

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1259

(Consolidated for convenience only to include up to 1259.12)

A BYLAW TO ESTABLISH FEES FOR PLANNING RELATED PRODUCTS AND SERVICES

WHEREAS Part 26 of the **Local Government Act** provides for applications for amending official community plans, the issuance of development permits, development variances permits, temporary use permits and other permits, the amendment of land use contracts and other bylaws, and the review of subdivision applications;

AND WHEREAS Section 895 of the **Local Government Act** provides that where a local government has adopted an official community plan or a zoning bylaw, the local government must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or for the issuance of a permit under Part 26 of the **Local Government Act**;

AND WHEREAS pursuant to Section 931 of the **Local Government Act**, the Board may, by bylaw, impose fees related to applications for amendments to plans or bylaws, land use contracts and other agreements, and for the issuance of permits pursuant to Division 9 of Part 26 of the **Local Government Act**, and for the administration and inspection of matters arising under Part 26 of the **Local Government Act**;

AND WHEREAS pursuant to sections 803 and 363 of the *Local Government Act* the Board may, by bylaw, impose a fee or charge in respect of a regional district service;¹

NOW THEREFORE, The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as the following:

Part 1 – Short Title

This bylaw may be cited for all purposes as the “Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002”.

Part 2 - Application²

This Bylaw applies to Electoral Areas ‘A’, ‘C’, ‘E’, ‘F’, ‘G’, and ‘H’ of the Regional District of Nanaimo.

Part 3 – Interpretation

parcel area means the total horizontal area between the lot lines of a parcel;

parcel means the smallest area of land which is registered in the Land Title Office, except that a parcel divided pursuant to the **Strata Property Act** and amendment thereto and not contained within a bare land strata plan shall not be considered subdivided for the purpose of this Bylaw and includes a lot;

¹ Amendment Bylaw No. 1259.06, adopted October 26, 2010

² Amendment Bylaw No. 1259.06, adopted October 26, 2010

permit means a permit under Part 26 of the *Local Government Act*.

Part 4 - General

1. Method of Payment

All fees shall be required to be paid upon acceptance of a completed application.

2. Deposits for Applications, Permits, and Land Use Contracts Amendments

- a) Where an application, a permit, or a land use contract amendment requires advertising, a public information meeting or a public hearing, an applicant shall be responsible for the full costs of all expenses, including the advertising for the notification of a public information meeting or a public hearing, the costs of the meeting venue(s) and all other costs associated with obtaining public input, in addition to any applicable application fees.¹
- b) Where an application, a permit, or a land use contract amendment requires advertising, an applicant shall be responsible for the full costs of all advertising expenses, including the advertising for the notification of a public information meeting or a public hearing, in addition to any applicable application fees.
- c) Where an application is made to amend a land use and subdivision bylaw or an official community plan, an advertising deposit in the amount of \$1,000.00 is required at the time of submission.
- d) Where an application is made to amend a land use and subdivision bylaw and an official community plan concurrently, an advertising deposit in the amount of \$1,500.00 is required at the time of submission.
- e) Where an application for a development permit, a temporary use permit or land use contract amendment is submitted and a public information meeting is to be held, an advertising deposit in the amount of \$500.00 is required at the time of submission.
- f) Where an application is submitted for a Liquor or Food Primary Liquor or Food Primary licence or a temporary amendment Board approved licence, an advertising deposit in the amount of \$1,000.00 is required at the time of submission.²
- g) Despite section (c), where an official community plan amendment requires the Regional Growth Strategy to be amended, an additional \$1,500.00 advertising deposit is required at the time of submission.³
- h) Where an application is submitted for a Non-Medical Cannabis Retail Licence, an advertising deposit in the amount of \$1,000 is required at the time of submission.⁴

3. Legal Deposits

- a) An applicant shall be responsible for paying the full cost of direct legal expenses arising from legal work required in conjunction with the processing of an application, including the preparation and review of legal documents.⁵

¹ Amendment Bylaw No. 1259,10 adopted March 25, 2014

² Amendment Bylaw No. 1259.02 adopted May 24, 2005

³ Amendment Bylaw No. 1259.08 adopted November 22, 2011

⁴ Amendment Bylaw No. 1259.12 adopted March 27, 2018

⁵ Amendment Bylaw No. 1259,10 adopted March 25, 2014

- b) An applicant shall not be responsible for paying legal expenses incurred by the Regional District for obtaining advise or opinions which represent the District's interests.
- c) An applicant shall be responsible for paying the Regional District's portion of the costs for resolution of non-acceptance of a Regional Growth Strategy Bylaw Amendment including facilitation or arbitration by a neutral third party.¹

4. Refunds

- a) Where an amendment application is withdrawn by the applicant prior to the amendment being considered by the Board of the Regional District of Nanaimo for first reading, the District shall pay to the applicant, within 30 days from the date of withdrawal, a refund in the amount of 50% of the application fee.
- b) Where an amendment application is refused by the Regional Board or withdrawn by the applicant prior to notification of a public hearing, the Regional District shall pay to the applicant, within 30 days of refusal or withdrawal, a refund in the amount of 25% of the application fee.
- c) Where the Board proceeds with a public hearing or a notification for an amendment application pursuant to Section 893 of the **Local Government Act**, the Regional District shall not provide a refund of any portion of the application fee to the applicant.
- d) No refund shall be provided by the Regional District to an applicant with respect to a development permit application, a development variance permit application, a temporary use permit application, a subdivision application, or any other permit application.

5. Fee Exceptions

Except for the cost of advertising associated with any application or permit, fees for planning services do not apply to a non-profit organization registered under the **Society Act**.²

Part 5 – Planning Related Services

1. Amendment Applications

- a) For an application to amend a land use and subdivision bylaw, the base fee shall be \$800.00 plus the additional fee for the following proposed uses:
 - i) for a residential use, \$100.00 per dwelling unit for the first 20 dwelling units, \$50 per dwelling unit in excess of 20 dwelling units and up to 200 dwelling units and where there are more than 200 dwelling units, \$25.00 per dwelling unit thereafter;³
 - ii) for a commercial use, \$100 for each 0.1 hectare of site area or portion thereof;
 - iii) for a resort commercial use, \$100.00 per unit for the first 20 units and where there is more than 20 units, \$50.00 per unit in excess of 20 units;
 - iv) for an industrial use, \$100.00 for each 0.1 hectare of site area or portion thereof of parcel;
 - v) for a rural use, a resource use, or a recreation use, \$100 for each hectare or portion thereof of parcel area;

¹ Amendment Bylaw No. 1259.08 adopted November 22, 2011

² Amendment Bylaw No. 1259.02, adopted May 24, 2005

³ Amendment Bylaw No. 1259.09, adopted October 23, 2012

- vi) for an institutional use, \$100.00 for each .1 hectare of site area or portion thereof of parcel area, to a maximum application fee of \$3000.00;¹ and
 - vii) for a comprehensive development use involving several uses, each use is calculated separately and combined with the base fee.
- b) The amendment application fee to amend an official community plan shall be \$800.00.
- c) Despite subsections a) and b) above, the amendment application fee to amend a zoning bylaw and an official community plan concurrently shall be \$1,500.00 plus the additional fee as follows:
- i) for a residential use, \$100 for each of the first 20 dwelling units and \$50 for each dwelling unit in excess of 20 dwelling units;
 - ii) for a commercial use, \$100 for each 0.1 hectares of site area;
 - iii) for a resort commercial use, \$100 for each of the first 20 resort commercial units and \$50 for each resort commercial unit in excess of 20 resort commercial units;
 - iv) for an industrial use, \$100.00 for each 0.1 hectares of site area;
 - v) for a rural, resource, or recreation use, \$100 for each hectare or portion thereof of parcel area;
 - vi) for an institutional use, \$100.00 for each 0.1 hectare of site area or portion thereof; and;
 - vii) for a comprehensive development use involving several uses, each use is calculated separately and combined with the base fee.
- d) For an application to amend an official community plan bylaw which includes an RGS amendment involving less than 50 hectares of land or fewer than 50 dwelling units a fee of \$3,700.00 in addition to the fee in section b) is required.²
- e) For an application to amend an official community plan bylaw which includes an RGS amendment involving more than 50 hectares of land or 50 dwelling units or a change from a rural use to a residential, commercial or industrial use a fee of \$37,000.00 in addition to the fee in section b) is required.³

2. Land Use Contracts

The fee to amend a land use contract shall be \$800.00.

3. Permit Applications

- a) The fee for a development permit shall be as follows:
- i) for a multiple dwelling unit development, \$400.00 plus \$50.00 per dwelling unit;
 - ii) for a commercial development, \$400.00 plus \$1.00 per square metre of commercial floor space;
 - iii) for an industrial development, \$400.00 plus \$1.00 per square metre of gross floor area;
 - iv) for a special case, including environmental, natural hazard, sensitive ecosystems, watercourse protection, farm land protection, and signs, \$200.00 where no variance to regulations are required and \$400.00 in cases where a variance or variances are required; and
 - v) for a development permit approved by delegation of the Board, \$200.00.

¹ Amendment Bylaw No. 1259.07, adopted May 24, 2011

² Amendment Bylaw No. 1259,10 adopted March 25, 2014

³ Amendment Bylaw No. 1259,10 adopted March 25, 2014

- b) The fee for a development variance permit shall be \$400.00.
- c) The fee for a temporary commercial use permit or a temporary industrial use permit shall be \$800.00 for a new permit and \$400.00 for a request to renew an existing permit.
- d) Where a development permit is being considered for approval concurrently with an amendment application, the fee shall be \$200.00 if there is no variance(s) requested and \$400.00 if a variance(s) requested.¹

4. Board of Variance

The fee for a Board of Variance application shall be \$400.00.²

5. Subdivision Applications³

- a) The fee for a fee simple subdivision application shall be \$300.00 plus \$300.00 for each parcel proposed to be created.
- b) The fee for a building strata conversion application shall be \$300.00 for each building strata lot proposed to be created.
- c) The fee for a bare land strata subdivision application shall be \$300.00 for each bare land strata lot proposed to be created.
- d) The fee for a lot line adjustment subdivision application shall be \$300.00 for each lot line proposed to be adjusted.
- e) The additional fee for a subdivision application where there is a request(s) for relaxation of the minimum 10% perimeter frontage requirement shall be \$400.00.

6. Land Use Confirmation Letters

- a) The fee for a land use confirmation letter shall be \$40.
- b) The fee for a land use confirmation letter for a notice about an application to be a licensed producer of cannabis shall be \$500.⁴

7. Liquor and Cannabis Retail Licence Applications^{5,6}

- a) The fee for a Liquor or Food Primary application shall be \$800.00.
- b) The fee for a Liquor or Food Primary application with an associated application to amend the current land use designation shall be \$400.00.
- c) The fee for a temporary amendment Director approved application shall be \$400.00.
- d) The fee for a temporary amendment Board approved application shall be \$800.00.
- e) The fee for a Non-Medical Cannabis Retail Licence shall be \$4,000.⁷

¹ Amendment Bylaw No. 1259.02 adopted May 24, 2005

² Amendment Bylaw No. 1259.01 adopted January 25, 2005

³ Amendment Bylaw No. 1259.02 adopted May 24, 2005

⁴ Amendment Bylaw No. 1259.12 adopted March 27, 2018

⁵ Amendment Bylaw No. 1259.02 adopted May 24, 2005

⁶ Amendment Bylaw No. 1259.12 adopted March 27, 2018

⁷ Amendment Bylaw No. 1259.12 adopted March 27, 2018

8. Development Approval (Environmental Services) Fees¹

In addition to fees and charges otherwise payable under this Bylaw, an owner shall pay to the Regional District the amounts of the fees and charges set out in Schedule "A", in relation to the following:

- a) to review the feasibility of constructing and/or altering the sewer and water systems for the purpose of extending the infrastructure into the proposed development and as described in Bylaw 500 under Feasibility Review and;
- b) to review plans and specifications for works and services for the purpose of providing "design stage approval" and field inspections of works and services that have been installed by or on behalf of a developer.

9. Service Area Boundary Amendments²

- a) An application must be submitted for each parcel of land to be added to a water, sewer or stormwater service area using the form specified in Schedule 'B' to be known as a "Boundary Amendment Application".
- b) Each person who submits a Boundary Amendment Application must pay a fee to be known as a "Boundary Amendment Application Fee".
- c) The amount of the Boundary Amendment Application Fee payable is specified in Schedule 'C'.
- d) The Boundary Amendment Application Fee must be paid at the time the application is submitted and is not refundable.
- e) A Boundary Amendment Application will be processed once all other fees and charges associated with a service have been paid. Associated fees and charges include, but are not limited to, legal fees, capital charges, development cost charges and latecomer fees.
- f) Legal fees for a Boundary Amendment Application are refundable net of any costs incurred by the Regional District of Nanaimo, except where the amount owing is less than \$50.

10. Telecommunication Antenna System Application³

The fee for a Telecommunication Antenna System Application shall be \$4,000.

¹ Amendment Bylaw No. 1259.03, adopted March 22, 2005

² Amendment Bylaw No. 1259.06, adopted October 26, 2010

³ Amendment Bylaw No. 1259.11, adopted January 24, 2017

Part 6 – Planning Department Products and Mapping Services¹

1. Fees for the purchase of maps, bylaws, publications and other products or mapping services are set out in Schedule 'D'.²

Maps	Colour	Black/White	Other Fees
Up to 12 x 18 inches	\$3	\$2	
Up to 24 x 36 inches	\$7	\$5	
Up to 36 x 72 inches	\$14	\$10	
Longer than 72 inches	\$3 per linear foot	\$2 per linear foot	
Cadastre Map Book		\$125.00	
Custom Printed Map	\$50.00 per hour (minimum \$30) plus cost of individual map sheets as above		
Digital Image Map Book	\$75.00		
Map Layers (digital data format) – see 6(2) below	\$50.00 per hour (minimum \$50)		
"Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987"; text only			\$25.00
"Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002"; text only			\$10.00
Full size double sided version of the text and reduced schedules of an official community plan			\$10.00
Miscellaneous regional or planning study			\$25.00
RDN Parks Plan			\$10.00
Background report			\$10.00
Legal survey plan 8.5" by 11"			\$1.50
Legal survey plan 11" by 17"			\$2.00
Photocopies			\$0.25
Other document or publication not listed above			\$10.00

2. Map Layers (digital data format) - The General Manager Finance & Information Services may reduce fees for Map Layers (digital data format) where reciprocal information is exchanged with a purchaser.

¹ Amendment Bylaw No. 1259.05, adopted July 24, 2007

² Amendment Bylaw No. 1259.06, adopted October 26, 2010

Part 7 – Repeal

"Regional District of Nanaimo Subdivision Application Fees Bylaw No. 901, 1993" is hereby repealed.

Introduced and read three times this 12th day of February, 2002.

Adopted this 25th day of June, 2002

George Holme

Chairperson

Carol Mason

General Manager, Corporate Services

SCHEDULE A

Referred to in Part 5:

s.8 (a):

The owner shall pay at the time of application (feasibility analysis):

- (i) \$250.00 for the first lot plus \$25 for each additional lot

s.8 (b):

The greater of:

- (i) \$2,500.00 or
- (ii) a fee which shall be calculated as the total of:
 - 4% of the value of construction for the first \$100,000 of value; and
 - 3.5% of the value of construction for the next \$300,000 of value; and
 - 3% of the value of construction for the next \$350,000.00 of value; and
 - 2.5% on any amount of the construction value in excess of \$750,000;

where the value is the value of the works and services to be installed and based on the Engineer's Certified Project Cost as approved by the RDN's Manager of Engineering Standards and Subdivisions.

All applicants must also pay the following charges:

- (i) photocopies (8.5 x 11 inch pages): \$0.25 per page
- (ii) engineering standards and specifications: \$75.00
- (iii) cost of engineering plans at actual costs incurred by the Regional District.

SCHEDULE B¹

APPLICATION TO AMEND THE BOUNDARY OF A SERVICE AREA

DATE: _____

A separate application is required for each piece of land.

NAME & MAILING ADDRESS

Registered Property Owner Name(s)

Mailing address – Suite/Apt Number, Street Number, Street Name

City, Province and Postal Code

STREET ADDRESS OF PROPERTY IF DIFFERENT THAN MAILING ADDRESS

Suite/Apt Number, Street Number, Street Name

City, Province and Postal Code

LEGAL DESCRIPTION OF PROPERTY

REASON FOR REQUEST

APPLICATION FEE (NON-REFUNDABLE)

- Check the applicable service(s):
- Water \$300
 - Sewer \$300
 - Stormwater \$300

¹ Amendment Bylaw No. 1259.06, adopted October 26, 2010

Total Application Fees \$ _____

REMAINING SECTIONS TO BE COMPLETED BY REGIONAL DISTRICT STAFF

A copy of this form and all attachments is to be retained in the bylaw file that amends the boundary of the service area.

APPLICATION NUMBER _____

BYLAW NAME _____

OTHER CHARGES PAYABLE

Check the applicable fee (s) and bylaw (s):

Legal fees:

Legal fees are payable where a covenant is to be registered against the title to the land.

Covenant registration \$400 fee applicable for first two property owners

Covenant registration

_____ x \$100 _____ fee for each additional property owner

Total Legal Fee \$ _____

Capital Charges:

- Bylaw 765 – Fairwinds Sewerage
- Bylaw 1323 – Nanoose Bulk Water
- Bylaw 1330 – French Creek Sewer Local Service
- Bylaw 1331 – Northern Community Sewer Service
- Bylaw 1387 – Coombs Hilliers Fire Protection Service
- Bylaw 1528 – Duke Point Sewer

Development Cost Charges:

- Bylaw 1020 – Southern Community Sewer Service
- Bylaw 1088 – Nanoose Bulk Water
- Bylaw 1089 – French Creek Bulk Water
- Bylaw 1443– Fairwinds Sewerage
- Bylaw 1442 – Northern Community Sewer Service
- Bylaw 1498 – Duke Point Sewer Service
- Bylaw 57 – Greater Nanaimo Water District (Area C – Extension)

Latecomer fees:

Name of latecomer fee _____

SCHEDULE C¹

SCHEDULE OF BOUNDARY AMENDMENT APPLICATION FEES AND CHARGES

Refer to section 9 of Part 5:

- | | | |
|-----|-----------------|---|
| (a) | Application Fee | \$300 |
| (b) | Legal Fee | \$400 for the first two registered property owners |
| | | \$100 for each additional registered property owner |

¹ Amendment Bylaw No. 1259.06, adopted October 26, 2010

SCHEDULE D¹

SCHEDULE OF PRODUCT & SERVICE FEES

Maps	Colour	Black/White	Other Fees
Up to 12 x 18 inches	\$3	\$2	
Up to 24 x 36 inches	\$7	\$5	
Up to 36 x 72 inches	\$14	\$10	
Longer than 72 inches	\$3 per linear foot	\$2 per linear foot	
Cadastral Map Book			\$125.00
Custom Printed Map	\$50.00 per hour (minimum \$30) plus cost of individual map sheets as above		
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