



**REGIONAL DISTRICT OF NANAIMO DEVELOPMENT APPLICATION, NOTIFICATION PROCEDURES AND FEES BYLAW No. 1845, 2022 – INFORMATION UPDATE**

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**RECOMMENDATIONS**

1. That the Board rescind third reading of “Regional District of Nanaimo Development Application, Notification Procedures and Fees Bylaw No. 1845, 2022”.
2. That the Board amend “Regional District of Nanaimo Development Application, Notification Procedures and Fees Bylaw No. 1845, 2022” to include the changes outlined in Attachment 2.
3. That the Board give third reading to “Regional District of Nanaimo Development Application, Notification Procedures and Fees Bylaw No. 1845, 2022” as amended.
4. That the Board adopt “Regional District of Nanaimo Development Application, Notification Procedures and Fees Bylaw No. 1845, 2022”.

**BACKGROUND**

At the June 28, 2022 Board meeting a report on the “Regional District of Nanaimo Development Application, Notification Procedures and Fees Bylaw No. 1845, 2022” (Bylaw 1845) was presented to the Board for adoption. The bylaw was not adopted and the Board referred Bylaw 1845 back to the Electoral Area Services Committee (EASC) for more information. The purpose of this report is to provide additional information for the Board’s consideration. Please refer to Attachment No. 1 for the staff report that was presented to the Board at its June 28<sup>th</sup> meeting agenda, Attachment No. 2 for Draft Bylaw 1845 as amended, and Attachment No. 3 for Draft Bylaw 1845 at 3<sup>rd</sup> reading.

Prior to its consideration of Bylaw 1845, the Board at its June 28<sup>th</sup> regular meeting adopted “Regional District of Nanaimo Public Notice Bylaw No. 1851, 2022” (Bylaw 1851). Bylaw 1851 specifies how the Regional District of Nanaimo (RDN) will provide statutory public notice and includes the requirement for one notice to be published in a newspaper in the area affected by the proposed bylaw and posting notice on the RDN website.

Now that Bylaw 1851 has been adopted, all statutory notifications must be consistent with Bylaw 1851. In the Planning Department, the only statutory notification requirement is in relation to advertising for a public hearing. Bylaw 1851 does not affect the methods of notification for the various other planning-related meetings, workshops, and opportunities for providing public input as they are not required by provincial legislation.

In anticipation of the Board adopting Bylaw 1851, Bylaw 1845 was amended to ensure consistency. This consistency is crucial as all statutory notices for a public hearing must now be consistent with Bylaw 1851.

## **PROCEDURAL IMPLICATIONS**

As the Board referred draft Bylaw 1845 back to the Electoral Area Services Committee and did not proceed with adopting Bylaw 1845, the current Development Application and Procedures Bylaw 1776 is still in effect. Bylaw 1776 is now in conflict with Bylaw 1851. Provincial legislation requires the two bylaws to be consistent. The RDN is not permitted to proceed with notification for a public hearing that is not consistent with Bylaw 1851. To rectify this situation one or both of Bylaws 1851 and 1845 must be amended so that they are consistent with each other.

The recommendation is that the Board proceed with third reading and adoption of Bylaw 1845. Should the Board not wish to support Bylaw 1845, it is recommended that the Board direct staff to amend Bylaw 1776 to remove the inconsistent method of notifying for a public hearing.

## **FINANCIAL IMPLICATIONS**

Staff have reviewed the proposed amendments and no implications related to the Board 2022-2026 Financial Plan were identified.

## **STRATEGIC PLAN ALIGNMENT**

Proposed Bylaw 1845 is consistent with the 2019 – 2022 Board Strategic Plan Goal to improve the governance and awareness of RDN activities for citizens throughout the region by increasing awareness and improving access to development application information.

## **REVIEWED BY:**

P. Thompson, Manager, Current Planning  
L. Grant, General Manager, Planning and Development  
D. Holmes, Chief Administrative Officer

## **ATTACHMENTS**

1. Report on Proposed Bylaw 1845
2. Draft Bylaw 1845 Amended
3. Draft Bylaw 1845 at 3<sup>rd</sup> Reading