DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

Where a parcel is designated within a development permit area (DPA) by an official community plan and a proposed development is not exempt from the DPA guidelines, the property owner or agent is required to apply to the Regional District of Nanaimo (RDN) Board for the approval of a development permit. The approval will outline any conditions of approval and will regulate the development of the property. To confirm whether a parcel is within a development permit area, please consult the Planning Department or refer to the applicable electoral area official community plan.

It is strongly recommended that you contact Planning staff to discuss your proposal prior to submitting an application. Upon submission of a development permit application along with all required information and application fee(s) (see Submission Requirements below), planning staff will review the information and prepare a report to the Electoral Area Services Committee (EASC), which is a committee of the RDN Board. Certain development permits may be issued under delegated authority by the General Manager of Strategic and Development Services under "Regional District of Nanaimo Delegation of Authority Bylaw 1759, 2017" and may not be required to go to EASC or the RDN Board. Staff should be contacted to determine whether or not a permit can be approved under delegated authority. Please refer to the "Regional District of Nanaimo Impact Assessment Bylaw No. 1165, 1999" and "Regional District of Nanaimo Development Application and Notification Procedures Bylaw No. 1776, 2018" for specific information required to support an application. If a variance to a zoning bylaw is required as part of the development proposal, such variances may be considered as part of the development permit application.

Following the EASC's review of the proposed development permit, public notification is completed if any variances are proposed, and the Committee's recommendation is forwarded to the RDN Board for consideration. A resolution by the Board must be passed to approve and authorize issuance of the development permit. Once the permit is in place, the required building permits may be issued.

Board Policy

The RDN Board has adopted "Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation" which sets out evaluation criteria to be used in the consideration of development permit applications with variances proposed. Information required as a result of Board adoption or amendment of Policies and Bylaws may change from time to time. Please contact Planning staff prior to making an application.

Submission Requirements

To make an application for a development permit, the required fee and a completed application form must be submitted, along with any applicable additional information as listed in the application form.

Strategic & Community Development

6300 Hammond Bay Road Nanaimo, BC V9T 6N2
(250) 390-6510 (Nanaimo) (250) 954-3798 (District 69)
1-877-607-4111 (within BC) Fax:(250) 390-7511
planning@rdn.bc.ca

Development Permit Application Form

OFFICE USE ONLY

Application Fee:_____ Receipt No. _____ File No. _____

SECTION 1: DESCRIPTION OF PROPERTY

(AS INDICATED ON THE STATE OF TITLE CERTIFCATE)

Legal Description _____

Civic Address _____

Electoral Area _____ Parcel Identifier (P I D) _____

SECTION 2: OWNER INFORMATION

(ATTACH ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

1)

Name _____

Mailing Address _____

Town / Province _____ Postal Code _____

Telephone/ Cell _____ Fax _____

Email _____

2)

Name _____

Mailing Address _____

Town / Province _____ Postal Code _____

Telephone/ Cell _____ Fax _____

Email _____

SECTION 3: AGENT INFORMATION

(TO BE COMPLETED IF THE APPLICANT IS NOT THE OWNER)

Name _____ Mailing Address _____ Town/Province _____

Postal Code _____ Telephone/ Cell _____ Fax _____ Email _____

*NOTE: IF THE APPLICANT IS NOT THE REGISTERED OWNER A LETTER OF AUTHORIZATION WILL BE REQUIRED

SECTION 4: DESCRIPTION OF PROPOSAL

I/we, the registered owner(s) of the property legally described on this application, hereby make application underSection 22 of the Local Government Act to:

NOTE: Please attach letter if more space is required.

- ☐ subdivide the land within a Development Permit Area
- ☐ construct a building or structure, or addition thereto within a Development Permit Area
- ☐ alter the land, or alter a building or structure on the land within a Development Permit Area for the purpose of:

_____

_____

_____

SECTION 5: APPLICATION COMPLETION CHECKLIST:

ALL MEASUREMENTS TO BE IN METRIC

- ☐ A copy of state of title certificate(s) and corporate registry search (if applicable) dated within past 30 days
- ☐ A letter outlining the details of the Application
- ☐ Application fee as required by Bylaw No. 1259, 2002
- ☐ Two (2) survey plans certified by a BC Land Surveyor to a maximum scale of 1:500, showing: location of existing and proposed buildings and structures and parts thereof, address, legal description, name of applicant, date, property lines, scale, north arrow, all easements and right of ways, restrictive covenant areas, location of all watercourses and associated setbacks, and building setbacks as per Zoning and Floodplain Bylaws
- ☐ Electronic copies of all plans
- ☐ Property Declaration Form

Additional information may be required, such as:

- ☐ Two (2) building elevation plans to a maximum scale of 1:100
- ☐ Two (2) survey plans certified by a BC Land Surveyor including topographical information
- ☐ Professional Engineer's Report
- ☐ RDN Sustainable Development Checklist ☐ Residential ☐ Commercial
- ☐ A letter of authorization (To be completed if the applicant is not the registered owner)
- ☐ Environmental Assessment
- ☐ Landscape Plan
- ☐ Site Profile Form
- ☐ Riparian Area Assessment
- ☐ Other _____

_____

SECTION 6: Applicant Signature

I hereby declare that all the above noted statements and information contained in this application and supporting documents are true and correct.

_____ _____

Applicant Signature Date

_____

Applicant Name (Please Print)

I would prefer all correspondance via: ☐ email ☐ regular mail ☐ fax

In order to process your application, please provide all necessary documentation with your application. Please retain a copy of the submitted application for your records. Contact the RDN Planning Department for assistance.

Submit the completed application form, required fee, plans, and supporting material to the Regional District of Nanaimo. The fee is payable to the "Regional District of Nanaimo".

Planning Department
6300 Hammond Bay Road, Nanaimo BC V9T 6N2
Phone: (250) 390-6510 or (250) 954-3798 (in District 69)
or 1-877-607-4111 toll free in BC Fax: (250) 390-7511
Email: planning@rdn.bc.ca web: www.rdn.bc.ca

Date: _____

LETTER OF AUTHORIZATION

(Representative / Agent)

As the registered owner(s) of the following property:

Civic Address: _____

Legal Description: _____

I / We hereby authorize the following person to act as agent on my / our behalf in all matters pertaining to the application for development on the above noted property and by doing so will be deemed to know of and to understand the contents of the applications and associated documents. I / We acknowledge the authority of the agent to bind me/us in all matters relating to the work to be performed under the following applications (please check all applicable):

☐ OCP Amendment	☐ Rezoning	☐ Subdivision
☐ Development Permit	☐ Development Variance Permit	☐ Board of Variance
☐ Temporary Use Permit	☐ Agricultural Land Reserve	☐ Other

Owner Name (please print)	*Owner Name (please print)*
Signature of Owner	***Signature of Owner***

Agent's Information

Agent's Name	Company Name

(Address)

City	Postal Code
Telephone	Fax No.
Cellular Phone	Email

Property Declaration Form

for Riparian Areas, Nesting Trees, and Site Profiles

Subject Property Legal Description:

Subject Property Civic Address:

Subject Property PID:

Riparian Areas

I (we) acknowledge that the province of British Columbia enacted the *Riparian Areas Regulation* to protect the critical features, functions, and conditions required to sustain fish habitat. Furthermore, this legislation prohibits the Regional District of Nanaimo (RDN) from approving or allowing a development to proceed adjacent to a watercourse until it has received notice that a report prepared by a Qualified Environmental Professional has been received by the Ministry of Environment.

I (we) understand that a water feature includes any of the following:

a) any watercourse, whether it usually contains water or not;
b) any pond, lake, river, creek or brook; and/or,
c) any ditch, culvert, spring, or wetland.

I (we) declare that I (we) are familiar with the property and area, and have inspected the property and immediate area for the existence of any water features. I (we) declare that (***please check the one that applies):***

☐ that there are no water features located on the subject property; or

☐ there are water features located on the subject property.

I (we) declare that all proposed development including land alteration, vegetation removal, alteration or construction of a building or structure *(**please check the one that applies**):*

☐ is greater than 30.0 metres from a water feature; or

☐ is less than 30.0 metres from a water feature.

Eagle and Heron Nesting Trees

I (we) acknowledge that the *Wildlife Act* protects Bald Eagles and Great Blue Herons, their eggs and nests. Bald Eagles and Great Blue Herons are sensitive to development near their nesting sites and may return to a nest that has been unused for a number of years.

While the provincial government and the RDN undertake mapping of nesting sites from time to time, not all are mapped. Some on private property may have been undetected, and new nests are continually being built. Typically, a 60 metre radius for an eagle nesting tree and depending on the level of development in an area, a 60 - 300 metre radius for a heron nesting tree (or trees) is considered to be sensitive to disturbance. Electoral Areas A, E, G and H require that a development permit be obtained prior to development near an eagle or heron nest.

Mapped eagle and heron nest trees can be found on the Community Mapping Network at www.cmnmaps.ca/WITS/ and www.cmnmaps.ca/GBHE/.

I (we) declare that I (we) are familiar with the property and area, and have inspected the property and immediate area

for the existence of eagle or heron nests prior to completing this form. I (we) declare that (***please check the one that applies):***

- ☐ there are no eagle or heron nesting trees on or within 100 metres of the subject property; or
- ☐ there is an eagle or heron nesting tree on or within 100 metres of the subject property.

Site Profile

I (we) acknowledge that when an application is made to the RDN, Section 40(1) of the *Environmental Management Act* requires that a Site Profile be completed when the applicant knows, or reasonably should know, that the land is being used or has been used for industrial or commercial purposes of the type listed in Schedule 2 of the *Contaminated Sites Regulation* unless otherwise exempt under the Regulation. Please find the Site Profile Form and Schedule 2 on the Government of BC website at www2.gov.bc.ca/gov/content/environment/air-land-water/site-remediation/site-profiles. Please contact the RDN Planning Department if any of the activities listed in Schedule 2 apply to the subject property.

I (we) declare that (***please check the one that applies):***

- ☐ I (we) have read the *Contaminated Sites Regulation* Schedule 2 document, and determined that the subject property has been used for purposes listed in Schedule 2, and filled out the Site Profile Form; or
- ☐ I (we) have read the *Contaminated Sites Regulation* Schedule 2 document and am (are) not required to submit a Site Profile Form as to my (our) knowledge, the subject property has not been used for any of the activities listed in Schedule 2; or
- ☐ I (we) have read the *Contaminated Sites Regulation* Schedule 2 document and am (are) exempted from being required to submit a Site Profile Form under Section 4 of the *Contaminated Sites Regulation.* I (we) have provided the following information in support of this exemption: (list Information below)

DECLARATION SIGNATURE

All registered owners shown on the certificate of title must sign the declaration. Please provide an additional page with owners' names and signatures if required.

I (we) declare that I (we) have read and filled out the above form.

Owner/Agent 1 _____ Signature _____

Owner 2 _____ Signature _____

Owner 3 _____ Signature _____

Applicant Mailing Address: _____

Email: _____ Phone: _____

Date: _____

Witnessed By Name: _____ Witnessed By Signature: _____

REGIONAL DISTRICT OF NANAIMO

P O L I C Y

SUBJECT:	***Development Variance Permit, Development Permit with Variance & Floodplain Exemption Application Evaluation***	POLICY NO: CROSS REF.:	B1.5
EFFECTIVE DATE:	March 8, 1994	APPROVED BY:	Board
REVISION DATE:	October 28, 2014	PAGE:	1 of 5

PURPOSE

This policy is to provide staff with guidelines for reviewing and evaluating development variance permit applications, development permit applications that include bylaw variances, and site-specific exemptions to the Floodplain Bylaw.

PART A – DEVELOPMENT VARIANCE PERMIT AND DEVELOPMENT PERMIT WITH VARIANCE APPLICATION EVALUATION

1. **Demonstration of Land Use Justification**

   a) An application should demonstrate that the proposed variance is necessary and is supported by an acceptable land use justification; such as:

      i. the ability to use or develop the property is unreasonably constrained or hindered by having to comply with the bylaw requirement; or,

      ii. there is a net benefit to the community or immediate area that would be achieved through the variance approval.

      iii. the proposed variance would allow for more efficient and effective use and development of the subject property.

   b) Failure to provide an acceptable land use justification as outlined in Part A, Section 1(a) may be grounds for staff to recommend that the application be denied by the Board.

   c) If an acceptable land use justification is identified the applicant should demonstrate that a reasonable effort has been made to avoid the need for, or reduce the extent of, the requested variance. If such efforts are not made this may be grounds for staff to recommend that the application be denied by the Board.

   d) Examples of acceptable land use justifications are as follows:

      i. A physical constraint such as a steep slope, watercourse, or rock outcrop results in an unreasonably small building site when setbacks are applied. In such a case a setback variance

may be recommended where the impact of the variance is considered acceptable by planning staff.

ii. A man-made constraint such as an archaeological site, odd shaped lot, restrictive or conservation covenants, easement, or right-of-way results in an unreasonably small building site when setbacks are applied. In such a case a setback variance may be recommended where the impact of the variance is considered acceptable by planning staff.

iii. A hazardous condition exists that requires that the underside of the floor joists be raised to meet floodplain elevations. This may result in an average designed building or structure exceeding the maximum height restrictions. In such a case a height variance may be recommended where the impact of the variance is considered acceptable by planning staff.

iv. A topographical constraint such as a depression or sloped area results in an average designed building or structure exceeding maximum height restrictions. In such a case a height variance may be recommended where the impact of the variance is considered acceptable by planning staff.

v. An environmentally significant feature such as a stand of Garry Oak trees, a watercourse, or sensitive ecosystem exists on site that the applicant is proposing to avoid, preserve, and/or enhance, which restricts potential building sites on a lot. In such a case a setback variance may be considered where the proposed variance will reduce the impact to the Environmentally Sensitive Area and any other impact considered acceptable by the reviewing planning staff member.

vi. The only building site on a lot will block a significant view for area residents. In such a case a setback variance may be considered to allow the relocation of the building to allow the preservation of that view, where the impact of the variance is acceptable.

vii. Where a longstanding existing building or structure does not conform to siting or height requirements a variance may be considered to legalize that structure where the impact of the variance is acceptable and the use of the building or structure conforms to the current zoning regulations.

viii. The inclusion of a renewable solar or wind energy system, or a rainwater harvesting system proposed for the operation of a building or structure results in the building or structure exceeding maximum height restrictions, or encroaching into a setback area. In such a case, a height variance or setback variance may be recommended where the impacts of the variance are considered acceptable.

e) Part A, Section 2(d) is not intended to be an exhaustive or definitive list of acceptable land use justifications for a variance application. Staff are to use their judgment in evaluating the specific circumstances involved in each application.

2. **Impact Evaluation**

a) Where a land use justification for a proposed variance has been demonstrated, the application shall then be evaluated based upon the impact(s) (positive or negative) of the variance. Impact(s) may be classified into the following three general categories:

i. Aesthetic impact. This includes the impact of the proposed variance on the streetscape, the views from adjacent properties, compatibility with neighbourhood design standards, etc.

ii. Functional impact. This includes the impact of the proposed variance on the function of the property for the permitted uses and the potential impact of the variance on the function of adjacent properties, or road right-of-ways.

iii. Environmental impact. This includes the impact of the proposed variance on the long term sustainability of the natural environment or the direct impact on a specific feature of the natural environment.

b) An unacceptable impact, as evaluated by planning staff, is grounds for staff to recommend that the application be denied by the Board.

c) An applicant should demonstrate that a reasonable effort has been made to minimize any and all potential negative impacts associated with a variance. If such efforts are not made this would be grounds for staff to recommend that the application be denied by the Board.

d) Part A, Section 2(a) is not intended to be an exhaustive or definitive list of potential impacts. Staff are to use their judgment in identifying and evaluating all potential impacts associated with the specific circumstances involved in each application.

3. **Specific Impact Evaluation by Application Type**

a) Height variance requests for a residential use may not be supported where; in the opinion of planning staff:

i. the applicant is requesting a height variance to accommodate a third storey;

ii. the applicant has not made a reasonable effort to reduce the height of the proposed building or structure by reducing the roof pitch, reducing ceiling height, minimizing the crawl space, etc.;

iii. the appearance of the proposed structure from the street will appear out of character with the height of buildings in the immediate neighbourhood;

iv. the proposed height variance will result in a notable reduction in a neighbouring properties view of a significant viewscape; or

v. the proposed height variance will result in a notable shading of, or lack of privacy for, a neighbouring property.

b) Lot line relaxation, ocean setback relaxation, and watercourse setback relaxation requests may not be supported where; in the opinion of Planning Staff:

vi. the applicant has not made a reasonable effort to reduce the need for a setback variance by amending the house design or finding an alternative building site;

vii. the proposed setback variance will result in an unreasonable reduction in a neighbouring properties view of a notable viewscape;

viii. the proposed setback variance will result in the building or structure appearing to extend closer to the ocean or other watercourse than other houses in the immediate vicinity;

ix. the proposed setback variance may result in a geotechnical or flooding hazard;

x. the proposed setback variance may result in a negative impact on the natural environment;

xi. the proposed setback variance may have a negative impact on an archaeological site; or

xii. the proposed setback variance is contrary to senior government legislation (e.g. ***Transportation Act, Fish Protection Act, Water Act, Land Title Act***, etc.).

c) Parking Variance requests for Commercial, Industrial, or Institutional uses may not be supported where:

i. the proposed variance would interfere with internal traffic flow, loading and unloading, access and egress, pedestrian safety, etc.;

ii. the applicant is not proposing to provide adequate parking spaces constructed to Regional District of Nanaimo standards on a hard durable dust free surface; or

iii. the proposed variance, in staff's opinion, does not provide an adequate number of parking stalls for the intended use.

d) Signage variance requests may not be supported where:

i. the proposed variance would result in an increased appearance of "sign clutter" on the subject property (sign consolidation should be encouraged);

ii. the proposed variance creates a visual obstruction which interferes with the safe movement of pedestrians and/or traffic on and off site; or

iii. the illumination of a proposed sign is not compatible with the surrounding neighbourhood or would create an unreasonable aesthetic impact on the adjacent properties.

PART B – FLOODPLAIN EXEMPTION APPLICATIONS

1. **Demonstration of Land Use Justification**

a) An applicant must demonstrate that the proposed exemption is necessary and is supported by an acceptable land use justification; such as:

i. there are no other practical building sites located on the subject property;

ii. the applicant has exhausted all other options including amendments to zoning setback and height requirements; or

iii. it is not practical to develop the subject property without a site specific exemption.

2. **Demonstration that the Exemption is Advisable**

a) Where an acceptable land use justification has been demonstrated, the applicant must demonstrate that the proposal is in compliance with provincial guidelines and / or provide a report prepared by a professional engineer or geoscientist experienced in geotechnical

engineering that the land may be used safely for the use as proposed. Where the report contains restrictions, conditions, or warnings related to the safe use of the site that covenant shall be required to be registered on title.

b) All reports identified in Part B, Section 2(a) must also discuss the land use justifications in identified in Part B, Section 1 of this policy.

c) An application must be processed and evaluated in a manner consistent with the provincial Flood Hazard Area Land Use Management Guidelines, May 2004, as amended, and Floodplain Management Bylaw No. 1469, 2006.

d) Failure to meet any of the above conditions is grounds for staff to recommend the Board deny a floodplain exemption application.

PART C - TERMS OF USE OF THIS POLICY

1. This policy is intended to apply to staff evaluation of development variance permits, development permit applications that include bylaw variances, and site specific exemptions to the Floodplain Bylaw.

2. The Board of the Regional District of Nanaimo is not in any way bound by this policy and is free to apply, or not apply, any evaluation criterion it deems appropriate in its consideration of applications.