

AMENDMENT APPLICATION REQUIREMENTS

An amendment application is required when a property owner wishes to change an existing official community plan (OCP) land use designation or policy, the property zoning or subdivision district, or any other land use regulation contained in the following Regional District bylaws:

- Electoral Area 'A' OCP Bylaw No. 1620, 2011;
- Electoral Area 'C' Arrowsmith – Benson OCP Bylaw No. 1148, 1999;
- Electoral Area 'C' East Wellington – Pleasant Valley OCP Bylaw No. 1055, 1998;
- Electoral Area 'E' Nanoose Bay OCP Bylaw No. 1400, 2005;
- Electoral Area 'F' OCP Bylaw No. 1152, 1999;
- Electoral Area 'G' OCP Bylaw No. 1540, 2008;
- Electoral Area 'H' OCP Bylaw No. 1335, 2017;
- Land Use and Subdivision Bylaw No. 500, 1987;
- Zoning and Subdivision Bylaw No. 1285, 2002.

Upon submission of an amendment application, including all required information, application fee(s) and an advertising deposit (see Submission Requirements below), planning staff will review the application. Please refer to the “Regional District of Nanaimo Impact Assessment Bylaw No. 1165, 1999” and the “Regional District of Nanaimo Development Application and Notification Procedures Bylaw No. 1776, 2018” for specific information required to support an application. It is strongly recommended that you contact Planning Staff to discuss your proposal prior to submitting an application

Where a parcel is designated within a development permit area (DPA) by an OCP and the proposed development is not exempt from the DPA guidelines, the property owner or agent is also required to apply to the Regional District of Nanaimo (RDN) Board for a development permit in addition to the amendment application. These applications may be reviewed concurrently; however separate application submissions and fees are required.

Board Policy

The RDN Board has adopted a policy (Policy B1.21) to standardize the information required at the rezoning stage to confirm that the potable water needs of proposed lots or use can be met. This policy is attached for information. 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.

Estimated Time Frame

The length of time to process an amendment application varies considerably. Generally, a minimum of six months is required to process a zoning amendment application while an OCP amendment takes a minimum of eight months.

Agricultural Land Commission

If an amendment application involves land that is located within the Provincial Agricultural Land Reserve, approval from the Agricultural Land Commission (ALC) concerning the proposed development is required before an amendment application is forwarded to the Electoral Area Services Committee/Committee of the Whole for consideration. For more information about the procedures involved with the separate application process to the ALC please consult the RDN Planning Department.

Ministry of Transportation and Infrastructure

When a development proposal involves a change in land use within a radius of 800 metres of an intersection of a controlled access highway, formal approval from the Ministry of Transportation and Infrastructure is required. An owner/agent may wish to discuss their proposal with the Ministry early in the application process to identify any significant road dedication, access improvements or other works and services that may be required to service the proposed development.

Public Information Meeting

As part of the amendment application process, a public information meeting (PIM) may be required where the proposed development is considered to have an impact on the local community, or on the region as a whole (please refer to the “Regional District of Nanaimo Development Approval Information Bylaw No. 1165, 1999 for information on the assessment criteria). The purpose of the PIM is to give the community an opportunity early on in the process to ask questions, provide comments, and give suggestions with respect to the proposed development.

A PIM, if required, will be held prior to the application being considered by the Electoral Area Services Committee/Committee of the Whole. This meeting is facilitated by RDN staff and the local Area Director; a summary of the comments received at this meeting will be forwarded to the Committee. Public notification will be completed prior to the meeting in accordance with “Regional District of Nanaimo Development Application and Notification Procedures Bylaw No. 1776, 2018”.

Electoral Area Services Committee and Regional Board Review

Decisions on all land use matters are subject to consideration of the Regional Board of Directors. Prior to an application proceeding to the Regional Board, and depending on the type of amendment, an application is first considered by either the Electoral Area Services Committee or the Committee of the Whole. A staff report is provided to the Committee along with any correspondence received from the public as a result of notification, and a summary of the comments received at the public information meeting. Committee meetings are open to the public. Any member of the public, including an applicant, may request to address the Committee. Following consideration of an application, the Committee will then make a recommendation to be considered at a future Board meeting.

Public Hearing and Bylaw Consideration

If the Committee recommends that an amendment application proceed, an amendment bylaw is then drafted and presented to the RDN Board for consideration of first and second reading. If the bylaw receives first and second reading, a public hearing will be held. Notification of the hearing will be completed in accordance with the “Regional District of Nanaimo Development Application and Notification Procedures Bylaw No. 1776, 2018” and pursuant to the *Local Government Act*. Anyone individual who wishes to comment on the proposed amendment bylaw will have an opportunity, either verbally and/or in writing, to be heard at the public hearing.

A summary of the public hearing comments and submissions will then be included in a staff report to the RDN Board in order for the Board to consider third reading of the bylaw.

If the amendment bylaw receives third reading, and the proposed development involves a change in land use within 800 metres radius of an intersection of a controlled access highway pursuant to the Highway Act, the bylaw is forwarded to the Ministry of Transportation and Infrastructure for approval. In the case of an amendment to an official community plan, the corresponding bylaw is also forwarded to the Ministry for Community, Sport and Cultural Development for approval.

Upon receiving approval from these ministries, and upon security of any items required as a condition of rezoning, the amendment bylaw may then be presented to the RDN Board for consideration of final adoption (fourth reading) of the bylaw.

Official Community Plan Amendment

Pursuant to the Local Government Act, an amendment to an OCP involves a formal public consultation process, which includes referrals to provincial government agencies, adjoining municipalities or regional districts and other concerned agencies as determined by the RDN Board. The intent of these referrals is to ensure community plan amendments do not conflict with provincial mandates and legislation and the goals of adjoining local governments.

Amendment applications will be formally referred to all required agencies following first and second reading of an OCP amendment bylaw.



Amendment Application Form

REZONING OFFICIAL COMMUNITY PLAN LAND USE CONTRACT

OFFICE USE ONLY

Application Fee: Receipt No. File No.

SECTION 1: DESCRIPTION OF PROPERTY
(AS INDICATED ON THE STATE OF TITLE CERTIFICATE)

Legal Description
Civic Address
Electoral Area Parcel Identifier (PID)

SECTION 2: OWNER INFORMATION
(ATTACH ADDITIONAL PAGE IF MORE THAN TWO OWNERS)

1) 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 as follows:

*NOTE: Please attach letter if more space is required.

Amendment Requested:

Purpose of Requested Amendment:

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
- Archaeological Assessment
- Arborist Report
- Landscape Plan
- 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 correspondence 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):

- Checkboxes for OCP Amendment, Development Permit, Temporary Use Permit, Rezoning, Development Variance Permit, Agricultural Land Reserve, Subdivision, Board of Variance, and 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 _____

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:	<i>Groundwater - Application requirements for rezoning of un-serviced lands</i> (Current Planning)	POLICY NO: B 1.21 CROSS REF.:
EFFECTIVE DATE:	February 22, 2011	APPROVED BY: BOARD
REVISION DATE:		PAGE: 1 of 2

PURPOSE

To standardize the information required at the rezoning stage to confirm that the potable water needs of proposed lots or use can be met.

POLICY

Based on the policies and objectives of the Official Community Plan (OCP) and given the existing limitations to ensure standards are being satisfied through the subdivision process and in recognition that well drilling and testing on proposed lots may be onerous and undesirable at the rezoning stage, the following approach will be taken when considering un-serviced lands (with respect to community water) for rezoning:

1. Where a lot is the subject of a rezoning application to reduce the minimum lot size in order to facilitate a subdivision, a preliminary hydrogeological assessment completed by a qualified professional (P. Eng or P. Geo registered in BC) must be completed and submitted as part of the rezoning application.

The report must confirm that in the opinion of the qualified professional:

- a) a minimum year-round potable water supply of 3.5m³ (3500 l) per day can be provided for each parcel being proposed, and that,
- b) the proposed well(s) will have no adverse impacts on surrounding wells, groundwater resources, and receiving waters.

The report must be received and reviewed prior to proceeding to the Board for introduction of the associated amendment bylaw.

Prior to final adoption of the amendment bylaw a covenant must be registered on title which will require that the wells be constructed and tested, and a report submitted to the RDN prior to final approval of subdivision. The report must comply with the requirements as outlined below.

If the application involves the rezoning of lands to permit subdivision of lands that are currently occupied by dwellings, each with their own well, and the rezoning will not result in additional residential density, a preliminary hydrogeological assessment is not required provided the applicant proceeds with the well testing and associated report to the satisfaction of the Regional District.

2. Where a lot is the subject of a rezoning application to permit multiple units, commercial, institutional or industrial use, a preliminary hydrogeological assessment completed by a qualified professional (P. Eng or P. Geo registered in BC) must be completed and submitted as part of the rezoning application.

The report must confirm that in the opinion of the registered professional:

- a) a minimum year-round potable water supply to support the proposed use can be provided on the parcel, and that,
- b) the proposed well(s) will have no adverse impacts on surrounding wells, groundwater resources and receiving waters.

The report must be received and reviewed prior to proceeding to the Board for introduction of the associated amendment bylaw.

Prior to final adoption of the amendment the applicant must receive source approval from the Vancouver Island Health Authority.

Well report requirements:

The intent of the well report is to confirm that the well can adequately service the proposed lot and that it meets current well regulations. The report must be completed, dated and signed by a qualified professional and include/confirm the following:

- the date when the well was drilled along with a copy of the driller's log (if available);
- the well identity number as indicated on the plate secured to the well;
- photographs of the well identity tag, 'stick up', and general location of the well;
- that the water meets the Canadian Drinking Water Standards. The report should include the test results of the well water and to have been completed within 6 months of the date of the report. The report must also identify where the parameters may have exceeded the Drinking Water Guidelines;
- that pump testing has been completed and witnessed by a qualified professional. The pump testing is required to have been run for the greater of 12 hours or until the water level stabilizes at the pumping rate of at least 2.5 litres/minute with a well recovery period monitored for the greater of 6 hours or until the water level recovers to a minimum of 90% of its pre-pumping water level. This pump test should be conducted only during the months of July through November (lowest water table).

Confirmation that the well meets the minimum well standards as outlined in the BC Ground Water Protection Regulations as enacted on November 1, 2005 and as amended from time to time which includes the following:

- is at minimum 30m from potential sources of contamination, including but not limited to: agricultural buildings, septic fields, animal pens/runs, refuse and compost piles, areas of fertilizer/herbicide use or storage, above or below ground storage tanks, and parking areas;
- is outside of a floodplain, or if within a floodplain measures taken/required to protect the well;
- is accessible for maintenance;
- has a secure and watertight cap;
- the well head is at minimum 300mm above the adjacent finished grade, and the ground around the well head is sloped away from the well casing.