

Ann Kjerulf, RPP, MCIP
General Manager

Reviewed for form and content and approved for submission to the Committee:

Resolution:

Financial Considerations:

☒ Corporate Officer

☒ Chief Financial Officer