

**CAPITAL REGIONAL DISTRICT  
BYLAW NO.4294**

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A Bylaw to Establish Requirements for Development Approval Information  
in the Juan de Fuca Electoral Area

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- A. WHEREAS** the Board of the Capital Regional District has designated areas and specified circumstances in the Official Community Plans 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;
- B. AND WHEREAS** the Board wishes to obtain information on the anticipated impact of proposed activities or proposed development on the community;
- C. AND WHEREAS** the Board must, pursuant to Section 486 of the *Local Government Act*, by bylaw, establish procedures and policies on the process for requiring development approval information and the substance of the information that may be required;
- D. AND WHEREAS** the Board may authorize an officer or employee to require an applicant to provide development approval information;
- E. NOW THEREFORE** the Regional Board of the Capital Regional District in open meeting assembled enacts as follows:

**F. TITLE:**

This bylaw may be cited as, "Juan de Fuca Development Approval Information Bylaw No. 3, 2019".

**INCORPORATION OF SCHEDULES:**

Schedule "A" is attached hereto and forms a part of this bylaw.

**REPEAL:**

The following bylaws are hereby repealed:

The Capital Regional District Bylaw No. 2975, cited as the "Development Approval Information Bylaw No. 1, 2002";

The Capital Regional District Bylaw No. 3031, cited as the "Development Approval Information (Malahat/Willis Point) Bylaw No. 1, 2002".

READ A FIRST TIME THIS      9th              day of              October              , 2019.

READ A SECOND TIME THIS      9th              day of              October              , 2019.

READ A THIRD TIME THIS      9th              day of              October              , 2019.

ADOPTED THIS                      9th              day of              October              , 2019.

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CHAIR

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CORPORATE OFFICER

TABLE OF CONTENTS

SCHEDULE A..... 4

    Purpose..... 4

    Severability..... 4

    Interpretation..... 4

    Definitions ..... 4

    Procedures and Policies..... 5

    Terms of Reference..... 6

    Report Review..... 7

    Reconsideration ..... 7

## SCHEDULE A

### Purpose

- 1) The purpose of this bylaw is to establish procedures and policies for requiring development approval information and the substance of the information that may be required.

### Severability

- 2) If any section, subsection, sentence, clause or phase of this bylaw is held to be invalid by a court of competent jurisdiction, that section, subsection, sentence, clause or phase, as the case may be, shall be severed and the validity of the remaining portions of the bylaw shall not be affected.

### Interpretation

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

### Definitions

- 4) In this bylaw:

**APPLICANT** means a person who applies for:

- i. an amendment to a zoning bylaw;
- ii. a development permit; or
- iii. a temporary use permit;

**AUTHORIZED OFFICIAL** means the Chief Administrative Officer, the General Manager, Planning and Protective Services, and the Manager, Community Planning, of the Capital Regional District;

**BOARD** means the Board of the Capital Regional District;

**CHIEF ADMINISTRATIVE OFFICER** means the person appointed by the CRD Board to that position, and includes a person designated to act in their place;

**COMMUNITY PLANNING** means the Juan de Fuca Community Planning division of the CRD;

**CRD** means the Capital Regional District;

**GENERAL MANAGER, PLANNING AND PROTECTIVE SERVICES** means the person appointed by the CRD to that position, and includes a person designated to act in their place;

**JUAN DE FUCA** means the Juan de Fuca Electoral Area of the Capital Regional District;

**MANAGER, JUAN DE FUCA COMMUNITY PLANNING** means the person appointed by the CRD to that position, and includes a person designated to act in their place;

**QUALIFIED PROFESSIONAL** means:

- i) A professional engineer;
- ii) A professional geoscientist with experience or training in geotechnical study and geohazard assessments,
- iii) A registered professional biologist, or
- iv) A professional agrologist

acting alone or together with another Qualified Professional, if:

- i) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association;
- ii) the individual's area of expertise in the assessment methods is recognized by the CRD as expertise that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- iii) the individual is acting within that individual's area of expertise.

**Procedures and Policies**

5) The requirements of this bylaw apply to:

- i) applications for amendment to a zoning bylaw;
- ii) applications for a development permit; and
- iii) applications for a temporary use permit;

if the activity or development that is the subject of an application is in an area specified for the provision of development approval information in an official community plan in the JdF, or is an activity or development for which development approval information is otherwise required in an official community plan.

- 6) The requirements of this bylaw do not apply to any application for an activity or development that is reviewable project under the *Environmental Assessment Act*.
- 7) Where development approval information is to be provided, the information shall be provided by the Applicant, at the Applicant's expense, in the form of a report certified by a Qualified Professional as set out in this bylaw.
- 8) The CRD Board and the following Authorized Officials of the CRD may require development approval information by written request to the Applicant that outlines the terms of reference for the report:
  - i) Manager, Juan de Fuca Community Planning;
  - ii) General Manager, Planning and Protective Services;
  - iii) Chief Administrative Officer.
- 9) A report provided under Section 7 must comply with and fully address the terms of reference provided by the CRD Board or Authorized Official.
- 10) A report provided under Section 7 must be prepared by a Qualified Professional as determined by the CRD Board or Authorized Official in the terms of reference.
- 11) The report must include a quality assurance statement and be certified by the Qualified Professional.
- 12) The report must be submitted to the CRD in hard copy and in an electronic format satisfactory to the Authorized Official.

13) The CRD may distribute the report and publicize the results of any report.

#### Terms of Reference

- 14) Unless exempted by the Authorized Official or the Board at the time that the Authorized Official or the Board provides the terms of reference, a report provided by an Applicant must contain the following:
- i) legal description and property identifier (PID) for the property subject to the application;
  - ii) description of all relevant encumbrances or charges that affect the use and development of the property registered on title for the subject property;
  - iii) location map and site plan for the property drawn at an appropriate scale depicting:
    - existing property boundaries
    - location of natural features and infrastructure
    - contours
    - extent of proposed activity or development;
  - iv) description of the site context of the proposed activity or development;
  - v) methodology and assumptions used to undertake the report or sufficient detail regarding assessment and the methodology to facilitate a professional peer review, if required, under Section 19;
  - vi) recommendations for conditions that the CRD may impose for the proposed activity or development to mitigate its anticipated impacts.
- 15) To the extent that the proposed activity or development can reasonably be expected to have an appreciable impact on any of the following matters, the Authorized Official or the Board shall set terms of reference that include those matters in the scope of the information that is required in a report:
- the natural environment, including ecosystems, habitat of rare or threatened species;
  - hazardous conditions, including geotechnical, flood, wildfire, and storm water;
  - water quality and quantity;
  - transportation, including traffic flow, roads, trails, and transit;
  - local infrastructure, including water, sewage, fire, waste, utilities, or parking;
  - public facilities and services, including parks, schools, daycares, and hospitals;
  - affordable and special-needs housing;
  - agricultural, forestry and mining resources;
  - cultural heritage resources including sites of archaeological, paleontological or historical significance;
  - aesthetic values including building form and character, landscaping, views;
  - energy efficiency and conservation measures;
  - economic impacts and full life-cycle costs.
- 16) In addition to the matters listed in Section 15, the CRD Board or Authorized Official may include in the terms of reference any other matter on which the official considers information ought to be provided to the CRD to permit a full understanding of the impact of the proposed activity or development on the area affected.
- 17) In addition to any information required by the CRD Board or Authorized Official, the Applicant may include any information they consider relevant to the application.

## Report Review

- 18) If the CRD Board or Authorized Official determines that a report is incomplete or deficient, the Applicant will be notified in writing of the nature of the deficiencies and be required to submit a new report to address the deficiencies.
- 19) Without limiting the above, an Authorized Official of the CRD or the CRD Board may, after receiving and reviewing a report under this bylaw, require a peer review of a report, at the expense of the Applicant, if such person considers that the initial report fails to satisfy the requirements of this bylaw, including by failing to satisfy a standard, guideline, policy or other matter set out in or incorporated by reference in this bylaw.
- 20) If a peer review of a report is required under this section, one peer of the class of applicable Qualified Professional, as agreed to by the CRD and the Applicant, shall be selected to conduct the review.

## Reconsideration

- 21) An Applicant may apply to the CRD Board for the reconsideration of an Authorized Official's decision to require development approval information under this bylaw by delivering to the CRD a written request for reconsideration within 30 days after the decision is communicated in writing to the Applicant.
- 22) A request for reconsideration must set out the grounds upon which the Applicant considers the decision to be inappropriate and what, if any, decision or requirement the Applicant considers the CRD ought to substitute, and must include a copy of any materials considered by the Applicant to be relevant to the reconsideration by the Board.
- 23) The CRD must place each request for reconsideration on the agenda of a regular meeting of the Board as soon as reasonably practicable after delivery of the request for reconsideration, and must notify the Applicant of the date of the meeting at which the reconsideration will occur.
- 24) At the meeting, the Board may hear from the Applicant and any other person interested in the matter under reconsideration who wishes to be heard, and may either confirm the decision or substitute its own decision.