



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. P1480

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 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 Regional District of Alberni-Clayoquot, in open meeting assembled, enacts as follows:

1. Citation

This Bylaw may be cited for all purposes as “Development Procedures and Fees Bylaw P1480, 2023”.

2. Definitions

“Act” means the *Local Government Act*.

“Advisory Planning Commission” means an Advisory Planning Commission established by bylaw for the purposes of advising the Alberni-Clayoquot Regional District on matters of land use, community planning, bylaw and permits;

“ACRD” means the Alberni-Clayoquot Regional District;

“Applicant” means the registered owner of a property subject to a development application, or an agent authorized in writing by the registered owner;

“Board” means the Board of Directors of the Alberni-Clayoquot Regional District;

“CAO” means the Chief Administrative Officer of the Alberni-Clayoquot Regional District;

“Development application” means an application, bylaw amendment, permit and referral to the ACRD referenced under Section 3(c) of this bylaw.

“Director” means the elected Director for an Electoral Area of the Alberni-Clayoquot Regional District;

“Electoral Area” means Electoral Area “A”, “B”, “C”, “D”, “E”, and “F” of the Alberni-Clayoquot Regional District;

“OCP” means an Official Community Plan adopted by the Alberni-Clayoquot Regional District;

“Permit” means a development permit, development variance permit or temporary use permit authorized for issuance under Part 14 of the *Local Government Act*;

“Zoning Bylaw” means a Zoning Bylaw adopted by the Alberni-Clayoquot Regional District;

3. Schedule

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

- a) Schedule “A” – 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 bylaw amendment, permit or application procedures as outlined in this Bylaw.
- c) This Bylaw applies to the following applications, bylaw amendments, 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 use permits;
- iv. subdivision application referrals;
- v. Agricultural Land Commission application referrals;
- vi. cannabis retail store referrals from the Liquor and Cannabis Regulation Branch;
- vii. discharge or consent to amendment of a Restrictive Covenant to which the ACRD is a signatory or named party;
- viii. 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
- ix. requests to extend the term limit of a development permit or development variance permit.

d) Schedule "A" attached hereto and forming part of this Bylaw are hereby adopted as the planning 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 bylaw amendments or permits shall be made to the ACRD, on the applicable form.
- 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 General 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 Chief Administrative Officer (CAO) and General Manager of Planning and Development, its authority for the issuance of development permits.

6. Comprehensive Development Area Applications

- a) Applications to develop Comprehensive Development Area (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 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 General 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 General Manager of Planning and Development. 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 "A" 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 "A" 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 Electoral Area specifically requests it.

11. Public Notification and Public Hearings

- a) The public notice requirements for development applications are prescribed in the *Local Government Act*. Public notice shall be issued pursuant to the requirements in the *Local Government Act* for the following:
 - i. Public Hearing pursuant to Section 466 for an OCP amendment, Zoning Bylaw amendment, land use contract amendment or discharge or phased development agreement;
 - ii. proposed issuance of a development variance permit; and
 - iii. proposed issuance of a temporary use permit.
- b) Public notice in any case noted in Section 11(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) Members of the public wishing to provide correspondence to the Board in relation to the proposed issuance of a development variance permit or temporary use permit must provide correspondence received by the ACRD by 4:30 pm on the day before the Board meeting where final consideration of such an application is to be given.
- d) Members of the public wishing to provide correspondence to the Board in relation to matters for which a Public Hearing is held must provide that correspondence in the manner set out in Section 11(e) below, no earlier than the date of the publication of the Public Hearing notice and no later than the termination of the Public Hearing. Any correspondence received by the ACRD prior to the publication date of the Public Hearing notice or after the termination of the Public Hearing will not be included in the Public Hearing report or Public Hearing minutes considered by the Board.
- e) Correspondence relating to a matter for which a Public Hearing is held will only be accepted and considered by the Board if provided pursuant to the timelines set out in Section 11(d) above, and provided to the ACRD by one of the following methods:
 - i. Hard copy provided at the Public Hearing, or in person or by mail to the ACRD Office, 3008 Fifth Avenue, Port Alberni, BC addressed to the Planning Department.
 - ii. Email sent to [the email address specified on the public hearing notice](#). Email correspondence will only be considered received if receipt confirmation is

provided by ACRD staff. The deadline for receipt of email correspondence is 4 pm on the day of the Public Hearing.

- f) Within 30 days of the application date for an OCP amendment, Zoning Bylaw amendment, land use contract amendment or discharge, or phased development agreement, the applicant will be required by the ACRD to erect, or cause to be erected, a sign that is a minimum of 1.2 m (4 ft) by 2.4 m (8 ft) in size on the subject property.
- g) In the case of applications for OCP amendment, Zoning Bylaw amendment, land use contract amendment or termination or phased development agreement, Public Hearings are governed by the *Local Government Act*. Following a Public Hearing, the Board will proceed in accordance with Section 470 of the *Act*.

12. Permit – Issuance or Refusal

- a) The Board may, in the case of an application for a development variance permit or temporary 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 12(a) 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 General 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 General 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 Development Procedures and Fees Bylaw P1403, 2019 is hereby repealed.

READ A FIRST TIME this 26th day of July, 2023

READ A SECOND TIME this 26th day of July, 2023

READ A THIRD TIME this 26th day of July, 2023

ADOPTED this 26th day of July, 2023

Wendy Thomson

Corporate Officer

John Jack

Chair of the Regional Board



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. P1480, SCHEDULE A – FEES

Effective up to and including December 31, 2023

APPLICATIONS, MEETINGS, HEARINGS AND REFERRALS	FEE
Official Community Plan (OCP) Amendment	\$1,000
Zoning Amendment Residential or Rural	\$1,150 + \$250 per new lot
Zoning Amendment Cottage, Seasonal Residential, Vacation Rental	\$1,875 + \$250 per new lot
Zoning Amendment Guest House or Duplex	\$1,500 + \$250 per new lot
Zoning Text Amendment	\$1,250
Zoning Amendment Commercial, Industrial, Multi-Family, Institutional	\$3,750 + \$500 per ha
Zoning Amendment Comprehensive Development - Minor "Minor" means one use plus green space	\$5,000 + \$500 per ha (excluding green space)
Zoning Amendment Comprehensive Development - Major "Major" means two or more uses plus green space	\$7,500 + \$1,000 per ha (excluding green space)
Temporary Use Permit	\$525 + \$250 advertising and notice
Minimum Parcel Frontage Waiver	\$500
Development Permit Residential or Rural	\$200
Development Permit other than Residential or Rural	\$1,125
Development Variance Permit Residential or Rural	\$650 + \$150 for notice
Minor Development Variance Permit Residential or Rural	\$300
Development Variance Permit other than Residential or Rural	\$875 + \$150 for notice
Minor Development Variance Permit other than Residential or Rural	\$500
Public Hearing Fee or Statutory Public Meeting	\$800 + \$450 advertising and notice
Statutory Notice When a Public Hearing is not Held	\$450 advertising and notice
Subdivision Referral Residential or Rural	\$400 + \$100 per new lot
Subdivision Referral other than Residential or Rural	\$675 + \$100 per new lot
Board of Variance	\$400 + \$250 advertising and notice
Cannabis Retail Store Referral	\$1,000
Provincial Agricultural Land Commission (ALC) Referrals	As required by ALC
ALC Exclusion Application Request	\$2000 + Public Hearing Fee

BYLAW NO. P1480, SCHEDULE A – FEES

DOCUMENTS & REQUESTS	FEE
Official Community Plan (OCP) Text	\$35
Zoning or OCP Map	\$20 per map
Zoning Bylaw Text	\$35
Custom Map – full size	\$20 + \$40 per hour min
Custom Map – letter, legal or tabloid size	\$10 + \$40 per hour min
Unoccupied Property Civic Address Request	\$100 per address
Letter of Zoning Confirmation	\$100
Historic Review of Development File	\$100 + \$40 per hour

* Taxes extra where applicable.

BYLAW NO. P1480, SCHEDULE A – FEES

Effective January 1, 2024

APPLICATIONS, MEETINGS, HEARINGS AND REFERRALS	FEE
Official Community Plan (OCP) Amendment	\$1,500
Zoning Amendment Residential or Rural	\$2,000 + \$500 per new lot
Zoning Amendment Cottage, Seasonal Residential, Vacation Rental	\$3,000 + \$500 per new lot
Zoning Amendment Guest House or Duplex	\$2,000 + \$500 per new lot
Zoning Text Amendment	\$2,000
Zoning Amendment Commercial, Industrial, Multi-Family, Institutional	\$5,000 + \$1,000 per ha
Zoning Amendment Comprehensive Development - Minor "Minor" means one use plus green space	\$5,000 + \$1,000 per ha (excluding green space)
Zoning Amendment Comprehensive Development - Major "Major" means two or more uses plus green space	\$10,000 + \$2,000 per ha (excluding green space)
Temporary Use Permit	\$600 + \$500 advertising and notice
Minimum Parcel Frontage Waiver	\$750
Development Permit Residential or Rural	\$300
Development Permit other than Residential or Rural	\$1,500
Development Variance Permit Residential or Rural	\$1,000 + \$300 for notice
Minor Development Variance Permit Residential or Rural	\$300
Development Variance Permit other than Residential or Rural	\$1,000 + \$300 for notice
Minor Development Variance Permit other than Residential or Rural	\$500
Public Hearing Fee or Statutory Public Meeting	\$1,000 + \$900 advertising and notice
Statutory Notice When a Public Hearing is not Held	\$900 advertising and notice
Subdivision Referral Residential or Rural	\$500 + \$100 per new lot
Subdivision Referral other than Residential or Rural	\$750 + \$100 per new lot
Board of Variance	\$500 + \$500 advertising and notice
Cannabis Retail Store Referral	\$1,000
Provincial Agricultural Land Commission (ALC) Referrals	As required by ALC
ALC Exclusion Application Request	\$2000 + Public Hearing Fee

DOCUMENTS & REQUESTS	FEE
Official Community Plan (OCP) Text	\$50
Zoning or OCP Map	\$25 per map
Zoning Bylaw Text	\$50
Custom Map – full size	\$25 + \$45 per hour min
Custom Map – letter, legal or tabloid size	\$15 + \$45 per hour min

BYLAW NO. P1480, SCHEDULE A – FEES

Unoccupied Property Civic Address Request	\$100 per address
Letter of Zoning Confirmation	\$100
Historic Review of Development File	\$100 + \$65 per hour

* Taxes extra where applicable.