

REGIONAL DISTRICT OF NANAIMO

P O L I C Y

SUBJECT:	<i>Property Declaration Form</i>	POLICY NO: B1.12
		CROSS REF.:
EFFECTIVE DATE:	September 26, 2006	APPROVED BY: Board
REVISION DATE:	September 4, 2018	PAGE: 1 of 3

PURPOSE

To provide a consistent process to determine a property owner's knowledge of the following for the purpose of development applications:

1. the presence or absence of streams subject to the Riparian Areas Regulation (RAR)
2. the presence or absence of eagle or heron nesting trees on or near the subject property; and
3. that a site has been used, or is used, for industrial or commercial purposes or activities.

To ensure that property owners and their agents are aware of their responsibilities with respect to the RAR, development permit area requirements with respect to eagle and heron nesting trees, and the Contaminated Sites Regulation.

POLICY

The property declaration form, a sample of which is attached as Attachment No. 1, shall be completed by the property owner(s) or authorized agent(s) when applying for a building permit, and as necessary to determine whether or not a development permit or Site Profile Form is required. This is to ensure compliance with the RAR, Contaminated Sites Regulation, and development permit area requirements.

Riparian Areas:

2. Where the property owner(s) or authorized agent(s) indicates that there is a water feature on a property, and the development, including land alteration and/or vegetation removal, may be within 30.0 metres of a watercourse, staff shall:
 - i. require the applicant to hire a Qualified Environmental Professional to determine whether the water feature is subject to the RAR, or
 - ii. make the determination that a water feature(s) is (are) not subject to the RAR where the situation is clear; however, where any uncertainty exists the applicant shall be required to hire a Qualified Environmental Professional to make the determination.
3. Where the property owner(s) or authorized agent(s) indicates that there is (are) no water feature(s) on a property that may be within 30.0 metres of any development, including land alteration and/or vegetation removal, staff shall:
 - i. review mapping resources and air photographs for any indication of the presence of a watercourse;

- ii. check for a water feature during any site visits or inspections of the property; and
 - iii. require the applicant to hire a Qualified Environmental Professional to make a determination as to whether the watercourse is subject to the RAR where a water feature is suspected to exist.
 - iv. where no water feature exists within 30.0 metres of a development, consider exempting the proposed development from requiring a development permit, according to the requirements of the applicable development permit area;
4. If a proposed development as defined in the RAR is found to be within the Riparian Assessment Area as defined in the RAR, the applicant shall be required to hire a Qualified Environmental Professional to conduct an assessment pursuant to the RAR and applicable development permit area.

Eagle and Heron Nesting Trees:

5. Where the property owner(s) or authorized agent(s) indicates that there is an eagle or heron nesting tree on or near a property, and the development, including land alteration and/or vegetation removal, may be within a radius of the tree specified in the development permit area designation, staff shall:
 - i. determine if the applicable official community plan designates a development permit area for eagle and heron nesting trees and if so, inform the applicant that a development permit is required; and
 - ii. inform the applicant of their responsibilities under the *Wildlife Act* related to not disturbing the nest or birds.

Contaminated Sites:

6. Where the property owner(s) or authorized agent(s) indicate that a site has been used, or is used, for industrial or commercial purposes or activities, staff shall:
 - i. determine if a Site Profile Form is required, and if so, require that the Site Profile Form is completed prior to accepting a development application form.

Declaration Form Policy - Attachment No. 1
SAMPLE FORM



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 or on the RDN's website. 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 here. Use additional pages if required): _____

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: _____