

# REGIONAL DISTRICT OF NANAIMO

## BYLAW NO. 1165, 1999

### (Consolidated Version)

#### A BYLAW TO ESTABLISH PROCEDURES AND POLICIES FOR REQUIRING DEVELOPMENT APPROVAL INFORMATION FOR THE REGIONAL DISTRICT OF NANAIMO

**WHEREAS** the Regional District of Nanaimo has, pursuant to Section 920.01 of the *Local Government Act*, specified in an official community plan, areas or circumstances for which development approval information may be required;

The Regional District of Nanaimo, pursuant to Section 920.1 of the *Local Government Act* enacts as follows:

#### **PART I - TITLE**

1. This Bylaw may be cited for all purposes as the "Regional District of Nanaimo Impact Assessment Bylaw No. 1165, 1999".

#### **PART II - APPLICATION OF BYLAW**

2. The requirements of this Bylaw apply to:
  - (a) applicants for zoning or subdivision amendments to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" and the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" <sup>1</sup>;
  - (b) applicants for a development permit; and
  - (c) applicants for a temporary industrial or commercial use permit

where an official community plan has designated an area as a Development Approval Information Area or has specified the circumstances in which development approval information is required.

3. The requirements of this Bylaw do not apply to any application for an activity or development that is a reviewable project under the *Environmental Assessment Act* of British Columbia.

#### **PART III - DEFINITIONS**

4. In this Bylaw:

"Act" means the *Local Government Act*;

"Board" means the elected Board of Directors for the Regional District of Nanaimo;

"Manager" means the General Manager of Development Services or a deputy in her or his absence;

"development approval information" means information on the anticipated impact of the proposed activity or development on the site, or the community, or both.

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<sup>1</sup> Bylaw 1165.02 adopted June 25, 2002

#### **PART IV - PROCEDURE**

5. At the request of the Manager an applicant, described in Section 2 of the Bylaw, must provide to the Manager a completed Preliminary Community and Site Impact Review Form, as illustrated in Schedule '1', to furnish preliminary information concerning the activity or development that is the subject of the application.
6. (a) Based on the information provided under Section 5, the Manager:
  - (i) may determine that the development is one to which the development approval information requirements of this Bylaw apply; and
  - (ii) is authorized to require the applicant to provide, at the applicant's expense, all or part of the information as specified in Part V- Impact Report Proposal and Part VI - Impact Report of this Bylaw and with any applicable provisions of the official community plan.
  - (iii) is authorized to require the applicant to submit the proposal to a public information meeting where the application is considered by the Manager to have a significant impact on the local community or the region based on newly introduced land uses, site impact, increased local density and environmental impact.<sup>1</sup>
- (b) The Manager must inform the applicant of his or her decision to require information under Section 6(a) (ii) within 20 business days of having received the information under Section 5.<sup>2</sup>

#### **PART V - IMPACT REPORT PROPOSAL**

7. To the extent that the proposed activity or development can reasonably be expected to have an appreciable impact on any of the following matters, the Impact Report Proposal must include those matters in the scope of the information that is to be prepared in an Impact Report:
  - (a) transportation patterns such as traffic flow and parking, transportation services and mobility, transportation alternatives such as pedestrian and cycling facilities, trails, greenways, and handicapped accessibility, and road and roadside standards;
  - (b) affected public infrastructure and community services such as water supply and sewage disposal systems, fire protection systems, solid waste disposal and recycling facilities, or alternatively, if applicable, the on-site means of providing a water supply and means of sewage collection and disposal;
  - (c) public facilities and public amenities such as schools, parks, health care services, and access to public waterfront;
  - (d) the natural environment of the area affected such as adjacent aquatic areas, vegetation, soils and erosion, geotechnical characteristics and stability, topographic features, ecosystems and biological diversity, fish and wildlife, fish and wildlife habitat, areas of environmental sensitivity, and any rare or endangered plant or animal species;
  - (e) groundwater quantity and quality, surface drainage waters generated by the proposed development, and the options for collection, storage, and disbursement of such drainage;
  - (f) forest and agricultural reserve lands and uses in the vicinity of the development and the impact these uses and the proposed development may have on each other;
  - (g) aesthetic values such as visual character, integration with public areas and with the natural environment, artificial lighting, noise, and odour.

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<sup>1</sup> Bylaw No. 1165.01 adopted February 8, 2000

<sup>2</sup> Bylaw No. 1165.03, adopted June 26, 2007

8. In addition to any matter listed in Section 7, the applicant may include in the Impact Report Proposal any matter on which the applicant considers information ought to be provided to the Manager, to permit a full understanding of the impact of the proposed activity or development on the community affected.
9. The Impact Report Proposal must address any particular information requirements that are identified in or arise from any applicable policy or guidelines in an official community plan or the Regional Growth Management Plan and, in all cases, must address any particular information requirements specified for such an application in any Regional District of Nanaimo bylaw.
10. The Impact Report Proposal must call for a separate section in the Impact Report to contain an evaluation of the potential and likely impacts of the proposed activity or development, including any cumulative effects when combined with other projects, in terms of their significance and the extent to which and how they might be mitigated; making recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are minimized or avoided, all in accordance with generally accepted impact assessment methodology.
11. The Impact Report Proposal must specify that the impact information will be prepared by a person having professional expertise in the matters included in the Impact Report Proposal, with information specifying the identity, qualifications and experience of the person who the applicant proposes to engage to prepare the information.
12. The Manager must, within 20 business days of receipt of the Impact Report Proposal, indicate to the applicant that if:<sup>1</sup>
  - (a) the Impact Report Proposal submitted by the applicant is acceptable;
  - (b) the Impact Report Proposal submitted by the applicant must include additional information as specified by the Manager;
  - (c) the person or persons, proposed by the applicant, to prepare the impact information are not acceptable and another person or persons must be proposed;
  - (d) the Impact Report Proposal is unacceptable and must be replaced by the applicant within 30 days or appealed to the Board under PART VII; or
  - (e) additional time is required to complete the review of the Impact Report Proposal.
13. If the Manager does not provide advice by the end of the twentieth business day, the Manager is deemed to have accepted the proposed Impact Report Proposal.<sup>2</sup>

## **PART VI - IMPACT REPORT**

14. Upon receipt of notice accepting the Impact Report Proposal or where the Impact Report Proposal has been deemed to be accepted, the applicant must, at the applicant's expense, prepare the impact information in accordance with the accepted Impact Report Proposal and provide it to the Manager.
15. With respect to every matter within the scope of this bylaw, the applicant must, in accordance with generally accepted surveying and drafting technique and methodology:

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<sup>1</sup> Bylaw No. 1165.03, adopted June 26, 2007

<sup>2</sup> Bylaw No. 1165.03, adopted June 26, 2007

- (a) provide a BCLS certified, properly scaled site plan which is equivalent to professional drafting quality showing the following, *wherever applicable*, and any additional information which may reasonably be expected to have an appreciable effect:
- i) name, address, and phone number of client and consultant;
  - ii) legal data including property lines and legal description;
  - iii) scale, date, north arrow;
  - iv) dimensions and location of existing and proposed buildings and impermeable surfaces;
  - v) any easements or rights-of-way;
  - vi) location of all watercourses and wetlands on or adjacent to the subject property;
  - vii) top of bank and elevation of natural boundary for all watercourses and wetlands;
  - viii) boundary of any applicable setbacks from watercourses;
  - ix) outline of any restrictive covenant areas;
  - x) building setbacks as per Regional District of Nanaimo Zoning and Floodplain bylaws;
  - xi) sewage disposal works;
  - xii) contours at 1 meter intervals; and
  - xiii) where applicable, existing trees showing drip-lines for trees on adjacent properties that extend into the property in question.
- (b) identify relevant baseline information and document the nature of the resource or other matter on which the proposed activity or development may have an impact.

16. If the Manager is not satisfied that the impact information, provided by the applicant, is sufficient to comply with the Impact Report Proposal then the Manager, may to the extent that is reasonable, require the applicant to provide at the applicant's expense, further information to comply with the Impact Report Proposal, but a requirement for further information may be imposed only once.

## **PART VII - RECONSIDERATION PROCEDURE**

17. An applicant may request reconsideration by the Board of a requirement or decision of the Manager under this Bylaw by completing a Request for Reconsideration Form, as illustrated in Schedule '2', within 30 days of the date on which the requirement or decision is mailed or faxed to the applicant.
18. The Request for Reconsideration Form must be filled out and delivered to the Regional District of Nanaimo Planning Department and must set out the grounds on which the applicant considers the requirement or decision is inappropriate and what, if any, requirement or decision the applicant considers the Manager ought to substitute.
19. Upon receipt of the completed Request for Reconsideration Form, the date and time of the meeting at which the reconsideration will occur will be set as the next regular Board meeting, scheduled 7 or more business days from the date on which the request for reconsideration was delivered to the Regional District of Nanaimo.
20. The applicant's signature on the Request for Reconsideration Form, under Section 17 of this bylaw, will acknowledge notification of the time and date of the meeting at which the reconsideration will be heard.

21. At a regular Board meeting, the members may consider any presentations made by the applicant and may either confirm the requirement or decision or substitute its own requirement or decision.

Introduced and read three (3) times this 10th day of August, 1999.

Adopted this 10th day of August, 1999.

*Original Signed*

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Chairperson

*Original Signed*

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Secretary

Schedule '1'

 <p><b>REGIONAL DISTRICT OF NANAIMO</b></p>	<h1>Community and Site Impact Review Form</h1>
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**To accompany:**

- **Development Permit Applications**
- **Applications for Rezoning**
- **Temporary Use Permit Applications**

The following basic information is required in order to assist the Planning Department in assessing applications for potential community and site impact. *This is a preliminary assessment. You may be requested to supply more formal information concerning the impact of your proposal before your application can be processed.*

Please provide a description of your proposed project. Attach another sheet if necessary:


	yes	no
1. <u>Land Use</u> : Will the proposal result in the need to amend or obtain a variance from any RDN Plan or bylaw? If yes, what kind of variance do you anticipate needing: _____height _____ setback _____please specify		
2. <u>Watercourses</u> : Does your property contain a watercourse or have a boundary on a watercourse?		
3. <u>Vegetation</u> : Will any change be required to existing vegetation within an environmentally sensitive development permit area?		
4. <u>Other Environmentally Sensitive Features</u> : Are there other sensitive features on site which are protected within a development permit area? (e.g. eagle nest trees)		

	yes	no
5. <u>Site Grading</u> : Will any excavation, removal or addition of soil be required within an environmentally sensitive development permit area?		
6. <u>Community Services</u> : Does the development have the potential to significantly increase the need for public services or infrastructure? (examples: schools, roads, fire protection, solid waste facilities, transportation, hospitals, parks)		
7. <u>Hazardous situations</u> : Are there any potential hazards on site or is the site within a natural hazard development permit area? (Examples: steep ravines or slopes greater than 30%)		
8. <u>Public Nuisance</u> : Will the proposed use cause any public nuisance such as light / glare, odours, or noise other than those found in normal residential neighbourhoods?		
9. <u>Emergency and Hazards</u> : Does the proposal have any potential to interfere with an emergency response plan or will the proposal involve a risk of explosion or the release of hazardous substances should there be an accident?		
10. <u>Population</u> : Will the proposal substantially alter the location, distribution, density, or growth rate of the human population of an area contrary to the Regional Growth Management Plan?		
11. <u>Transportation/Circulation</u> : Will the proposal generate significant additional vehicular traffic, have substantial effects on existing transportation systems, increase parking demands, or increase traffic hazards for pedestrians or cyclists?		
12. <u>Utilities</u> : Are substantial upgrading or extension of utilities required? (Examples: Sewer, garbage collection, storm drainage)		
13. <u>Parks and Recreation</u> : Will the proposal impact upon natural areas available for hiking or similar outdoor activities or will the proposal affect significant sites in the RDN Parks Plan or other park or protected areas?		
14. <u>Archeological Sites</u> : Does the proposal have any potential to alter an historic archeological site? If yes, applicant should contact the Provincial Archeological Branch.		
15. <u>Cumulative Impacts or Future Impact</u> : Does the project have multiple phases? If yes, please explain the phases in your project description at the beginning of this form.		
16. Under the provisions of the Provincial <i>Contaminated Sites Regulations</i> , have any of the schedule 2 activities taken place on this site?		





2. Registered owner(s) of the property:  
Name(s):

\_\_\_\_\_

Mailing Address:

\_\_\_\_\_

Telephone: Business \_\_\_\_\_ Other \_\_\_\_\_ Fax \_\_\_\_\_

3. If the *applicant* is not the owner:  
Name of applicant:

\_\_\_\_\_

Mailing Address:

\_\_\_\_\_

Telephone: Business \_\_\_\_\_ Other \_\_\_\_\_ Fax \_\_\_\_\_

I hereby declare that all of the above statements and the information contained in the materials submitted in support of this application are to the best of my knowledge true and correct in all respects.

\_\_\_\_\_  
signature

### ACKNOWLEDGEMENT OF MEETING DATE

The Regional Board meets on the second Tuesday of each month. The date and time of the meeting, at which the reconsideration will occur, will be set as the next regular Board meeting scheduled 7 or more business days from the date on which the request for reconsideration was delivered to the Regional District of Nanaimo.

***By your signature below you acknowledge that you have been notified of the reconsideration date.***

**DATE OF MEETING:** \_\_\_\_\_

\_\_\_\_\_  
applicant's signature