



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4267

A Bylaw to Establish Procedures to Amend an Official Community Plan or a Zoning Bylaw, Amend a Land Use Contract, Process an Agricultural Land Reserve Application or to Issue a Permit Under Part 14 of the *Local Government Act*

WHEREAS the Board of Directors of the Cowichan Valley Regional District has adopted official community plans, zoning bylaws and land use contracts;

AND WHEREAS the Board has designated areas in the Official Community Plans within which temporary commercial and industrial permits and development permits are required;

AND WHEREAS the Board has a duty, under the *Agricultural Land Commission Act*, to provide information and a resolution regarding Agricultural Land Reserve applications in the CVRD;

AND WHEREAS the Board must, pursuant to Section 460 of the *Local Government Act*, by bylaw, establish procedures to amend a plan, bylaw or issue a permit;

AND WHEREAS the Board may, pursuant to Section 462 of the *Local Government Act*, by bylaw, impose fees for applications and inspections;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as the "**CVRD Bylaw No. 4267 - Development Application Procedures and Fees Bylaw, 2019**"

2. SCHEDULES

The following Schedule is attached to and forms part of this bylaw:

- a) Schedule "A"- Fees

3. SCOPE

This bylaw shall apply to the following:

- a) Application, by a party other than the Regional District, for amendment to:
 - i) an Official Community Plan;
 - ii) a Zoning Bylaw; and
 - iii) a Land Use Contract.

- b) Application, by a party other than the Regional District, for a:
 - i) Development Variance Permit;
 - ii) Development Permit;
 - iii) Temporary Use Permit;
 - iv) Special Event Temporary Use Permit;
 - v) Liquor Licence;
 - vi) Cannabis Licence;
 - vii) Sign Permit;
 - viii) Board of Variance decision; and
 - ix) *Agricultural Land Commission Act* approval.
- c) Subdivision application fees pursuant to Section 462 of the *Local Government Act*.
- d) Discharge or consent to amend a restrictive covenant to which the CVRD is a signatory or named party.
- e) Property file review in response to a letter requesting a review of many aspects of a parcel's status including but not limited to: present or historical zoning, building permits, bylaw enforcement or other permits.
- f) Requests to extend the term limit of a development permit or development variance permit.

4. APPLICATIONS AND FEES

- a) Applications listed in Section 3 must be made by the owner of the land involved or by a person authorized by the owner.
- b) Applications will be received by the General Manager of Land Use Services or a nominated designate.
- c) Upon submission of an application, application fees are due in the amount set out in Schedule "A" to this bylaw.

5. APPLICATION REVIEW PROCESS

- a) Advisory Planning Commission Referral
Land Use Services Department staff will prepare a report for referral to the appropriate Advisory Planning Commission (APC), or more than one APC, as specified in an Official Community Plan (OCP), for the following applications:
 - i) Application to amend an OCP, Zoning Bylaw or Land Use Contract;
 - ii) Application for Development Permit for subdivision of more than 3 lots; and
 - iii) Application for Development Permit for commercial, industrial or multifamily development.

- b) Electoral Area Services Committee
 Land Use Services Department staff will prepare reports directly to the EASC for the following applications:
 - i) Covenant amendment/discharge;
 - ii) Development Permit for subdivision of less than 3 new lots;
 - iii) Temporary Use Permit and Special Event Temporary Use Permit; and
 - iv) Liquor and Cannabis Licence.

- c) Applications for Development Variance Permit and applications to the Agricultural Land Commission will proceed directly to EASC as noted in Section 5b (above) unless the Director of the area specifically requests referral to the appropriate APC.

- d) Board
 Unless delegated under Section 6 of this bylaw, all applications will be reviewed by the Electoral Areas Services Committee, with final consideration by the Board.

6. DELEGATION OF DEVELOPMENT PERMIT APPLICATIONS

- a) The Board delegates the ability to issue development permits to the General Manager of Land Use Services Department in the following circumstances:

Electoral Area	Development Permit Areas/Guidelines
A, B and C	Riparian Areas Regulation, Marine Protection, Agricultural Protection, Habitat Protection, Sensitive Ecosystem and Wildfire Interface guidelines (excluding subdivision).
D	Where a development permit has been applied for to undertake development, excluding subdivision, of land upon which a single family dwelling or single detached dwelling is a principal permitted use, in the Agricultural Protection, Aquatic Resource Protection, Critical Habitat Protection, Sensitive Lands or Rural Character Development Permit Areas.
E	Riparian Areas Regulation, Agricultural Protection, Agricultural Community, Cowichan River and Wetland Protection Development Permit Areas.
F	Riparian Areas Regulation Development Permit Area.
G	Riparian Areas Regulation, Agricultural Protection, Ocean Shoreline, Stream Protection, Habitat Protection and Stormwater Development Permit Areas.
H	Riparian Areas Regulation, Woodley Range, Cassidy/Bush Creek Development Permit Areas.
I	Watercourse Protection and Waterfront Subdivision Development Permit Areas.
All Electoral Areas	Development Permit for a Sign.

7. PUBLIC NOTICE

7.1 Statutory References

- a) The Public Notice requirements for development applications are prescribed in Part 14 of the *Local Government Act*, as illustrated by the following table:

Application Type	Local Government Act Section
Official Community Plan Amendment	466, 467
Zoning Bylaw Amendment	466, 467
Development Permits	none
Temporary Use Permits	494
Development Variance Permits	499
Land Use Contracts	546, 548, 549
Board of Variance	541

7.2 Public Notice Requirements

- a) Public notice, when required to be mailed, shall be mailed or otherwise delivered to the owners and occupants of parcels located within 60 metres of the subject property, except for the following:
- i) Development Permit applications that do not incorporate a variance;
 - ii) Board of Variance applications;
 - iii) Special Event Temporary Use Permits that do not alter permitted uses or density.

7.3 Sign Requirement

- a) The following application types require a development application sign on the subject property:
- i) Amendment to an Official Community Plan or Zoning Bylaw;
 - ii) Land Use Contract amendment; and
 - iii) Temporary Use Permit or Special Event Temporary Use Permit.
- b) The development application sign must be located in conformity with the following:
- i) The bottom edge of the sign(s) must be a minimum of 1 metre above the ground, and not more than 1.5 metres above the ground;
 - ii) One sign shall be located within 3 metres of the edge of pavement on any fronting road, or on the parcel boundary line, whichever makes the sign(s) more legible for passers-by; and
 - iii) The signs(s) shall be located approximately at the mid-point along each fronting road or parcel boundary line, except where this requirement would have the effect of obscuring the sign.
- c) The development application sign will be erected as soon as practical after application has been made, and shall be kept in place continuously, until the Board of Directors has rendered a final decision on the application. The General Manager of Land Use Services Department may require proof in a form acceptable to him or her that the sign has been posted as required by Section 7 of this bylaw.

8. PUBLIC HEARING

- a) In the case of applications for amendments to an Official Community Plan and/or Zoning Bylaw, public hearings are governed by Section 465 of the *Local Government Act*. In the absence of any member of the public in attendance, a public hearing will be adjourned after a minimum of 15 minutes from the advertised time of commencement of the hearing.
- b) Any costs associated with the postponement of a hearing, due to failure of the applicant to comply with the requirements of this bylaw, shall be paid by the applicant, in addition to the application fees previously paid.
- c) The Board shall, after the public hearing, if any, proceed in accordance with Section 470 of the *Local Government Act*.

9. PERMIT - ISSUANCE OR REFUSAL

- a) The Board may, in the case of an application for development variance permit, development permit or temporary use permit:
 - i) authorize the issuance of the permit;
 - ii) authorize the issuance of the proposed permit as amended by the Board in its resolution;
 - iii) table the permit; or
 - iv) refuse to authorize the issuance of the permit.

10. REFUSAL AND APPEAL

- a) Where an application has been refused by the Board or the General Manager of Land Use Services Department, the General Manager of Land Use Services Department or a nominated designate shall notify the applicant in writing within 30 days immediately following the date of refusal.
- b) Where an application has been refused by the General Manager of Land Use Services Department, the applicant shall have the right to appeal the delegated decision to the Board.
- c) An applicant who wishes to appeal the decision of the General Manager of Land Use Services Department shall submit an appeal request in writing to the General Manager of Land Use Services Department within 60 days of the date of the decision accompanied by the fee as required in Schedule A to this bylaw.
- d) Where an appeal request is received, the procedures set out in Section 5 of this bylaw shall be followed.

11. INACTIVE APPLICATION

- a) Where an applicant under this bylaw has not pursued the application for a period of 12 months, after being asked by CVRD staff to provide further information or follow a procedure outlined in this bylaw, the application is deemed to be inactive, and the file will be closed.

12. REFUND

- a) No refunds are available for any type of applications upon which CVRD staff have expended time in processing the application, except in accordance with the Refund Policy under Schedule A to this bylaw - Rezoning/Official Community Plan Fee Schedule.
- b) Where any type of application has been submitted along with the required fee and the applicant withdraws an application before staff effort has been expended on the file, 100% of the application fee will be refunded to the applicant.

13. REAPPLICATION

- a) Subject to Section 460 of the *Local Government Act*, reapplication for an amendment or permit that has been refused by the Board shall not be considered within a 12 month period immediately following the date of refusal. The time period respecting reapplication may only be varied by an affirmative vote of at least two thirds of the Board members eligible to vote on the reapplication.

14. PERMIT TERM LIMIT EXTENSION

- a) Requests to amend the term limit of a development permit or development variance permit may be considered for a maximum two year extension, beyond which a new application for Development Permit or Development Variance Permit is required. A written rationale for the extension request must be submitted along with an application, supporting materials, fee and updated project plans or drawings if applicable.
- b) Where a first time, one-year extension request has been made, the Board of Directors delegates approval authority to the General Manager of Land Use Services Department. All other requests will be the subject of a staff report to the Electoral Areas Services Committee, with final consideration by the Board. Amended Permits require registration with the Land Titles Office.

15. LANDSCAPE SECURITY FOR DELGATED PERMITS

- a) The *Local Government Act* authorizes a local government to require the applicant for a development permit to provide a financial security when completion of a landscape plan is a condition of a permit. Where development permit approval authority is delegated to the General Manger of Land Use Services under Section 6 of this bylaw, the amount of security is calculated at 125% of the value of the comprehensive cost estimate for the landscape plan and in accordance with the CVRD Landscape Security Policy.

16. SEVERABILITY

- a) If any section, sentence, clause, phrase or word 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 and the decision that it is invalid shall not affect the validity of the remainder of this Bylaw.

17. REPEAL

- a) CVRD Bylaw No. 4204 – CVRD Development Application Procedures and Fees Bylaw, 2018, is repealed.

READ A FIRST TIME this 22nd day of May, 2019.

READ A SECOND TIME this 22nd day of May, 2019.

READ A THIRD TIME this 22nd day of May, 2019.

ADOPTED this 22nd day of May, 2019.



Chairperson



Deputy Corporate Secretary



SCHEDULE A – FEES

To CVRD BYLAW NO. 4267

Includes the following Fee Schedules:

1. Rezoning/Official Plan Amendment
2. Development Permit
3. Development Variance Permit
4. Miscellaneous
5. Subdivision

FEE SCHEDULE - REZONING/OFFICIAL PLAN AMENDMENT

<u>TYPE OF APPLICATION</u>	<u>FEE</u>
(a) <u>OFFICIAL PLAN AMENDMENT</u> , no new density:	\$3,000 plus advertising costs
(b) <u>OFFICIAL PLAN AMENDMENT</u> , new density:	\$3,000 plus advertising costs, plus amounts shown in (e) and (f)
(c) <u>OFFICIAL PLAN AMENDMENT COMBINED WITH ANY ZONING AMENDMENT:</u>	\$5,200 plus advertising costs, plus amounts shown in (e) and (f) below, if applicable
(d) <u>ZONING MAP AND/OR TEXT AMENDMENT:</u>	\$2,500 plus advertising costs, plus amounts shown in (e) and (f) below, if applicable
Additional Density	
(e)	\$150 for each dwelling or parcel ("density unit") permitted by the amendment bylaw ³
(f)	\$150 for each 0.1 ha of parcel area ("density unit") to be re-designated or rezoned to commercial or industrial

NOTES AND SUPERSCRIPIT:

1. Advertising costs: The applicant will be sent an invoice for the cost estimate for advertising the public hearing/notice, which will include an administrative fee of 8% of the invoice amount. The public hearing will not be scheduled, nor public notice published, until full payment of the invoice has been received.
2. Refund policy: An application for amendment of an Official Community Plan and/or Zoning Bylaw that is withdrawn, denied by the Board or deemed inactive in accordance with Section 11 of this bylaw, in all cases prior to the CVRD advertising public notice, is eligible for a partial refund of \$1,500.
3. For residential development, the number of dwellings or parcels permitted shall be calculated by dividing the total area of the site to be rezoned by the maximum parcel or dwelling density allowed by the proposed zone regardless of the level of water or sewer servicing.
4. In the cases where environmental or geotechnical reports have been submitted by the applicant as part of an application, these reports may require an independent review prior to any decision being made on a rezoning/official plan amendment. The applicant shall be required to pay the Regional District for the estimated costs of the independent review (up to \$5,000 maximum) before the review is undertaken.

FEE SCHEDULE - DEVELOPMENT PERMIT

<u>TYPE OF GUIDELINES</u>	<u>FEE</u>
<u>Environmental Protection, Natural Hazard and RAR Guidelines:</u>	\$300 plus an additional \$250 for each new parcel or dwelling unit proposed
<u>Agricultural Protection Guidelines:</u>	\$150 plus an additional \$50 for each new parcel or dwelling unit proposed
<u>Sign Guidelines:</u>	\$150
<u>Multiple Family or Intensive Residential Form and Character Guidelines:</u>	\$500 plus an additional \$250 for each new dwelling unit proposed
<u>Commercial or Industrial Form and Character Guidelines:</u>	\$500 plus an additional \$250 for each additional 100 m ² of gross floor area
<u>Development Permit Term Limit Extension:</u>	\$300
<u>All Other Types of Guidelines:</u>	\$300 an additional \$250 for each new parcel or dwelling unit proposed

NOTES:

1. The fees in the above schedule are not cumulative. That is, where a single development proposal is subject to more than one of the guideline categories listed above, the total application fee will be that which would be charged for the most expensive single guideline category.
2. Where a development permit application includes a variance, the variance fee is required in addition to the applicable development permit fees outlined above.
3. If a decision made by the General Manager of Land Use Services Department on a delegated development permit is appealed to the Board under Section 12 of this bylaw, new application fees are required as outlined in the above schedule to a minimum of \$300.
4. Where any work for which a development permit is required is commenced prior to the issuance of a development permit the applicable permit fee will be doubled.
5. In the cases where environmental or geotechnical reports have been submitted by the applicant as part of an application, these reports may require an independent review prior to any decision being made on a development permit. The applicant shall be required to pay the CVRD for the estimated costs of the independent review (up to \$5,000 maximum) before the review is undertaken.

FEE SCHEDULE - DEVELOPMENT VARIANCE PERMIT

<u>TYPE OF APPLICATION</u>	<u>FEE</u>
<u>Development Variance Permit</u>	\$750
<u>Development Variance Permit Term Limit Extension</u>	\$300

NOTES:

- 1. If more than one parcel is the subject of the application, a separate development variance permit application fee shall be required for each parcel and/or for each building or dwelling if separate variances are required for each.
- 2. Where a development variance permit is applied for retrospectively, the applicable permit fee will be doubled.

FEE SCHEDULE - MISCELLANEOUS

<u>TYPE OF APPLICATION</u>	<u>FEE</u>
<u>BOARD OF VARIANCE:</u>	\$750
<u>LAND USE CONTRACT AMENDMENT:</u>	Same as for rezoning amendment, development permit, development variance permit (whichever is applicable) plus advertising costs.
<u>TEMPORARY USE PERMIT:</u>	\$1,200 plus advertising costs
<u>SPECIAL EVENT TEMPORARY USE PERMIT:</u>	\$400 plus advertising costs \$200 for renewal
<u>LIQUOR LICENCE APPLICATION:</u>	\$750 plus advertising costs
<u>CANNABIS LICENCE APPLICATION:</u>	\$1,500 plus advertising costs
<u>LEGAL DOCUMENT COST:</u>	Any legal costs incurred by the Cowichan Valley Regional District in preparing legal documents such as covenants and development agreements associated with an application referred to in this bylaw must be paid by the applicant prior to consideration of development approval.
<u>SIGN PERMIT (subject to Sign Bylaw only):</u>	\$150
<u>OTHER:</u> Property file review:	\$200
Restrictive covenant amendment/ discharge:	\$300
Printed copy of a State of Title Certificate for submission with an application described in this bylaw:	\$25

NOTES:

1. If more than one parcel is the subject of the application, a separate permit application fee shall be required for each parcel/unit or for each building or dwelling if separate variances are required for each.
2. Advertising costs: The applicant will be sent an invoice for the cost estimate of the advertising for the public hearing/notice, which will include an administrative fee of 8% of the invoice amount. The public hearing will not be scheduled, nor public notice published, until full payment of the invoice has been received.

FEE SCHEDULE - SUBDIVISION

TYPE OF APPLICATION

FEE

The fees outlined below shall be due and payable to the Cowichan Valley Regional District Land Use Services Department prior to preliminary review of a subdivision or strata conversion application.

SUBDIVISION OR BOUNDARY ADJUSTMENT:

\$500 for boundary adjustment or first new lot, plus an additional \$500 for the second and every subsequent new parcel

STRATA CONVERSION:

\$500 for every unit

EXTENSION TO A PRELIMINARY LAYOUT APPROVAL:

25% of the subdivision application fee

Additional fees as shown below shall be due and payable to the Cowichan Valley Regional District Engineering Services Department for properties that are within an existing local service area or are proposed to become designated a local service area (water and/or sewer utility) under the jurisdiction of the Cowichan Valley Regional District prior to preliminary review of a subdivision or strata conversion application, based on the following noted formula.

SUBDIVISIONS: SEWER UTILITY

\$500 for every new unit or parcel within a sewer utility local service area owned and operated by the CVRD

SUBDIVISIONS: WATER UTILITY

\$500 for every new parcel within a water utility local service area owned and operated by the CVRD