



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4379

A Bylaw to Establish Development Application Procedures and Fees

WHEREAS the Board of the Cowichan Valley Regional District has adopted an official community plan and zoning bylaw and must, in accordance with the *Local Government Act*, establish procedures under which an owner of land may apply for an amendment to a bylaw, or the issue of a permit;

WHEREAS the Board may impose fees in relation to processing applications and associated costs of administration, advertising and inspections, and may recover the costs of its services by various methods;

AND WHEREAS the Board wishes to delegate certain powers, duties and functions in relation to its land use authority;

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

PART 1

INTRODUCTORY PROVISIONS

Citation

1. This bylaw may be cited for all purposes as "**CVRD Bylaw No. 4379 – Development Application Procedures Bylaw, 2022**".

Definitions

2. In this bylaw,

“Act” means the *Local Government Act*;

“Applicant” means the owner(s) of lands that are the subject of an application or person(s) authorized by the owner(s) to represent the owner(s) interests in respect of an application;

“Approving Officer” means an Approving Officer as defined in the *Land Title Act*;

“Board” means the Board of the Cowichan Valley Regional District;

“Chief Administrative Officer” means the officer responsible for the overall management of the operations of the Cowichan Valley Regional District, pursuant to the *Local Government Act*;

“Committee” means a committee of the Board;

“Corporate Officer” means the officer responsible for the corporate administration of the Cowichan Valley Regional District, pursuant to the *Local Government Act*;

“CVRD” means the Cowichan Valley Regional District;

“Delegate” means an individual who has been authorized by the Board to undertake one or more powers of the Board, as set out in this bylaw;

“File Opening Fee” means the administrative fee associated with opening an application file.

“General Manager” means the person employed by the CVRD in the position of General Manager, Land Use Services and any person appointed by the General Manager or Chief Administrative Officer to perform the duties of the position during the temporary absence of the General Manager;

“Land Use Permit” means a development permit, development variance permit, or temporary use permit;

“LCRB” means Liquor and Cannabis Regulation Branch;

“Owner” means, in respect of property, a person listed in the land titles office as the owner of a parcel;

“Person” includes natural persons, associations, corporations, bodies politic, partnerships, whether acting by themselves or by a servant, agent, or employee, and the heirs, executors, administrators, successors, and assigns or other legal representative of such persons;

“Parcel” means a lot, block or other area of land in which land is held or into which land is subdivided, and includes a strata lot or strata unit;

“Qualified Professional” means a professional engineer, geoscientist, architect, landscape architect, biologist, planner or other professional licensed to practice in British Columbia, and includes a Qualified Environmental Professional with experience relevant to the applicable matter, as determined by the General Manager;

“Subject Property” means all lands that are the subject of an application to the CVRD;

“Staff” means an employee of the Land Use Services Department of the CVRD.

Interpretation

3. Schedules attached to this bylaw form part of this bylaw.
4. Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the Board, as amended, revised, consolidated or replaced from time to time.
5. For clarity, subject to the *Act*, unless a power, duty or function of the Board has been expressly delegated by bylaw, all of the powers, duties and functions of the Board remain with the Board.

PART 2**DELEGATION OF AUTHORITY****General Manager to Provide Forms**

6. The General Manager is authorized to create and amend the forms to be used for applications under this bylaw.

Development Permits

7. The Board delegates to the General Manager the authority of the Board under Section 490 of the *Act* to issue development permits, and perform related duties and functions, for one or more of the purposes listed under Subsection 488(1) of the *Act*.

Security

8. The Board delegates to the General Manager the authority of the Board under Sections 496 and 502 of the *Act* to require security as a condition of a land use permit that is issued under the authority of this bylaw in an amount as determined pursuant to this bylaw.

Liquor and Cannabis Regulation Branch Applications

9. The Board delegates to the General Manager the powers and duties of the Board under Section 38(3) of the *Liquor Control and Licensing Act*, to make recommendations regarding licenses and permit applications except for the following:
 - a) An application for a new or amended cannabis license;
 - b) An application for a new liquor license;
 - c) An application to amend an existing license to relocate the license or to increase the number of patrons or expand operating hours;
 - d) An application for a temporary special event permit, to authorize an event involving persons who have paid to participate; and
 - e) An application for a temporary special event permit, where the number of persons in attendance will be 150 or greater.

Legal Agreements

10. The Board delegates to the Corporate Officer and Chief Administrative Officer all of the powers, duties and functions of the Board in respect of the execution of the following legal agreements:
 - a) easement agreements under Sections 181 and 182 of the *Land Title Act*;
 - b) statutory right-of-way agreements under Section 218 of the *Land Title Act*;
 - c) covenant agreements under Section 219 of the *Land Title Act*; and
 - d) strata plans for previously occupied buildings, under the *Strata Property Act*.

Covenants

11. Except as provided under Section 219(9.1) of the *Land Title Act*, the Board delegates to the General Manager, the authority of the Board to authorize the discharge of a covenant agreement under Section 219 of the *Land Title Act*, where the General Manager has determined that all terms and conditions specified by the covenant have been fully satisfied.

PART 3

SCOPE OF BYLAW

Applications

12. This bylaw applies to:

- a) an application to amend an official community plan bylaw, a zoning bylaw, or both;
- b) an application for a land use permit, or to amend or extend the term of a land use permit;
- c) an application to register, amend or discharge a covenant;
- d) an application to amend, vary or discharge a land use contract;
- e) an application for a minimum parcel frontage exemption;
- f) an application for a floodplain regulation exemption;
- g) an application for a phased development agreement;
- h) an application for strata conversion under the *Strata Property Act*;
- i) an application under the *Agricultural Land Commission Act*;
- j) an application under the *Liquor Control and Licensing Act*; and
- k) an application under the *Cannabis Control and Licensing Act*.

PART 4

APPLICATION SUBMISSION AND FEES

Application Submission

- 13. An application under this bylaw will be made by the owner of the property by the submission of a development application using the form of development application provided by the CVRD from time to time for that purpose.
- 14. At the time of application, the applicant will pay to the CVRD all fees as prescribed in **Schedule A** of this bylaw.

Owner Authorization

- 15. An application made pursuant to this bylaw must be authorized in writing by all owner(s) of the lands that are the subject of the application.
- 16. If after submission of an application and prior to the issuance of a decision on an application there is a change of ownership of a parcel of land, the applicant will notify the CVRD and furnish the CVRD with a current state of title certificate and written authorization from the new owner(s) to proceed with the application.

Application Assessment

- 17. Upon receipt of an application under this bylaw, staff will assess the application to:
 - a) determine if the application is complete;

- b) determine if any application materials or information is missing or required; and
 - c) determine if additional application fees are required.
18. Once staff deem an application to be complete, and all required application fees paid, an application file will be opened.

Report

19. Where an application under this bylaw has been made in conformance with this bylaw, and the application is deemed complete, staff will prepare a report to accompany the application when it is referred to the Committee or Board.

Application Fees and Cost Recovery

20. If an application involves two or more contiguous parcels of land, it may be treated as a single application.
21. Any costs associated with rescheduling a public hearing or scheduling a second or subsequent public hearing, either at the request of the applicant, or due to the failure of the applicant to comply with the requirements of this bylaw, will be paid by the applicant.
22. Where the CVRD incurs legal costs for the review, preparation, finalization, or registration of any documents related to any application under this Bylaw, such legal costs will be paid by the applicant.
23. 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 professional review prior to any decision being made on the application. Prior to consideration of the application, the applicant shall be required to pay the CVRD for the estimated costs of the independent professional review, to a maximum of \$5,000, before the review is undertaken. At the conclusion of the review, the estimated costs shall be reconciled against the actual costs and the applicant will be refunded the difference or be required to pay the difference, to a maximum of \$5,000 before the application is processed further.

Fee Refunds

24. Where an application is withdrawn or lapses prior to staff commencing a review of the application file, the CVRD will refund 100% of fees paid less the file opening fee, if applicable, as prescribed in Schedule A of this bylaw.
25. Where an application is withdrawn, lapses or is denied after staff has commenced a review of the application no application fees are refundable.

PART 5

PUBLIC NOTICE AND CONSULTATION

Public Information Meetings

26. Following consideration of an application under this bylaw by the Committee, the Board may require that a public information meeting be held, wherein:
- a) Staff will describe the nature of the application, applicable CVRD policies and regulations, and the process for approval;

- b) Members of the public will have an opportunity ask questions about the application; and
- c) The applicant will have an opportunity to hear questions posed by the public, and may respond to questions posed by the public.

Public Hearings

- 27. The CVRD will hold public hearings in accordance with the *Act*.
- 28. If the Board has delegated its authority to hold a public hearing to one or more delegates, and none of those delegates are present at the public hearing after a minimum of 15 minutes from the advertised time of commencement of the public hearing, the public hearing will be adjourned to a later date, with notice provided in accordance with the *Act* and this bylaw, at no cost to the applicant.

Requirement to Give Notice

- 29. The CVRD will undertake public notice for all applications made under this Bylaw in accordance with the *Act*, other applicable provincial legislation, and this Bylaw.
- 30. The CVRD will mail or otherwise deliver notices to the applicant and all owners and occupants of the subject property for which an application has been made, and all owners and occupants of parcels within 100 metres of the subject property, not less than ten (10) days prior to:
 - a) a public information meeting as directed by the Board in accordance with Section 27 of this bylaw;
 - b) a public hearing being held under Section 464 of the *Act*;
 - c) a Board meeting to consider the reading of a proposed zoning bylaw where the public hearing for the proposed zoning bylaw has been waived under Section 464(2) of the *Act*;
 - d) a Board meeting to consider adoption of a resolution to issue a temporary use permit; and
 - e) a Board meeting to consider adoption of a resolution to issue a development variance permit.
- 31. Notwithstanding the foregoing, notices will not be mailed or delivered in respect of applications involving ten (10) or more parcels owned by ten (10) or more persons.

Requirement to Post a Notice Sign

- 32. An applicant for a development variance permit, temporary use permit or bylaw amendment must at their sole cost, erect a notice sign on that parcel of land which is the subject of the application, a minimum of 10 days prior to a scheduled public information meeting in respect of the application or where there is no public information meeting, a minimum of 10 days prior to the Committee meeting at which the application will be first considered.
- 33. Notice signs must comply with **Schedule B** of this bylaw.
- 34. Where one highway abuts a parcel, a minimum of one notice sign shall be erected in a location that provides an unobstructed view from that highway.
- 35. Where more than one highway abuts a parcel, a minimum of one notice sign for each highway frontage shall be erected in locations that provide unobstructed views from each highway.

36. Where a parcel abuts intersecting highways, provided the notice sign is posted at the corner of the intersecting highways in such a manner as to provide an unobstructed view from the both highways, the posting of one notice sign will be considered sufficient.
37. The owner will ensure that required notice signs are clearly visible to all passers-by without interfering with pedestrian or vehicular traffic or obstructing visibility from a highway.
38. The owner will provide staff with photographic evidence confirming that all required notice signs have been posted.
39. Required notice signs will remain in place until the owner has received a written notice of decision on the application.
40. Failure to post required notice signs for an application under this Bylaw will result in the application being held in abeyance, and any scheduled hearing or meetings regarding the application being adjourned, until the required notice signs have been posted.

Requirement to Remove a Notice Sign

41. An owner who has posted notice signs for an application under this Bylaw must remove the signs within fourteen (14) days of receiving the written notice of the decision on the application.

PART 6**DECISIONS****Notice of Decision**

42. Written notice of the decision on the application will be mailed or otherwise delivered to an applicant at the address provided on the application form within fourteen (14) days following the date of the decision. If such decision was a delegated decision, the notice will advise if the applicant has a right to request that the Board reconsider the delegated decision.

Board Reconsideration

43. Where an applicant has a right to have a decision of the General Manager reconsidered by the Board, and wishes to have the decision reconsidered, the applicant must deliver a written request for reconsideration to the Corporate Officer, within thirty (30) days of receiving written notice of a decision.
44. At the reconsideration of a decision, the applicant is entitled to be heard by the Board.
45. Upon reconsideration of the General Manager's decision, the Board may:
 - a) consider the material that was considered by the General Manager in making the decision;
 - b) hear from the applicant, General Manager and any other person deemed by the Board to have an interest in the decision; and
 - c) do any of the following:
 - i. confirm the decision;
 - ii. amend the decision;

- iii. set aside the decision and substitute a different decision; or
- iv. adjourn reconsideration of the decision to a future meeting.

Re-application

- 46. Where an application under this bylaw has been refused or denied, any application for the same type of permit or approval for the same land will be considered a reapplication. A reapplication will not be accepted within the twelve (12) month period following the date of refusal or denial except where the Board accepts the application by varying the time limit for application by an affirmative vote of at least two thirds of the Board members eligible to vote.
- 47. Where an applicant applies to the Board to accept reapplication, the applicant will submit in writing a detailed statement as to why the time limit for reapplication should be varied.
- 48. Any reapplication will be considered a new application and all fees prescribed in Schedule A will apply.

Amendment or Extension of Land Use Permit

- 49. An application to amend or extend the term of a land use permit must be made to the CVRD, in writing, prior to the lapse of the permit, and must be accompanied by a written rationale for the extension, fees, and any revised plans and professional reports.

Lapse of Application

- 50. If an application under this Bylaw has been inactive for a period of twelve (12) months or greater, the application will be deemed to have lapsed and the file will be closed.

PART 7

PERFORMANCE SECURITY

Form and Amount of Security

- 51. Where security is required as a condition of a land use permit:
 - a) the amount of security will be based on a cost estimate prepared by a qualified professional, at the owners' expense, and will include all costs to complete the required works, restoration, or enhancement;
 - b) the security will be in the form of a certified cheque, or an irrevocable letter of credit, paid or held by the owner, which is effective for the term set out in the land use permit, clean and unconditional, automatically renewing and redeemable at a Canadian bank or credit union with a branch located on Vancouver Island;
 - c) the amount of security will be at least 125% of the cost estimate prepared by the qualified professional and not less than \$5,000, whichever is greater; and
 - d) the security will be paid prior to permit issuance.

Release of Security

- 52. A request for the release of 50% of the security may be submitted by the applicant upon completion of the required works, restoration or enhancement if accompanied by written confirmation from a qualified professional that the required works are in substantial conformity with the approved land use permit.

53. Following a two-year maintenance period from the date of completion of the works, restoration or enhancement, a request for release of any remaining security may be submitted by the applicant. The request for release must be accompanied by confirmation from a qualified professional that the works are in substantial conformity with the approved land use permit.

Incomplete Works

54. If required works, restoration or enhancement are not completed in accordance with the land use permit, the CVRD may provide written notice to the owner that the works, restoration or enhancement must be completed by a specified deadline.
55. If required works, restoration or enhancement are not completed by the owner in accordance with the land use permit before the deadline specified in written notice to the owner, the CVRD may:
- a) draw upon the security;
 - b) enter the property to complete the required works, restoration or enhancement;
 - c) refund any unused portion of the security to the owner.

PART 8

REPEAL

56. CVRD Bylaw No. 4267 – Development Application Procedures and Fees Bylaw, 2019 is repealed.

READ A FIRST TIME this 23rd day of March , 2022.

READ A SECOND TIME this 23rd day of March , 2022.

READ A THIRD TIME this 23rd day of March , 2022.

ADOPTED this _____ day of _____ , 2022.

Chairperson

Corporate Officer

SCHEDULE A – DEVELOPMENT APPLICATION FEES

Table 1 – Administrative & Inspection Fees

TYPE	FEE
File opening fee (applicable to all applications in Tables 2, 3 and 6)	\$150
Inspections & Enforcement Fees (applicable to all applications arising from bylaw enforcement)	\$500
Property or building file review	\$200
Land use confirmation letter	\$150
State of Title Certificate (if needed to confirm ownership in conjunction with an active application)	\$25

Table 2 – Bylaw Amendment Fees

APPLICATION TYPE	APPLICATION FEE	ADDITIONAL FEE
OCP amendment (no new density)	\$3,000	Advertising costs
OCP amendment (new density)	\$8,000	Advertising costs plus <ul style="list-style-type: none"> \$150 for each dwelling or parcel ("density unit") permitted by the amendment bylaw; and \$150 for each 0.1 ha of parcel area ("density unit") to be re-designated or rezoned to commercial or industrial
OCP / Zoning Bylaw Amendment (combined)	\$5,200	
Zoning bylaw amendment	\$2,500	
Land use contract amendment or discharge	\$2,500	Advertising costs

Table 3 – Land Use Permit Fees

APPLICATION TYPE	APPLICATION FEE	ADDITIONAL FEE
Development Permit (DP) – environmental 488(1)(a)(b)	\$300	\$250 for each new parcel or dwelling unit proposed
DP – agricultural: s. 488(1)(c)	\$150	\$50 for each new parcel or dwelling unit proposed
DP – form & character: s. 488(1)(e)(f), all application except signs	\$500	\$250 for each additional 100 m ² of gross floor area
DP – form & character: s. 488(1)(e)(f), only for signs	\$150	-
DP – conservation/GHG reduction: s. 488(1)(h)(i)(j)	\$300	\$250 for each new parcel or dwelling unit proposed
DP – amend or extend term	\$300	-
Development variance permit (DVP)	\$750	-
DVP – to vary a Land Use Contract	\$750	-
DVP - amend or extend term	\$300	-
Temporary use permit (TUP)	\$1,200	Advertising costs
TUP – amend or renew	\$200	

Table 4 – LCRB Application Fees

APPLICATION TYPE	APPLICATION FEE	ADDITIONAL FEE
Cannabis license	\$1,500	Advertising costs
Liquor license (not delegated)	\$750	
Liquor license (delegated)	\$150	-

Table 5 – ALC Application Fees

APPLICATION TYPE	APPLICATION FEE (CVRD PORTION)	APPLICATION FEE (ALC PORTION)
ALC non-adhering residential use	\$450	\$450
ALC non-farm use	\$750	\$750
ALC subdivision	\$750	\$750

Table 6 – Miscellaneous

APPLICATION OR SERVICE TYPE	APPLICATION FEE	ADDITIONAL FEE
Board of Variance	\$750	-
Covenant amendment or discharge	\$300	-
Floodplain management bylaw exemption	\$1,500	-

Table 6 – Subdivision Application Review Fees

SUBDIVISION APPLICATION TYPE	APPLICATION FEE	SEWER UTILITY FEE	WATER UTILITY FEE
Subdivision – boundary adjustment (no new parcels created)	\$500	\$500 for every new unit or parcel within a CVRD sewer utility service area	\$500 for every new unit or parcel within a CVRD water utility service area
Subdivision – all types except boundary adjustment and strata conversion	\$500/new parcel		
Subdivision – strata conversion of existing building	\$500/unit		
Extension to Preliminary Review Letter	25% of original subdivision application fee	-	-
Minimum frontage exemption (s. 512 of the Act)	\$750	-	-

SCHEDULE B – SPECIFICATIONS FOR NOTICE SIGNS

B.1 Each notice sign will have the following dimensions:

- a) a minimum width of 2.4 metres; and
- b) a minimum height of 1.2 metres, excluding the post.

B.2 Each notice sign will be composed of corrugated plastic or another durable, weather resistant material.

B.3 Each notice sign will be consistent with the example provided in Figure A.1 with specifications for content, fonts, font sizes and spacing to be approved by the General Manager and kept on file at the CVRD office.

B.4 Each notice sign will be installed as follows:

- a) the bottom edge of the sign must be a minimum of 1 metre above the average grade of the ground along the length of the sign, and not more than 1.5 metres above that average grade;
- b) the sign should be located on the property of the subject application and approximately 3 metres inside the property line, adjacent to a public road, where it will be clearly visible to all passers-by;
- c) the sign will be securely affixed to the ground and capable of withstanding typical local weather; and
- d) the sign must be self-supporting and will not be affixed to a tree, telecommunications pole, power pole, building or other structure.

Figure A.1: Notice Sign Example

DEVELOPMENT PROPOSAL Property Address or Lot #		 COWICHAN VALLEY REGIONAL DISTRICT
TYPE:	REZONING APPLICATION	<div>Subject Property Map</div>
PROPOSAL:	<i>Include short description</i>	
APPLICANT:	<i>Name Address Phone Email</i>	
APPLICATION #:		
FOR MORE INFORMATION PLEASE CONTACT:	Land Use Services Department Phone 250.746.2620 1-800-665-3955 Email ds@cvrd.bc.ca	
PUBLIC HEARING:		
DATE:		
TIME:		
LOCATION:		