

The following is a consolidated copy of the planning procedures and fees bylaw and includes the following bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
328	Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014.	July 29, 2014	A bylaw to establish the procedures and fees within the Comox Valley Regional District in accordance with Part 26 of the <i>Local Government Act</i>
370	Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014, Amendment No. 1	June 28, 2016	To amend “Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014” in order to reference the development approval information bylaw.
435	Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014, Amendment No. 2.	August 30, 2016	To amend “Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014” in order to reference TUP policy requirements.

This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. Titles and whereas clauses may be different than in original bylaws to make this consolidated version more clear and identify historical changes and conditions. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please contact the corporate legislative officer at the Comox Valley Regional District to view the complete bylaw when required.

COMOX VALLEY REGIONAL DISTRICT
BYLAW NO. 328

A bylaw to establish the procedures and fees within the Comox Valley Regional District in accordance with Part 26 of the *Local Government Act*

WHEREAS the board of the Comox Valley Regional District has adopted an official community plan and a zoning bylaw;

AND WHEREAS the board of the Comox Valley Regional District has designated areas within which temporary use permits may be issued and within which development permits are required;

AND WHEREAS the board of the Comox Valley Regional District shall, under section 895 of the *Local Government Act*, by bylaw establish procedures to amend an official community plan or zoning bylaw or issue a permit under part 26 of the *Local Government Act*;

AND WHEREAS the board of the Comox Valley Regional District may, under section 892 of the *Local Government Act*, make requirements for the posting of development signs on properties that are subject to a proposed bylaw amendment;

AND WHEREAS the board of the Comox Valley Regional District may, under section 925 of the *Local Government Act*, require that the applicant for a permit under Part 26 of the *Local Government Act* provide security in an amount stated in the permit by an irrevocable letter of credit or the deposit of securities in a form satisfactory to the local government.

NOW THEREFORE the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Application

1. (1) This bylaw shall be applicable to all lands and surface of the water within the Comox Valley Regional District (CVRD) that are subject to any permit or application procedure as outlined in this bylaw.
- (2) Schedules 'A,' 'B' and 'C' attached hereto and forming part of this bylaw are hereby adopted as the planning procedures and fees for the Comox Valley Regional District.

Relation to *Local Government Act* and severability

2. (1) This bylaw is not intended to conflict with any provision of the *Local Government Act* relating to any application nor to fetter any statutory authority of the CVRD.
- (2) If any section, subsection, sentence, clause or phrase forming part 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 from the bylaw without affecting the validity of the bylaw or any remaining portions of the bylaw.

Repeal

3. Bylaw No. 3, being the “Comox Valley Regional District Planning Procedures and Fees Bylaw, 2008” and all amendments thereto is hereby repealed upon adoption of this bylaw.

Citation

This Bylaw No. 328 may be cited as the “Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014.”

Schedule 'A'

(1) General provisions

(a) Definitions

Applicant	means any person who makes application for development under the provisions of this bylaw as authorized by all owners of the land subject to the application.
Board	means the board of the Comox Valley Regional District (CVRD).
CVRD officer	means any person holding the officer positions of the CVRD as established in Bylaw No. 21, being "Comox Valley Regional District Officer Bylaw No. 21, 2008" and amendments thereto.
Electoral areas services committee (EASC)	means a standing committee established pursuant to section 795(2) of the <i>Local Government Act</i> . Comprising all electoral area directors, this committee considers matters relating to CVRD services that are delivered in electoral areas.
Pre-acceptance review	means an informal review by CVRD staff of a development proposal or planning application. The review may identify the requirements and materials to assist an applicant in their submission of a complete planning application. Based on the location, scale, complexity or other factors of the project, the review may lead to the need for a pre-application consultation meeting.
Pre-application consultation meeting	means a meeting between an applicant and CVRD staff to identify the requirements and materials to assist the applicant in their submission of a complete planning application. The meeting may involve flagging issues to address, sharing information that needs to be considered and identifying additional required reports or information. Any comments made at the meeting do not imply or suggest any decision of the board or staff to either support or refuse any subsequent detailed application. Substantial changes to the proposal at the time of application submission may invalidate comments received during the meeting.
Qualified professional	May include a landscape professional, qualified environmental professional, a registered professional biologist or a registered professional engineer, who is working within their field of expertise and is in good standing with any applicable professional organization.

(b) Application requirements

- (i) The minimum application requirements for all applications are:
 - (1) Complete application form including a description of the proposed works. The written explanation shall illustrate the need for the request.

- (2) A copy of all covenants, easements and encumbrances registered against the land title. These documents may be pulled by the CVRD for a fee pursuant to schedule 'B.'
- (3) A site plan prepared by a BC Land Surveyor (BCLS) in good standing. The site plan should show all existing and proposed buildings and development with all required setbacks. If a bylaw amendment is to permit future subdivision, the site plan should show all proposed lots and all watercourses, and must illustrate there is a buildable parcel on each parcel that is compliant with all applicable bylaws. If a biophysical assessment is involved for any application, the site plan should show all setbacks from the environmental features required under the applicable bylaws and regulations.
- (4) Professional reports as outlined in a pre-acceptance review or pre-application consultation meeting with staff. The requirement for these reports depends on the application type, and is defined in the official community plan (OCP) and/or development approval information bylaw. Professional reports may include geotechnical assessments, rainwater management plans, erosion and sedimentation plans, biophysical assessments and riparian areas regulation assessments.
- (5) All associated application fees.
- (6) Incomplete applications will not be accepted.

(c) Development approval information

- (i) Development approval information (DAI) applies to any area that has been designated in the OCP as a DAI area. Where DAI is applicable, the procedures and policies for reports and studies are set out in "Comox Valley Regional District Development Approval Information Bylaw No. 369, 2015" and amendments thereto.

(d) Independent review

- (i) A CVRD officer may request a report to be reviewed, at the applicant's expense, by a second qualified professional unrelated to and independent of, the qualified professional who prepared the initial submission.
- (ii) The applicant will be notified if an independent review of the report is required.

(e) Security deposit: a security deposit may be required for the following applications:

- (i) Development permit: where included as a condition of permit issuance.
 - (1) The amount of the security deposit shall be 125 per cent of the cost of the correction of the unsafe condition, damage to the environment or improvement determined by a qualified professional.
 - (2) The form of the security deposit shall be an irrevocable letter of credit or other form satisfactory to a CVRD officer. If an irrevocable letter of credit is chosen, it shall be automatically renewable unless cancelled, and shall be redeemable locally.

- (3) The procedures for the release of the security deposit shall be:
 - (a) Upon completion of the works, a letter from a qualified professional shall be submitted to the CVRD. The letter should state whether the works are in compliance with the recommendations of the professional reports included in the permit.
 - (b) Upon confirmation that the works are in compliance to the satisfaction of the CVRD officer or the board, the security deposit will be released.
- (ii) Temporary use permit: the board may require, as a condition of issuing the permit, a security deposit to guarantee the performance of the terms of the permit.
 - (1) The permit may provide for the form of the security; and the means for determining when there is default under the permit, and the amount that forfeits to the CVRD in the event of default.
 - (2) The form of the security deposit shall be an irrevocable letter of credit or other form satisfactory to a CVRD officer. If an irrevocable letter of credit is chosen, it shall be automatically renewable unless cancelled, and shall be redeemable locally.
 - (3) The procedures for the release of the security deposit shall be:
 - (a) The applicant confirms that buildings or structures are demolished and removed, and land restored to a condition specified in the permit, and requests in writing that the security deposit be released.
 - (b) Upon confirmation that buildings or structures are demolished and removed, and land restored to a condition specified in the permit, the board will authorize the release the security deposit.
 - (c) If the applicant fails to undertake such restoration works or defaults, the CVRD may enforce the undertaking of such works by doing the work using the security. Any remaining security deposit will be forfeited to the CVRD.
- (iii) Temporary occupation of an additional dwelling: when a property owner wishes to construct a dwelling unit on a lot that already has the maximum permitted number of dwelling units, the owner may apply for permission to occupy one of the existing dwelling units during the construction of the proposed dwelling unit, provided that the owner provides a form of security.
 - (1) There are two options:
 - (a) A \$5,000 security deposit in an irrevocable letter of credit or other form satisfactory to a CVRD officer, and a notarized terms of agreement signed by the property owner. If an irrevocable letter of credit is chosen, it shall be automatically renewable unless cancelled, and shall be redeemable locally; or
 - (b) A covenant, with priority, to demolish, remove or convert to a non-

residential use on one of the dwelling units. The covenant shall be a rent charge in the amount of \$5,000 against the land title of the subject property to ensure that one of the dwelling units be demolished, removed or converted to a non-residential use.

(2) An application fee pursuant to schedule 'B' applies.

(iv) Temporary occupation of a recreation vehicle: when a property owner wishes to construct a dwelling unit while staying in a recreational vehicle on the property, the owner may apply for permission to occupy the recreational vehicle, provided that the owner provides a form of security.

(1) A \$1,000 security deposit in an irrevocable letter of credit or other form satisfactory to a CVRD officer, and a notarized terms of agreement signed by the property owner. If an irrevocable letter of credit is chosen, it shall be automatically renewable unless cancelled, and shall be redeemable locally.

(2) An application fee pursuant to schedule 'B' applies.

(f) Application abandonment, withdrawal or extension

(i) An application that is inactive for a period of six months is deemed to be abandoned and will be closed. A refund pursuant to schedule 'B' may be requested by the applicant in writing.

(ii) If an application does not proceed or is withdrawn in writing by the applicant, a refund pursuant to schedule 'B' may be requested by the applicant in writing.

(iii) An applicant may apply for an application extension of up to one year. Any extension approved by the board, whether for the maximum one year or a lesser time, is subject to the fees pursuant to schedule 'B.'

(iv) Where an application has been denied, no reapplication for a substantially similar application shall be considered within one year of denial date of the previous application. This time limit may be varied pursuant to the *Local Government Act*.

(v) If an application is closed, withdrawn or denied, fees pursuant to schedule 'B' are applicable to any new application.

(g) Permit amendment

(i) Application process to amend a permit will be the same as the process for a new permit.

(ii) Application fees to amend a permit are in schedule 'B.'

(h) Notices to owners and tenants

- (i) Where notice is required, the following radius will apply:

Designation according to the Comox Valley regional growth strategy	Radius measured from the lot lines of the subject property
(1) Settlement nodes	50.0 metres
(2) Settlement expansion areas	100.0 metres
(3) Rural settlement areas	100.0 metres
(4) Agricultural areas	500.0 metres
(5) Resource Areas	500.0 metres

- (ii) If different radii are applicable, the greatest radius shall be used.

(i) Development notice sign guidelines

- (i) The development notice sign must be installed, at the applicant's expense, at least 10 days prior to a statutory public hearing date. The applicant must submit photographs showing the installed sign on a visible location of the subject property. Failure to do so will require a rescheduling of the public hearing and additional fees.
- (ii) After the statutory public hearing, the development notice sign must be promptly removed at the applicant's expense.
- (iii) The sign shall be designed consistent with the template supplied by the CVRD and contain the following minimum information:
- (1) Application type, application number, street address and applicant's name;
 - (2) Subject property map, may be supplied by the CVRD, with a north arrow and street names; and
 - (3) Description of the project considering proposed uses, gross floor area, building height, number of units and any other relevant information.
- (iv) Specifications:
- (1) The minimum size of the sign is 1.2 metres in width and 1.2 metres in height.
 - (2) The bottom of the sign façade must be at least 1.2 metres above grade.

Schedule 'B'

(1)	Bylaw amendment	
(a)	Official community plan	
(i)	As a standalone application	
(1)	Minor (e.g., policy change without changing density nor land use designation)	\$4,000
(2)	Major (e.g., change to density or land use designation)	\$5,000
(ii)	In conjunction with a zoning bylaw amendment application	\$2,500
(b)	Zoning bylaw	
(i)	Amendments limited to a zone exception	\$2,000
(ii)	All other amendments	\$3,000
(2)	Temporary use permit (per lot; see (14) for multiple lots)	
(a)	New application	\$1,500
(b)	Renewal	\$750
(3)	Development permit (DP) (per lot; see (14) for multiple lots)	
(a)	As a standalone application	
(i)	DP issuance has been delegated to CVRD officers	
(1)	Development permit area (DPA) No 1: Aquatic environmentally sensitive areas	\$300
(2)	DPA No. 2: Eagles Drive	\$400
(3)	DPA No. 3: Eagle nest trees	\$300
(4)	DPA No. 4: Heron nest sites	\$300
(5)	DPA No. 5: Back Road	\$400
(6)	DPA No. 8: Steep slopes	\$400
(7)	DPA No. 18: Shoreline protection devices	\$400
(ii)	DP issuance by the board (variable fees may apply)	
(1)	If a DP has been issued for the subject property, signage DP area guidelines only	\$200
(2)	DPA No. 6: Commercial and industrial uses	\$1,000
(3)	DPA No. 7: Resort tourism	\$1,000

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| (4) | DPA No. 9: Buffer for agricultural land | \$400 |
| (5) | DPA No. 10: Union Bay – tourism highway commercial | |
| (a) | Residential, rural or agricultural use only | \$400 |
| (b) | All other uses (including mixed uses) | \$1,000 |
| (6) | DPA No. 11: Village core (Royston local area plan) | |
| (a) | Residential, rural or agricultural use only | \$400 |
| (b) | All other uses (including mixed uses) | \$1,000 |
| (7) | DPA No. 12: Residential – conservation design (Royston local area plan) | \$400 |
| (8) | Mount Washington mixed use DP | \$1,000 |
| (9) | DPA No. 17: Kensington comprehensive DPA | |
| (a) | Residential, rural or agricultural uses only | \$400 |
| (b) | All other uses (including mixed uses) | \$1,000 |
| (10) | Variable fees for DP issuance by the board | |
| (a) | If the proposal is for residential use, add \$25 per residential unit over two units | |
| (b) | If the proposal is for any other uses, add \$1 per one square metre of floor area over 500 square metres or add \$25 per 0.1 hectares of lot area over 1.0 hectare of lot area, whichever results in the greater fee | |
| (c) | If the proposal contains both residential and other uses, the application fee shall be the combined total of the two fees | |
- (b) In conjunction with another application
- (i) For multiple DP applications within the same issuance authority, the application fee shall be the greatest fee within that group
 - (ii) For multiple DP applications not within the same issuance authority, the application fee shall be the combined total of the greatest fee within those groups
- (c) Permit amendment for an approved DP
- (i) If the amendment is made within the first two years of permit issuance, the additional fee shall be 75 per cent of the new application fee
 - (ii) If the amendment is made after the first two years of permit issuance, the additional fee shall be the same as the new application fee

(4)	Development variance permit (per lot; see (14) for multiple lots)	\$500
(5)	Board of variance (per lot; see (14) for multiple lots)	\$500
(6)	Site specific amendment to floodplain management bylaw (per lot; see (14) for multiple lots)	\$600
(7)	Subdivision referral	
(a)	Lot line adjustment where no net increase in the number of lots or lot consolidation	\$750
(b)	Subdivision (base fee)	\$1,000
(i)	Variable fee: for each additional lot over two lots	\$100
(8)	Strata conversion	
(a)	Base fee	\$1,500
(i)	Variable fee: for each additional lot or unit over two lots or units	\$100
(9)	For each home occupation, bed and breakfast, domestic business or domestic industrial use compliance review (per lot; see (14) for multiple lots)	\$150
(10)	Temporary occupation of an additional dwelling (per lot; see (14) for multiple lots)	
(a)	If the \$5,000 security deposit is to be paid by cash, cheque, debit card, irrevocable letter of credit or other form satisfactory to a CVRD officer	\$100
(b)	If a section 219 restrictive covenant is to be registered as a “rent charge” on the land title of the subject property (plus the CVRD lawyer’s expenses on an “at-cost” basis)	\$250
(11)	Temporary occupation of a recreational vehicle (per lot; see (14) for multiple lots)	\$100
(12)	Property information request report (per lot; see (14) for multiple lots)	\$150

- (13) Site profile (per lot; see (14) for multiple lots) \$100
- (14) Multiple lots in one application
- (a) For sections (2) to (6) of this schedule, the additional fee for each additional lot shall be \$150 or 25 per cent of the application fee, whichever results in the greater fee
 - (b) For sections (9) to (13) of this schedule, the additional fee for each additional lot shall be the separate application fee
- (15) Development proposal notice sign, statutory public hearing or public information session
- (a) If an application requires the installation of a development proposal notice sign, the applicant shall pay for the installation, maintenance and removal of such sign
 - (b) Each statutory public hearing organized and conducted by CVRD staff (this fee includes the publication of notice in a newspaper, and this fee shall be fully refundable if the board declines to advance the application to statutory public hearing) \$1,500
 - (c) Each public information session organized and conducted by CVRD staff, at the request of a standing committee of the board or the board \$1,000
- (16) Land title and related documents
- (a) All application fees include **electronic** retrieval of certificate of title, covenant, easement, right-of-way agreement, plan and development agreement
 - (b) For each **manual** retrieval of covenant, easement, right-of-way, plan and development agreement from the Land Title Office, the additional fee shall be \$50
 - (c) Covenant, easement, right-of-way, plan and development agreement modification or discharge
 - (i) If the document was registered in connection with a bylaw amendment, its modification or discharge requires a statutory public hearing; the application fee shall be the CVRD lawyer's expenses on an "at-cost" basis, plus the statutory public hearing fee
 - (ii) If the document was not registered in connection with a bylaw amendment, the application fee for its modification or discharge shall be the CVRD lawyer's expenses on an "at-cost" basis

(17) Application extension

- (a) For each application extension, the additional annual fee shall be 75 per cent of the new application fee, payable prior to board approval and refundable if extension request is denied by the board

(18) Application withdrawal or refund

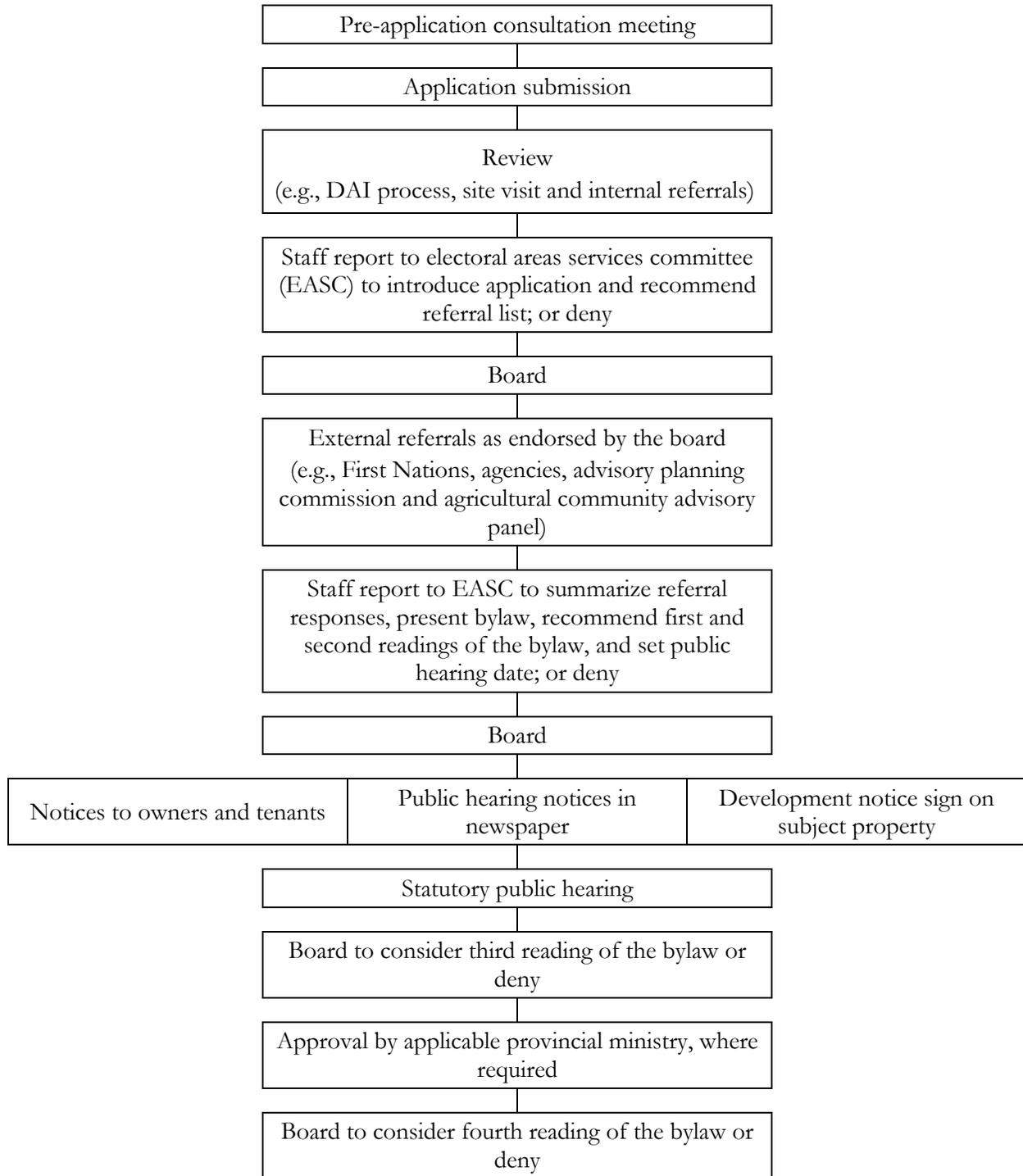
- (a) If an application is withdrawn in writing
 - (i) Before referral has been circulated for internal departments for comments, the refundable portion of the application fee shall be 75 per cent
 - (ii) Before a document, such as a staff report or the preliminary conditions for a subdivision, is signed by a CVRD officer, the refundable portion of the application fee shall be 50 per cent
- (b) Unless otherwise stated in this bylaw, no refunds for any application that has been considered by a CVRD officer or the board, unless upon written request by the applicant, and the board approves a refund by resolution

Schedule 'C'

(1) Procedures

(a) Official community plan (OCP) or zoning bylaw amendment

- (i) An OCP or zoning bylaw amendment application submitted in accordance with this bylaw will be processed in substantial accordance with the following:

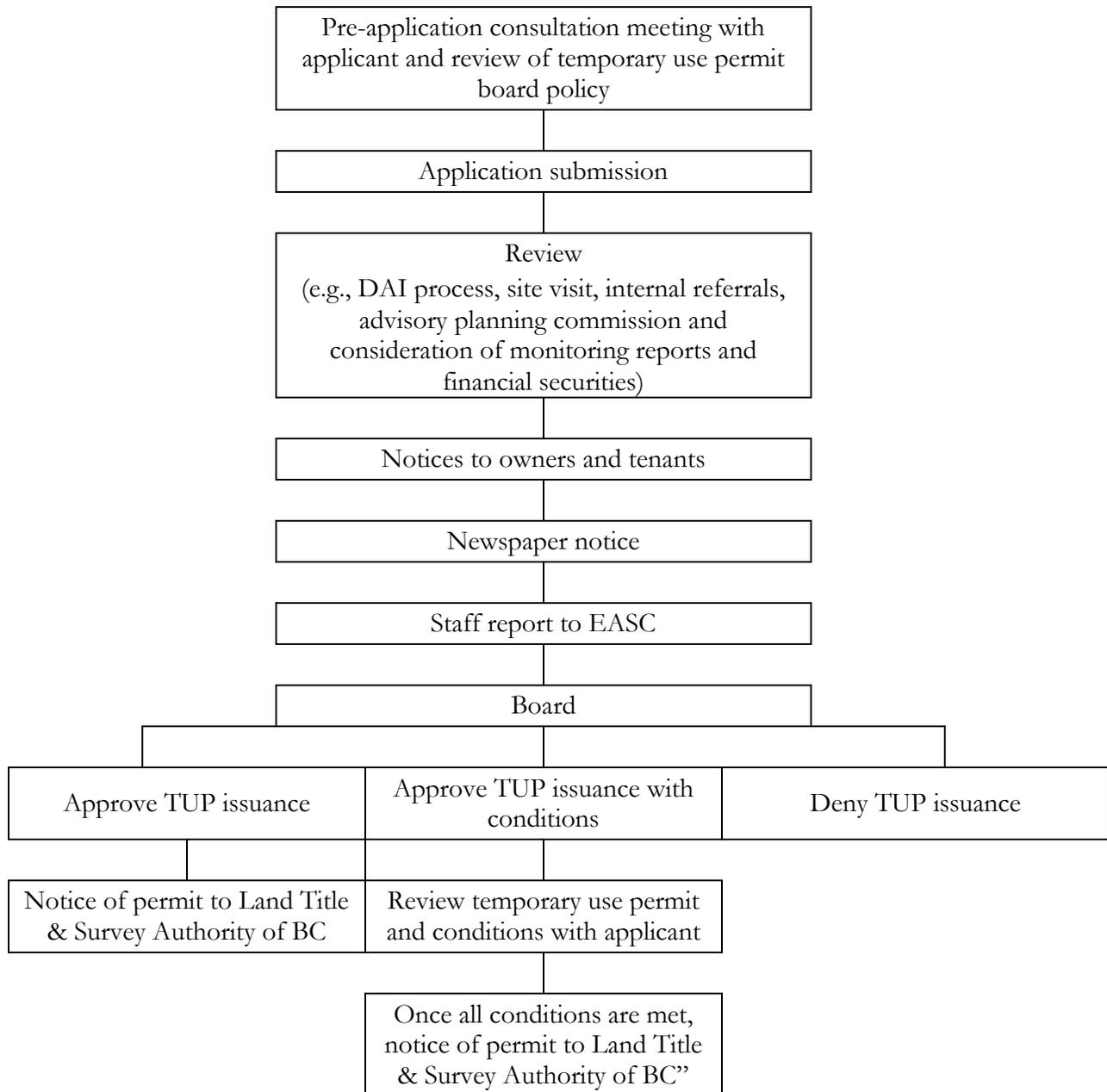


(ii) Notes

- (1) Staff may contact the applicant to identify any issues, conditions or requirements that need to be addressed. It will be the responsibility of the applicant to:
 - (a) resolve issues, conditions or requirements identified; and
 - (b) submit any necessary reports or studies.
- (2) The board may proceed as shown in the flowchart, may defer the application, may impose conditions or may deny the application. Additionally, the board may request that an applicant:
 - (a) advertise and host one or more public information sessions at their expense;
 - (b) conduct, or pay a consultant to conduct, any studies deemed necessary to the board's consideration of the application; or
 - (c) provide information or execute actions (e.g., register agreements).

(b) Temporary use permit (TUP) application

- (i) A TUP application submitted in accordance with this bylaw will be processed in substantial accordance with the following:



- (ii) TUP renewal

- (1) An applicant may apply to renew the TUP and the permit may be renewed only once.
- (2) The renewal should be applied for and granted within the term of the original TUP.
- (3) The board may impose additional conditions, including those that were not imposed in the original TUP.

(4) A renewal application is subject to notification under schedule 'A' section 1(H)."

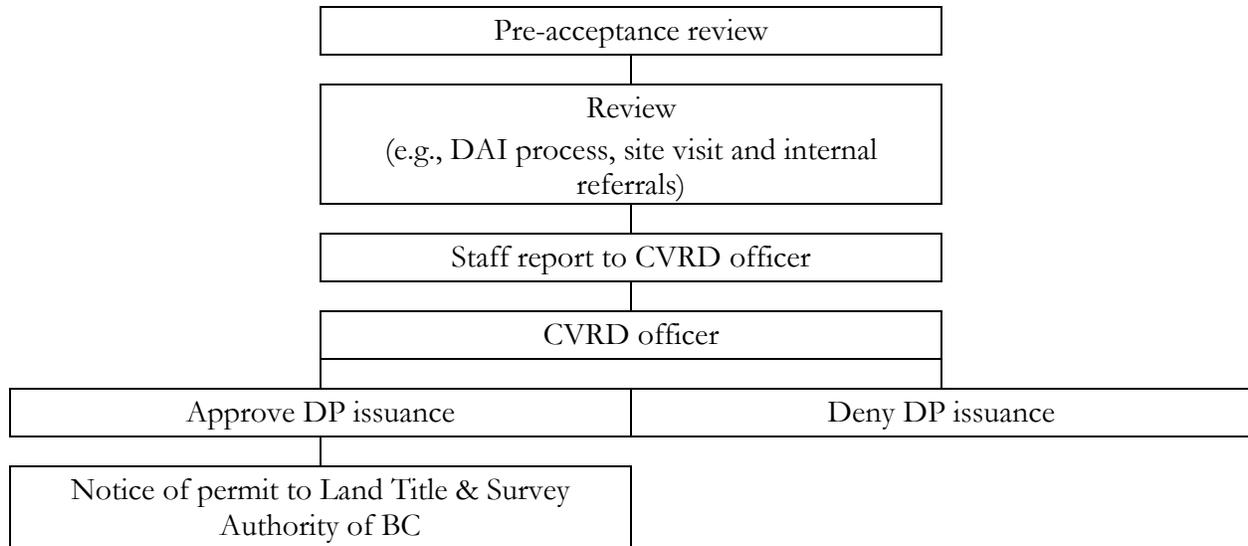
(iii) Notes

(1) Staff may contact the applicant to identify any issues, conditions or requirements that need to be addressed. It will be the responsibility of the applicant to:

- (a) resolve issues, conditions or requirements identified; and
 - (b) submit any necessary reports or studies.
- (2) Periodic monitoring reports and/or a post activity report will be considered.

(c) Development permit (DP) application - issuance has been delegated to CVRD officers

- (i) A DP application submitted in accordance with this bylaw will be processed in substantial accordance with the following:

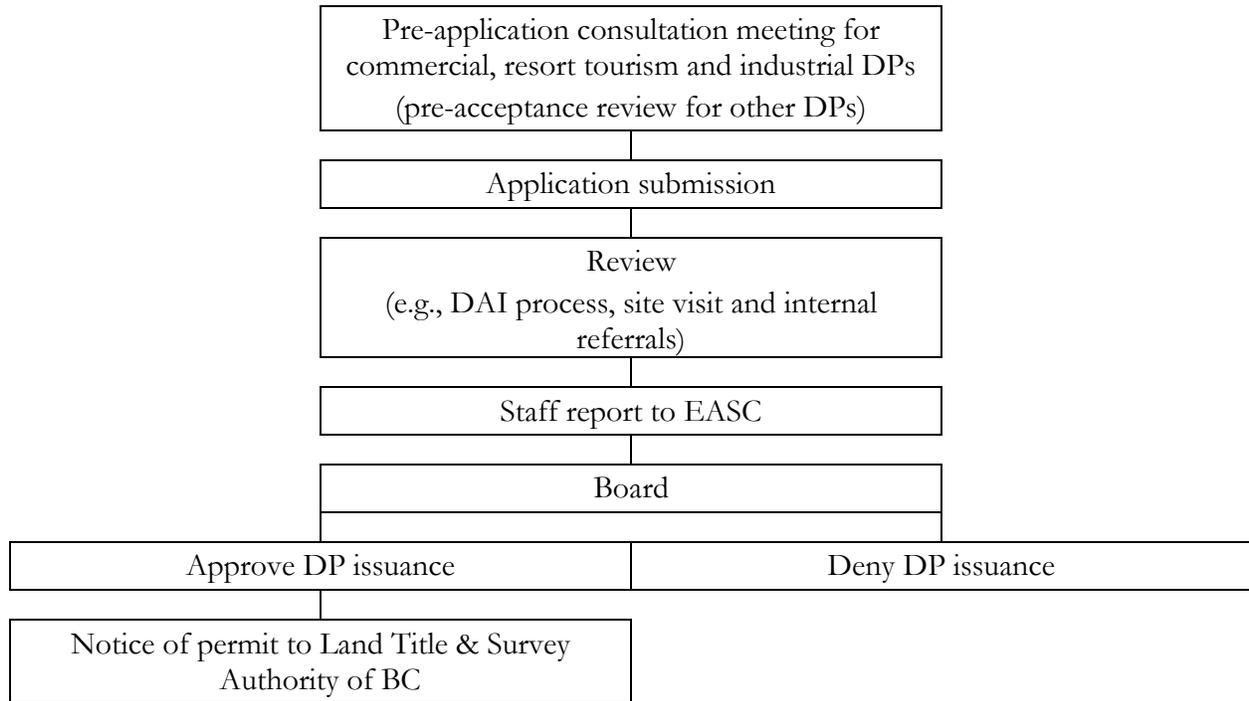


(ii) Notes

- (1) Staff may contact the applicant to identify any issues, conditions or requirements that need to be addressed. It will be the responsibility of the applicant to:
 - (a) resolve issues or requirements identified; and
 - (b) submit any necessary reports or studies.
- (2) If the applicant disagrees with the CVRD officer’s decision, the applicant may have the decision reconsidered by the board. Process and requirements for the reconsideration request is set out in Bylaw No. 2365, being the “Development Permit Delegation Bylaw 2001” and amendments thereto.

(d) DP application - DP issuance by the board

- (i) A DP application submitted in accordance with this bylaw will be processed in substantial accordance with the following:

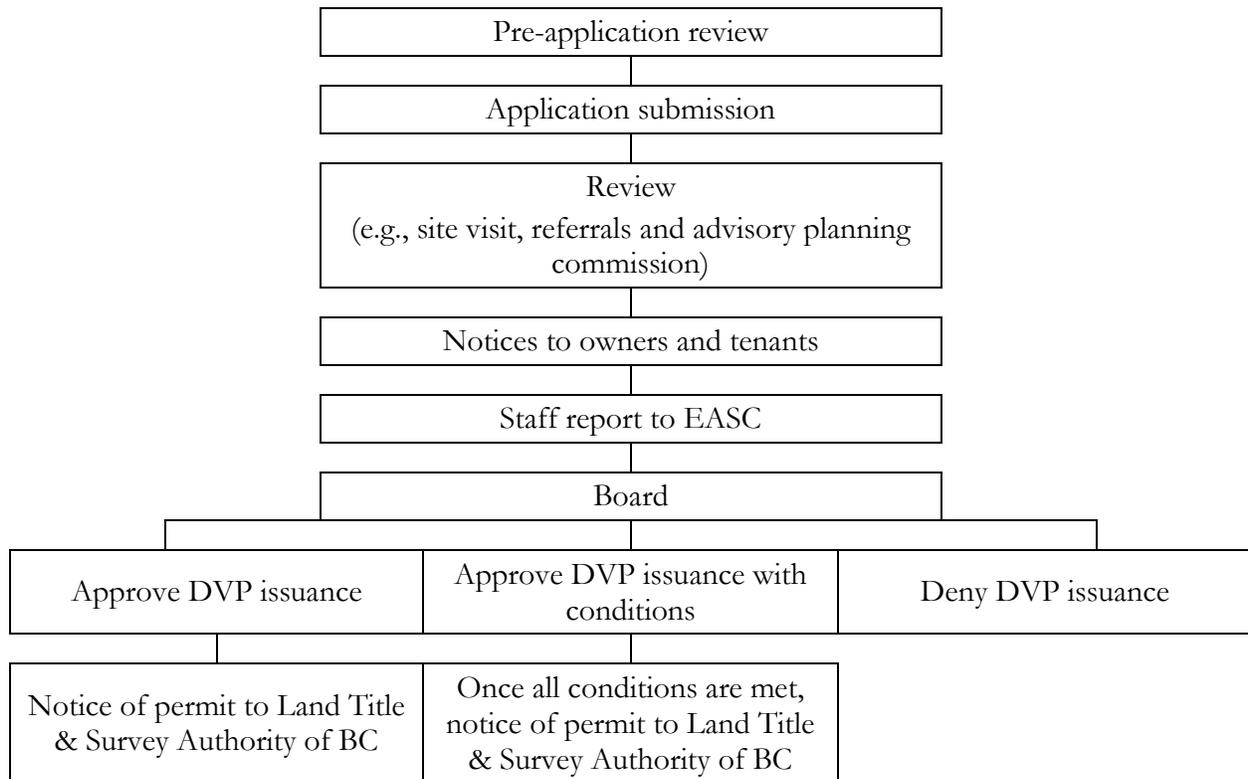


- (ii) Notes

- (1) Staff may contact the applicant to identify any issues, conditions or requirements that need to be addressed. It will be the responsibility of the applicant to:
- (a) resolve issues, conditions or requirements identified; and
 - (b) submit any necessary reports or studies.

(e) Development variance permit (DVP) application

- (i) A DVP application submitted in accordance with this bylaw will be processed in substantial accordance with the following:



(ii) Notes

- (1) Staff may contact the applicant to identify any issues, conditions or requirements that need to be addressed. It will be the responsibility of the applicant to:
- (a) resolve issues, conditions or requirements identified; and
 - (b) submit any necessary reports or studies.