

The following is a consolidated copy of the regional growth strategy fees and charges bylaw and includes the following bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
274	Comox Valley Regional District Regional Growth Strategy Fees and Charges Bylaw, 2014	March 18, 2014	To establish fees and charges for amending the Comox Valley regional growth strategy

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. 274

**A bylaw to establish fees and charges for amending the
Comox Valley regional growth strategy**

WHEREAS the Comox Valley Regional District adopted the Comox Valley regional growth strategy (RGS) by Bylaw No. 120 being “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010” on the 29th day of March 2011;

AND WHEREAS the board may, by bylaw in accordance with section 363 of the *Local Government Act* impose a fee or charge payable in respect of all or part of a service of the regional district,

AND WHEREAS under section 803.1 of the *Local Government Act* all costs incurred by a regional district in relation to a service, including costs of administration attributable to the service, are part of the costs of that service;

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

Citation

This Bylaw No. 274 may be cited for all purposes as the “Comox Valley Regional District Regional Growth Strategy Fees and Charges Bylaw, 2014”.

Application

1. (1) This bylaw shall be applicable to all lands within the jurisdiction of the CVRD above the high-water mark of the east coast of Vancouver Island, that are subject to any amendment of the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010”.
- (2) The fee schedule for the applications included in this bylaw is set out in schedule ‘1’ attached hereto, which forms part of this bylaw.
- (3) The application requirements under which an applicant may apply for an amendment to the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010” are set out in schedules ‘2’ and ‘3’ attached hereto, which forms part of this bylaw.
- (4) The procedures to process an amendment to the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010” are set out in schedule ‘4’ attached hereto, which forms part of this bylaw.

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 regional district.
- (2) If any section or subsection of this bylaw is found to be invalid it may be severed without affecting the validity of the remainder of the bylaw.

SCHEDULE 1

The applicant shall be fully responsible for the following fees

1. Application fees for all applications to amend the RGS	
• Pre-application meeting - preliminary review of proposed amendment.	No charge
• Non-refundable processing fee for each application received to determine if board wants to initiate the amendment.	\$1,000.00
• A potentially refundable fee for board review to determine if the application warrants a minor or a standard amendment and to obtain board approval for the consultation plan.	\$9,000.00
2. Upon board approval of the consultation plan for the RGS amendment, when a public hearing is included	
• A potentially refundable advertising fee for each public hearing required.	\$1,500.00
3. Upon board approval of the consultation plan for the RGS amendment, when public meetings, public information sessions and open houses are included	
• A potentially refundable advertising fee for each public meeting, public information session and/or open house organized and conducted by CVRD staff as included in the approved consultation plan.	\$1,500.00
4. Upon board approval of the consultation plan, the full cost of renting venues and potential equipment for public hearings, public meetings, public information sessions and/or open houses specified in the consultation plan	
• A non-refundable fee for the deposit and rental of each venue and potential equipment when meetings are organized and conducted by CVRD staff.	T.b.d.
5. Upon receiving a bill, the full cost of potential direct legal expenses	
• A non-refundable fee to cover all potential direct legal expenses of the CVRD pertaining to the RGS amendment application received, amounts of which will be negotiated.	T.b.d.
6. Upon receiving a bill, the full cost of expenses relating to potential arbitration fees	
• A non-refundable fee for potential arbitration expenses of the CVRD pertaining to dispute resolution regarding the application received.	T.b.d.
7. Upon receiving a bill, the full cost of title searches for obtaining copies of covenants, easements, rights-of-way etcetera	
• A non-refundable fee on an at-cost basis, which includes all potential legal costs incurred by the CVRD to review or revise the necessary documentation pertaining to the amendment application received.	T.b.d.

SCHEDULE 2

Application requirements

1. *Application*

Any member municipality, the regional district, external agency, private land owner or developer may apply to amend the RGS. An application must be completed upon the form included as schedule ‘3’ of this bylaw and submitted to the CVRD together with all plans, dimensions, and fees specified in this bylaw.

2. *Application acceptance*

To complete an application, the upfront application fee specified in schedule ‘1’ of this bylaw are required to be paid upon submission of an application to amend the RGS.

The CVRD may refuse to receive any applications that fail to include the fees required in schedule ‘1’ of this bylaw or any required information per the application requirements noted within this bylaw.

If payment is not received in accordance with this bylaw, the processing of the RGS amendment application shall not proceed.

The upfront application fees as specified in schedule ‘1’ of this bylaw shall be paid to the CVRD at the time of submitting an application. The official date of application shall be when all information required for the application and the corresponding fee in accordance with this bylaw are received.

The application processing fee attached as schedule ‘1’ of this bylaw may be waived in whole or in part when the board determines that the application warrants a minor amendment of the RGS and this amendment is reviewed and processed in conjunction with a five year review of the RGS that has been planned and budgeted.

In addition to the upfront application fee, the applicant shall be responsible for the full cost of all other fees and expenses specified in schedule ‘1’ of this bylaw, which shall be paid to the CVRD before the processing of the application will continue. These other expenses include:

- (1) A potentially refundable processing fee for each application received to assess and let the board determine if the application warrants a minor or a standard amendment of the RGS and to obtain board approval for the consultation plan.
- (2) Advertising cost and staff resources (\$1,500.00) for each public hearing, and other public meetings, information sessions and/or open houses determined by the board-approved consultation plan.
- (3) The full cost of all meetings, potential rental of venues, potential renting of equipment such as microphones and speakers resulting from the board approved public consultation plan.
- (4) The full cost of direct legal expenses including, but not limited to, professional fees arising from legal work required in conjunction with the processing of any application in their entirety. An applicant shall not be responsible for paying legal expenses incurred by the regional district for obtaining advice or opinions which represent the district’s interest.

- (5) The CVRD’s portion of costs for resolution of non-acceptance of a RGS bylaw amendment including facilitation or arbitration by a neutral party.
- (6) The full at-cost of title searches for obtaining copies of covenants, easements, rights-of-way, etcetera, which includes all legal costs incurred by the CVRD to review or revise any of the aforementioned items.

3. Refunds

Where an application does not proceed or is withdrawn, a refund as outlined in schedule ‘1’ of this bylaw will be provided to the applicant where an applications is withdrawn in writing before a review by the technical advisory committee (TAC). In that instance, the applicant shall be eligible for a 50 per cent refund of the application fee. (\$4500)

No refunds of any portion of the application fee shall apply to any submission that has been considered by the board to determine if the proposed amendment warrants a minor or a standard amendment of the RGS or where the board declines to approve the amendment.

The advertising fees paid for each aforementioned public hearing or meeting shall be refundable if the regional district board declines to advance the application to the proposed public hearing or meeting.

4. Cancellation

Applications one year old or older, that are inactive for a period of six months due to an applicant not providing information or fees required, are deemed to be abandoned and will be closed. Where appropriate and requested by the applicants, refunds will be provided pursuant to schedules ‘1’ and ‘2’ of this bylaw.

5. Reapplication

- (1) Where an application has been denied, no reapplication for a substantially similar amendment shall be considered within 12 months of the date of rejection of the previous application. Fees as per schedule ‘1’ of this bylaw are applicable to any new application.
- (2) Where an application has been withdrawn, fees as per schedule ‘1’ of this bylaw are applicable to any new application.

6. Application requirements

At the time of submitting an application, the applicant shall provide:

- (1) The completed application form included as schedule ‘3’ of this bylaw to the CVRD strategic and long range planning branch.
- (2) Detailed site plans of the proposed land use and any other information required by the CVRD. All drawings submitted must be clearly drawn to scale. Where applicable drawings must include an authorized professional’s signature and seal.
- (3) A written brief to the satisfaction of the CVRD, describing the current and proposed amendment to the RGS:
 - (a) In the context of the RGS, describing the location of the subject land, and/or text portions that are subject to the amendment application and the reasons/rationale for the proposed amendment.

- (b) When applicable, indicating the present RGS growth management map designated use of the subject land and the proposed RGS use of the subject land.
 - (c) When applicable, listing all the policies of the RGS that support the proposed use of the subject land and those policies that need to be amended and a proposal of how the proposed amended policies should be worded to accommodate the proposed amendment.
 - (d) When applicable, indicating the text portions of the RGS that need to be amended and how the proposed amended text portions should be worded.
- (4) As every application is unique, there may be further requirements at the discretion of the CVRD that the applicant, at the cost of the applicant, has to provide. These requirements may include, but are not limited to, geotechnical analyses, building schemes, archaeological and heritage site analyses, and/or any other items described below. Any additional requirements not specified above in section 6 (1) to (3), will be set out in a letter from the CVRD to the applicant, which may include the following:
- (a) Servicing requirements: proposed development must address impacts on ground water, on-site and off-site drainage, sanitary services, flood proofing, water supply, and transportation access. This may include studies prepared by professional engineers, soil scientists, biologists, and/or geotechnical specialists on any of these areas of interest prior to consideration by the CVRD. Terms of reference for these studies will be specified by the CVRD, when required.
 - (b) Certification of compliance as required prior to proceeding to a potential public hearing, where the proposed development falls within the scope of the contaminated sites regulations of the *Environmental Management Act*.
 - (c) A current (dated not more than 12 months prior to the date of application) compliance letter and septic report addressing the state of the septic system from a registered onsite wastewater practitioner (ROWP). Where the scope of the project is sufficiently large, it may require a community sewage disposal system with the appropriate permit from the environmental management branch of Ministry of Environment. In addition, the regional district may forward the application to the Vancouver Island Health Authority (VIHA) for its review and comment. A letter of support from the VIHA may be requested by the CVRD.
 - (d) The feasibility of constructing and/or altering the sewer and water systems for the purpose of extending the infrastructure into the proposed development.
 - (e) An environmental assessment may be required, with the terms of reference specified by the CVRD, where the proposed development contains or is in close proximity to environmental hazards, environmentally sensitive habitats, groundwater recharge areas, and/or other areas of environmental significance.

SCHEDULE 3

Application form

Include the form together with all the information required in schedule ‘2’ of this bylaw

Property information (Refer to your tax assessment notice or certificate of title.)

Legal description	
Civic address	
PID	BC Assessment roll no.

Owner information

Name(s)	Company	
Mailing address	City	
	Province	Postal code
Phone(s)	Email	

Applicant information (If the applicant is not the owner(s), complete this and the agent authorization sections. All communication will be forwarded to the applicant only.)

Name(s)	Company	
Mailing address	City	
	Province	Postal code
Phone(s)	Email	

Agent authorization (Complete only if the applicant is not the owner(s).)

I/we, (owner's name)	
declare that I am/we are the property owner(s) noted on this form, and hereby authorize	
(agent's name)	to act as agent in the matter of this application

Owner's name 1	Signature
Owner's name 2	Signature
Owner's name 3	Signature

All owners shown on the certificate of title must sign. Attach a separate page with additional signatures.

Imprint area

Office use

P S R	Date received	Received by
	Fee \$	Payment method
	File number	

Provincial site profile

Section 40(1) of the *Environmental Management Act* requires a site profile to be completed with an application when the applicant knows, or reasonably should know, that a site has been used or is being used for commercial or industrial purposes. If any activities found in schedule two of the *Contaminated Sites Regulation* apply to the subject property, the applicant is required to complete a site profile. The above- mentioned schedule two and the site profile application form are available in the “land remediation” section of the BC Government web site (www.gov.bc.ca), as well as at the CVRD. If any of the listed activities in schedule two applies, contact the CVRD. If any of the listed activities in schedule two does not apply, complete the following declaration:

I hereby declare that, based upon my current knowledge of the subject property, no schedule two activities listed in the Contaminated Sites Regulation have been carried out.

Signature	Date
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Notice of collection of personal information

Personal information on this application form is collected for the administration, enforcement and processing of this application. The personal information is collected under the authority of the *Freedom of Information and Protection of Privacy Act* (FIPPA), *Local Government Act* and CVRD bylaws. All documentation, drawings, plans and information submitted in support of this application become part of the CVRD’s records and therefore subject to the FIPPA. For questions about the collection of personal information, please contact the CVRD’s corporate legislative officer at 600 Comox Road, Courtenay, BC or at 250-334-6000.

Declaration

I, the undersigned, am aware that a pre-consultation meeting with staff from strategic and long range planning branch is required as a part of the planning process. Together with the project proposal, I have attached the required documentation as noted on the this application form, along with the required application fee and hereby agree to submit further information deemed necessary for processing this application. I hereby certify that the documentation and information provided with respect to this application is full and complete¹ and is, to the best of my knowledge, a true statement of the facts related to this application. Lastly, I hereby acknowledge that an incomplete application will not be processed and will be returned to me, and that any fees paid are non-refundable except as noted in the RGS fees and charges bylaw.

Signature	Date
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¹ **A complete application includes:** a completed application form, required attachments and all application fees paid; a complete set of plans and supporting information regarding the project proposal compiled by applicant; proof of compliance with potential development agreements identified on certificates of title and conditions of previous planning approvals; identification of existing easements and rights-of-way affecting the subject land(s). Incomplete applications will not be processed and will be returned.

Submit a complete application to:

Comox Valley Regional District, strategic and long range planning branch 600 Comox Road Courtenay, BC V9N 3P6	Tel: 250-334-6000 Toll free: 1-800-331-6007 Email: administration@comoxvalleyrd.ca Fax: 250-334-8156
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SCHEDULE 4

Processing an application received

1. *Pre-application meeting*

Before an application in accordance with schedule '2' of this bylaw is prepared, the applicant is required to have a pre-application meeting with staff from the CVRD (strategic and long range planning, and planning services) to determine the details of the application and any additional information listed in schedule '2' section 6(4) of this bylaw that is required.

2. *The CVRD board initiates an RGS amendment*

Upon receipt of a completed application, staff will prepare a report to the board to determine if:

- (1) The board is in favour of initiating an RGS amendment process.
- (2) More information is required from the applicant in order for the board to make the decision.
- (3) Once the board has approved initiating an application, the application will be assessed and reviewed by the technical advisory committee and the steering committee and presented for a second time to the board to determine if it will proceed as a minor or standard amendment based on the CVRD regional growth strategy criteria, and to obtain board approval for the consultation plan.

If the board initiates the RGS amendment through a board resolution, the CVRD will set up a technical advisory committee and prepare a report for the meeting. The technical advisory committee will review the application against the RGS minor amendment criteria and provide comments to the steering committee.

The RGS steering committee will review the information gathered, comments from the technical advisory committee and make recommendations to the board.

3. *Processing an Application*

- (1) Once the board has, by resolution, determined if the application shall be considered a minor or standard amendment, and to proceed with the application, the application will be processed in accordance with the RGS and *Local Government Act* provisions.
- (2) These provisions include the design of a public consultation plan and written notice to each affected local government and in the case of a standard amendment, notification to the Minister of Community, Sport and Cultural Development.
- (3) Upon board approval of the consultation plan, the CVRD will notify the applicant in writing of the fees required in accordance with schedules '1' and '2' of this bylaw. These additional fees must be paid prior to the application proceeding.
- (4) The board may, at any time, amend the consultation plan and accordingly, the fees owed by the applicant, in response to issues that may emerge during the consultation phase of the application in accordance with the fee structure included in this bylaw.

4. *Public notification*

- (1) The *Local Government Act* sets out the requirements for designing a public consultation plan, which may or may not include public hearings, meetings, information sessions and/or open houses, and which must be approved by the board.
- (2) Notice of a public hearing shall be published in an appropriate newspaper, according to the policies of the board.
- (3) A project website will be used to notify the public of the progress made with the amendment of the RGS.

5. *Conclusion of the RGS bylaw amendment*

After the board has processed an amendment application, the applicant will be notified in writing of the outcome.