

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 101

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

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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 South Pender Island Local Trust Committee, being the trust committee having jurisdiction in respect of the South Pender Island local trust area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

**1. Citation**

- 1.1 This bylaw may be cited as the "South Pender Island Local Trust Committee Fees Bylaw No. 101, 2007".

**2. Interpretation**

- 2.1 In this bylaw:

"Applicant" means the person authorized under the South Pender Island Trust Committee Procedures Bylaw No. 60, 1992 to make the application;

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

"Application Fee" means the monetary amount payable to the "Islands Trust".

**3. Application Fees**

- 3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to the Islands Trust the corresponding application fee in the amount shown in Column 2 of Table 1, Table 2, Table 3 or Table 4.

<b>TABLE 1 – Bylaw Amendments</b>	
<b>Column 1</b>	<b>Column 2</b>
1. Official Community Plan amendment	\$4,400
2. Official Community Plan amendment in combination with a consistent application for amendment to a Land Use Bylaw	\$5,500
3. Land Use Bylaw, Zoning Bylaw or Subdivision Bylaw amendment	\$4,400
4. Land Use Contract amendment	\$4,400

<b>TABLE 2 – Permits</b>	
<b>Column 1</b>	<b>Column 2</b>
1. Development permit in respect of a protection area	\$550
2. Development permit in respect of a commercial revitalization area	\$550
3. Development permit in respect of form and character area	\$550
4. Development permit amendment	\$165
5. Development permit in combination with a companion application for a development variance permit in respect of a residential development	\$770
6. Development permit in combination with a companion application for a development variance permit in respect of a commercial, industrial or institutional development	\$990
7. Development variance permit in respect of a residential development	\$715
8. Development variance permit in respect of a commercial, industrial or institutional development	\$935
9. Heritage alteration permit	\$1,100
10. Temporary commercial and industrial use permit	\$1,100
11. Temporary commercial and industrial use permit renewal	\$165
12. Soil Deposit and Removal Permit non commercial	\$220
13. Soil Deposit and Removal Permit commercial	\$550

<b>TABLE 3 – Subdivision Referrals</b>	
<b>Column 1</b>	<b>Column 2</b>
1. Application for subdivision review – first parcel	\$1,100
2. Application for subdivision review - every additional parcel that would be created by the proposed subdivision	\$110
3. Application for subdivision review - parcel line adjustments only, creating no additional parcels	\$330

<b>TABLE 4 – Other Applications</b>	
<b>Column 1</b>	<b>Column 2</b>
1. Board of Variance	\$990
2. Strata Conversion	\$1,100
3. Liquor Control and Licensing Branch	\$825

- 3.2 An application administration fee in the amount of \$110.00 being a portion of the fee referred to in Table 1 is not refundable in any event.
- 3.3 An application administration fee in the amount of \$55.00 being a portion of the fee referred to in Table 2, Table 3 and Table 4 is not refundable in any event.
- 3.4 Subject to Section 3.2 and Section 3.3, if an application is not processed for any reason, the Islands Trust must refund to the applicant the application fee.
- 3.5 In the event a public hearing is not held in respect of an application referred to in Table 1, the applicant shall be entitled to a refund in the amount of \$1,650.

**4. Extraordinary Costs**

- 4.1 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.
- 4.2 To the extent the amount paid under Subsection 4.1 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.
- 4.3 To the extent the amount paid under Subsection 4.1 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".

**5. Severability**

- 5.1 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.

**6. Repeal**

- 6.1 "South Pender Island Local Trust Committee Fees Bylaw No. 95, 2004", is repealed upon adoption of this bylaw.

READ A FIRST TIME this 25th day of September, 2007.

READ A SECOND TIME this 25th day of September, 2007.

READ A THIRD TIME this 25th day of September, 2007.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST  
this 9th day of October, 2007.

ADOPTED this 14th day of January, 2008

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Chairperson

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Deputy Secretary