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**Cowichan Valley Regional District**

**DEVELOPMENT APPLICATION PROCEDURES and  
FEES BYLAW No. 4204**





**COWICHAN VALLEY REGIONAL DISTRICT**

**BYLAW No. 4204**

**(As Amended by Bylaw No. 4235)**

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**BYLAW NO. 4204 – CVRD DEVELOPMENT APPLICATION PROCEDURES  
AND FEES BYLAW, 2018**

**CONSOLIDATED FOR CONVENIENCE ONLY**

The amendment bylaws listed below have been incorporated into enactment Bylaw No. 4204 for convenience purposes only. Persons making use of the consolidated version of Bylaw No. 4204 are advised that it is not a legal document and that for the purpose of interpreting and applying the law, the original bylaws must be consulted. Certified copies of original bylaws are available through the Corporate Secretary's Office.

**AMENDMENT BYLAW**

**EFFECTIVE DATE**

4235 Development Application Procedures and Fees Amendment

October 10, 2018



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW No. 4204

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

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

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

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

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

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

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

#### 1. **CITATION**

This bylaw may be cited for all purposes as the “**CVRD Development Application Procedures and Fees Bylaw No. 4204, 2018**”

#### 2. **SCHEDULES**

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

- a) Schedule “A”- Fees

#### 3. **SCOPE**

This bylaw shall apply to the following:

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

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

#### **4. APPLICATIONS**

Applications listed in Section 3 shall be made by the owner of the land involved, or by a person authorized by the owner.

#### **5. FEES**

Upon submission of an application, the applicant shall pay an application fee in the amount as set out in Schedule "A" to this bylaw.

#### **6. STAFF DUTIES AND REPORTS**

- a) Applications shall be received by the General Manager of Land Use Services or a nominated designate;
- b) Unless subject to Section 7 of this bylaw, written reports prepared by staff of the Land Use Services Department shall be submitted to the appropriate Advisory Planning Commission (APC), or more than one APC, as specified in an Official Community Plan (OCP), for applications for OCP amendments, zoning amendments, and for development permits;
- c) Notwithstanding subsection b), development permit applications for subdivision of less than three new lots will not be referred to the APC;
- d) In the case of development variance permits and Agricultural Land Reserve applications, these will not be sent to an APC unless the Director of the area specifically requests it, but will instead be the subject of a Land Use Services Department report to the Electoral Areas Services Committee;
- e) Following step (b) above, once an APC has prepared a recommendation or comments on an application it has considered, Land Use Services Department staff will prepare a report to the Electoral Areas Services Committee;
- f) The recommendation of the Electoral Areas Services Committee will then be considered by the CVRD Board of Directors.

## 7. DELEGATION OF DEVELOPMENT PERMIT APPLICATIONS

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

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

## 8. PUBLIC NOTICE

### 8.1 Statutory References

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

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

### 8.2 Public Notice Requirements

Public notice, when required to be mailed, shall be mailed or otherwise delivered to the owners and occupants of parcels located within 60 metres of the subject property, except for the following:

- i) Development Permit applications that do not incorporate a variance;
- ii) Board of Variance applications;
- iii) Special Event Temporary Use Permits that do not alter permitted uses or density.

### 8.3 Sign Requirement

a) The application on those parcels subject to an amendment to:

- i) an Official Community Plan or Zoning Bylaw;
- ii) Land Use Contract amendment;
- iii) Temporary Use Permit or Special Event Temporary Use Permit;

shall erect or cause to be erected a development application sign on the subject property.

b) The development application sign shall be located in conformity with the following:

- i) the bottom edge of the sign(s) shall be a minimum of 1 metre above the ground, and not more than 1.5 metres above the ground;
- ii) one sign shall be located within 3 metres of the edge of pavement on any fronting road, or on the parcel boundary line, whichever makes the sign(s) more legible for passers-by; and
- iii) the signs(s) shall be located approximately at the mid-point along each fronting road or parcel boundary line, except where this requirement would have the effect of obscuring the sign.

c) The development application sign will be erected as soon as practical after application has been made, and shall be kept in place continuously, until the Board of Directors has rendered a final decision on the application. The General Manager of Land Use Services Department may require proof in a form acceptable to him or her that the sign has been posted as required by Section 8 of this Bylaw.

## 9. PUBLIC HEARING

In the case of applications for amendments to Official Community Plans and Zoning Bylaws, public hearings are governed by Section 465 of the *Local Government Act*. In the absence of any member of the public in attendance, a public hearing will be adjourned after a minimum of 15 minutes from the advertised time of commencement of the hearing.

## 10. PENALTY FOR POSTPONEMENT OF PUBLIC HEARING

Any costs associated with the postponement of a hearing, due to failure of the applicant to comply with the requirements of this Bylaw, shall be paid by the applicant, in addition to the application fees previously paid.

## 11. PROCEDURE AFTER PUBLIC HEARING

The Board shall, after the public hearing, if any, proceed in accordance with Section 470 of the *Local Government Act*.

**12. PERMIT- ISSUANCE OR REFUSAL**

The Board may, in the case of an application for development variance permit, development permit, or temporary use permit:

- a) authorize the issuance of the permit;
- b) authorize the issuance of the proposed permit as amended by the Board in its resolution;
- c) table the permit; or
- d) refuse to authorize the issuance of the permit.

**13. REFUSAL AND APPEAL**

- a) Where an application has been refused by the CVRD Board of Directors or the General Manager of Land Use Services Department, the General Manager of Land Use Services Department or a nominated designate shall notify the applicant in writing within 30 days immediately following the date of refusal.
- b) Where an application has been refused by the General Manager of Land Use Services Department, the applicant shall have the right to appeal the delegated decision to the CVRD Board of Directors.
- c) An applicant who wishes to appeal the decision of the General Manager of Land Use Services Department shall submit an appeal request in writing to the General Manager of Land Use Services Department within 60 days of the date of the decision accompanied by the fee as required in Schedule A to this bylaw.
- d) Where an appeal request is received, the procedures set out in Section 6 of this bylaw shall be followed.

**14. INACTIVE APPLICATION**

Where an applicant under this Bylaw has not pursued the application for a period of twelve (12) months, after being asked by CVRD staff to provide further information or follow a procedure outlined in this Bylaw, the application is deemed to be inactive, and the file will be closed. If a partial fee refund is due under the Official Community Plan and Zoning Amendment Refund Policy (see Schedule A to this bylaw), it will be issued at the time of file closure. Approximately three (3) months before file closure or nine (9) months into an inactive period, a warning letter will be sent to the applicant advising them that their file is about to become inactive.

**15. REFUND**

No refunds are available for any type of applications upon which CVRD staff have expended time in processing the application, except in accordance with the Refund Policy under Schedule A to this bylaw - Rezoning/Official Community Plan Fee Schedule.

Where any type of application has been submitted along with the required fee, and the applicant withdraws an application before staff effort has been expended on the file, a 100% fee refund will be given to the applicant.

**16. REAPPLICATION**

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

**17. PERMIT TERM LIMIT EXTENSION**

Development Permits and Development Variance Permits issued by the CVRD contain term limits, otherwise known as expiration dates. The term limit forms a part of the Permit, and requests to extend the term limit is subject to approval by the CVRD Board or delegated authority.

Requests to amend the term limit of a Permit may be considered for a maximum two year extension, beyond which a new application for Development Permit or Development Variance Permit is required. A written rationale for the extension request must be submitted, accompanied by an application for Development Permit or Development Variance Permit, a current State of Title Certificate, application fee, and updated project plans or drawings if applicable.

Where a first time, one-year extension request has been made, the CVRD Board of Directors delegates approval authority to the General Manager of Land Use Services Department. All other requests will be the subject of a staff report to the Electoral Areas Services Committee, with final consideration by the CVRD Board of Directors. Amended Permits require registration with the Land Titles Office.

**18. LANDSCAPE SECURITY FOR DELGATED PERMITS**

The *Local Government Act* authorizes a local government to require the applicant for a development permit to provide a financial security when completion of a landscape plan is a condition of a permit. Where development permit approval authority is delegated to the General Manger of Land Use Services under Part 7 of this Bylaw, the amount of security is calculated at 125% of the value of the comprehensive cost estimate for the landscape plan and in accordance with the CVRD Landscape Security Policy.

**19. SEVERABILITY**

If any word, section, subsection, sentence, phrase or schedule of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the portion that is invalid shall not affect the validity of the remainder of this bylaw.

**20. REPEAL**

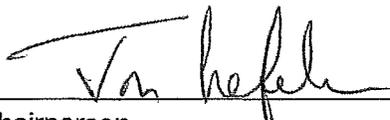
CVRD Development Application Procedures and Fees Bylaw No. 3275, 2009, and amendments thereto are hereby repealed.

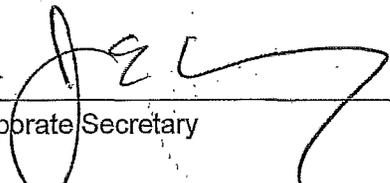
READ A FIRST TIME this 23<sup>rd</sup> day of May, 2018.

READ A SECOND TIME this 23<sup>rd</sup> day of May, 2018.

READ A THIRD TIME this 23<sup>rd</sup> day of May, 2018.

ADOPTED this 23<sup>rd</sup> day of May, 2018.

  
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Chairperson

  
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Corporate Secretary



## **SCHEDULE A – FEES**

### **To CVRD BYLAW NO. 4204**

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Includes the following Fee Schedules:

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

## FEE SCHEDULE - DEVELOPMENT PERMIT

<u>TYPE OF GUIDELINES</u>	<u>FEE</u>
<u>Environmental Protection, Natural Hazard and RAR Guidelines Only:</u>	<b>\$250</b> , plus an additional \$200 for each new parcel or dwelling unit proposed
<u>Agricultural Protection Guidelines Only:</u>	<b>\$100</b> , plus an additional \$50 for each new parcel or dwelling unit proposed
<u>Sign Guidelines Only:</u>	<b>\$70</b> for signs less than 1 m <sup>2</sup> <b>\$90</b> for signs between 1 and 3 m <sup>2</sup> <b>\$150</b> for signs larger than 3 m <sup>2</sup>
<u>Multiple Family or Intensive Residential Form and Character Guidelines Only:</u>	<b>\$450</b> plus an additional \$200 for each new dwelling unit proposed
<u>Commercial or Industrial Form and Character Guidelines Only:</u>	<b>\$450</b> plus an additional \$100 for each additional 100 m <sup>2</sup> of gross floor area beyond the first 100 m <sup>2</sup>
<u>Development Permit Term Limit Extension</u>	<b>\$250</b>
<u>All Other Types of Guidelines:</u>	<b>\$250</b> an additional \$200 for each new parcel or dwelling unit proposed

### NOTES:

1. In the cases where environmental or geotechnical reports have been submitted by the applicant as part of an Application, these reports may require an independent review prior to any decision being made on a development permit. The applicant shall be required to pay the Regional District for the estimated costs of the independent review (up to \$5,000 maximum) before the review is undertaken.
2. The fees in the above schedule are not cumulative. That is, where a single development proposal is subject to more than one of the guideline categories listed above, the total application fee will be that which would be charged for the most expensive single guideline category.
3. Where a development permit application includes a variance, a minimum fee of \$650 is required, in addition to the applicable development permit fees outlined above.
4. If a decision made by the General Manager of Land Use Services Department on a delegated development permit is appealed to the CVRD Board under Section 13 of this bylaw, new application fees are required as outlined in the above schedule to a minimum of \$250.

**FEE SCHEDULE - DEVELOPMENT VARIANCE PERMIT**

<b><u>TYPE OF APPLICATION</u></b>	<b><u>FEE</u></b>
<u>Development Variance Permit</u>	<b>\$650</b>
<u>Development Variance Permit Term Limit Extension</u>	<b>\$250</b>

## NOTE:

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

## FEE SCHEDULE - REZONING/OFFICIAL PLAN AMENDMENT

<u>TYPE OF APPLICATION</u>	<u>FEE</u>
(a) OFFICIAL PLAN AMENDMENT, no new density:	<b>\$2,200</b>
(b) OFFICIAL PLAN AMENDMENT, new density:	<b>\$2,200</b> plus amounts shown in (e) and (f)
(c) OFFICIAL PLAN AMENDMENT COMBINED WITH ANY ZONING AMENDMENT:	<b>\$2,400</b> plus amounts shown in (g) and (h) and (e) below, if applicable
(d) ZONING MAP AND/OR TEXT AMENDMENT:	<b>\$2,200</b> plus amounts shown in (g) and (h) and (e) below, if applicable
(e) OFFICIAL PLAN AMENDMENT ONLY, ALLOWING 3 OR MORE NEW DWELLINGS OR PARCELS:	an additional \$80 for each dwelling or parcel ("density unit") permitted by the amendment Bylaw <sup>4,5</sup>
(f) OFFICIAL PLAN AMENDMENT ONLY, ALLOWING FOR COMMERCIAL OR INDUSTRIAL: (for parcels 0.3 ha or greater in area):	\$80 plus a further \$80 for each additional 0.1 ha of parcel area ("density unit") to be redesignated <sup>4,5</sup>
(g) ZONING ALLOWING 3 OR MORE NEW DWELLINGS OR PARCELS:	an additional \$120 for each dwelling or parcel ("density unit") permitted by the amendment Bylaw <sup>4</sup>
(h) ZONING FOR COMMERCIAL OR INDUSTRIAL: (for parcels 0.3 ha or greater in area)	\$120 plus a further \$120 for each additional 0.1 ha ("density unit") of parcel area <sup>4</sup>
(i) If more than one public hearing or public meeting is required by the CVRD Board, a fee of \$800 per public hearing or meeting is required, payable prior to scheduling of the second hearing or meeting.	

### ENVIRONMENTAL/GEOTECHNICAL CONSULTANT FEE:

In the cases where environmental or geotechnical reports have been submitted by the applicant as part of an application, these reports may require an independent review prior to any decision being made on a development permit. The applicant shall be required to pay the Regional District for the estimated costs of the independent review (up to \$5,000 maximum) before the review is undertaken.

### Notes and superscripts:

1. The application fees prescribed above shall be due upon application regardless of whether or not the rezoning/plan amendment application is approved.
2. **Refund Policy:** If an application for amendment of an Official Plan, Zoning or Land Use Contract is withdrawn, denied by the Board or deemed inactive in accordance with Section 14 of this Bylaw, in all cases prior to the CVRD having caused a Newspaper Notice to be published:
  - a full refund will be given only where the file has not been worked on at all by CVRD Land Use Services staff;
  - a refund of \$1,500 will be given to the applicant, in cases where the application fees were either \$2,200 or \$2,400;
  - a refund of \$1,500 plus an additional 33% (percent) of additional "density unit" application fees paid will be given to the applicant.
3. All applications must be acted upon. Any rezoning application that has been inactive for more than one calendar year is considered defunct and closed unless otherwise determined by the Regional Board.

Should the applicant wish to reactivate the file, he or she must re-apply and submit the required fees.

4. For residential development, the number of dwellings or parcels permitted shall be calculated by dividing the total area of the site to be rezoned by the maximum parcel or dwelling density allowed by the proposed zone regardless of the level of water or sewer servicing.
5. Where an OFFICIAL PLAN amendment application has been made that would affect use of land or density, and additional application fees of \$80 per "density unit" have been paid, a complementary ZONING BYLAW amendment application fee of \$2,200 PLUS an additional application fee of \$40 per "density unit" must be paid, provided this occurs within 60 days of adoption of the OFFICIAL PLAN amendment. If the gap between the adoption of the OFFICIAL PLAN amendment and ZONING BYLAW amendment application is longer than 60 days, the ZONING BYLAW amendment application shall be treated as if it is an entirely new application, with full application fees being levied.

**FEE SCHEDULE - MISCELLANEOUS**

<u>TYPE OF APPLICATION</u>	<u>FEE</u>
<u>BOARD OF VARIANCE:</u>	<b>\$400</b>
<u>LAND USE CONTRACT AMENDMENT:</u>	Same as for rezoning amendment, development permit, development variance permit (whichever is applicable) plus advertising costs.
<u>TEMPORARY USE PERMIT:</u>	<b>\$1,050</b> plus advertising costs
<u>SPECIAL EVENT TEMPORARY USE PERMIT</u>	<b>\$350</b> plus advertising costs <b>\$150</b> for renewal
<u>LIQUOR LICENCE APPLICATION:</u>	<b>\$1,500</b> plus advertising costs
<u>LEGAL DOCUMENT COST:</u>	Any legal costs incurred by the Cowichan Valley Regional District in preparing legal documents such as covenants and development agreements associated with an application referred to in this bylaw will be borne by the applicant and paid prior to consideration of development approval.
<u>SIGN PERMIT (no applicable sign guidelines):</u>	<b>\$20</b> for signs smaller than 1 m <sup>2</sup> <b>\$40</b> for signs between 1 m <sup>2</sup> & 3 m <sup>2</sup> <b>\$100</b> for signs larger than 3 m <sup>2</sup>
<u>OTHER:</u>	
CVRD File Review Fee	<b>\$150</b>
Restrictive Covenant Processing/ Amendment Discharge Fee	<b>\$250</b>
Printed Copy of a State of Title Certificate for Submission With an Application Described in This Bylaw	<b>\$25</b>

**NOTE:**

1. If more than one parcel is the subject of the application, a separate permit application fee shall be required for each parcel unit/or for each building or dwelling if separate variances are required for each.
2. The applicant will be sent a first invoice for the anticipated cost of the advertising for the public hearing/notice. The public hearing/notice will not be scheduled until payment of the first invoice has been received, and payment of the final invoice must be received prior to the recommendation being forwarded to the Regional Board.
3. In a case where an application is withdrawn or turned down by the Board prior to the public notification process having commenced, a refund of \$100 shall be returned to the applicant.

## FEE SCHEDULE - SUBDIVISIONS

### TYPE OF APPLICATION

### FEE

#### **SUBDIVISIONS OR BOUNDARY ADJUSTMENT:**

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

#### **STRATA CONVERSION:**

**\$500** for every unit

Prior to final approval and signature of a plan of subdivision by the Approving Officer, a fee of \$500 for every new parcel to be created shall be due and payable to the Cowichan Valley Regional District Land Use Services Department.

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

#### SUBDIVISIONS: SEWER UTILITY

**\$100 plus \$50** for every new parcel within a sewer utility local service area owned and operated by the CVRD

#### SUBDIVISIONS: WATER UTILITY

**\$100 plus \$50** for every new parcel within a water utility local service area owned and operated by the CVRD

#### SUBDIVISIONS: SEWER & WATER UTILITY

**\$200 plus \$50** for every new parcel within water & sewer utilities local service area owned and operated by the CVRD