

JUAN DE FUCA DEVELOPMENT FEES AND PROCEDURES BYLAW NO. 3885

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3885**

A Bylaw to Establish Fees and Procedures for Development Services
in the Juan de Fuca Electoral Area

- A. **WHEREAS** the Board of the Capital Regional District wishes to establish procedures for amendments to official community plans and land use bylaws;
- B. **AND WHEREAS** the Board has designated areas for temporary use permits and development permits in the Official Community Plans;
- C. **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;
- D. **AND WHEREAS** pursuant to Sections 379, 397 and 462 of the *Local Government Act* the Board may, by bylaw, impose a fee or charge in respect of a regional district service, application or inspection;
- E. **AND WHEREAS** the Board is the approving authority for conversion of previously occupied buildings under Section 242 of the *Strata Property Act*;
- F. **AND WHEREAS** the Board has a duty, under the *Agricultural Land Commission Act* and the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, to provide information and a resolution regarding Agricultural Land Reserve applications in the CRD;
- G. **AND WHEREAS** the Board has a duty, under the *Cannabis Control and Licensing Act*, to provide comments and recommendations regarding applications in the CRD;
- H. **AND WHEREAS** the Board has a duty under the *Liquor Control and Licensing Act*, to provide comments and recommendations regarding applications in the CRD;
- I. **AND WHEREAS** the Board has a duty, under the Innovation, Science and Economic Development Canada's circular CPC-2-0-03, to concur or not concur on applications for radio-communication and broadcasting antenna systems in the CRD;
- J. **AND WHEREAS** the Capital Regional District receives requests for comment on referrals from external agencies;

K. NOW THEREFORE the Regional Board of the Capital Regional District in open meeting assembled enacts as follows:

L. TITLE:

This bylaw may be cited as, "Juan de Fuca Development Fees and Procedures Bylaw No. 3, 2018".

INCORPORATION OF SCHEDULES:

Schedules "A" and "B" attached hereto form part of this bylaw.

REPEAL:

The following bylaw is hereby repealed:

The Capital Regional District Bylaw No. 3110, cited as the "Juan de Fuca Electoral Area Development Procedures Bylaw No. 1, 2003".

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

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

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

ADOPTED THIS 9th day of January , 2019.

(Original signed by C. Plant)

(Original signed by K. Morley)

CHAIR

CORPORATE OFFICER

SCHEDULE A

TABLE OF CONTENTS

SCHEDULE A..... 4

Part 1 PURPOSE AND SCOPE..... 6

 Purpose..... 6

 Scope..... 6

Part 2 INTERPRETATION 7

 Interpretation 7

 Severability..... 7

 Inspection 7

 Definitions..... 7

Part 3 GENERAL PROVISIONS 10

 Making Application..... 10

 Application Requirements..... 10

 Application Decisions 11

 Tabling Applications 11

 Refusal of Application 12

 Reconsidered Applications..... 12

 Re-application..... 12

 Lapse of Application 12

 Amendment..... 13

 Change of Ownership..... 13

 Performance Security 13

 Publication of Information and Privacy 14

Part 4 APPLICATION FEES 15

 Application Fees 15

Legal Costs	15
Refund of Application Fees	15
Other Fees.....	15
Fee Exceptions.....	16
Part 5 PUBLIC CONSULTATION.....	17
Notification	17
Posting of Signs	17
Application Referral.....	18
Public Hearings.....	18
SCHEDULE B	20

Part 1 PURPOSE AND SCOPE

Purpose

1. The purpose of this bylaw is to establish fees and procedures for community planning services including processing of development applications and referrals.

Scope

2. This bylaw applies to the following community planning services, development applications, permits and referrals to the Capital Regional District in relation to land within the Juan de Fuca Electoral Area:
 - a) requests for comment on referrals;
 - b) an amendment to an official community plan or land use bylaw;
 - c) an application for a development permit (DP) or development variance permit (DVP);
 - d) an application for a temporary use permit (TUP);
 - e) an application for an exemption to a floodplain regulation;
 - f) an application for a frontage exemption;
 - g) an application for subdivision;
 - h) an application to convert previously occupied buildings to strata;
 - i) a request to discharge, amend or register a covenant to which the CRD is a signatory or named party;
 - j) a referral for a radio-communications tower or broadcasting antenna system;
 - k) an Agricultural Land Reserve application;
 - l) an application under the *Cannabis Control and Licensing Act*; and
 - m) an application under the *Liquor Control and Licensing Act*.

Part 2 INTERPRETATION

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.

Severability

4. 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.

Inspection

5. The Manager, Community Planning, and his/her deputies may enter, at all reasonable times, upon any land subject to the regulations of this bylaw, to ascertain whether such regulations are being obeyed, provided that:
 - a) consent to inspect the land has been obtained from the owner or occupier of the land; or
 - b) where such consent has been refused, notice of the intent to inspect has been given to the owner or occupier no less than 24 hours prior to the time of inspection.

Definitions

6. In this bylaw:

AGENT means a person or registered corporate entity, who has been authorized in writing by an owner to apply for a permit and to act on the owner's behalf;

ALR means the Agricultural Land Reserve designated by the *Agricultural Land Commission Act*;

APPLICANT means an owner, or their agent, who has submitted the application;

APPLICATION means a submission of a completed application, related reports and maps and appropriate fees in relation to matters referred to in this bylaw;

SCHEDULE A

BOARD means the Board of the Capital Regional District;

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

CRD means the Capital Regional District;

EAC means the Electoral Areas Committee of the CRD;

LAND USE BYLAW means a bylaw adopted under Sections 479 to 524 of the *Local Government Act*;

LUC means the Juan de Fuca Land Use Committee of the CRD;

MOTI means the Ministry of Transportation and Infrastructure;

PARCEL means any lot, block, parcel or other area in which real property is held or into which real property is subdivided, and includes a strata lot created under the *Strata Property Act*;

OCP means an official community plan adopted by the Board;

QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if:

- a) 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, and
- b) 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
- c) the individual is acting within that individual's area of expertise;

QUALIFIED PROFESSIONAL (QP) means:

- a) a professional engineer,
- b) a professional geoscientist with experience or training in geotechnical study and geohazard assessments,
- c) a registered professional biologist, or
- d) a professional agrologist;

acting alone or together with another Qualified Professional, if:

SCHEDULE A

- a) 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,
- b) 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
- c) the individual is acting within that individual's area of expertise;

RECONSIDERED APPLICATION means an application that has been refused by the Board but has not been materially changed or altered from the original application which has been requested by the applicant in writing to be placed in front of the Board for reconsideration, by the applicant;

REGIONAL DISTRICT means the Capital Regional District.

Part 3 GENERAL PROVISIONS

Making Application

7. The Manager, Community Planning, is authorized to carry out or cause to be carried out processing of each application.
8. The Manager, Community Planning, must prepare or cause to be prepared a report regarding an application for presentation to the LUC, the EAC, Board, or General Manager of the Planning & Protective Services Department of the CRD in the case of delegated approvals, for its consideration. The report shall contain details of the application and any additional relevant information associated with the application.
9. At any time during the application process, the Board may refer the application to any agency or organization for their comments and suggestions.

Application Requirements

10. An application shall be made to Community Planning in writing and on the form prescribed by the Manager, Community Planning, (or designate) and shall be:
 - a) signed by the owner of the land that is the subject of the application and if there is more than one owner then by all owners, or by a person authorized in writing by the owner(s) to act as his or her agent for the purpose of making an application;
 - b) signed by a company director or an officer of the corporation if a numbered company or corporation owns or is an occupier of the property, and a corporate structure shall accompany the application illustrating the company directors;
 - c) accompanied by a copy of the resolution of the Strata Council adopted by a $\frac{3}{4}$ vote under the *Strata Property Act* in support of the application if the land subject to the application is within a strata plan;
 - d) signed by all owners if the land is owned or occupied by another form of cooperative association, and
 - e) accompanied by the applicable fees outlined in Schedule B.
11. An application must include the following:
 - a) a copy of the Certificate of Title, issued not more than thirty (30) calendar days prior to the application date for any parcel of land subject to the application;

SCHEDULE A

- b) a copy of all non-financial encumbrances (i.e., covenants, easements and rights-of-way, building schemes, etc.) registered on the subject property;
- c) a site plan of the lands affected by the application drawn to scale and showing dimensions, to the satisfaction of the Manager, Community Planning;
- d) development plans and building plans for the lands affected by the application, drawn to scale and showing dimensions, to the satisfaction of the Manager, Community Planning;
- e) any professional reports or additional information as determined by the Development Approval Information Bylaw of the CRD or applicable enactment, to the satisfaction of the Manager, Community Planning.

Application Decisions

- 12. With respect to an application, the Board or Committee or person to whom authority has been delegated may:
 - a) authorize the application; or
 - b) table the application pending the receipt of additional information that may be required from the applicant; or
 - c) refuse or deny the application.
- 13. The Board or Committee or person to whom authority has been delegated may, without limiting the Board's authority under any enactment:
 - a) refer the application for comment;
 - b) hold a public meeting on the application; or
 - c) hold a public hearing.
- 14. In all cases, written notice of a decision shall be mailed or otherwise delivered to an applicant at the address provided on the application form.

Tabling Applications

- 15. If an application has been tabled pending receiving additional information, Community Planning must inform the applicant in writing and outline the additional materials or information that is required.
- 16. Except in the case of an emergency, the Board cannot table an application to be reconsidered.

Refusal of Application

17. When the Board has refused an application or permit, Community Planning must notify the applicant in writing and outline the land use reasons for the refusal.

Reconsidered Applications

18. The Board must follow the procedures outlined in the applicable legislation and in the Capital Regional District Board Procedures Bylaw, as amended.

Re-application

19. Where the Board or Committee or a person exercising authority delegated by the Board has considered and refused an application in respect of a parcel, a new application for the same purpose in respect of that parcel shall not be made within a twelve (12) month period immediately following the date of refusal, unless the timeline is varied by the CRD Board in accordance with Section 460 of the *Local Government Act*.

Lapse of Application

20. Applications are valid for one year, after which:
 - a) an application will be deemed to have lapsed and will be closed; and
 - b) in the case of an amendment bylaw, the Board will consider a motion to rescind all readings of the bylaw.
21. If applicable, a refund will be paid to the applicant in accordance with this bylaw for applications that have been deemed to be lapsed.
22. Prior to the lapse of an application, a renewal can be requested subject to:
 - a) a new owner authorization;
 - b) a current certificate of title; and
 - c) the applicable renewal fee as noted in Schedule B.
23. A renewed application will be valid for one year.
24. In order for an application that has lapsed to proceed, a new application and fee will be required.

SCHEDULE A

Amendment

25. Prior to its expiry, and subject to approval, a development permit may be amended provided that a request for amendment is received prior to its expiry and is accompanied by the applicable fees set out in Schedule B to this bylaw.

Change of Ownership

26. If there is a change of ownership of a parcel of land that is the subject of an application, the applicant shall immediately notify the CRD and provide an updated title certificate and written authorization from the new owner prior to proceeding further with the application.

Performance Security

27. Security shall be in the form of cash, certified cheque or an irrevocable letter of credit, effective for the term as set out in the permit. Such irrevocable letter of credit shall be clean and unconditional, automatically renewing and drawn on a chartered bank in Canada.
28. The amount of security required shall be 150% of the full estimated cost of:
 - a) the required landscaping and related works based upon an estimate provided by the applicant's qualified professional which includes costs for administration; or
 - b) remediation of an unsafe condition as determined by the qualified professional; or
 - c) restoring damage to the environment that might result from a breach of condition as determined by a qualified professional.
29. Where security is required under this bylaw, it shall be returned to the applicant upon the CRD receiving a post-construction report from the qualified professional stating that the approval conditions have been satisfactorily met.
30. In the case of security required for remediation of an unsafe condition, the CRD will return the security where the applicant provides a report from a qualified professional certifying that the unsafe condition has been remedied.
31. Where security is taken to protect against damage to the environment that may result from remedying an unsafe condition, the CRD will return the security upon receipt of a report from a qualified professional certifying that the unsafe condition or damage to the natural environment has been remedied.

SCHEDULE A

Publication of Information and Privacy

32. The Regional District and its officers and employees may distribute and publicize any document submitted pursuant to this bylaw, subject to limits on disclosure of personal information set out in the *Freedom of Information and Protection of Privacy Act*.

Part 4 APPLICATION FEES

Application Fees

33. At the time of application, the applicant shall pay to the CRD, all applicable fees in the amount prescribed in Schedule B, attached to and forming a part of this bylaw.
34. In the case of an application for an amendment to a permit or an application renewal, the applicant must pay the applicable fee stipulated in Schedule B.

Legal Costs

35. The applicant shall be responsible for paying for all legal expenses and any associated costs incurred by the CRD for the review and preparation of legal documents required in conjunction with the processing of any application, and a deposit is required as outlined in Schedule B.

Refund of Application Fees

36. Where an amendment application to an OCP or land use bylaw is withdrawn by the applicant prior to the amendment bylaw being considered by the Board for first reading, the CRD shall pay to the applicant a refund in the amount of 50% of the application fee.
37. Where an amendment application to an OCP or land use bylaw is refused by the Board or withdrawn by the applicant prior to notification of a public hearing, the CRD shall pay to the applicant a refund in the amount of 25% of the application fee.
38. Where the Board proceeds with a public hearing or a notification for an amendment application to an OCP or land use bylaw pursuant to Section 467 of the *Local Government Act*, the CRD shall not provide a refund of any portion of the application fee or advertising deposit to the applicant.
39. Except as provided for elsewhere in this Bylaw, no refund shall be provided by the CRD to an applicant with respect to any development application.

Other Fees

40. Fees for extra-ordinary planning services not associated with an application will be charged as stipulated in Schedule B.

SCHEDULE A

Fee Exceptions

41. Except for the cost of holding a public hearing associated with an application, fees for applications do not apply to:
 - a) a municipality, improvement district, or regional district incorporated under the *Local Government Act* and amendments thereto;
 - b) a non-profit organization registered under the *Society Act*.

Part 5 PUBLIC CONSULTATION

Notification

42. Where notice of a public hearing, the waiving of a public hearing or the issuance of a permit is required by the *Local Government Act*, the notice shall be given to the owners and tenants in occupation, as follows:

Type of Notification	Notification Distance (measured as a radius from the parcel subject to the application)
Official Community Plan or Land Use Bylaw amendment	Not less than 500 metres
Development Variance Permit	Not less than 500 metres
Temporary Use Permit	Not less than 500 metres

Posting of Signs

43. For each parcel subject to an OCP or land use bylaw amendment, a development permit that includes a proposed variance, development variance permit, or temporary use permit, the applicant must erect a sign on that parcel of land, which is subject to the application:
- a) the applicant will pay a \$50 deposit per sign upon submitting an application.
 - b) Community Planning will provide the sign(s).
 - c) signs are to be erected within ten (10) days of submitting a complete application;
 - d) the applicant must ensure that the sign can be viewed from each public road frontage abutting their property and is unobstructed to viewing by the public.
 - e) multiple signs are required for subject properties with multiple road frontage and for subject properties that are not contiguous to each other.
 - f) the sign must be no higher than two (2) metres from the bottom of the sign above the grade of the road and not further back from the road right-of-way than three (3) metres.

SCHEDULE A

- g) the sign(s) must stay up until after the application is withdrawn or after the application decision by the Board.
- h) a photograph must be submitted to Community Planning confirming the sign has been erected.
- i) if the sign is not posted in accordance with this bylaw, consideration of the application by the CRD will be postponed. Any costs associated with the postponement will be borne by the applicant.
- j) non-compliance with this section due to the removal, destruction or alteration of a sign by unknown persons, vandalism or natural occurrence shall not affect the validity of the bylaw that is the subject of the application.
- k) if the applicant does not return the sign(s) within thirty (30) days after the application is withdrawn or after the application decision by the Board, the sign deposit will be forfeited.

Application Referral

- 44. The CRD Board may at anytime provide one or more opportunities for consultation it considers appropriate to the persons, organizations and authorities the Board considers may be affected by an application.
- 45. Referral of applications to the whole CRD Board for determination of consistency with the Regional Growth Strategy will be in accordance with The Juan de Fuca Development Application Regional Growth Strategy Consistency Policy.
- 46. Each agency, organization or level of government will be given twenty (20) working days, after the application has been mailed or otherwise delivered to them, to provide any comments.
- 47. If, after twenty (20) working days, the agency, organization or level of government has not notified the CRD in writing, the agency, organization or level of government shall be considered to have no concerns.

Public Hearings

- 48. Public hearings will be conducted in accordance with the *Local Government Act*.
- 49. If after a minimum of 15 minutes no members of the public are in attendance of the stated public hearing, then the public hearing may be adjourned.

SCHEDULE A

50. If no members of the public attend the public hearing, and the public hearing notice has been properly published, the CRD must consider that the public hearing has been held, as required.

SCHEDULE B

SCHEDULE B

Application Type or Planning Service	Fee	Additional Fees
OCP Amendment	\$3,750	\$500 for each public hearing
Land Use Bylaw Amendment resulting in less than 3 additional lots	\$3,750	\$500 for each public hearing
Land Use Bylaw Amendment resulting in 3 or more additional lots	\$4,250	\$500 for each public hearing
Combined OCP and Land Use Bylaw Amendment	\$4,250	\$500 for each public hearing
Development Permit	\$550	\$250 for each additional parcel created or included to a maximum total fee of \$1,300
Development Permit Amendment	\$225	
Floodplain Exemption	\$550	\$250 for each additional parcel included to a maximum total fee of \$1,300
Development Permit with Floodplain Exemption	\$750	\$250 for each additional parcel created or included to a maximum total fee of \$1,500
Frontage Exemption	\$750	\$250 for each additional parcel included to a maximum total fee of \$1,500
Development Variance Permit	\$750	\$250 for each additional parcel included to a maximum total fee of \$1,500
Development Permit with Variance	\$1,000	\$250 for each additional parcel created or included to a maximum total fee of \$1,750
Temporary Use Permit	\$2,500	\$500 for each newspaper notice
Temporary Use Permit Renewal	50% of the original Permit fee	

SCHEDULE B

Subdivision	\$750	\$400 for each additional parcel created to a maximum total fee of \$1,950
Building Conversion to Strata	\$1,500	\$400 for each strata parcel created to a maximum total fee of \$2,700
Agricultural Land Reserve	In accordance with <i>ALC Act</i>	
Liquor License	\$1,500	
Cannabis Retail	\$1,500	
Radio Communication Towers and Broadcasting Antennas	\$2,500	
Application Renewal	\$500	
Legal Services	\$500	
Planning Services	\$100/hr	