



**REPORT TO THE
PLANNING, TRANSPORTATION AND PROTECTIVE SERVICES COMMITTEE
MEETING OF WEDNESDAY, OCTOBER 24, 2012**

SUBJECT REVISED DEVELOPMENT PROCEDURES BYLAW, PROCESS AND POLICY

AMENDMENT TO BYLAW NO. 3166, A BYLAW TO ESTABLISH THE JUAN DE FUCA LAND USE COMMITTEE (AMENDING BYLAW NO. 3826)

AMENDMENT TO BYLAW NO. 3110, JUAN DE FUCA ELECTORAL AREA DEVELOPMENT PROCEDURES BYLAW (AMENDING BYLAW NO. 3664)

ADOPTION OF CRD BOARD POLICY REGARDING CONSISTENCY WITH REGIONAL GROWTH STRATEGY AND PROCESSING DEVELOPMENT APPLICATIONS IN THE JUAN DE FUCA ELECTORAL AREA

ISSUE

A staff report was prepared for the July 25, 2012 Planning, Transportation and Protective Services Committee to address the October 12, 2011 and November 9, 2011 Capital Regional District (CRD) Board resolutions regarding the role of the CRD Board in land use planning for the Juan de Fuca (JdF) Electoral Area regarding consistency with the Regional Growth Strategy (RGS) (Appendix 1). At that meeting it was requested that consideration of the report be deferred to a meeting in fall when the Electoral Area Director was available to attend, and that the report be forwarded to the Juan de Fuca Land Use Committee (LUC) for information.

The report was considered at the September 18, 2012 LUC meeting. Comments were received from the LUC members as well as members of the public (Appendix 2).

Based on this discussion, staff is presenting alternative amendments to the JdF Development Procedures Bylaw and proposed a new Board policy to address the Board's concerns regarding determination of consistency with the RGS. Fundamentally, the recommendation is to have the full CRD Board determine consistency of all Official Community Plan (OCP) amendments and those rezoning amendments specific to the Rural Resource Lands area.

The LUC members and the public also suggested that the JdF Electoral Area Director should be a member of the Planning, Transportation and Protective Services Committee so as to be able to speak to OCP amendments and the Rural Resource Lands rezoning applications referred for determination of consistency.

ALTERNATIVES

1. Recommend that the CRD Board approve the following bylaw amendments and adopt the following policies and procedures:
 - a. Bylaw No. 3826, "Capital Regional District Land Use Committee Bylaw No. 1, 2004, Amendment Bylaw No. 5, 2012", to amend Bylaw 3166.
 - b. Bylaw No. 3664, "Juan de Fuca Electoral Area Development Procedures Bylaw No. 1, 2003, Amendment Bylaw No. 4, 2012", to amend Bylaw No. 3110.
 - c. The Juan de Fuca Development Application RGS Consistency Policy.
 - d. The collaborative approach to staff recommendations regarding consistency with the RGS as outlined in report PPS/JP 2012-11.

2. That the CRD Board provides alternate direction to staff regarding the resolutions contained in Appendix 1 of report PPS/JP 2012-11.

PLANNING ANALYSIS

Juan de Fuca Electoral Area Development Application Referral Process

In response to the Board resolutions regarding the referral of applications to the whole Board for a determination of consistency with the RGS, staff has prepared amendments to procedural and committee bylaws to provide the requirement for the whole Board to determine consistency. Further, staff has prepared a draft Board policy addressing the handling of development applications once a Board determination of inconsistency has been made.

While the first part of Resolution 8.2 (Appendix 1) indicates that only rezoning applications in the JdF Rural Resource Lands area should be considered by the full Board, Resolution 8.3 concerns all rezoning and OCP amendment applications in the JdF Electoral Area. Based on LUC and community input it is proposed that the bylaws be amended to apply to rezoning applications within the Rural Resource Lands only and all JdF OCP amendments. OCPs are already referred to the Board in accordance with Section 885 of the *Local Government Act (LGA)*.

Changes are proposed to the Juan de Fuca LUC Bylaw as outlined in Bylaw No. 3826 (Appendix 3) to eliminate the Board's delegation of decisions on referrals to the LUC. This change would result in the LUC recommending referral agencies to Voting Block A or B (the Board) which would make the referral agency decisions instead of the LUC.

In addition, changes are proposed to the JdF Procedural Bylaw as outlined in Bylaw No. 3664 (Appendix 4) to revise the application process for all OCP amendments and rezoning applications within the Rural Resource Lands. This revised process is outlined in Schedule B will be incorporated in the JdF Procedural Bylaw. JdF Planning staff in consultation with Regional Planning staff would prepare a report to the LUC advising whether the application is considered to be inconsistent or not inconsistent with the RGS. The LUC would then make a recommendation for Committee A or B as appropriate. Committee A or B would refer the matter to the full CRD Board.

The consistency decision of the Board would be forwarded back to JdF Planning. Staff would prepare a report to the LUC outlining all of the referral comments and if the full CRD Board determined the application was not consistent with RGS, staff would recommend the application be denied. This recommendation would proceed to the LUC and then Committee A or B which would be bound by the Procedural Bylaw and a new RGS Consistency Policy to deny the application. The new Policy specifies that should the Board determine an application is not consistent with the RGS it shall be prevented from proceeding further in the process of approval (Appendix 5).

Given these changes, consideration should be given to providing the JdF Electoral Area Director the opportunity to participate in the discussion on these items as they arise, either by being invited to meetings or potentially being made a member of the committee.

The intent of these amendments and new Board policy is to provide the full Board the opportunity to consider whether or not all OCP amendments in the JdF Electoral Area and rezoning applications within the Rural Resource Lands are consistent with the RGS and can be processed.

CONCLUSION

The proposed amendments and new Board policy facilitates the full Board's consideration of OCP amendments in the JdF Electoral Area and for rezoning applications within the Rural Resource Lands to ensure consistency with the RGS.

RECOMMENDATIONS

That the Planning, Transportation and Protective Services Committee recommend to the Capital Regional District Board:

1. That the Juan de Fuca Electoral Area Director be appointed to the Planning, Transportation and Protective Services Committee;
2. Bylaw No. 3826, “Capital Regional District Land Use Committee Bylaw No. 1, 2004, Amendment Bylaw No. 5, 2012” be introduced and read a first time, a second time;
3. That Bylaw No. 3826, “Capital Regional District Land Use Committee Bylaw No. 1, 2004, Amendment Bylaw No. 5, 2012” be read a third time; and
4. That Bylaw No. 3826, “Capital Regional District Land Use Committee Bylaw No. 1, 2004, Amendment Bylaw No. 5, 2012” be adopted.
5. That Bylaw No. 3664, “Juan de Fuca Electoral Area Development Procedures Bylaw No. 1, 2003, Amendment Bylaw No. 4, 2012” be introduced and read a first time and a second time;
6. That Bylaw No. 3664, “Juan de Fuca Electoral Area Development Procedures Bylaw No. 1, 2003, Amendment Bylaw No. 4, 2012” be read a third time; and
7. That Bylaw No. 3664, “Juan de Fuca Electoral Area Development Procedures Bylaw No. 1, 2003, Amendment Bylaw No. 4, 2012” be adopted.
8. That the CRD Board Juan de Fuca Development Application Regional Growth Strategy Consistency Policy be adopted.

Original Signed

June Klassen, MCIP
Manager, Local Area Planning

Marg Misek-Evans, MCIP
Senior Manager Regional and Strategic Planning
Concurrence

Robert Lapham, MCIP
General Manager, Planning and
Protective Services
Concurrence

Kelly Daniels
Chief Administrative Officer
Concurrence

Appendix 1: CRD Board Motions

Appendix 2: Selection from September 18, 2012 LUC Minutes

Appendix 3: Proposed Bylaw No. 3826

Appendix 4: Proposed Bylaw No. 3664 - Revised

Appendix 5: Proposed Juan de Fuca Development Application RGS Consistency Policy – Revised

October 12, 2011 CRD Board Resolutions

8.2 Juan de Fuca Rural Resource Land Rezoning and Provincial Legislation

The Board directs that staff draft a policy that all future rezoning applications pertaining to the JdF resource lands be referred to the whole CRD Board for determination of consistency with the RGS upon receipt by staff;

Further that the Board direct staff to refer to the Province the Board's requirement that local government legislation provide clearly and unequivocally that such referrals be mandatory;

Further that the Board direct staff to refer to the Province the need for clarification of local government legislation to confirm the difference between the process regarding a regional district board bylaw and a municipal council bylaw in determining consistency with the RGS.

8.3 Ruling of Consistency re Regional Growth Strategy

That the Board of the Capital Regional should take steps to clearly indicate that in matters of governance for the Juan de Fuca Electoral Area, the full Board has the authority and obligation to rule on the issue of consistency with the Regional Growth Strategy;

Furthermore, that on matters in the Juan de Fuca Electoral Area which may contravene the Regional Growth Strategy, it is the expectation of the full Board that it will exercise this power early in the application process and, most certainly, before the application comes before the Board or a subset of the Board for approval;

Finally, the Board of the Capital Regional District should take the stance that a ruling of inconsistency will prevent any such application from proceeding further in the process of approval.

8.4 Revised Voting Structure – Juan de Fuca Rural Resource Lands

That the Board of the Capital Regional District should petition the Government of the Province of British Columbia to revise the Order in Council which created Voting Block A in order to:

- a) limit the authority of Voting Block A to lands in and immediately around settled areas in the Juan de Fuca Electoral Area such as Otter Point and Shirley*
- b) to establish the full Board of the Capital Regional District as the decision making authority for the rest of the Rural Resource Lands in the Juan de Fuca Electoral Area.*

November 9, 2011 CRD Board Motion

WHEREAS through the recent process of an application to rezone a large area of undeveloped property in the unincorporated area of JdF Rural Resource Lands, it has been recognized that both safe road infrastructure and emergency services are at a critical state in relation to citizens using the parks, trails and roads within the said area and beyond;

AND WHEREAS through the recent CRD JdF Rural Resource land rezoning process, the directors representing the Core Area have made it clear on behalf of their citizens that they want both rights and voting rights over said lands and area;

AND WHEREAS from the submitted e-mails, letters, public participation and public hearing over the Marine Trail Holding Rezoning Application, given that approximately 83% of the input came from citizens of Saanich and Victoria where it was made clear they want a say in how the lands develop and how the said area is protected for their enjoyment, use and protection of wildlife/environment;

THEREFORE BE IT RESOLVED that the Capital Regional District immediately ask the Core Area Municipalities to contribute substantial capital and operating funding for the establishment of Emergency Services/Infrastructure and Planning for the stated area.

1. Information Item

- a) **Amendment to Bylaw No. 3166 and Bylaw No. 3110, CRD Board Policy – RGS Consistency**
Director Hicks introduced Marg Misek-Evans, Senior Manager, Regional & Strategic Planning, Planning and Protective Services. It was advised that Marg Misek-Evans will speak to regional planning items outlined in the report scheduled to be presented to the Planning, Transportation and Protective Services Committee (PTPSC).

June Klassen spoke to the report advising that the report was prepared in response to a series of CRD Board motions regarding the referral of applications to the whole Board for a determination of consistency with the RGS. The motions were made during the Marine Trail Holdings Ltd. rezoning application process.

It was advised that a supplementary report to the report presented this evening (PPS/JP 2012-04) will be forwarded to the PTPSC to provide feedback received from the LUC meeting and to outline alternatives not included in the initial report including the alternative of only referring rezoning applications for the Rural Resource Lands (RRL) and all Official Community Plan (OCP) amendments to the full CRD Board for determination of consistency with the RGS.

As included in the staff report, June Klassen spoke to the changes proposed including changing the Juan de Fuca Land Use Committee Bylaw, Bylaw No. 3166 to eliminate the referral delegation from the LUC to the Board as well as changing the Juan de Fuca Procedural Bylaw, Bylaw No. 3110, to revise the application process to support the amendments to Bylaw 3166. Under the revised procedure, electoral area planning staff in consultation with regional planning staff would prepare a report to the LUC which outlines whether the application is considered to be not inconsistent with the RGS and the LUC would then make a referral recommendation to Committee A or B as appropriate.

Marg Misek-Evans spoke to municipal and electoral area requirements under Part 25 of the *Local Government Act (LGA)*. It was advised that Part 25 requires that all bylaws adopted by a regional district board after adoption of a regional growth strategy (RGS) be consistent with the regional growth strategy.

June Klassen confirmed that, prior to the procedural changes proposed, the full Board has always had the ability to question bylaw consistency with the RGS. There is support for determining consistency with the RGS early in the bylaw approval process. If a proposed bylaw is deemed inconsistent, no further consideration can be given to the application proposing the bylaw change.

A LUC member stated support for a process to determine OCP and zoning bylaw consistency with the RGS. Should an OCP be determined consistent with the RGS and a zoning bylaw is determined consistent with an OCP, it can be expected that a zoning amendment will be consistent with the intent of the zoning bylaw. The member noted that the process set out in Schedule B does not appear to follow the proposed process change of referring bylaw amendments to the PTPSC at the start of the bylaw amendment process to address consistency with the RGS. The member questioned the rationale for changing the referral process outlined in the Juan de Fuca Development Procedures Bylaw. The member stated that, if the Director cannot be a member of the PTPSC, the Director at minimum should be present when determination of consistency with the RGS is being considered by the PTPSC. It was further stated that there needs to be improved communication with applicants and residents when an item is being considered by the PTPSC.

A LUC member acknowledged that the Board is the approving authority for all bylaws. The member questioned bylaw considerations being presented to the Board prior to LUC review, stating that the change appears to shift even more decision making authority to the Board. The member stated support for the LUC being given first review of applications in the RRL as the LUC represents the communities closest to the RRL. The member stated that the Local Area Planning Manager can advise the LUC if a local community rezoning application is considered consistent or inconsistent with the RGS.

A LUC member stated that the RRL does not encompass a community and some residents consider the area to have local and regional significance.

A LUC member stated concern with the proposed change in processes and potential negative impact to the small communities of the electoral area.

The Chair opened the floor.

George Miller, Shirley, spoke to the order in council that granted voting rights to Board Committee A. Any issues with the RGS should be dealt with by Committee A. Juan de Fuca Electoral Area taxpayers resent politicians from other jurisdictions making decisions that impact electoral area resident rights. George Miller spoke in support of a referendum prior to any proposed change to voting rights.

Sandy Sinclair, Otter Point, noted the amount of time and work residents dedicate to OCP reviews. Sandy Sinclair stated concern that should an OCP be determined inconsistent with the RGS, there is no appeal process.

The Chair stated that the electoral area does not have the right to appeal noting that this right is granted to municipalities. The Chair advised that the CRD cannot grant the right to appeal to the electoral area. The right to appeal falls under the Province.

Rosemary Jorna, Otter Point, spoke to the order in council referenced noting that the order in council also granted voting rights to Board Committee B. Rosemary Jorna stated that the biggest landowner in the RRL is the CRD. The RRL does not encompass the six Juan de Fuca Electoral Area settlement areas. To leave the CRD out of a RRL application review would be a denial of landowner rights.

Sid Jorna, Otter Point, supports determination of OCP consistency with the RGS resting with the full Board. Once an OCP is adopted, the jurisdiction of approving community rezoning applications should rest with Board Committee A and B.

Zac Doeding, East Sooke, stated no issue with referring RRL rezoning applications to the full Board for consideration. Zac Doeding stated issue with the ability of any Board member being able to question RGS consistency of any bylaw. Zac Doeding stated that more process changes are required to allow the electoral area to achieve the same rights as municipalities noting that the electoral area OCPs cannot include a regional context statement and that electoral areas are not granted the right to appeal. Zac Doeding stated no support for any process changes at this time, further stating that the changes proposed in the report should be considered as part of the RGS review process. Zac Doeding stated concern that the RGS is being utilized to undermine the authority outlined in Part 26 of the LGA.

Marg Misek-Evans clarified that issues such as the ability to appeal cannot be addressed as part of the development of the Regional Sustainability Strategy.

Wally Vowles, Alternate Director, stated that as part of the Marine Trail Holdings Ltd. application process both staff and legal counsel deemed that the application was not inconsistent with the RGS. Wally Vowles noted that this application was then deemed inconsistent by the full Board.

Fiona McDannold, Shirley, spoke to the OPSRRA supplementary agenda submission that notes that the Governance Structure Branch is reviewing governance in the Juan de Fuca Electoral Area. Fiona McDannold suggested that reference to this review be included in the supplementary report to PTPSC.

Sandy Sinclair stated concern with some of the processes used to collect public input on the RGS.

George Miller stated that it is understood that Part 25 requires that all bylaws adopted by the Board must be consistent with the RGS. George Miller then referenced the order in council that granted Part 26 voting rights to Board Committee A and B. As the order in council stands, the full Board must work with Board Committee A and B.

A LUC member spoke to other electoral area voting processes noting that any consideration to changing the right to appeal will impact other electoral areas.

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3826**

**A BYLAW TO AMEND BYLAW NO. 3166, "A BYLAW TO ESTABLISH THE
JUAN DE FUCA LAND USE COMMITTEE"**

- A. WHEREAS** the Capital Regional Board wishes to amend "A Bylaw to Establish the Juan de Fuca Land Use Committee";
- B. NOW THEREFORE** the Capital Regional Board in open meeting assembled, hereby enacts as follows:
 - 1. Bylaw No. 3166 being the "Capital Regional District Land Use Committee Bylaw No. 1, 2004" is hereby amended as follows:
 - A. 4.0 POWERS OF THE COMMITTEE**
 - i) Delete SECTION 4.2
 - 2. This bylaw may be cited as the "Capital Regional District Land Use Committee Bylaw No. 1, 2004, Amendment Bylaw No. 5, 2012".

READ A FIRST TIME this	day of	2012
READ A SECOND TIME this	day of	2012
READ A THIRD TIME this	day of	2012
ADOPTED this	day of	2012

CHAIR

CORPORATE OFFICER

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3166

A BYLAW TO ESTABLISH THE JUAN DE FUCA LAND USE COMMITTEE

*CONSOLIDATED FOR PUBLIC CONVENIENCE
with Bylaw Nos. 3302, 3459,3601, and 3608*

WHEREAS, the Board wishes to establish a Juan de Fuca Land Use Committee to make land use recommendations to the Board;

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

1.0 DEFINITIONS

1.1 In this bylaw:

Alternate Director means the person appointed under Section 787 of the *Local Government Act* for the Electoral Area;

Board means the Board of Directors of the Capital Regional District;

Commission means either an Advisory Planning Commission established by the Board or the Juan de Fuca Electoral Area Parks and Recreation Commission established by Bylaw No. 3487;

Bylaw No. 3608

Committee means the Juan de Fuca Land Use Committee established under this bylaw;

Committee Member means a person appointed by the Board; (*Bylaw No. 3061*)

Director means the person elected as the Director for the Electoral Area;

Electoral Area means the Juan de Fuca Electoral Area of the Regional District;

Meeting means a regularly scheduled meeting of the Committee;

Part 26 Services means services under Part 26 of the *Local Government Act* provided by the Regional District to the Electoral Area;

Regional District means the Capital Regional District;

Special Meeting means a meeting other than a regularly scheduled meeting of the Committee;

Sub Region means the Official Community Plan Areas listed in Section 2.1 (b) of this bylaw.
Bylaw No. 3608

2.0 ESTABLISHMENT, APPOINTMENT AND TERM OF THE COMMITTEE

2.1. The Board hereby establishes the Juan de Fuca Land Use Committee for the Juan de Fuca Electoral Area consisting of

(a) the Director,

(b) a person appointed by the Board as a sub regional Committee Member from each of the following Official Community Plan (OCP) Areas of the Electoral Area:

- Willis Point OCP
- Malahat OCP
- East Sooke OCP
- Otter Point OCP
- Shirley/Jordan River OCP
- Port Renfrew OCP

Bylaw No. 3601

2.2 The electors of each Sub Region shall elect a nominee to be considered by the Board for appointment to the Committee.

2.3 The sub regional Committee Members must be qualified under the *Local Government Act* as resident electors of their respective Sub Region.

2.4 A Commission member is not eligible to be appointed as a Committee Member.

2.5 An officer, employee, contractor or agent of the Regional District or an Approving Officer is not eligible to be appointed as a Committee Member, but may attend any Meeting or Special Meeting in a resource or administrative support capacity.

2.6 A trustee of a School Board having jurisdiction within the Electoral Area or an employee or agent of either the provincial or federal government may attend any Meeting or Special Meeting in a resource capacity only.

2.7 The Committee must consist of not less than seven (7) members. *Bylaw No. 3601*

2.8 The following costs will be those of the Juan de Fuca Electoral Area:

(a) Sub regional Committee Members shall be remunerated for attendance at meetings on the same basis as alternate directors, in accordance with any applicable board remuneration resolution or bylaw, and, in addition, they may be paid their reasonable and necessary expenses arising from the performance of their duties.

2.9 Appointments shall be for three (3) calendar years expiring on December 31st in the third year of the appointment. *Bylaw No. 3302*

2.10 Despite any other provision of this bylaw, the Board may, at any time or from time to time, terminate the appointment of a sub regional Committee Member for any reason including, but not limited to, failure to attend three (3) consecutive Meetings of the Committee without leave of the Committee and ceasing to reside in their respective Sub Region during the term of their appointment.

2.11 If the electors of a Sub Region fail to elect a nominee or a sub regional seat becomes vacant during the term of the Committee, the Director may submit to the Board the name of a person who is willing to serve as sub regional Committee Member for that Sub Region or call a by-election for a nominee.

Bylaw No. 3608

3.0 CHAIR

3.1 The Director is ex officio the Chair of the Committee.

3.2 At the first Meeting in each calendar year, the Committee must elect one (1) of its members as Vice Chair to act in the absence of the Chair.

3.3 If the Chair or Vice Chair is absent from a Meeting or Special Meeting, before commencing the meeting the Committee must select a temporary Chair from the Committee members present by majority vote.

3.4 The Chair may call a Special Meeting.

4.0 POWERS OF THE COMMITTEE

4.1 The Committee may make recommendations to the Board on any of the following matters for the Electoral Area:

- (a) the preparation, adoption, amendment or repeal of an Official Community Plan.
- (b) the preparation, adoption, amendment or repeal of a Zoning Bylaw;
- (c) the issuance or refusal of a temporary commercial or industrial use permit.
- (d) the issuance or refusal of a development permit or development variance permit.
- (e) whether the Board should accept, reject or discharge a covenant under Section 219 of the *Land Title Act*, given in connection with an application under Part 26 of the *Local Government Act*.

~~4.2 The Board delegates its authority to the Committee~~

- ~~(a) to determine who will be consulted under section 879 of the *Local Government Act* on the preparation, adoption, amendment or repeal of an Official Community Plan, and~~

- (b) ~~to instruct Regional District employees to commence work on an application under Part 26 of the Local Government Act when that authority is requested through a Regional District staff report.~~

5.0 SEVERABILITY

- 5.1 If any section, subsection, sentence, clause, definition, phrase, map or any other part of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remainder of this bylaw.

Bylaw Nos. 3601 and 3608- to delete maps

6.0 TITLE

- 6.1 This bylaw may be cited for all purposes as the "Capital Regional District Land Use Committee Bylaw No. 1, 2004".

Bylaw No. 3608

Bylaw No. 3608

READ A FIRST TIME THIS	28 th	day of	April	2004
READ A SECOND TIME THIS	28 th	day of	April	2004
READ A THIRD TIME THIS	28 th	day of	April	2004
ADOPTED BY 2/3 VOTES CAST THIS	28 th	day of	April	2004

Chair

Secretary

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3664**

**A BYLAW TO AMEND BYLAW NO. 3110, "JUAN DE FUCA ELECTORAL AREA DEVELOPMENT
PROCEDURES BYLAW NO. 1, 2003"**

- A. WHEREAS** the Capital Regional District Board wishes to amend "A Bylaw to Establish Fees and Procedures to Amend an Official Community Plan, a Zoning Bylaw, to Issue a Permit under Part 26 of the Local Government Act, and to Apply for a Building Conversion Subdivision Application in the Juan de Fuca Electoral Area";
- B. NOW THEREFORE** the Capital Regional District Board in open meeting assembled, hereby enacts as follows:
1. Bylaw No. 3110 being the "Juan de Fuca Electoral Area Development Procedures Bylaw No. 1, 2003" is hereby amended as follows:
 - A. BYLAW DESCRIPTION**
 1. Delete the bylaw description in its entirety and replace with the words "**A BYLAW TO ESTABLISH DEVELOPMENT APPLICATION FEES AND PROCEDURES FOR THE JUAN DE FUCA ELECTORAL AREA**".
 - B. PREAMBLE**
 1. Insert the word "and" before the word "subdivision".
 - C. SECTION 3.0 DEFINITIONS**
 1. Delete the definition of "**Building Conversion Subdivision Application**" and replace with the words:
"**Building Conversion Strata Application** means a completed application for the conversion of a previously occupied building or structure into strata title;"
 2. Delete the definition of "**Land Use Committee**" and replace with the words:
"**Land Use Committee** means the Juan de Fuca Land Use Committee established by Bylaw No. 3166;"
 - D. SECTION 4.0 FEES**
 1. Amend Item 1 by inserting the words "strata and" before the word "subdivision".
 - E. SECTION 5.0 PROCESSING OF OCP, REZONING AND BUILDING CONVERSION APPLICATIONS**
 1. Amend item 2 by deleting the word "subdivision" and replace with the word "strata";
 - F. SECTION 6.0 APPLICATIONS OR REVISED APPLICATIONS**
 1. delete item 5
 2. Renumber item 6 as item 5
 - G. SECTION 7.0 RECONSIDERED APPLICATIONS**
 1. Item 1 delete the words "Regional District's Meeting Procedure Bylaw' and replace with the words "Capital Regional District Procedural Bylaw".
 - H. SCHEDULE 'B' OCP AND REZONING PROCESS FLOW CHART**
 1. Delete current Schedule "B" OCP and Rezoning Process Flow Chart in its entirety and replace with a new Schedule "B" OCP and Rezoning Process attached to and forming part of this bylaw.

I. SCHEDULE 'C' BUILDING CONVERSION APPLICATION PROCESS

1. Delete current Schedule "C" Building Conversion Subdivision Application Process in its entirety and replace with a new Schedule "C" Building Conversion Strata Application Process attached to and forming part of this bylaw
2. This bylaw may be cited as the "Juan de Fuca Electoral Area Development Procedures Bylaw No. 1, 2003, Amendment Bylaw No. 4, 2012".

READ A FIRST TIME THIS	DAY OF	2012
READ A SECOND TIME THIS	DAY OF	2012
READ A THIRD TIME THIS	DAY OF	2012
ADOPTED THIS	DAY OF	2012

CHAIR

CORPORATE OFFICER

Bylaw No. 3011 as proposed to be amended by Bylaw No. 3664

**Capital Regional District
BYLAW NO. 3110**

~~Being a Bylaw to Establish Fees and Procedures to Amend an Official Community Plan, a Zoning Bylaw, to Issue a Permit Under Part 26 of the Local Government Act, and to Apply for a Building Conversion Subdivision Application in the Juan de Fuca Electoral Area~~
A BYLAW TO ESTABLISH DEVELOPMENT APPLICATION FEES AND PROCEDURES FOR THE JUAN DE FUCA ELECTORAL AREA

CONSOLIDATED FOR PUBLIC CONVENIENCE WITH BYLAW NOS. 3167, 3361 and 3468

- WHEREAS** the Board has adopted various official community plans and zoning bylaws;
- AND WHEREAS** the Board, under the authority of the Local Government Act, must by bylaw establish procedures to amend a community plan, zoning bylaw or issue a permit; *Bylaw No. 3468*
- AND WHEREAS** under the Strata Property Act, the Capital Regional District is responsible for processing all building conversion strata and subdivision applications; *Bylaw No. 3468*
- NOW THEREFORE** the Board of the Capital Regional District, in open meeting assembled, hereby enacts as follows:

SECTION 1.0 SCOPE

This bylaw shall apply to the following:

- a) Amendment of either:
 - i) An Official Community Plan and/or
 - ii) A Zoning Bylaw
- b) The issuance of a:
 - i) Development Variance Permit, or a
 - ii) Development Permit, or a
 - iii) Temporary Commercial or Industrial Use Permit
- c)
 - i) The processing of a building conversion strata application or a
 - ii) Subdivision application

Bylaw No. 3468

SECTION 2.0 SEVERABILITY

If any section, subsection, sentence, paragraph or schedule forming part of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the section, subsection, sentence, paragraph or schedule may be severed from the bylaw without affecting the validity of the bylaw or any portion of the bylaw or remaining schedules.

SECTION 3.0 DEFINITIONS

In this bylaw, unless the context otherwise requires:

Applicant

means either the owner of the parcel of land or an agent authorized in writing to make the application;

Application

means a completed written request on the prescribed form and the appropriate fees paid requesting the issuance of a permit, processing of a building conversions strata applications or subdivision, and amendment to an Official Community Plan or a Zoning Bylaw;

Bylaw No. 3468

~~**Building Conversion Subdivision Application**~~

~~means a completed subdivision application for the conversion of a previously occupied building or structure into strata title which is voted on by the entire Board;~~

~~**Building Conversion Strata Application**~~

~~means a completed application for the conversion of a previously occupied building or structure into strata title.~~

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Board

means the Capital Regional District Board;

Land Use Committee

~~means the individuals appointed by Board, to advise the Board on matters associated with Part 26 of the Local Government Act involving land within the Electoral Area. This committee must be made up of appointments from the Electoral Area, Director and the municipalities that are a part of the Management of Development Function;~~

~~*Bylaw No. 3167*~~

~~Means the Juan de Fuca Land Use Committee established by Bylaw No. 3166.~~

Parcel of Land

means any lot, block or other area in which land is held or into which it is subdivided, but it does not include a highway;

Part 26 Applications

means an application or permit as indicated through Part 26 of the Local Government Act;

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; *Bylaw No. 3167*

Regional District

means the Capital Regional District;

|

Revised Application

means an application that has been refused by the appropriate Board within the last twelve (12) months, but that has been materially altered or changed and placed in front of the Board for a new recommendation. The revised application must be submitted on the prescribed form and accompanied with the appropriate fee. *Bylaw No. 3167*

SECTION 4.0 FEES

1/. All the fees required to process the various development and the building conversion strata and subdivision applications are outlined on Schedule "A" which is attached to and forms a part of this bylaw.

2/. Advertising Deposits for Applications and Permits

- a) Where an application or a permit requires advertising, an applicant shall be responsible for the full costs of all advertising expenses, including the advertising for the notification of a public information meeting or a public hearing, in addition to any applicable application fees.
- b) Where an application is made to amend a land use bylaw or an official community plan, an advertising deposit in the amount of \$800.00 is required at the time of submission.
- c) Where an application is made to amend a land use bylaw and an official community plan concurrently, an advertising deposit in the amount of \$1,000.00 is required at the time of submission.
- d) Where an application for a development permit, development variance permit or a temporary use permit is submitted and a public information meeting is to be held, an advertising deposit in the amount of \$500.00 is required at the time of submission. *Bylaw No. 3468*

3./ Legal Deposits

- a) An applicant shall be responsible for paying the full cost of direct legal expenses arising from legal work required in conjunction with the processing of any application.
- b) An applicant shall not be responsible for paying legal expenses incurred by the Regional District for obtaining advice or opinions which represent the District's interests. *Bylaw No. 3468*

4./ Refunds

- a) Where an amendment application is withdrawn by the applicant prior to the amendment being considered by the Board of the Capital Regional District for first reading, the District shall pay to the applicant, within 30 days from the date of withdrawal, a refund in the amount of 50% of the application fee.

- b) Where an amendment application is refused by the Board or withdrawn by the applicant prior to notification of a public hearing, the Regional District shall pay to the applicant, within 30 days of refusal or withdrawal, a refund in the amount of 25% of the application fee.
- c) Where the Board proceeds with a public hearing or a notification for an amendment application pursuant to Section 893 of the *Local Government Act*, the Regional District shall not provide a refund of any portion of the application fee to the applicant.
- d) No refund shall be provided by the Regional District to an applicant with respect to a development permit application, a development variance permit application, a temporary use permit application, a subdivision application, or any other permit application. *Bylaw No. 3468*

5./ **Fee Exceptions**

Except for the cost of advertising associated with any application or permit, fees for planning services 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*.

Bylaw No. 3468

SECTION 5.0 PROCESSING OF OCP, REZONING AND BUILDING CONVERSION APPLICATIONS

- 1/. All completed Part 26 applications must follow the process as outlined on Schedule "B" which is attached to and forms a part of this bylaw.
- 2/. All completed building conversion ~~subdivision-strata~~ applications must follow the process as outlined on Schedule "C" which is attached to and forms a part of this bylaw.

SECTION 6.0 APPLICATIONS OR REVISED APPLICATIONS - Part 26 Applications only

- 1/. The owner of the parcel of land or an agent authorized in writing by the owner of the parcel of land must make all applications.
- 2/. A Certificate of Title supplied by the applicant and the required fee must accompany all applications.
- 3/. All applications must be made to the Manager, Local Area Planning of the Juan de Fuca Electoral Area Land Use Planning Department of the Capital Regional District.
- 4/. All applications must be on the form as outlined on Schedule "D" which is attached to and forms a part of this bylaw. The following information must also be supplied with the application:

- a) A map of the site drawn at a scale of 1:2,000 or 1:5,000 with the written approval of the Manager, Local Area Planning. The map must show:
 - i) The contours of the site,
 - ii) Any environmentally sensitive areas,
 - iii) The proposed building site or building sites,
 - iv) The ingress and egress points,
 - v) Any proposed landscape plans, parking areas or open space areas,
 - vi) The location of any steep banks, water courses, easements or statutory right-of-ways.
 - b) The required Development Approval Information, as outlined in Bylaw 2975, if applicable.
 - c) The applicant must provide copies of all easements and covenants as they apply to the parcel of land under consideration. If the applicant does not supply this information the application must not be considered until the information is supplied.
- 5/. ~~No application can be processed without the initial approval of the Board which authorizes staff to prepare the required bylaws or permit.~~
- 65/. At any time during the application process the Board may refer the proposed OCP and Rezoning Bylaw, the Development Permit, the Development Variance Permit, or the Temporary Use Permit to any agency or organization for their comments and suggestions.

SECTION 7.0 RECONSIDERED APPLICATIONS - Part 26 Applications only

- 1/. The Board must follow the procedures outlined in Section 895(3) of the Local Government Act and the ~~Regional District's Meeting Procedure Bylaw~~ Capital Regional District Procedural Bylaw when dealing with a reconsidered application. *Bylaw No. 3167*
- 2/. The applicant must state their land use reasons outlining why the Board should review the reconsidered application. *Bylaw No. 3167*
- 3/. The Board must, as soon as possible, consider the reasons and either reaffirm or reject their previous resolution on the application. *Bylaw No. 3167*

SECTION 8.0 STAFF DUTIES AND REPORTS - Part 26 Applications only

- 1/. The Manager, Local Area Planning of the Juan de Fuca Electoral Area Planning Department of the Capital Regional District shall be responsible for ensuring that each application, reconsidered application or revised application is processed. The Manager, Local Area Planning must present a report to the Land Use Committee for its consideration. The report shall contain details of the application and any additional relevant information associated with the application. *Bylaw No. 3167*

- 2/. Once the application, the reconsidered application or the revised application has been received, the Juan de Fuca Electoral Area Planning Department must either deem the application to be complete or deem the application to be incomplete. If the application is deemed completed, the Juan de Fuca Electoral Area Planning Department must advise the applicant in writing that the application is complete and is being processed. If the application is deemed to be incomplete, the Juan de Fuca Electoral Area Planning Department must advise the applicant in writing that the application cannot be processed until the additional information requested has been received.

SECTION 9.0 PUBLIC NOTICE PROCESS AND THE REFERRAL PROCESS - Part 26
Applications only

- 1/. The formal public hearing notice requirements for any application are outlined in the Local Government Act.
- 2/. Where notices are required under the Local Government Act, notices must be mailed or otherwise delivered to the owners and occupants of parcels of land adjacent to the site under consideration, based upon the following criteria:
Bylaw No. 3361

Any parcel of land within a distance of not more than 500 metres from the subject parcel of land, or if no parcel of land is within this area, all adjacent parcels of land that touch the subject parcel of land, *Bylaw No. 3361*

- (i) Any member of the public who has expressed an interest in the subject matter by writing to the Regional District,
 - (ii) In consultation with the appropriate Land Use Committee, any member of the public, municipality or property owner that the Manager, Local Area Planning believes should also receive a copy of the notification,
 - (iii) If applicable, any municipalities involved in the Management of Development function.
- 3/. When dealing with the amendment of an Official Community Plan and as outlined in the Juan de Fuca Electoral Area Preconsultation Notice of Intent policy dealing with the amendment, adoption or repeal of an Official Community Plan, the Juan de Fuca Electoral Area Planning Department must develop a referral list that the amendment must be sent to for their review and comment. The Board must determine which agencies, organization or government they want the notice of intent sent to. Each agency, organization or level of government must be given twenty (20) working days, after the application has been mailed to them, to provide any comments. If after twenty (20) working days the agency, organization or level of government has not notified the Regional District in writing about their concerns, the agency, organization or level of government must be considered to have no concerns.
- 4/. Notwithstanding the above, Development Permit applications will not be referred to any adjacent landowners. *Bylaw No. 3167*

SECTION 10.0 PUBLIC HEARING - Official Community Plan or Zoning Bylaw amendments only

- 1/. The *Local Government Act* governs the Public Hearing process. If after a minimum of 15 minutes no members of the public are in attendance of the stated public hearing meeting then the Public Hearing must be adjourned. If no members of the public attend the Public Hearing, and the Public Hearing notice has been properly published, the Regional District must consider that the Public Hearing has been held, as required.

SECTION 11.0 PUBLIC NOTICE - Part 26 Applications only

- 1/. If a Development Variance Permit, Temporary Commercial or Industrial Use permit is to be issued by the Board, with or without conditions, the placement of a public notice of intent is required. The notice of intent must be mailed to the adjacent property owners as outlined in the criteria listed below.
 - i) Any parcel of land within a distance of not more than 500 metres from the subject parcel of land, or if no parcel of land is within this area, all adjacent parcels of land that touch the subject parcel of land.

Bylaw No. 3361

SECTION 12.0 PROCEDURE AFTER A PUBLIC HEARING - Part 26 Applications only

- 1/. The Board must, after the Public Hearing, if any, proceed in accordance with the requirements of the *Local Government Act*.

SECTION 13.0 THE POSTING OF SIGNS - Part 26 Applications only

- 1/. For each parcel under either a Zoning Bylaw or Official Community Plan amendment application, the applicant must erect a sign on that parcel of land, which is subject to the application:
 - a) The applicant is required to post a sign on their land that is subject to the application. The Juan de Fuca Electoral Area Planning Department will provide the sign and the applicant must pay a \$30.00 deposit fee for each sign. The \$30.00 deposit fee per sign may be returned to the applicant when the sign is returned to the Juan de Fuca Electoral Area Planning Department in good condition.
 - b) The applicant must ensure that the sign can be viewed from each street frontage area abutting their property and is unobstructed to viewing by the public. 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.
 - c) The sign or signs must be erected at least five (5) days after the application has been deemed completed by the Juan de Fuca Electoral Area Planning Department and must stay up until after the public hearing.

- d) If the applicant does not return the sign within thirty (30) days after the public hearing, they shall forfeit their sign deposit fee of \$30.00 per sign.

SECTION 14.0 APPLICATION DECISIONS - Part 26 Applications only

- 1/. With respect to the application, the Board may, after authorizing staff to prepare the required amendment bylaw or permit:
 - a) Authorize the application with or without conditions, or
 - b) Table the application pending additional information that may be required from the applicant, or
 - c) Refuse/deny the application.

SECTION 15.0 REFUSAL OF THE APPLICATION - Part 26 Applications only

- 1/. When the Board has refused an application or permit, the Juan de Fuca Electoral Area Planning Department must notify the applicant in writing within ten (10) days immediately following the date of the refusal. The letter must outline the land use reasons for the refusal.

SECTION 16.0 TABLING APPLICATIONS - Part 26 Applications only

- 1/. If an application has been tabled pending receiving any additional information, the Juan de Fuca Electoral Area Planning Department must inform the applicant in writing within ten (10) days of the date the application has been tabled, outlining the additional materials or information that is required. The Board cannot table either a reapplication or a reconsidered application, as outlined in the definition section of this bylaw.

SECTION 17.0 REAPPLICATIONS - Part 26 Applications only

- 1/. A reapplication refused by the Board must not be considered within a 12-month period immediately following the date of refusal. The time period respecting the reapplication may only be varied by an affirmative vote of at least two-thirds (2/3) of the Board members present at the meeting who are eligible to vote on the reapplication.

SECTION 18.0 BUILDING CONVERSION STRATA APPLICATIONS

- 1/. The application process will consist of a two-step process, as outlined below:
 - a) Tentative Approval
 - i) For tentative approval the information requested, as outlined in Section 18.5 of this bylaw and Schedule "E" which is attached to and forms a part of this bylaw, must be supplied.
 - ii) The applicant may be requested to provide additional information that the Board may consider relevant.
 - b) Final Approval - This may or may not be subject to terms and conditions, as considered relevant by the Board.

In either case, all building conversion strata applications must be sent to the Electoral Area Services Committee for their recommendations prior to the application being sent to the Board.

- 2/. The owner of the parcel of land or an agent authorized in writing by the owner of the parcel of land must make the application.
- 3/. A Certificate of Title supplied by the applicant and the required fee must accompany all applications.
- 4/. All applications must be made to the Manager, Local Area Planning of the Juan de Fuca Electoral Area Land Use Planning Department of the Capital Regional District.
- 5/. All applications must be on the form as outlined on Schedule "E" which is attached to and forms a part of this bylaw. The following information must also be supplied with the application:
 - a) A map of the site drawn at a scale of 1:2,000 or 1:5,000 with the written approval of the Manager, Local Area Planning. The map must show:
 - i) The contours of the site,
 - ii) Any environmentally sensitive areas,
 - iii) The proposed building site or building sites,
 - iv) The ingress and egress points,
 - v) Any proposed landscape plans, parking areas or open space areas,
 - vi) The location of any steep banks, watercourses, easements or statutory right-of-ways,
 - vii) The area and location of each proposed strata lot,
 - viii) The area and location of each proposed semi-private area, if applicable,
 - ix) Identification of the common properties and facilities,
 - x) Fire access points and routes,
 - xi) Location of any wells, septic fields or other sewage disposal systems.
 - b) The applicant must provide copies of all easements and covenants as they apply to the parcel of land under consideration. If the applicant does not supply this information, the application must not be considered until the information is supplied.
- 6/. No application can proceed without the tentative approval of the Board.
- 7/. At any time during the building conversion strata application process, the Board may refer the application to any agency or organization for their comments and suggestions.

SECTION 19.0 STAFF DUTIES AND REPORTS - Building Conversion Strata Applications only

- 1/. The Manager, Local Area Planning of the Juan de Fuca Electoral Area Planning Department of the Capital Regional District shall be responsible for ensuring that the application is processed. The Manager, Local Area Planning must present a report to the Electoral Area Services Committee for its consideration. The report shall contain details of the application and any additional relevant information associated with the application.
- 2/. Once the application has been received, the Juan de Fuca Electoral Area Planning Department must either deem the application to be complete or deem the application to be incomplete. If the application is deemed completed, the Juan de Fuca Electoral Area Planning Department must advise the applicant in writing that the application is complete and is being processed. If the application is deemed to be incomplete, the Juan de Fuca Electoral Area Planning Department must advise the applicant in writing that the application cannot be processed until the additional information requested has been received.

SECTION 20.0 BUILDING CONVERSION APPLICATION DECISIONS

- 1/. With respect to the application, the Board may:
 - a) Authorize the tentative or final application with or without conditions; or
 - b) Table the application pending additional information that may be required from the applicant; or
 - c) Refuse/deny the tentative or the final application.

SECTION 21.0 REFUSAL OF THE APPLICATION - Building Conversion Strata Applications only

- 1/. When the Board has refused a building conversion application, the Juan de Fuca Electoral Area Planning Department must notify the applicant in writing within ten (10) days immediately following the date of the refusal. The letter must outline the land use reasons for the refusal.

SECTION 22.0 TABLING APPLICATIONS - Building Conversion Strata Applications only

- 1/. If a building conversion application has been tabled pending receiving any additional information, the Juan de Fuca Electoral Area Planning Department must inform the applicant in writing within ten (10) days of the date the application has been tabled, outlining the additional materials or information that is required.

SECTION 23.0 SUBDIVISION APPLICATIONS

- 1/. An application for a fee simple or bare land strata subdivision shall be completed upon the sample form provided by the Juan de Fuca Electoral Area Planning Department which is attached as Schedule "F".

- 2/. The completed application shall be delivered to the Regional District together with plans and information as the Regional District may require including, but not limited to, the following:
- a. names, mailing addresses, telephone numbers, and fax numbers of all registered owners and their agent if applicable;
 - b. a letter of authorization from all registered owners, if an agent is representing the registered owners;
 - c. a copy of state of title certificate(s) dated within 30 days of the date of application;
 - d. a copy of Land Reserve Commission approval, if applicable;
 - e. a minimum of two (2) copies of detailed site plans drawn to a scale not larger than 1:500 showing all applicable information including:
 - i. boundaries and dimensions of the parent parcel(s),
 - ii. proposed type and subdivision of the parcel(s),
 - iii. location of existing and future roads,
 - iv. location of existing and proposed easements and covenants,
 - v. location of streams and other environmentally sensitive features and natural hazardous areas (e.g. Development Permit Areas),
 - vi. size, location, and setbacks of all existing buildings, structures, and uses, and
 - vii. location of existing and proposed on-site services proposed including type and location of each service; and
 - viii. the required application fee.

Bylaw No. 3468

BYLAW TITLE

- 1/. This bylaw may be cited for all purposes as the "Juan de Fuca Electoral Area Development Procedures Bylaw No. 1, 2003".

SECTION 24.0 REPEAL

- 1/. Bylaw No. 1561, cited as "Land Use Application Procedure By-law, 1987", is hereby repealed.

READ A FIRST TIME THIS 10th day of September, 2003.

READ A SECOND TIME THIS 10th day of September, 2003.

READ A THIRD TIME THIS 10th day of September, 2003.

ADOPTED THIS 10th day of September, 2003.

(Original signed by J. Brownoff)
Chair

(Original signed by Carmen Thiel)
Corporate Secretary

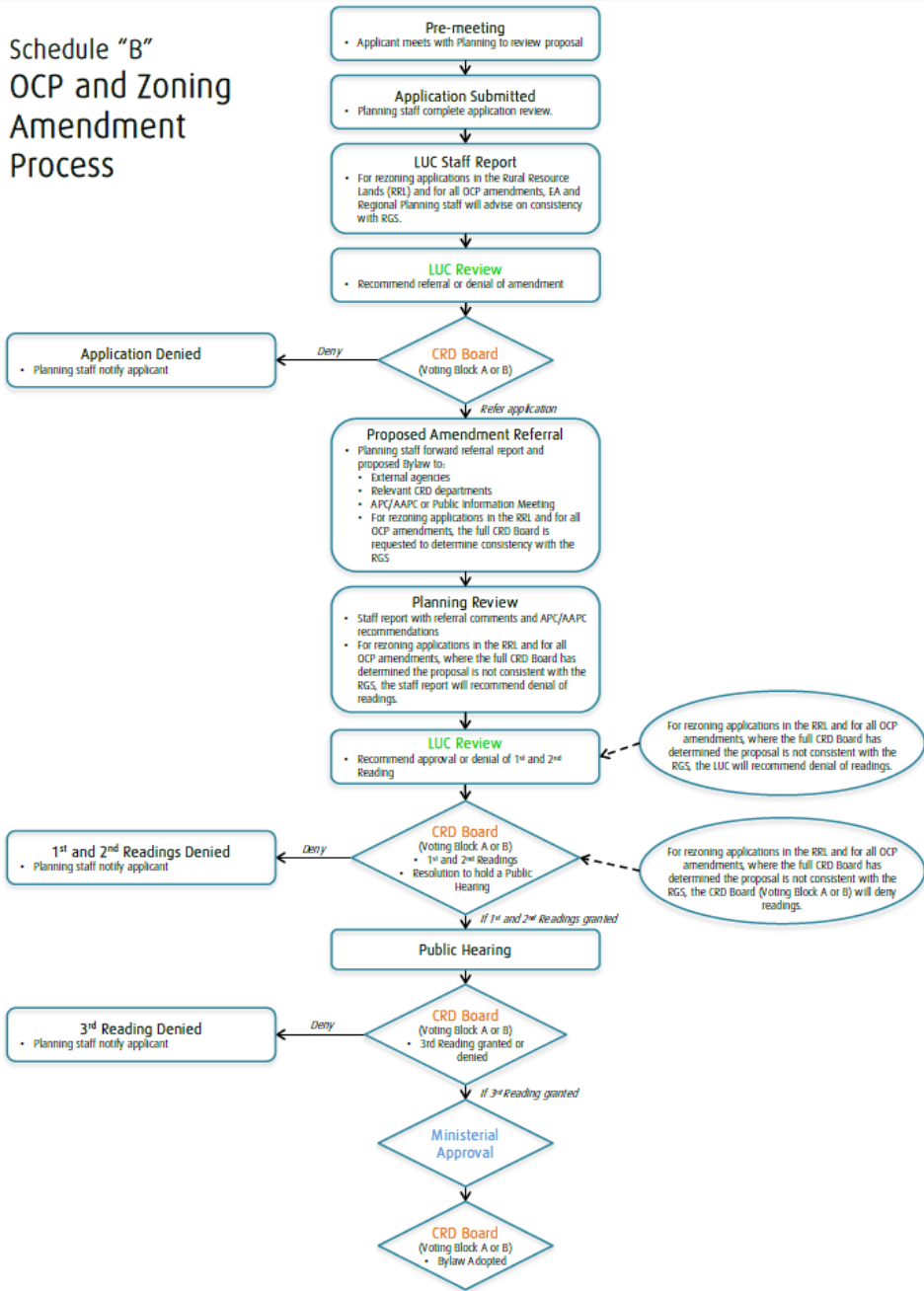
Schedule "A"
 Fees

Type of Application	Application Fee	Fee per additional or created parcel of land or portion thereof included in the application	Advertising Costs
1/. OCP amendment	\$1900	\$400	\$800
2/. Rezoning application	\$1900	\$400	\$800
3/. An OCP amendment and a Rezoning application	\$1900	\$400	\$1000
4/. Development Variance Permit	\$550	\$250	*\$500
5/. Development Permits:			*\$500
i) Development Permit	\$550	\$250	
ii) Development Permit with variance(s)	\$750	\$250	
6/. Temporary Use Permit			*\$500
Industrial	\$500	\$250	
Commercial	\$500	\$250	
7/. Building Conversion Strata Applications	\$400	\$300	
8/. Subdivision Applications	\$500	\$300	

[* if applicable]

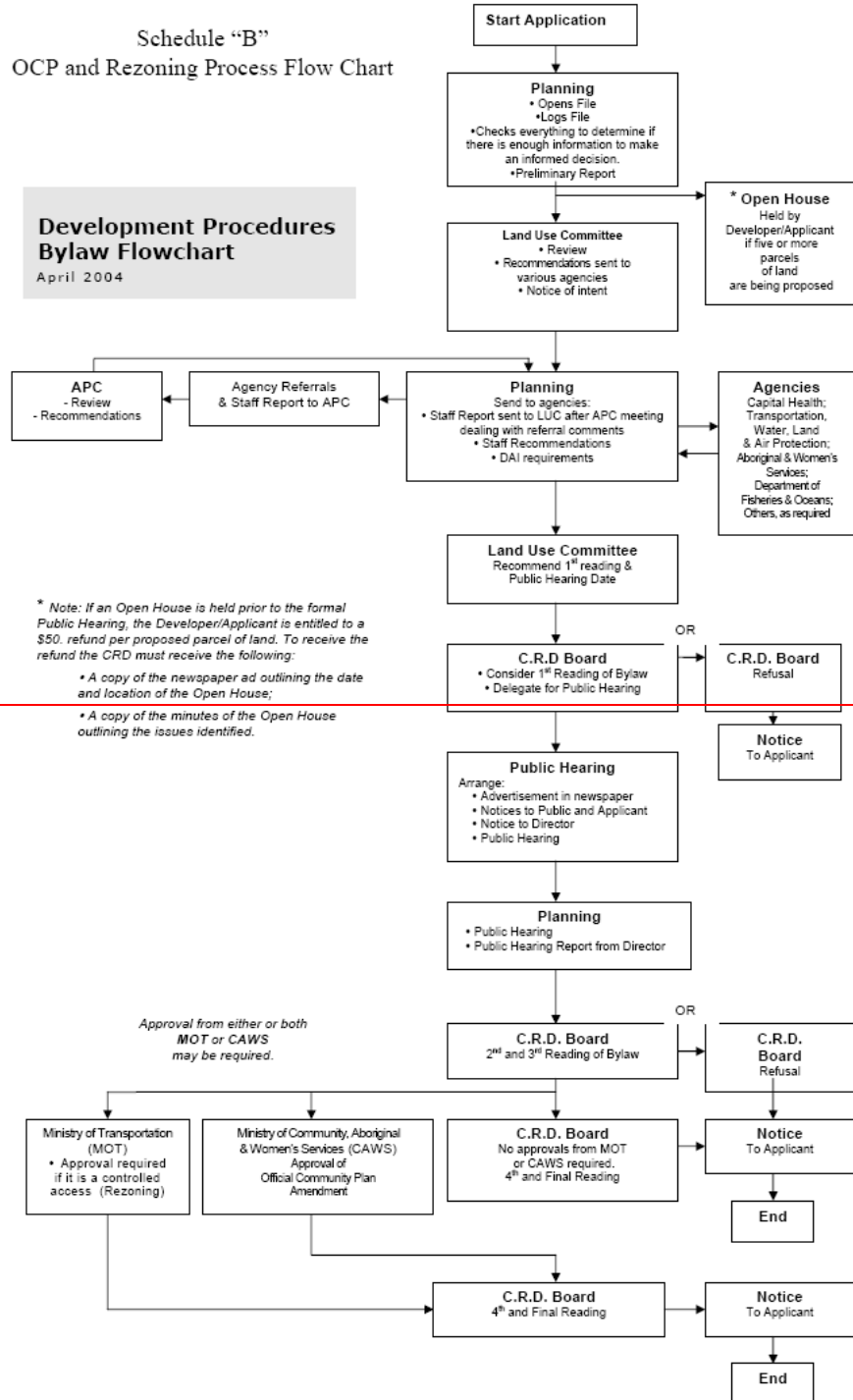
Bylaw No. 3468

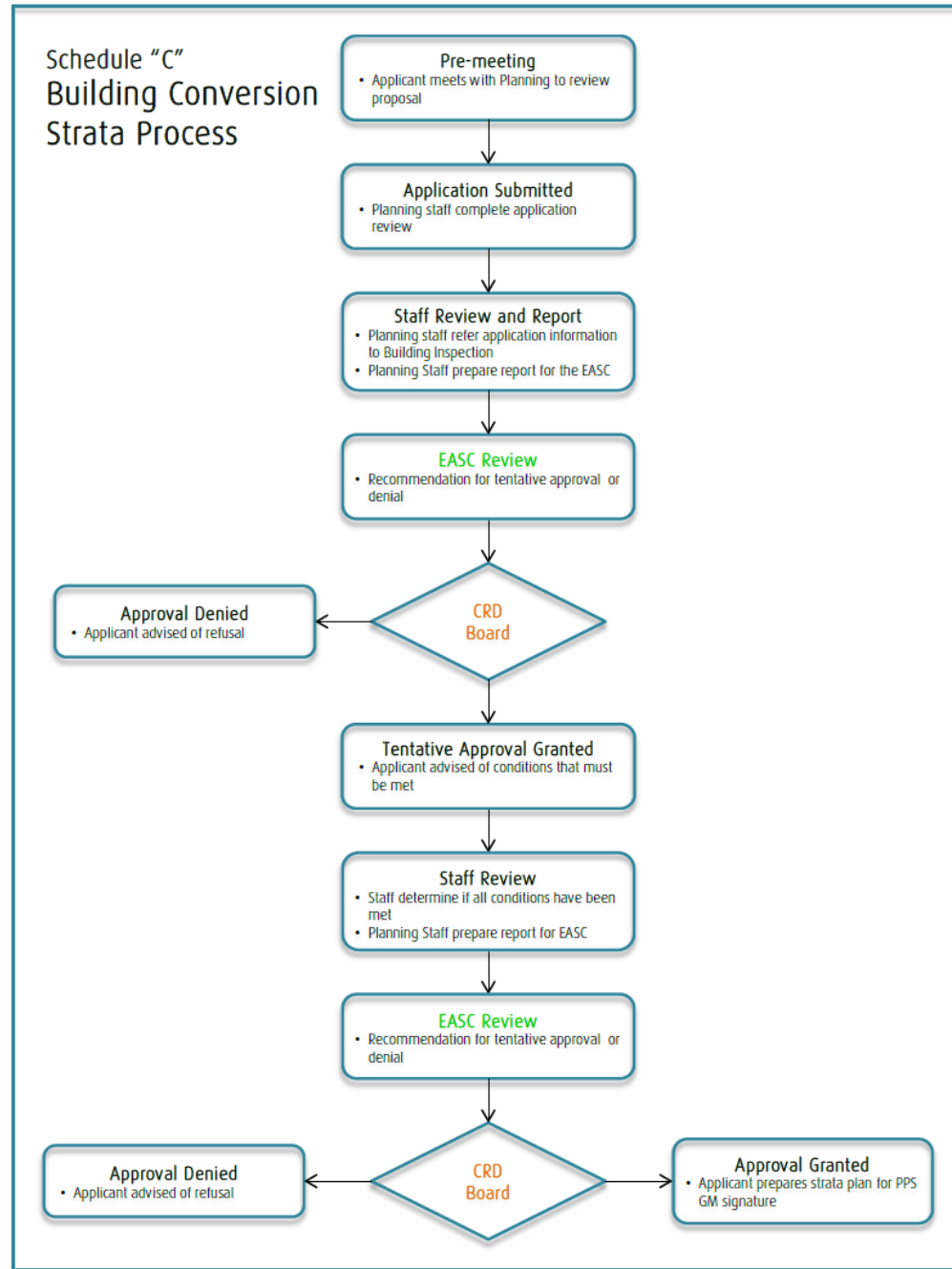
Schedule "B" OCP and Zoning Amendment Process



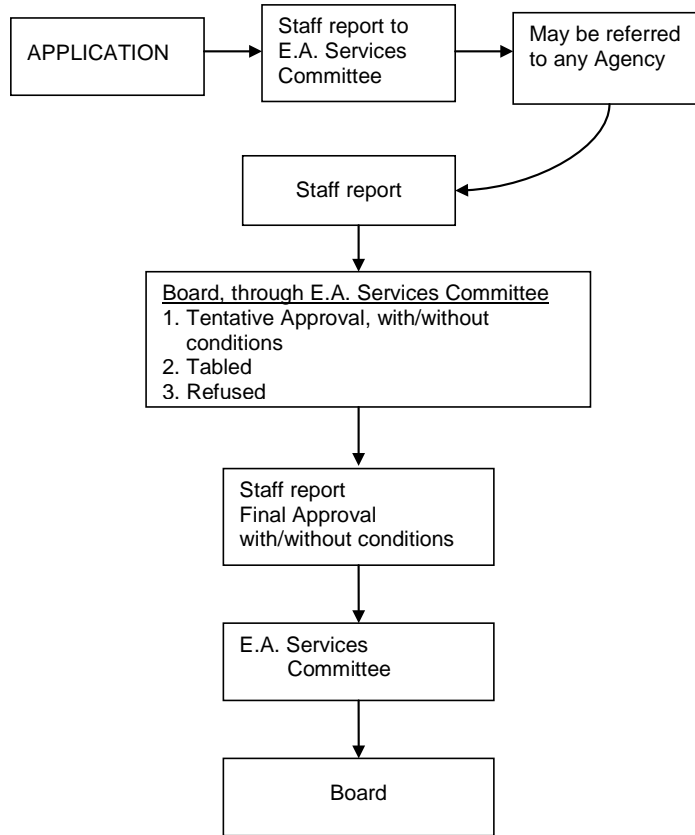
Schedule "B"
 OCP and Rezoning Process Flow Chart

**Development Procedures
 Bylaw Flowchart**
 April 2004





Schedule "C"
Building Conversion Subdivision Application Process



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Applicants are advised that prior to final approval, plans will not be signed without:
a) a Temporary Occupancy Certificate from Building Inspection; and
b) proof of payment of property taxes.

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Schedule "D"
Development Application Form

Bylaw 3468

**CAPITAL REGIONAL DISTRICT
DEVELOPMENT APPLICATION FORM**

1/. I/We, the undersigned hereby make application to the Capital Regional District for: [fill in the section that is applicable to your requirements and mark N/A for the sections not applicable to your application]

i) The rezoning of the property, or portion thereof, described legally as
Lot(s) _____ Block _____ Plan Number _____
Section _____ Township _____ Range _____, _____ Land District

From the current zoning use of _____ to _____.

ii) The redesignation of the property, or portion thereof, described legally as
Lot(s) _____ Block _____ Plan Number _____
Section _____ Township _____ Range _____, _____ Land District

From the current Official Community Plan designation of _____ to _____.

iii) An amendment to the text of section _____ of Bylaw No. _____

iv) The issuance of one of the following permits:

- A. _____ Development Permit
- B. _____ Development Variance Permit
- C. _____ Temporary Commercial Use () New () Renewal
- D. _____ Temporary Industrial Use () New () Renewal

On property, or portion thereof, described legally as:

Lot(s) _____ Block _____ Plan Number _____
Section _____ Township _____ Range _____, _____ Land District

2/. **Registered Owner(s) information** (if more than one owner please provide a list of all the owners)

Name: _____

Address: _____

Telephone Number (work) _____ Postal Code: _____

Telephone Number (residence) _____ Email Address: _____

3/. Why do you need this application?

CRD Development Application Form

Page 2

4/. **Development Information** (not all sections will apply -- if the information requested does not apply to your application please use the notation N/A in that section)

- i) Current size of the subject parcel of land _____
- ii) Size of the proposed rezoning or redesignation area _____
- iii) Current OCP designation _____
- iv) Current Zoning is _____
- v) Proposed use _____
- vi) Description of existing use and current structures/buildings on the parcel of land

5/. **Services:**

- i) Existing access and exit points in place? Yes () No ()
- ii) Water Supply Type: _____
If a community system how far is the parcel from the system? _____ metres
_____ kilometres
- iii) Sewage Disposal Type: _____
Has this system been approved by the appropriate authority Yes () No ()
- iv) Hydro Existing? Yes () No ()
Has your application been approved by the appropriate authority? Yes () No ()

6/. Additional information provided? (See Section 6.4 of this Bylaw) Yes () No ()

7/. **Waste Management Act:** I, the applicant and/or owner represent to the Capital Regional District, knowing that the Capital Regional District relies on this representation and warranty, that the property covered by this application, has never to the best of my knowledge having done due and diligent inquiry, been used for any purpose such that a site profile is required to be submitted under the British Columbia Waste Management Act and that the property is not contaminated or polluted in any way that would make it unlawful, unsafe or unsuited for the purpose for which it is intended to be used, including within the meaning of the British Columbia Waste Management Act.

I have read and agree with the above paragraph _____(initial)

Waiver and Indemnity: I the applicant and /or owner assume all risks incidental to or that may arise as a result of this application and agree to save harmless and indemnify the Capital Regional District and its officials, agents, servants and representatives from and against all claims, actions, costs, expenses and demands with respect to death, injury, loss or damage to persons or property arising out of or in connection with this application. I agree to conform to all applicable bylaws. I understand that no warranty is implied for the approval of this application and that this waiver and indemnity is binding on me, my heirs, executors and assigns.

I have read and agree with the above paragraph _____(initial)

Registered Owner's Signature (if more than one owner a letter of support from all owners will be required)
(May be signed by an authorized agent)

Schedule "E"
Building Conversion Strata Application Form

Bylaw 3468

**CAPITAL REGIONAL DISTRICT
BUILDING CONVERSION STRATA APPLICATION FORM**

1/ I/We, the undersigned hereby make application to the Capital Regional District for conversion of a building to strata title on land described legally as

Lot(s) _____ Block _____ Plan Number _____
Section _____ Township _____ Range _____, _____ Land District

2/ **Registered Owner(s) information** (if more than one owner please provide a list of all the owners)

Name: _____
Address: _____
Telephone Number (work) _____ Postal Code: _____
Telephone Number (residence) _____ Email Address: _____

3/ Why do you need this application?

4/ **Development Information:**

i) Current size of the subject parcel of land _____ (Ha) _____ (acres)

ii) Surrounding uses: North _____
South _____
East _____
West _____

iii) Current OCP designation _____

iv) Current Zoning classification is _____

v) Proposed use _____

vi) Description of the existing uses and/or current structures/buildings on the parcel of land

vii) Description of the proposed common property and/or facilities

5/ **Services:**

i) Existing access and exit points in place Yes () No ()

CRD Building Conversion Strata Application Form

Page 2

ii) Water Supply Type: _____
If a community system how far is the parcel from the system? _____ metres
_____ kilometres

iii) Sewage Disposal Type: _____
Has this system been approved by the appropriate authority? Yes () No ()

iv) Hydro Existing? Yes () No ()
Has your application been approved by the appropriate authority? Yes () No ()

6/. Additional information provided? (See Section 18.0 (5/.) of this Bylaw) Yes () No ()

7/. Proposal provided on how the owner/agent intends to address the relocation of any individuals occupying the current buildings:

8/. **Waste Management Act:** I, the applicant and/or owner represent to the Capital Regional District, knowing that the Capital Regional District relies on this representation and warranty, that the property covered by this application, has never to the best of my knowledge having done due and diligent inquiry, been used for any purpose such that a site profile is required to be submitted under the British Columbia Waste Management Act and that the property is not contaminated or polluted in any way that would make it unlawful, unsafe or unsuited for the purpose for which it is intended to be used, including within the meaning of the British Columbia Waste Management Act.

I have read and agree with the above paragraph _____(initial)

Waiver and Indemnity: I the applicant and /or owner assume all risks incidental to or that may arise as a result of this application and agree to save harmless and indemnify the Capital Regional District and its officials, agents, servants and representatives from and against all claims, actions, costs, expenses and demands with respect to death, injury, loss or damage to persons or property arising out of or in connection with this application. I agree to conform to all applicable bylaws. I understand that no warranty is implied for the approval of this application and that this waiver and indemnity is binding on me, my heirs, executors and assigns.

I have read and agree with the above paragraph _____(initial)

Registered Owner's Signature (if more than one owner a letter of support from all owners will be required)
(May be signed by an authorized agent)

Schedule "F"
Subdivision Application Form

Bylaw 3468

**CAPITAL REGIONAL DISTRICT
SUBDIVISION APPLICATION FORM**

1./ I/We, the undersigned hereby make application to the Capital Regional District for subdivision of the property described legally as:

Lot(s) _____ Block _____ Plan Number _____
Section _____ Township _____ Range _____, _____ Land District

2./ **Registered Owner(s) Information** (if more than one owner please provide a list of all the owners)

Name: _____

Address: _____

Telephone Number (work) _____ Postal Code: _____

Telephone Number (residence) _____ Email Address _____

3./ The proposed subdivision will create _____ parcels (including remainders) and the intended use of the land and/or buildings and structure is

_____ (residential, commercial, etc.)

4./ **Development Information:**

i) Is this property within a Development Permit Area? Yes () No ()

ii) Has a Development Permit, Variance Permit, or Board of Variance decision been issued on this property? Yes () No ()

If yes, indicate file number and/or date of Permit: _____

iii) For each lot created by the subdivision, the required minimum frontage onto a public roadway must be greater than 1/10th of each lot's perimeter. Will you require frontage relaxation? Yes () No ()

iv) The property currently occupies a total area of _____ hectares and the land is designated as being within the JDF EA _____ zone and subdivision district.

5./ Additional information provided? (See Section 23.2 of this Bylaw) Yes () No ()

6./ **Waste Management Act:** I, the applicant and/or owner represent to the Capital Regional District, knowing that the Capital Regional District relies on this representation and warranty, that the property covered by this application, has never to the best of my knowledge having done due and diligent inquiry, been used for any purpose such that a site profile is required to be submitted under the British Columbia Waste Management Act and that the property is not contaminated or polluted in any way that would make it unlawful, unsafe or unsuited for the purpose for which it is intended to be used, including within the meaning of the British Columbia Waste Management Act.

I have read and agree with the above paragraph _____(initial)

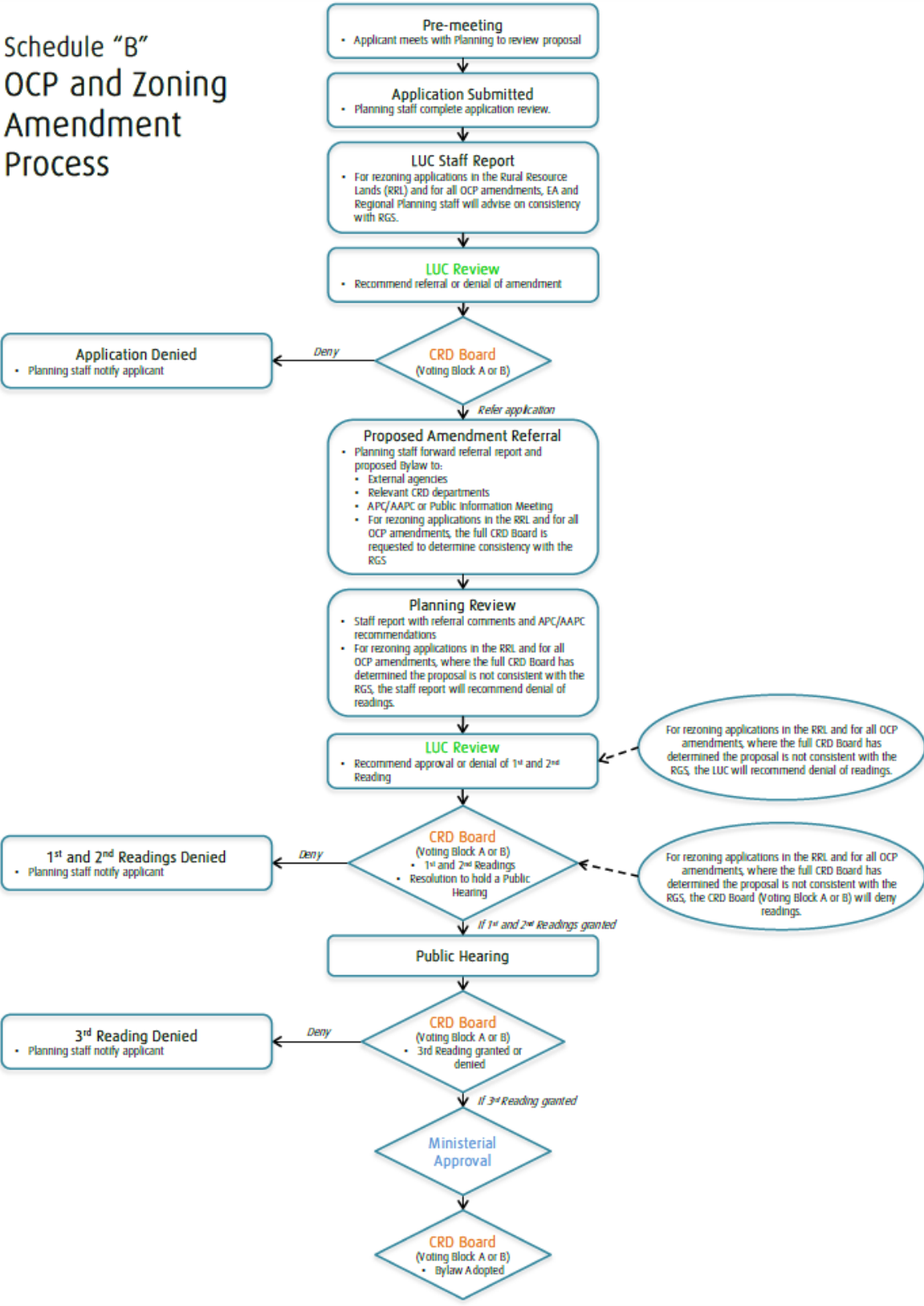
Waiver and Indemnity: I the applicant and /or owner assume all risks incidental to or that may arise as a result of the of this application and agree to save harmless and indemnify the Capital Regional District and its officials, agents, servants and representatives from and against all claims, actions, costs, expenses and demands with respect to death, injury, loss or damage to persons or property arising out of or in connection with this application. I agree to conform to all applicable bylaws. I understand that no warranty is implied for the approval of this application and that this waiver and indemnity is binding on me, my heirs, executors and assigns.

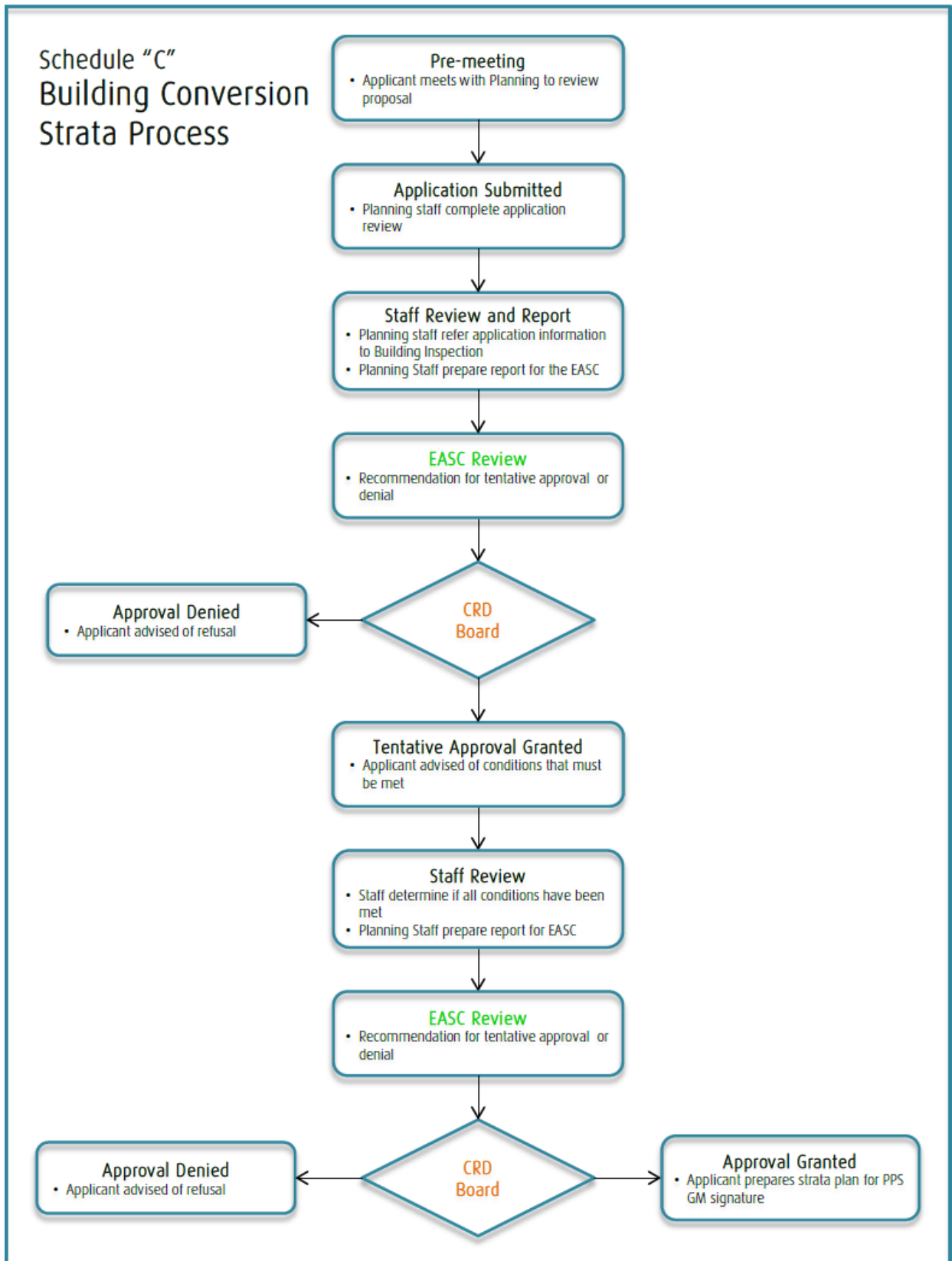
I have read and agree with the above paragraph _____(initial)

Registered Owner's Signature (If more than one owner, a letter of support from all owners will be required.)

(May be signed by an authorized agent.)

Schedule "B" OCP and Zoning Amendment Process





SUBJECT: Juan de Fuca Development Application Regional Growth Strategy Consistency Policy	
EFFECTIVE:	APPROVED: CRD Board
REVISION DATE:	
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The Board of the Capital Regional District has requested that all Official Community Plan amendments and all rezoning applications to amend the Rural Resource Lands, Land Use Bylaw, Bylaw No. 3602 be referred to the whole Capital Regional District Board for determination of consistency with the Regional Growth Strategy.

Furthermore, it is the expectation of the full Board that it will exercise this power early in the application process and, most certainly, before the amendments come before the Board or a subset of the Board for approval.

Finally, the Board of the Capital Regional District has agreed that a ruling of inconsistency with the Regional Growth Strategy will prevent any such amendments from proceeding further in the process of approval.