



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. P1342, 2016

A bylaw to establish development procedures and fees within the Regional District of Alberni-Clayoquot in accordance with Part 14 of the *Local Government Act*

WHEREAS the Board of Directors of the Regional District of Alberni-Clayoquot has adopted official community plans and a zoning bylaw;

AND WHEREAS the Board has designated areas within which development permits may be required;

AND WHEREAS the Board may, pursuant to Section 229 of the *Local Government Act*, delegate its powers, duties and functions to an officer or employee of the regional district;

AND WHEREAS the Board may from time to time issue temporary commercial use permits or temporary industrial use permits;

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

AND WHEREAS the Board may, pursuant to Section 466 of the *Local Government Act*, by bylaw, impose requirements for the posting of notification signs on properties that are subject to a proposed development;

AND WHEREAS the Board may, pursuant to Section 502 of the *Local Government Act*, require that the applicant for a permit under Part 14 of the *Local Government Act* provide security in an amount stated in the permit in a form satisfactory to the Board;

NOW THEREFORE the Board of Directors of the Regional District of Alberni-Clayoquot, in open meeting assembled, hereby enacts as follows:

1. Citation

This Bylaw may be cited for all purposes as “Development Procedures and Fees Bylaw P1342, 2016”.

2. Schedules

The following Schedules are attached to, and form part of, this Bylaw:

- a) Schedule “A” – Application for Development
- b) Schedule “B” – Application Fees

3. Purpose and Scope

- a) The purpose of this Bylaw is to establish procedures for applications and referrals including the establishing of fees, forms, procedures and delegated authorities.
- b) This Bylaw shall be applicable to all lands and surface of the water within the Alberni-Clayoquot Regional District (ACRD) that are subject to any permit or application procedures as outlined in this Bylaw.
- c) This Bylaw applies to the following applications, permits and referrals to the ACRD:
 - i. bylaw amendments to Official Community Plans (OCPs) and Zoning Bylaw,
 - ii. the issuance of development permits and development variance permits,
 - iii. the issuance of temporary commercial use permits and temporary industrial use permits,
 - iv. subdivision application referrals,
 - v. Agricultural Land Reserve applications,
 - vi. discharge or consent to amendment of a Restrictive Covenant to which the ACRD is a signatory or named party,
 - vii. file review in response to a letter requesting a review of many aspects of a parcel’s status such as present or historical zoning, building permits, bylaw enforcement and other permits, and
 - viii. requests to extend the term limit of a development permit or development variance permit.
- d) Schedule “A” and “B” attached hereto and forming part of this Bylaw are hereby adopted as the planning procedures and fees for the Alberni-Clayoquot Regional District.

4. Applications

- a) Applications listed in Section 3 shall be made by the owner of the land involved or by a person authorized by the owner.
- b) Applications for amendments or permits shall be made to the ACRD, on the applicable form, attached hereto as Schedule "A" of this Bylaw.
- c) Applications shall contain all the information required by the application form.
- d) Applications for subdivision shall be made through the Ministry of Transportation and Infrastructure (MoTI). A referral fee request shall be sent to the applicant by the ACRD upon receipt of the application referral from MoTI. Receipt of the requested fee is required prior to the ACRD providing a response to MoTI.
- e) If there is a change of ownership of property or land that is the subject of application or referral, the Manager of Planning and Development may require an updated State of Title Certificate and written authorization to proceed with the application from the new owner prior to proceeding further with an application or referral.
- f) Where an applicant under this Bylaw has not pursued the application for a period of twelve months, after being asked by ACRD staff to provide further information or to follow a procedure outlined in this Bylaw, the application is deemed to be inactive, and the file will be closed. Any refund pursuant to Section 6) below will be issued at the time of file closure.
- g) Approximately three months before file closure or nine months into an inactive period, a warning letter will be sent to the applicant advising them that their file is about to become inactive.
- h) An application or substantially similar application may not be submitted in respect of the same development less than one year from the date of refusal of a previous application, unless the Board has agreed to such a reconsideration.
- i) The Board may, on receipt of an application to amend a plan or bylaw, resolve to proceed with an amendment bylaw or resolve not to proceed with the application. The Board may, on receipt of a permit application, resolve to proceed with or resolve not to proceed with the permit.
- j) The Board may initiate an amendment to a plan or bylaw without first receiving an application to amend.

5. Delegation

The Board hereby delegates to the CAO its authority for the issuance of development permits for the protection of the natural environment and the protection of development from hazardous conditions.

6. Comprehensive Development Area Applications

- a) Applications to develop CDAs shall be planned in collaboration with the ACRD, taking into account any unique features of the land, the protection of sensitive ecosystems, the benefits of utilizing planning tools such as density averaging and phased development, and the feasibility of a mix of land uses.
- b) Where land has been designated or is subject to a request to be designated as a Comprehensive Development Area (CDA) in an OCP, that land shall also be designated as a Development Approval Information Area (DAIA) in the OCP.
- c) Applications shall be accompanied by all information specified by DAIA Bylaw No. P1324 shall be provided to the Manager of Planning and Development.

7. Permit Term Limit Extension

Development permits and development variance permits issued by the ACRD contain term limits, otherwise known as expiration dates. The term limit forms part of the permit, and requests to extend the term limit are subject to approval by the ACRD Board or delegated authority.

Requests to amend the term limit of a permit may be considered for a maximum three-year extension, beyond which a new application for development permit or development variance permit is required. A written rationale for the extension must be submitted, accompanied by an application for development permit or development variance permit form, 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 ACRD Board delegates approval authority to the Manager of Planning and Development. All other requests will be the subject of a Planning and Development Department report for consideration by the ACRD Board. Amended permits require registration with the Land Titles Office.

8. Fees

- a) At the time of an application listed in Section 3, the applicant shall pay to the ACRD an application fee in the amount prescribed in Schedule "B" of this Bylaw.
- b) A separate fee is payable in respect of each separate parcel of land that is the subject of an application or a referral, but only a single fee is payable in respect of an application involving only contiguous parcels of land.
- c) In the case of permit renewals, a fee of half (50%) of the applicable fee stipulated in Schedule "B" must be paid.

9. Fee Refund

- a) Where an application is withdrawn, in writing, by the applicant or has lapsed prior to referral of the application to other agencies or issuance of public notice or preparation of a staff report, the applicant shall be refunded 50% of the fees.
- b) When an application or referral has been processed in part and has lapsed due to inactivity or is incomplete and thus cannot be formally assessed, no refund shall be made.

10. Staff Duties, Reports and Processing

- a) Written reports prepared by staff of the Planning and Development Department shall be submitted to the appropriate Advisory Planning Commission (APC) and Electoral Area Director or more than one APC, as specified in an Official Community Plan, for applications for OCP amendments, zoning amendments and for development variance permits.
- b) In the case of development permits and Agricultural Land Reserve applications, these will not be sent to an APC unless the Director of the affected area specifically requests it.

11. Notification and Public Hearing

- a) The public notice requirements for development applications are prescribed in Part 14 of the *Local Government Act* and shall be issued in the following circumstances:
 - i. public hearing pursuant to Section 466 for an OCP or Zoning Bylaw amendment,
 - ii. issuance of a development variance permit,
 - iii. issuance of a temporary use permit, and
 - iv. phased development agreement.

- b) Public notice in any case noted in subsection a) above, other than development permit applications that do not incorporate a variance and Board of Variance applications, when required to be mailed, shall be mailed or otherwise delivered to the owners and occupants of parcels located within 100 metres of the subject property.
- c) The applicant may be required by the ACRD to erect or cause to be erected a sign on the subject property.
- d) Following a public hearing, the Board shall proceed in accordance with Section 470 of the *Local Government Act*.

12. Permit – Issuance or Refusal

- a) The Board may, in the case of an application for a development variance permit or temporary commercial or industrial use permit:
 - i. authorize the issuance of the permit, or
 - ii. authorize the issuance of the proposed permit as amended by the Board in its resolution, or
 - iii. table the permit, or
 - iv. refuse to authorize the issuance of the permit.
- b) Where an application for a permit as noted in a) above is approved and a permit is issued, the permit will be registered on title to the subject property.
- c) Where an application has been refused by the ACRD Board of Directors or the CAO, the Manager of Planning and Development or a nominated designate shall notify the applicant in writing within 30 days immediately following the date of refusal.

13. Appeal

- a) Where an application has been refused by the CAO, the applicant shall have the right to appeal the delegated decision to the ACRD Board of Directors.
- b) An applicant who wishes to appeal the decision of the CAO shall submit an appeal request in writing to the Manager of Planning and Development within 60 days of the date of the decision.
- c) Where an appeal request is received, the procedures set out in Section 8 of this Bylaw shall be followed.

14. 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 or 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.

15. Repealed

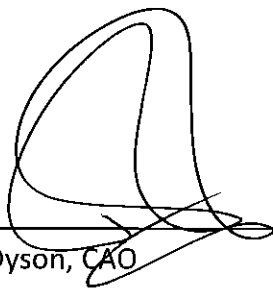
The Regional District of Alberni-Clayoquot Bylaw to Set Fees and Charges for Development Applications and Related Services Bylaw No. F1069 is hereby repealed.

READ A FIRST TIME this 23rd day of March, 2016

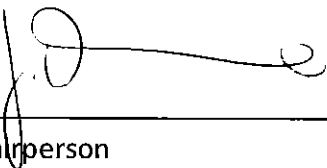
READ A SECOND TIME this 23rd day of March, 2016

READ A THIRD TIME this 23rd day of March, 2016

ADOPTED this 23rd day of March, 2016



Russell Dyson, CAO



Chairperson



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni, BC V9Y 2E3

Phone: (250) 720-2700 Fax: (250) 723-1327

APPLICATION FOR DEVELOPMENT

- | | |
|---|--|
| <input type="checkbox"/> Official Community Plan Amendment
<input type="checkbox"/> Zoning Map Amendment
<input type="checkbox"/> Zoning Text Amendment
<input type="checkbox"/> Development Permit
<input type="checkbox"/> Development Variance | <input type="checkbox"/> Minimum Parcel Frontage Waiver
<input type="checkbox"/> Board of Variance Application
<input type="checkbox"/> Temporary Commercial Use Permit
<input type="checkbox"/> Temporary Industrial Use Permit
<input type="checkbox"/> Other: _____ |
|---|--|

Applicant/Property Owner Information	Agent Information (if applicable)
Name:	Name:
Mailing Address:	Mailing Address:
Telephone:	Telephone:
Fax:	Fax:
Cell:	Cell:
Email:	Email:

- Legal Description: _____

- Particulars of Proposed Development:
 - Existing OCP Designation: _____
 - Proposed OCP Designation: _____
 - Text Amendment: _____
 - Existing Zone: _____
 - Proposed Zone: _____
 - Within the Agricultural Land Reserve (ALR)?: No Yes
 - Within a Development Permit Area?: No Yes
 - Method of Sewage Disposal: Community System Onsite Septic System Other
 - Method of Water Supply: Community System Onsite Water System Other

- Other (explain): _____

- Describe the existing land use of the subject property: _____

- Describe the existing land use of lands adjacent to the subject property:

North: _____

South: _____

East: _____

West: _____

- Describe the proposed development of the subject property (attach additional pages if necessary):

- Reasons and comments in support of the application (attach additional pages if necessary):

- The following information is required. Failure to provide any of the following may delay the application.

A sketch/plan of the subject property showing:

- the legal boundaries and dimensions of the subject property;
- boundaries, dimensions, and area of any proposed lot (if subdivision is being proposed);
- the location of permanent building and structures on the subject property with distances to property lines;
- the location of any proposed building, structures, or additions hereto, with distances to property lines;
- the location of any existing sewage disposal systems and/or property water source; and
- topographic features (rock outcroppings, etc.).

- Additional or more detailed information may be requested by the Regional District following review of your application.

If the Regional District believes it to be necessary for the property boundaries and the location of buildings and structures to be more accurately defined, a plan prepared by a registered BC Land Surveyor may be required.

I accept responsibility for delays in processing caused by incorrect or insufficient submission. Personal information contained on this form is collected under the *Local Government Act*. Contact the Planning Department if you have any further questions.

I hereby grant Regional District staff full right of access to the subject property, during the hours of 8:00 am until 4:30 pm, Monday to Friday, except statutory holidays, while this application is in effect; and

I/We hereby declare that the information provided in this application is, to the best of my/our knowledge, true and correct in all respects, and I/we enclose the required fee with this application.

NOTE: All items submitted as part of the application will not be returned to the applicant and are subject to the *Freedom of Information and Privacy Act*. All relevant correspondence will be provided to both the applicant and the agent when applicable.

Applicant/Owner Signature: _____

Applicant/Owner Signature: _____

Date: _____

Schedule 'B'

<i>all words and phrases have the same meaning assigned to them in the Local Government Act, relevant enactments, Alberni-Clayoquot Zoning Bylaw 1971, and amendments thereto.</i>		
	Application, Service, or Goods and Services	Fee
	Current Planning	
	The following fees and charges shall be paid by applicants in respect of the matters listed below.	
1	Official Community Plan (OCP) amendment application.	\$500.
2	Zoning Bylaw Amendment application, residential - under 2 hectares total area.	\$300.
3	Zoning Bylaw Amendment application, residential - over 2 hectares total area.	\$500. + \$2 / 0.1 ha. of the total site area.
4	Zoning Bylaw Amendment application, cottage and seasonal residential, or vacation rental.	\$750.
5	Zoning Bylaw Amendment application, agriculture, forest, small holdings, guesthouse, or duplex	\$1,000.
6	Zoning Bylaw (text) Amendment application to change or add a permitted use.	\$1,000.
7	Zoning Bylaw Amendment application, commercial, industrial, multi-family, institutional	\$2,500.
8	Zoning Bylaw Amendment application, Comprehensive Development.	\$5,000.
9	Temporary Commercial Use Permit or Temporary Industrial Use Permit.	\$300.
10	Minimum Parcel Frontage Waiver	\$250.
11	Province of B. C., Crown Land tenure application: (a) upland residential; (b) all other land uses.	\$300. \$500.
12	Letter of Zoning Confirmation application, (a) single family residential (b) all other zones	\$50. \$100.
13	Historic review of an old application, or a file.	\$75. + \$45. / hr. for research.
14	Statutory Advertising, for an application under the <i>Local Government Act</i> .	At cost.

Application, Service, or Goods and Services	Fee
<p>15 Development Permit application, in a Comprehensive Development Zone.</p> <p>Development Permit application, in a commercial / institutional / industrial / multi-family zone.</p> <p>Development Permit application, for a single family residential use: (a) in a watercourse (b) in an environmental Development Permit area</p> <p>Development Permit application, for a Not-for-Profit project for in-stream restoration, riparian habitat rehabilitation, or a trail: (a) within a watercourse; (b) within an environmental Development Permit area</p>	<p>\$1,500.</p> <p>\$750.</p> <p>\$100.</p> <p>No Fee.</p>
<p>16 Development Variance Permit application, in a Comprehensive Development Zone.</p> <p>Development Variance Permit application, commercial / institutional / industrial / multi-family.</p> <p>Development Variance Permit application, single family, cottage residential, and two family dwellings.</p>	<p>\$1,000.</p> <p>\$750.</p> <p>\$300.</p>
<p>17 Public Hearing to be paid prior to holding a hearing in connection with an application for a bylaw amendment or in respect of any matter that a Public Hearing is required under the <i>Local Government Act</i>.</p>	<p>\$500.</p>
<p>18 Inspection of a property where the access to the property is not available via a public highway.</p>	<p>at cost.</p>
<p>19 Board of Variance application, in all zones</p>	<p>\$300.</p>

Application, Service, or Goods and Services	Fee
<p>20 Documents</p> <p>The following fees and charges are payable for copies of the documents listed below. Fees are also payable for any documents sent by electronic transmission.</p> <p>Planning Official Community Plan (and draft OCP). Zoning Bylaw (and a draft bylaw). Report or plan (and a draft report or plan). Zoning or OCP plan or map. Zoning or OCP plan or map.</p> <p>Maps and Aerial Photos A1 size zoning map plot. A1 size base map plot. A0 size zoning map plot. A0 size base map plot.</p> <p>Customized Maps and Aerial Photos Color maps and/or aerial photos.</p> <p>Customized or color plots over 11" x 17"</p> <p>Photocopies black and white</p>	<p>\$10. (text only). \$15. (text only). \$20. (text only). \$5. each (black and white). \$10. each (in color).</p> <p>\$20. /sheet or plan produced. \$10. /sheet or plan produced. \$20. /sheet or plan produced. \$15. / sheet or plan produced. (black and white plots only)</p> <p>\$35. / hr. to prepare + \$25. / plot (up to 11" X 17").</p> <p>\$35. / hr. to prepare + \$35. / sheet or plan produced (min. \$35. deposit required)</p> <p>\$0.25 / page</p>
<p style="text-align: center;">SUBDIVISION</p> <p>The following fees and charges are payable by an applicant in respect of the subdivision of land under the Land Title Act and Strata Property Act.</p>	

Application, Service, or Goods and Services	Fee
21 Preliminary Application Review Fee: (a) lots 1-3 (b) lots 4-10 plus an additional (c) lots 11 or more, plus an additional Preliminary Application Review Fee in a CD Zone or ALR: (a) lots 1 -3 (b) lots 4 - 10, plus an additional (c) lots 11 or more, plus an additional. Form P Application Review Fee: (a) Form P Referral Review Fee (b) Form P Amendment Referral Fee	\$300; \$100. / lot; \$50. / lot. \$600; \$200. / lot; \$100. / lot. \$500.
22 Preliminary Application PLA amendment initiated by the applicant.	\$250.
23 Final Approval Final review or inspection.	\$50. for each lot or unit, plus the remainder.
24 Other Applications (a) Boundary Adjustment or Accretion (b) Conversion of a previously occupied building to a strata title.	\$300. \$500. plus \$100./ unit
AGREEMENTS The following fees and charges are payable in respect of agreements in respect of an application for a building permit, development permit, development variance permit, bylaw amendment, or subdivision.	
25 To prepare or review an agreement.	At cost.
26 To amend an agreement.	At cost.
27 To register or discharge an agreement in the Land Titles office.	At cost.
APPLICATION REVIEW COSTS AND EXPENSES	
28 Consulting fees and expenses incurred by the Regional District to review an application.	At cost.
<i>taxes extra where applicable</i>	