

DATE OF MEETING MAY 30, 2022

AUTHORED BY LAINYA ROWETT, MANAGER, CURRENT PLANNING

SUBJECT DEVELOPMENT APPROVAL INFORMATION BYLAW

OVERVIEW

Purpose of Report

To present Council with the City of Nanaimo “Development Approval Information Bylaw 2022 No. 7346” to specify the requirements and procedures for the provision of information to address the anticipated impacts of development as part of the development approval process.

Recommendation

1. That City of Nanaimo “Development Approval Information Bylaw 2022 No. 7346” (to specify development information requirements) pass first reading;
2. That City of Nanaimo “Development Approval Information Bylaw 2022 No. 7346” pass second reading; and,
3. That City of Nanaimo “Development Approval Information Bylaw 2022 No. 7346” pass third reading”.

BACKGROUND

Section 485 of the *Local Government Act* authorizes the City of Nanaimo to designate, by bylaw, a Development Approval Information (DAI) Area within which, the City may require information to address the anticipated impacts of a proposed development or activity on the community, including, but not limited to, information concerning impacts on:

- Transportation patterns and traffic flow;
- Local infrastructure;
- Public facilities including schools and parks;
- Community services; and
- The natural environment of the area affected.

Section 7.6 of the City’s Official Community Plan (planNanaimo 2008) currently establishes a DAI area with requirements and procedures to obtain development approval information in relation to development permit applications for lands designated within Development Permit Areas 1 and 2 (DPA1 – Watercourses and DPA2 – Environmentally Sensitive Features). The proposed OCP Bylaw (City Plan) designates all lands within the city boundaries as the specified area within which development approval information may be required.

The proposed Development Approval Information Bylaw (DAI Bylaw) is being introduced concurrently with City Plan, to support the implementation of the OCP policies for development

approval information and to ensure that new development meets the intent of the OCP's objectives and other City bylaws. |

DISCUSSION

|While the DAI area will continue to be established through the OCP, the administration of the development approval information requirements will be regulated through a separate DAI bylaw as a recommended best practice. This structure will allow ease of administration, increased transparency to applicants, and it is consistent with the approach proposed to regulate Development Permit Areas (DPAs), which will be designated in the City Plan with the associated DPA guidelines will incorporated within the Zoning Bylaw.

In accordance with Section 486 of the *Local Government Act*, the DAI Bylaw establishes the policies and procedures for requiring development approval information at the applicant's expense. It also clarifies the substance of the information that may be required for applications involving: an amendment to the zoning bylaw, a development permit, or temporary use permit. The bylaw authorizes an officer or employee of the City to require development approval information such as technical studies (e.g. transportation impact assessments, geotechnical studies, bio-inventory assessments) which are necessary to evaluate a development proposal. It also specifies the appropriate professionals to undertake these assessments. The DAI Bylaw clarifies the general information requirements with further guidance provided in the approval process regarding the appropriate level of detail and terms of reference for analysis based on established City guidelines and given the context and scale of a proposed development.

The information requirements outlined in the DAI Bylaw are based on current best practices and align with the City's development application checklists, which identify required items to submit with a development application as established by the City's Development Approval Procedures and Notification Bylaw 1991 No. 3892. |

OPTIONS

1. |That City of Nanaimo "Development Approval Information Bylaw 2022, No. 7346" (to specify development information requirements) pass first, second, and third reading.
 - The advantages of this option:
 - The bylaw supports the implementation of the OCP (City Plan) objectives for new development; ensures clarity for applicants on the scope and substance of development approval information; and reinforces Council's strategic priority for governance excellence in administration.
 - Establishing the DAI bylaw ensures the impacts of development on the community are appropriately considered and the approval process is streamlined with clear direction on the information submission requirements.
 - The disadvantages of this option: None identified.
 - Financial Implications: None.

2. That Council provide alternate direction to Staff for the establishment of regulations outlining the City's Development Approval Information requirements.
 - The advantages of this option: None identified.

- The disadvantages of this option:
 - City Plan (OCP) would be considered for bylaw introduction without the supporting DAI Bylaw to give clarity on the information requirements for evaluating development proposals.
 - The absence of a DAI Bylaw creates uncertainty for applicants concerning the scope and substance of development approval information that will be required by the City.
- Financial Implications: Potentially unanticipated costs for applicants and delays in application approvals in the absence of a bylaw to clarify the process and information requirements, scope of technical assessments, as well as the appropriate professionals to undertake these assessments. |

SUMMARY POINTS

- The proposed DAI Bylaw is being introduced concurrently with the new OCP (City Plan) to support the implementation of OCP objectives for new development.
- The bylaw outlines requirements for development approval information and clarifies the scope and substance of information that may be required for any amendment to the zoning bylaw, development permit, or temporary use permit application.
- The new bylaw will allow ease of administration, increased transparency to applicants, and clarity on the submission requirements in the development approval process.

ATTACHMENTS:

“Development Approval Information Bylaw 2022 No. 7346 |

Submitted by:

Lainya Rowett
Manager, Current Planning |

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services /
Deputy CAO |