

**TO:** Committee of the Whole**MEETING:** July 9, 2019**FROM:** Courtney Simpson  
Senior Planner**FILE:** 6780-30**Subject:** Bylaw Amendments Related to Enforcement of Development Permit Areas

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**RECOMMENDATIONS**

1. That the report for the public hearing held on June 18, 2019 for “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.426” be received.
2. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.426” be read a third time.
3. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.426” be adopted.
4. That “Regional District of Nanaimo Bylaw Notice Amendment Bylaw No. 1786.02, 2019” be introduced and read three times.
5. That “Regional District of Nanaimo Bylaw Notice Amendment Bylaw No. 1786.02, 2019” be adopted.

**SUMMARY**

To allow for enforcement of development permit areas to be undertaken through the Bylaw Dispute Adjudication System in all electoral areas except for Electoral Area F, amendments to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” and the “Regional District of Nanaimo Bylaw Notice Bylaw No. 1786, 2019” are required. These amendments are related to implementation of the Development Permit and Temporary Use Permit Area Standardization Project that was completed in 2018.

For “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, the amendment bylaw was introduced and given first and second reading on May 28, 2019, and proceeded to public hearing on June 18, 2019. It is recommended that “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.426” be considered for third reading and adoption, and “Regional District of Nanaimo Bylaw Notice Amendment Bylaw No. 1786.02, 2019” be considered for three readings and adoption.

**BACKGROUND**

The Regional District of Nanaimo (RDN) recently completed a project to standardize development permit areas (DPA) for a number of purposes, one of which was to expand options for enforcement. There is now a requirement to include a penalty for DPA contraventions in the

RDN Bylaw Notice Bylaw No. 1786, 2019, a bylaw that establishes the Bylaw Dispute Adjudication System for the RDN. Amendments are also required to the zoning bylaw to add two policies related to enforcement of DPA contraventions. For Electoral Area F where these amendments are not proceeding, options for enforcement of the Freshwater and Fish Habitat DPA (the only DPA in Electoral Area F) remain seeking voluntary compliance, injunctive relief, or through the courts. These options are much more costly in legal fees and in staff time, and less effective for minor infractions.

Amendment Bylaw No. 500.426 was introduced and given first and second reading on May 28, 2019. This was followed by a public hearing on June 18, 2019. The summary of the public hearing is attached for the Board's consideration (Attachment 1 – Summary of Public Hearing). One submission was received prior to the public hearing (Attachment 2 – Public Hearing Submission). There were no members of the public who attended the public hearing.

Following the close of the public hearing no further submissions or comments from the public or interested persons can be accepted by members of the Board, as established by legal precedent. Having received the minutes of the public hearing eligible Board members may vote on the Bylaw.

## **ALTERNATIVES**

1. To receive the report of the public hearing and give third reading to, and adopt "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.426", and give three readings to, and adopt "Regional District of Nanaimo Bylaw Notice Amendment Bylaw No. 1786.02, 2019".
2. To receive the report of the public hearing and provide alternate direction to staff.

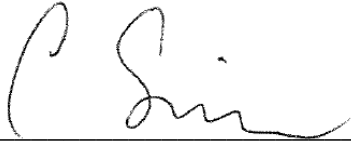
## **FINANCIAL IMPLICATIONS**

These bylaw amendments extend the efficiencies of the Bylaw Adjudication System, to DPA infractions in all electoral areas except Electoral Area F. Bylaw Notices and the Bylaw Dispute Adjudication System create efficiencies that will save time and money regardless of the number of tickets that are disputed. The primary savings are realized in not requiring legal counsel to handle court prosecutions, and the reduced staff time to seek voluntary compliance.

## **STRATEGIC PLAN IMPLICATIONS**

Growth Management - Provide effective regional land use planning and responsible asset management for both physical infrastructure and natural assets.

These bylaw amendments enable effective land use planning by enabling application of the Bylaw Dispute Adjudication System to development permit infractions in all electoral areas except for Electoral Area F.



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June 19, 2019

Reviewed by:

- P. Thompson, Manager, Current Planning
- G. Garbutt, General Manager, Strategic and Community Development
- P. Carlyle, Chief Administrative Officer

Attachments:

1. Summary of Public Hearing
2. Public Hearing Submission
3. "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.426"
4. "Regional District of Nanaimo Bylaw Notice Amendment Bylaw No. 1786.02, 2019"