

MAYNE ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 128

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications.

WHEREAS Section 931 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections;

NOW THEREFORE the Mayne Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Mayne Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

1.0 Citation

1.1 This bylaw may be cited as the "Mayne Island Local Trust Committee Fees Bylaw No.128, 2004".

2.0 Interpretation

2.1 In this bylaw:

"Applicant" means the person authorized under the Mayne Island Trust Committee Procedures Bylaw No. 83, 1992 to make the application;

"Islands Trust" means the Director of Local Planning or his/her authorized representative;

"Application Fee" is payable to the "Islands Trust".

3.0 Official Community Plan

3.1 (a) Prior to the processing of an application for an amendment to the official community plan, the applicant must deliver to the Islands Trust an application fee in the amount of \$4,000.00.

(b) An application administration fee in the amount of \$100.00, being a portion of the fee referred to in paragraph (a), is not refundable in any event.

3.2 (a) Prior to the processing of an application for an amendment to the official community plan in combination with a consistent application for amendment to a land use bylaw, or land use contract, the applicant must deliver to the Islands Trust an application fee in the amount of \$5,000.00.

(b) An application administration fee in the amount of \$100.00, being a portion of the fee referred to in paragraph (a), is not refundable in any event.

4.0 Land Use Bylaw

4.1 (a) Prior to the processing of an application for an amendment to a land use bylaw, the Applicant must deliver to the Islands Trust an application fee in the amount of \$4,000.00.

(b) An application administration fee in the amount of \$100.00

being a portion of the fee referred to in paragraph (a), is not refundable in any event.

5.0 Land Use Contract

- 5.1 (a) Prior to the processing of an application for a bylaw amendment to a land use contract, the Applicant must deliver to the Islands Trust an application fee in the amount of \$4,000.00.
- (b) An application administration fee in the amount of \$100.00, being a portion of the fee referred to in paragraph (a), is not refundable in any event.

6.0 Development Permits

- 6.1 (a) Prior to the processing of an application for the issuance of a development permit in respect of a protection area as defined in Section 920 of the *Local Government Act* the Applicant must deliver to the Islands Trust an application fee in the amount of \$500.00.
- (b) An application administration fee in the amount of \$50.00, being a portion of the fee referred to in paragraph (a), is not refundable in any event.
- 6.2 (a) Prior to the processing of an application for a development permit in respect of a commercial revitalization area, the applicant must deliver to the Islands Trust an application fee in the amount of \$500.00.
- (b) An application administration fee in the amount of \$50.00, being a portion of the fee referred to in paragraph (a), is not refundable in any event.
- 6.3 (a) Prior to the processing of an application for a development permit relating to the form and character of commercial, industrial or multi-family residential development, the applicant must deliver to the Islands Trust an application fee in the amount of \$500.00.
- (b) An application administration fee in the amount of \$50.00, being a portion of the fee referred to in paragraph (a), is not refundable in any event.
- 6.4 (a) Prior to the processing of an application for a development permit amendment, the applicant must deliver to the Islands Trust an application fee in the amount of \$150.00.
- (b) An application administration fee in the amount of \$50.00, being a portion of the fee referred to in paragraph (a), is not refundable in any event.
- 6.5 (a) Prior to the processing of an application for a development permit in combination with a companion application for a development variance permit in respect of a residential development, the applicant must deliver to the Islands Trust an application fee in the amount of \$700.00.
- (b) An application administration fee in the amount of \$50.00, being a portion of the fee referred to in paragraph (a), is not refundable in any event.
- 6.6 (a) Prior to the processing of an application for a development permit in combination with a companion application for a development variance permit in respect of a commercial development, the applicant must deliver to the Islands Trust an application fee in the amount of \$900.00.
- (b) An application administration fee in the amount of \$50.00, being a portion of the fee referred to in paragraph (a), is not refundable in any event.

7.0 Other Permits, Board of Variance Applications, Subdivision Applications and Strata Conversion Approvals

7.1 Development Variance Permits - Residential

- (a) Prior to the processing of an application for a development variance permit in respect of a residential development, the applicant must deliver to the Islands Trust an application fee in the amount of \$650.00
- (b) An application administration fee in the amount of \$50.00, being a portion of the fee referred to in paragraph (a), is not refundable in any event.

7.2 Development Variance Permits – Commercial, Industrial and Institutional

- (a) Prior to the processing of an application for a development variance permit in respect of a commercial, industrial or institutional development, the applicant must deliver to the Islands Trust an application fee in the amount of \$850.00
- (b) An application administration fee in the amount of \$50.00, being a portion of the fee referred to in paragraph (a), is not refundable in any event.

7.3 Temporary Commercial and Industrial Use Permits

- (a) Prior to the processing of an application for a temporary commercial and industrial use permit for a property, the applicant must deliver to the Islands Trust an application fee in the amount of \$1,000.00.
- (b) An application administration fee in the amount of \$50.00, being a portion of the fee referred to in paragraph (a), is not refundable in any event.

- (c) For renewal of the permit, an application fee in the amount of \$150.00

7.4 Board of Variance Applications

- (a) Prior to the consideration of an application to the Board of Variance, the Applicant shall deliver to the Islands Trust an application fee in the amount of \$900.00.
- (b) An application administration fee in the amount of \$50.00, being a portion of the fee referred to in paragraph (a), is not refundable in any event.

7.5 Strata Conversion Applications

- (a) Prior to the consideration of an application for Strata Conversion, the Applicant shall deliver to the Islands Trust an application fee in the amount of \$1000.00.
- (b) An application administration fee in the amount of \$50.00, being a portion of the fee referred to in paragraph (a), is not refundable in any event.

7.6 Subdivision Application Examination: Prior to the proceeding with the review of an application for subdivision, the Applicant shall deliver to the Islands Trust an application fee in the amount of:

- (a) for the first parcel \$1,000.00
- (b) for every additional parcel that would be created by the proposed subdivision \$100.00

(c) for parcel line adjustments only, creating no additional parcels, \$300.00

8.0 Agricultural Land Reserve Applications – for information purposes only (not part of bylaw as fee is established by provincial regulation)

8.1 Prior to considering an application under the *Agricultural Land Commission Act*, in respect of an application for exclusion of land from the agricultural land reserve or for subdivision or non-farm use within the agricultural land reserve, the applicant must deliver to the Islands Trust an application fee in the amount of \$600.00.

9.0 Liquor Licensing referrals

9.1 Prior to consideration of a referral from the Liquor Control and Licensing Branch, the applicant must deliver to the Islands Trust an application fee in the amount of \$750.00

10.0 Extraordinary Costs

10.1 (a) In the event the costs of processing, inspection, advertising and administration in respect of an application are estimated by the Islands Trust to exceed 150% (percent) of the applicable fee, the Applicant shall pay to the Islands Trust prior to the processing of the application the estimated actual costs of processing, site inspection, advertising and administration.

(b) To the extent the amount paid under Section 10.1(a) exceeds the actual costs of processing, inspection, advertising and administration related to the application, the Islands Trust shall refund the excess amount to the Applicant.

(c) To the extent the amount paid under Section 10.1(a) is less than the actual costs of processing, inspection, advertising and administration, the Islands Trust shall invoice the Applicant for the excess amount which shall become a debt due and payable to the "Islands Trust".

11.0 Severability

11.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

12.0 Repeal

12.1 Mayne Island Local Trust Committee Fees Bylaw No. 112, 2000. is repealed upon adoption of this bylaw.

READ A FIRST TIME this 27th day of March , 2004.

READ A SECOND TIME this 27th day of March , 2004.

READ A THIRD TIME this 27th day of March , 2004.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST
this 19th day of April , 2004.

ADOPTED this 1st day of May , 2004.

Chairperson

Secretary

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