

**REGIONAL DISTRICT OF NANAIMO
REGULAR BOARD MEETING
AGENDA**

Tuesday, January 23, 2018

7:00 P.M.

RDN Board Chambers

This meeting will be recorded

Pages

1. CALL TO ORDER	
2. APPROVAL OF THE AGENDA	
3. ADOPTION OF MINUTES	
(All Directors - One Vote)	
That the following minutes be adopted:	
3.1 Special Board Meeting - January 9, 2018	8
3.2 Regular Board Meeting - December 12, 2017	10
4. DELEGATIONS - AGENDA ITEMS	
5. CORRESPONDENCE	
6. UNFINISHED BUSINESS	
7. COMMITTEE MINUTES	
(All Directors - One Vote)	
That the following minutes be received for information:	
7.1 Executive Committee - January 16, 2018	28
7.2 Electoral Area Services Committee - January 9, 2018	30
7.3 Committee of the Whole - January 9, 2018	36
7.4 Solid Waste Management Select Committee - December 12, 2017	41

8. COMMITTEE RECOMMENDATIONS

8.1 Electoral Area Services Committee

8.1.1 5-Year Project Planning: 2018-2022 43

Please note: Committee recommendation has no accompanying staff report

(All Directors - One Vote)

1. That the Electoral Area 'B' Community Parks 2018-2022 Project Plan be adopted.

2. That the 707 Community Park Signage Project and Dog Park Project be delayed until the 707 Community Park land addition and the Cox Community Park land addition have been brought into the Regional District of Nanaimo system.

8.1.2 Development Permit with Variance Application No. PL2017-146 - 2421 Andover Road, Electoral Area 'E' 46

Delegations Wishing to Speak to Development Permit with Variance Application No. PL2017-146 - 2421 Andover Road, Electoral Area 'E'

(Electoral Area Directors, except EA 'B' - One Vote)

That the Board approve Development Permit with Variance No. PL2017-146 to permit the demolition and construction of a deck within the 15.0 metre watercourse setback and to construct a garage addition subject to the terms and conditions outlined in Attachments 2 to 5.

8.1.3 Development Permit with Variance Application No. PL2017-192 - 951 McFeely Drive, Electoral Area 'G' 56

Delegations Wishing to Speak to Development Permit with Variance Application No. PL2017-192 - 951 McFeely Drive, Electoral Area 'G'

(Electoral Area Directors, except EA 'B' - One Vote)

That the Board approve Development Permit with Variance No. PL2017-192 to permit the construction of a detached garage and dwelling unit with an increase to the maximum permitted dwelling unit height from 8.0 m to 8.8 m subject to the conditions outlined in Attachments 2 to 4.

8.1.4 Development Variance Permit Application No. PL2017-129 - 1401 and 1415 Alberni Highway, Electoral Area 'F' 65

Delegations Wishing to Speak to Development Variance Permit Application No. PL2017-129 - 1401 and 1415 Alberni Highway, Electoral Area 'F'

(Electoral Area Directors, except EA 'B' - One Vote)

That the Board approve Development Variance Permit No. PL2017-129 to increase the number of signs permitted per business from one to two for a liquor store and from one to five for a gasoline service station subject to the terms and conditions outlined in Attachment 2.

8.1.5 Development Variance Permit Application No. PL2017-180 - 2949 Dolphin Drive, Electoral Area 'E' 78

Delegations Wishing to Speak to Development Variance Permit Application No. PL2017-180 - 2949 Dolphin Drive, Electoral Area 'E'

(Electoral Area Directors, except EA 'B' - One Vote)

That the Board approve Development Variance Permit No. PL2017-180 to increase the maximum height allowance from 8.0 m to 10.09 m, and to reduce the setback to the sea from 8.0 m to 0.0 m from top of bank to permit the construction of a dwelling unit and attached garage subject to the terms and conditions outlined in Attachments 2 to 4.

8.1.6 Zoning Amendment Application No. PL2017-060 - 2347 & 2419 Cedar Road, Electoral Area 'A' - Amendment Bylaw No. 500.412 – First and Second Reading 87

(Electoral Area Directors, except EA 'B' - One Vote)

1. That the Board receive the Summary of the Public Information Meeting held on August 30, 2017.
2. That the Board introduce and give two readings to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.412, 2018”.
3. That the public hearing for “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.412, 2018” be waived and notice of the Board’s intent to consider third reading be given in accordance with Section 467 of the *Local Government Act*.
4. That the Board direct that the conditions set out in Attachment 3 of the staff report be completed prior to Bylaw No. 500.412 being considered for adoption.

8.1.7 Zoning Amendment Application No. PL2017-093 - 3097 Landmark Crescent, Electoral Area 'C' - Amendment Bylaw 500.414, 2018 - First and Second Reading 100

(Electoral Area Directors, except EA 'B' - One Vote)

1. That the Board receive the Summary of the Public Information Meeting held on November 29, 2017.
2. That the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 500.414, 2018 being considered for adoption.
3. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.414, 2018" be introduced and read two times.
4. That the public hearing for "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.414, 2018" be waived and notice of the Board's intent to consider third reading be given in accordance with Section 467 of the *Local Government Act*.

8.1.8 Cannabis Production – Zoning Amendments to Bylaw 500 and Bylaw 1285 114
Please note: The original recommendation was varied by the Committee (Items 4 and 5 amended)

(Electoral Area Directors, except EA 'B' - One Vote)

1. That the Board receive the Cannabis Production – Zoning Amendments to Bylaw 500 and Bylaw 1285 report for information.
2. That the "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.415, 2018", be introduced and read two times.
3. That the public hearing for "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.415, 2018" be waived and notice of the Board's intent to consider third reading be given in accordance with Section 467 of the *Local Government Act*.
4. That the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.31, 2018", be introduced and read two times, as amended.
5. That the public hearing for "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.31, 2018" be chaired by Director Fell or his alternate.

- 8.1.9 Regional Growth Strategy Amendment to Implement Electoral Area ‘H’ Official Community Plan** 125
- (All Directors - One Vote / 2/3)
1. That the amendments required to “Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011” to implement the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Amendment Bylaw No. 1335.06, 2017” proceed through the minor amendment process.
- (All Directors - One Vote)
2. That the Consultation Plan for “Regional Growth Strategy Amendment to Implement the Electoral Area ‘H’ Official Community Plan” be endorsed.
- 8.1.10 Short Term Vacation Rentals** 135
- Please note: The original recommendation was varied by the Committee (Items 1 and 2 not carried)*
- (All Directors - One Vote)
- That staff prepare a report detailing the costs and benefits of a business licensing regime for the Regional District of Nanaimo Electoral Areas, and include a stakeholder engagement and implementation strategy.
- 8.2 Committee of the Whole**
- 8.2.1 AVICC Resolution – Notice by Mail** 140
- Please note: The original recommendation was varied by the Committee*
- (All Directors - One Vote)
- That the following resolution be forwarded to the Association of Vancouver Island and Coastal Communities for consideration at their annual meeting:
- WHEREAS Section 220 of the *Local Government Act* requires that notice of a special board meeting must be mailed to each Director at least 5 days before the date of the meeting, and the *Interpretation Act* specifies that such mail must be delivered by Canada Post;
- AND WHEREAS this requirement, which applies to regional districts and not municipalities, creates unnecessary time delays for holding special board meetings and is not in keeping with technological advances of recent years;
- THEREFORE BE IT RESOLVED THAT the Province be urged to amend the legislation to permit such notices to be provided by other means, including electronic mediums.
- 8.2.2 2018-2028 Marine Trail Cooperation Agreement** 142
- (All Directors - Weighted Vote)
- That the 2018-2028 Marine Trail Cooperation Agreement with the BC Marine Trail Network Association be approved.

- 8.2.3 District of Lantzville Sanitary Sewer Trunk – Transfer of Ownership to the Regional District of Nanaimo** 152
- (Nanaimo, Lantzville - Weighted Vote)
1. That the acquisition of the sanitary sewer trunk that services the District of Lantzville be approved.
 2. That the acquisition of the related Statutory Right of Way be approved.
- (All Directors - Weighted Vote)
3. That the Chair and CAO be authorized to execute the documents to conclude the transaction.
- 8.2.4 Trucked Liquid Waste Rates and Regulation Bylaw No. 1732 Amendment** 190
- (Nanaimo, Lantzville, Parksville, Qualicum Beach, Electoral Areas 'E' and 'G' - Weighted Vote)
1. That the “Trucked Liquid Waste Rates and Regulations Amendment Bylaw No. 1732.01, 2018” be introduced and read three times.
- (Nanaimo, Lantzville, Parksville, Qualicum Beach, Electoral Areas 'E' and 'G' - 2/3 Weighted Vote)
2. That the “Trucked Liquid Waste Rates and Regulations Amendment Bylaw No. 1732.01, 2018” be adopted.
- 8.2.5 Nanaimo & Area Land Trust - Request for Funding**
- Please note: Recommendation came from Business Arising from Delegations*
- (All Directors - Weighted Vote)
- That a total of \$35,000 be included in the budget for funding for the Nanaimo & Area Land Trust in 2018.
- 8.3 Solid Waste Management Select Committee**
- 8.3.1 Bylaw No. 1591.08 - Solid Waste and Recycling Collection Service Rates and Regulations Amendment Bylaw** 196
- (All Directors, except Nanaimo - Weighted Vote)
1. That "Regional District of Nanaimo Solid Waste and Recycling Collection Service Rates and Regulations Amendment Bylaw No. 1591.08, 2018", be introduced and read three times.
- (All Directors, except Nanaimo - 2/3 Weighted Vote)
2. That “Regional District of Nanaimo Solid Waste and Recycling Collection Service Rates and Regulations Amendment Bylaw No. 1591.08, 2018”, be adopted.

9. REPORTS

9.1 Appointment of Bylaw Enforcement Officers 202

(All Directors - One Vote)

That David James Elley of Coastal Animal Control Services of BC Limited be appointed as a Bylaw Enforcement Officer in accordance with Bylaw Enforcement Officers Bylaw 857, 1992, for the specific purpose of enforcing Regional District of Nanaimo Animal Control Bylaws.

That David William Horne of Coastal Animal Control Services of BC Limited be appointed as a Bylaw Enforcement Officer in accordance with Bylaw Enforcement Officers Bylaw 857, 1992, for the specific purpose of enforcing Regional District of Nanaimo Animal Control Bylaws.

9.2 Emergency Operations Centre Grant - UBCM Community Emergency Preparedness Fund 204

(Electoral Area Directors - Weighted Vote)

That the Board endorse the grant application for \$24,000 to the Union of British Columbia Municipalities Community Emergency Preparedness Fund to purchase and install equipment to support the Regional District of Nanaimo Emergency Operations Centre.

10. BUSINESS ARISING FROM DELEGATIONS

11. NEW BUSINESS

12. IN CAMERA

(All Directors - One Vote)

That pursuant to Sections 90 (1) (a), (c), (e), (i), (j) and (k) of the *Community Charter* the Board proceed to an In Camera meeting for discussions related to Board appointments, labour relations or other employee relations, land acquisition, solicitor-client privilege, third party business interests and a proposed service.

13. ADJOURNMENT

**REGIONAL DISTRICT OF NANAIMO
MINUTES OF THE SPECIAL BOARD MEETING**

**Tuesday, January 9, 2018
5:33 P.M.
RDN Board Chambers**

In Attendance:	Director W. Veenhof	Chair
	Director I. Thorpe	Vice Chair
	Director A. McPherson	Electoral Area A
	Director M. Young	Electoral Area C
	Director B. Rogers	Electoral Area E
	Director J. Fell	Electoral Area F
	Director J. Stanhope	Electoral Area G
	Director B. McKay	City of Nanaimo
	Alternate	
	Director S. Armstrong	City of Nanaimo
	Director B. Bestwick	City of Nanaimo
	Director G. Fuller	City of Nanaimo
	Director J. Hong	City of Nanaimo
	Director J. Kipp	City of Nanaimo
	Director M. Lefebvre	City of Parksville
	Director K. Oates	City of Parksville
	Director B. Colclough	District of Lantzville
	Director T. Westbrook	Town of Qualicum Beach
Regrets:	Director H. Houle	Electoral Area B
	Director D. Brennan	City of Nanaimo
	Director B. Yoachim	City of Nanaimo
Also in Attendance:	P. Carlyle	Chief Administrative Officer
	R. Alexander	Gen. Mgr. Regional & Community Utilities
	G. Garbutt	Gen. Mgr. Strategic & Community Development
	T. Osborne	Gen. Mgr. Recreation & Parks
	W. Idema	A/Gen. Mgr. Corporate Services
	D. Pearce	Director of Transportation & Emergency Services
	J. Hill	Mgr. Administrative Services
C. Golding	Recording Secretary	

CALL TO ORDER

The Chair called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

APPROVAL OF THE AGENDA

18-001

It was moved and seconded that the agenda be approved as presented.

CARRIED UNANIMOUSLY

IN CAMERA

18-002

It was moved and seconded that pursuant to Section 90 (1)(a) of the *Community Charter* the Board proceed to an In Camera Meeting for discussions related to the consideration of an individual for a position as an officer and employee.

CARRIED UNANIMOUSLY

TIME: 5:34 PM

RISE AND REPORT

18-003

It was moved and seconded that Delcy Wells be appointed General Manager of Corporate Services pursuant to the terms of the contract of employment.

CARRIED

ADJOURNMENT

It was moved and seconded that this meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 5:42 PM

CHAIR

CORPORATE OFFICER

**REGIONAL DISTRICT OF NANAIMO
MINUTES OF THE REGULAR BOARD MEETING**

**Tuesday, December 12, 2017
7:08 P.M.
RDN Board Chambers**

In Attendance:	Director W. Veenhof	Chair
	Director I. Thorpe	Vice Chair
	Director A. McPherson	Electoral Area A
	Director H. Houle	Electoral Area B
	Director M. Young	Electoral Area C
	Director B. Rogers	Electoral Area E
	Director J. Fell	Electoral Area F
	Director J. Stanhope	Electoral Area G
	Director B. McKay	City of Nanaimo
	Alternate	
	Director S. Armstrong	City of Nanaimo
	Director B. Bestwick	City of Nanaimo
	Director D. Brennan	City of Nanaimo
	Director G. Fuller	City of Nanaimo
	Director J. Hong	City of Nanaimo
	Director B. Yoachim	City of Nanaimo
	Director M. Lefebvre	City of Parksville
	Director K. Oates	City of Parksville
	Director B. Colclough	District of Lantzville
	Director T. Westbroek	Town of Qualicum Beach
Regrets:	Director J. Kipp	City of Nanaimo
Also in Attendance:	P. Carlyle	Chief Administrative Officer
	R. Alexander	Gen. Mgr. Regional & Community Utilities
	G. Garbutt	Gen. Mgr. Strategic & Community Development
	W. Idema	A/Gen. Mgr. Corporate Services
	T. Osborne	Gen. Mgr. Recreation & Parks
	D. Pearce	Director of Transportation & Emergency Services
	J. Hill	Mgr. Administrative Services
	C. Golding	Recording Secretary

CALL TO ORDER

The Chair called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

APPROVAL OF THE AGENDA

17-589

It was moved and seconded that the agenda be approved, as amended, to include late delegations and correspondence on the addendum.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

Inaugural Board Meeting - November 14, 2017

17-590

It was moved and seconded that the minutes of the Inaugural Board meeting held November 14, 2017, be adopted.

CARRIED UNANIMOUSLY

PRESENTATION

Regional District of Nanaimo Recognition – Government Finance Officers Association Canadian Award for Financial Reporting

Wendy Idema, Acting General Manager, Corporate Services, presented the Chair with the Government Finance Officers Association Canadian Award for Financial Reporting for the Regional District of Nanaimo's 2016 Annual Financial Report.

DELEGATIONS - AGENDA ITEMS

17-591

It was moved and seconded that late delegations be permitted to address the Board.

CARRIED UNANIMOUSLY

Thomas Gates re Bowser Sewer Service Bylaws

Thomas Gates shared his concerns regarding consultation with residents and the broader community, Electoral Area 'H' Official Community Plan non-conformance, and the lack of a referendum and asked the Board to amend the bylaw to include an on-land effluent disposal system.

Bryan Holyk re Bowser Sewer Service Bylaws

Chris Gates, speaking on behalf of Bryan Holyk, voiced concerns regarding the consultation process, potential environmental impact to the Salish Sea if a marine outfall effluent disposal system is utilized, and asked the Board to amend the bylaw to include an on-land effluent disposal system.

PROCEDURAL MOTION

17-592

It was moved and seconded that Agenda Item 10.1 - Bowser Sewer Service Bylaws be brought forward.

CARRIED UNANIMOUSLY

Bowser Sewer Service Bylaws

17-593

It was moved and seconded that the Regional District of Nanaimo enter into the Development Cost Charge Frontender Amendment Agreement dated December 12, 2017.

Opposed (3): Director Bestwick, Director Fuller, and Director Yoachim

CARRIED

17-594

It was moved and seconded that "Bowser Village Sanitary Sewer Service Establishment Bylaw No. 1760, 2017", be adopted.

Opposed (3): Director Bestwick, Director Fuller, and Director Yoachim

CARRIED

17-595

It was moved and seconded that "Bowser Village Sanitary Sewer Loan Authorization Bylaw No. 1761, 2017", be adopted.

Opposed (3): Director Bestwick, Director Fuller, and Director Yoachim

CARRIED

17-596

It was moved and seconded that "Bowser Village Sanitary Sewer Service Development Cost Charge Bylaw No. 1765, 2017", be adopted.

CARRIED UNANIMOUSLY

17-597

It was moved and seconded that the Board authorize staff to negotiate revised fees with Stantec and GreatPacific Consulting Inc. for engineering, tender preparation, and permitting for the Bowser Village Centre Wastewater Project within the approved project budget, and not to exceed \$400,000.

Opposed (3): Director Bestwick, Director Fuller, and Director Yoachim

CARRIED

CORRESPONDENCE

17-598

It was moved and seconded that the following correspondence be received for information:

Kathy Code, Ecoforestry Institute Society, re Electoral Area 'A' Community Works Fund Request

Sean Hern, Farris, Vaughan, Wills & Murphy LLP, re Bowser Village Centre Wastewater Project - Noonday Road Outfall

Murray Hamilton, Owners of Strata Plan - VIS 5160, re Development Variance Permit Application No. PL2017-174 - 3036 Bay Road, Electoral Area 'H'

CARRIED UNANIMOUSLY

COMMITTEE MINUTES

17-599

It was moved and seconded that the following minutes be received for information:

Electoral Area Services Committee - November 28, 2017

Committee of the Whole - November 28, 2017

Transit Select Committee - November 16, 2017

CARRIED UNANIMOUSLY

COMMITTEE RECOMMENDATIONS

Electoral Area Services Committee

Parks Update Report - Spring and Summer 2017

17-600

It was moved and seconded that repairs to Little Qualicum Hall be considered following the completion and review of the engineering study on the facility that is being conducted by Herold Engineering, the integrity of the structure is confirmed and consultation with the local community has been conducted.

CARRIED UNANIMOUSLY

Meadowood Community Park Washroom Vandalism

17-601

It was moved and seconded that the washroom and surround be temporarily removed from Meadowood Community Park.

CARRIED UNANIMOUSLY

Development Permit Application No. PL2017-058, Electoral Area 'E'

17-602

It was moved and seconded that the Board approve Development Permit No. PL2017-058 to permit the construction of a 35 unit townhouse development subject to the conditions outlined in Attachments 2 to 5.

CARRIED UNANIMOUSLY

Development Permit Application No. PL2016-013 - 1000 Gold Road, Electoral Area 'G'

17-603

It was moved and seconded that the Board deny Development Permit No. PL2016-013 to permit the construction of a dwelling unit, land alteration, vegetation removal, and the construction of a number of accessory buildings as the application is not consistent with the applicable Development Permit Area guidelines as shown on Attachment 3.

CARRIED UNANIMOUSLY

Development Variance Permit Application No. PL2017-174 - 3036 Bay Road, Electoral Area 'H'

17-604

It was moved and seconded that the Board approve Development Variance Permit No. PL2017-174 to increase the maximum permitted floor area and increase the maximum permitted height to allow the construction of an accessory building subject to the terms and conditions outlined in Attachments 2 to 4.

CARRIED UNANIMOUSLY

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2017-134 - Columbia Drive and Viking Way, Electoral Area 'G'

17-605

It was moved and seconded that the Board approve the request to relax the minimum 10% perimeter frontage requirement for proposed Lot B in relation to Subdivision Application No. PL2017-134.

CARRIED UNANIMOUSLY

Electoral Area 'F' Official Community Plan Review Project

17-606

It was moved and seconded that the Board direct staff to include into the Electoral Area 'F' Official Community Plan Review process, scheduled to commence in 2018:

1. A land use analysis of parcels in Electoral Areas 'F' and 'G' in the vicinity of Church Road to prepare an electoral area boundary amendment assessment; and
2. Clarify Commercial/Industrial land use policies within the Bellevue - Church Road Rural Separation Area designation.

CARRIED UNANIMOUSLY

Gathering for an Event in the Agricultural Land Reserve – Proposed Zoning Amendments

17-607

It was moved and seconded that the Board receive the Gathering for an Event in the Agricultural Land Reserve – Proposed Zoning Amendments report for information.

CARRIED UNANIMOUSLY

17-608

It was moved and seconded that the Board direct staff to refer proposed amendments to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500, 1987” and “Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285, 2002” to the Agricultural Advisory Committee and farming community for comment.

CARRIED UNANIMOUSLY

17-609

It was moved and seconded that the Board direct staff to develop an information brochure for “Gathering for an Event in the Agricultural Land Reserve”.

CARRIED UNANIMOUSLY

Implications of Cannabis Legalization to the Regional District of Nanaimo

It was moved and seconded:

1. That the Board of the Regional District of Nanaimo make the following recommendations to the Province of BC with respect to provincial regulation of non-medical cannabis:
 - i. That the Province establish a hybrid government and private distribution and warehousing model for non-medical cannabis and permit local governments to regulate and/or prohibit cannabis warehousing, distribution and sale through zoning bylaws;
 - ii. That the Province establish a retail model that consists of a hybrid government and private model and permit local governments to regulate the location and density of retailers through zoning bylaws;

- iii. That the minimum age to buy, grow and publicly possess non-medical cannabis in British Columbia be established at 19 years;
 - iv. That the maximum public possession limit of dried cannabis for a person of legal age be established at 30 grams;
 - v. That the personal possession limit of dried cannabis for youths without being criminally charged be established at 5 grams;
 - vi. That public smoking of cannabis be restricted in the same manner as tobacco smoking and vaping;
 - vii. That the Province launch a public education and awareness campaign to inform British Columbians about the risks and potential consequences of cannabis-impaired driving and set a zero-tolerance standard in respect of blood THC content for drivers in the Graduated Licensing Program with an “L” or “N” designation and/or drivers under a specific age threshold; and
 - viii. That the maximum home cultivation of non-medical cannabis limit for an adult be established at 4 plants per household and prohibit outdoor cultivation and do not set restrictions regarding where and how non-medical cannabis can be grown and stored at home.
2. That the Board request regular updates from the Province through the Union of BC Municipalities to ensure local governments are aware of any and all progress in the development of provincial regulations related to non-medical cannabis.
 3. That the Board request additional regional district representation on the Joint Provincial-Local Government Committee on Cannabis Regulation.
 4. That the Board request the provision of adequate provincial funding to cover any responsibilities and increase in administrative burden of any provincial framework that requires local government participation.
 5. That the Board request equitable sharing of tax revenues from cannabis between all orders of government.

It was moved and seconded that the motion be amended to change the word “youths” in item 1.v. to “persons under 19”.

Opposed (5): Director Young, Director Fuller, Director Hong, Director Yoachim, and Director Westbroek

CARRIED

17-610

The vote was taken on the main motion as amended:

1. That the Board of the Regional District of Nanaimo make the following recommendations to the Province of BC with respect to provincial regulation of non-medical cannabis:
 - i. That the Province establish a hybrid government and private distribution and warehousing model for non-medical cannabis and permit local governments to regulate and/or prohibit cannabis warehousing, distribution and sale through zoning bylaws;
 - ii. That the Province establish a retail model that consists of a hybrid government and private model and permit local governments to regulate the location and density of retailers through zoning bylaws;
 - iii. That the minimum age to buy, grow and publicly possess non-medical cannabis in British Columbia be established at 19 years;
 - iv. That the maximum public possession limit of dried cannabis for a person of legal age be established at 30 grams;
 - v. That the personal possession limit of dried cannabis for persons under 19 without being criminally charged be established at 5 grams;
 - vi. That public smoking of cannabis be restricted in the same manner as tobacco smoking and vaping;
 - vii. That the Province launch a public education and awareness campaign to inform British Columbians about the risks and potential consequences of cannabis-impaired driving and set a zero-tolerance standard in respect of blood THC content for drivers in the Graduated Licensing Program with an "L" or "N" designation and/or drivers under a specific age threshold; and
 - viii. That the maximum home cultivation of non-medical cannabis limit for an adult be established at 4 plants per household and prohibit outdoor cultivation and do not set restrictions regarding where and how non-medical cannabis can be grown and stored at home.
2. That the Board request regular updates from the Province through the Union of BC Municipalities to ensure local governments are aware of any and all progress in the development of provincial regulations related to non-medical cannabis.
3. That the Board request additional regional district representation on the Joint Provincial-Local Government Committee on Cannabis Regulation.
4. That the Board request the provision of adequate provincial funding to cover any responsibilities and increase in administrative burden of any provincial framework that requires local government participation.
5. That the Board request equitable sharing of tax revenues from cannabis between all orders of government.

Opposed (4): Director Young, Director Fuller, Director Hong, and Director Westbrook

CARRIED

17-611

It was moved and seconded that the Board direct staff to amend “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” and “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” to reflect federal legislation on production of cannabis and make further necessary amendments once a provincial regulatory framework for the legalization of non-medical cannabis is developed.

CARRIED UNANIMOUSLY

17-612

It was moved and seconded that the Board request the Province to ensure that the rights of landlords are protected by having property owners able to choose whether to allow the personal cultivation of cannabis by tenants.

Opposed (1): Director McPherson

CARRIED

Nanoose Place Lease Agreement Renewal

17-613

It was moved and seconded that the Board approve the Lease Agreement between the Nanoose Bay Activities and Recreation Society and the Regional District of Nanaimo for the property legally described as: Lot 2, District Lot 6, Nanoose District, Plan 50996 for a ten year term expiring on December 14, 2027.

CARRIED UNANIMOUSLY

Director Colclough left the meeting at 7:57 pm citing a conflict of interest with the next agenda item.

Animal Control Services Agreement

17-614

It was moved and seconded that the Board approve the Animal Control Services Agreement between the Regional District of Nanaimo and Coastal Animal Control Services of BC Ltd. for a three (3) year term beginning January 1, 2018 and ending December 31, 2020, at an annual rate of \$121,800.

CARRIED UNANIMOUSLY

Director Colclough returned to the meeting at 7:58 pm.

Electoral Area ‘A’ Recreation and Culture Grant Approval

17-615

It was moved and seconded that the Electoral Area ‘A’ Recreation and Culture grant application from the Yellow Point Drama Group, for theatre lighting replacement in the amount of \$4,800, be approved.

CARRIED UNANIMOUSLY

Committee of the Whole

Youth Recreation Grants

17-616

It was moved and seconded that the following District 69 Youth Recreation Grant applications be approved:

- Arrowsmith Community Recreation Association - free youth sport programs - \$2,500
- Oceanside Track and Field Club - storage container - \$2,500
- Qualicum Beach Elementary School - Bike Club equipment - \$2,500
- Qualicum & District Curling Club - junior program helmets - \$1,200

Total - \$8,700

CARRIED UNANIMOUSLY

Community Recreation Grants

17-617

It was moved and seconded that the following District 69 Community Recreation Grant applications be approved:

- Arrowsmith Agricultural Association - Family Day Celebration - \$437
- Corcan Meadowood Residents Association - Halloween Event 2018 - \$2,313
- Errington War Memorial Hall Association - concert series facility rental and printing - \$1,425
- Julian Packer and Players - travelling theatre production - \$2,314
- Oceanside Floor Curling Club - equipment maintenance, insurance, facility rental - \$1,200
- Parksville Curling Club - footwear cleaners - \$2,314
- Qualicum Weavers and Spinners Guild - cupboards, tables, canopy tent - \$1,120
- Forward House Community Society - recreation outings - \$1,500

Total - \$12,623

CARRIED UNANIMOUSLY

District 69 Recreation Grant Funding

17-618

It was moved and seconded that the District 69 Recreation Grant funding be increased to \$75,000 per year and that any surplus be transferred to the following year's total.

Opposed (1): Director Rogers

CARRIED

2018 Proposed Budget Overview

17-619

It was moved and seconded that the proposed 2018 budget be approved as presented and that staff be directed to proceed with projects included in the 2018 proposed budget.

CARRIED UNANIMOUSLY

17-620

It was moved and seconded that direction be provided to staff on the outstanding budget items for 2018.

CARRIED UNANIMOUSLY

17-621

It was moved and seconded that staff be directed to proceed to finalize the 2018 to 2022 Financial Plan.

CARRIED UNANIMOUSLY

Quarterly Financial Report – Third Quarter – 2017

17-622

It was moved and seconded that the financial report for the period January 1, 2017 to September 30, 2017 be received for information.

CARRIED UNANIMOUSLY

Bylaw 1766 to Authorize Preparation of 2018 Parcel Tax Rolls

17-623

It was moved and seconded that the “2018 Parcel Tax Assessment Roll Bylaw No. 1766, 2017”, be introduced and read three times.

CARRIED UNANIMOUSLY

17-624

It was moved and seconded that the “2018 Parcel Tax Assessment Roll Bylaw No. 1766, 2017” be adopted.

CARRIED UNANIMOUSLY

Board Strategic Plan Update 2017

17-625

It was moved and seconded that the Regional District of Nanaimo Board reaffirm support for the 2016-2020 Board Strategic Plan.

CARRIED UNANIMOUSLY

Gabriola Recreation Society Agreement Renewal (2018-2020)

17-626

It was moved and seconded that the Recreation Services Agreement with the Gabriola Recreation Society be renewed for a three year term from January 1, 2018 through to December 31, 2020.

CARRIED UNANIMOUSLY

RDN Parks Funding Service Review

17-627

It was moved and seconded that the Regional District of Nanaimo Parks and Trails Funding Service Review conducted by Neilson-Welch Consulting be received.

Opposed (2): Director Yoachim, and Director Westbroek

CARRIED

17-628

It was moved and seconded that the Regional District of Nanaimo Parks and Trails Funding Service Review recommendations be referred back to staff.

Opposed (1): Director Hong

CARRIED

17-629

It was moved and seconded that the existing Regional Parks Parcel tax be utilized for the 2018 budget year.

Opposed (1): Director Hong

CARRIED

Renewal of AECOM Engineering Consultancy Agreement

17-630

It was moved and seconded that the Board authorize staff to exercise the optional 2 year extension with AECOM Canada Ltd. for the provision of consulting engineering services for the Wastewater Services department.

CARRIED UNANIMOUSLY

Transit Select Committee

September 2018 Conventional Transit Expansion

17-631

It was moved and seconded that a 5,000 hour conventional transit annual expansion for September 2018 be approved and staff be directed to work with BC Transit to develop an implementation plan for the Board's approval.

Opposed (2): Director Bestwick, and Director Yoachim

CARRIED

REPORTS

Electoral Area 'H' Official Community Plan Review - Amendment Bylaw 1335.06, Third Reading and Adoption

17-632

It was moved and seconded that the report of the Public Hearing held on December 6, 2017 for "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Amendment Bylaw No. 1335.06, 2017", be received.

CARRIED UNANIMOUSLY

17-633

It was moved and seconded that "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Amendment Bylaw No. 1335.06, 2017", be amended as outlined in Attachment 5 of this Report.

CARRIED UNANIMOUSLY

17-634

It was moved and seconded that "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Amendment Bylaw No. 1335.06, 2017", be read a third time as amended.

CARRIED UNANIMOUSLY

17-635

It was moved and seconded that “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Amendment Bylaw No. 1335.06, 2017”, be adopted.

CARRIED UNANIMOUSLY

ESS Grant Application – UBCM Community Emergency Preparedness Fund

17-636

It was moved and seconded that the grant application for \$25,000 to the Union of British Columbia Municipalities Community Emergency Preparedness Fund to purchase and equip a mobile Emergency Support Services trailer in the Regional District of Nanaimo for south (District 68) Emergency Social Services be endorsed.

CARRIED UNANIMOUSLY

Zoning Amendment Application No. PL2015-172 - 846 Island Highway West, Electoral Area ‘G’ - Amendment Bylaw 500.404, 2017 - Third Reading

17-637

It was moved and seconded that the Board receive the report of the Public Hearing held on October 30, 2017 for “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.404, 2017”.

CARRIED UNANIMOUSLY

17-638

It was moved and seconded that the Board give third reading to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.404, 2017”.

CARRIED UNANIMOUSLY

17-639

It was moved and seconded that the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 500.404 being considered for adoption.

CARRIED UNANIMOUSLY

Board Remuneration

17-640

It was moved and seconded that the “Regional District of Nanaimo Board Remuneration, Expenses and Benefits Bylaw No. 1770, 2017” be introduced and read three times.

Opposed (3): Director Hong, Director Oates, and Director Westbrook

CARRIED

17-641

It was moved and seconded that the “Regional District of Nanaimo Board Remuneration, Expenses and Benefits Bylaw No. 1770, 2017” be adopted.

Opposed (3): Director Hong, Director Oates, and Director Westbrook

CARRIED

17- 642

It was moved and seconded the Board Policy entitled A1.31 Board Equipment and Expenses be approved and that Policy A1.15 and A2.1 be repealed.

Opposed (2): Director Hong, and Director Oates

CARRIED

NEW BUSINESS

2018 Board Member Appointments

17-643

It was moved and seconded that the recommendations for appointments to the 2018 Regional District of Nanaimo Advisory Committees and Commissions be endorsed.

CARRIED UNANIMOUSLY

Electoral Area ‘A’ Community Works Fund Allocation – Ecoforestry Institute Society

17-644

It was moved and seconded that, pending approval from the Union of BC Municipalities, staff be directed to enter into an agreement with the Ecoforestry Institute Society for up to \$150,000 of the Electoral Area 'A' Community Works Fund allocation as a contribution towards the restoration of the Wilkinson Heritage Homestead at the Wildwood Ecoforest.

CARRIED UNANIMOUSLY

Authorization to Issue Business Licences in Electoral Areas

17-645

It was moved and seconded that staff request the Provincial Government to authorize Regional Districts to issue a Business Licence for Government or Private retail establishments located in Electoral Areas that are to be engaged in sale of non-medical cannabis.

CARRIED UNANIMOUSLY

Youth Possession of Cannabis

17-646

It was moved and seconded that the Regional District of Nanaimo advise the Province that it is against youth possession of cannabis in any form excepting that as prescribed by a licensed medical professional.

Opposed (6): Director Houle, Director Fell, Director Armstrong, Director Brennan, Director Lefebvre, and Director Oates

CARRIED

IN CAMERA

17-647

It was moved and seconded that pursuant to Sections 90 (1) (a), (c), (i) and (j) of the *Community Charter* the Board proceed to an In Camera meeting for discussions related to board appointments, employee relations, solicitor-client privilege and third party business interests.

CARRIED UNANIMOUSLY

TIME: 8:50 PM

RISE AND REPORT

Board Appointments

17-648

That the Board approve the 2018 appointments to Advisory Committee and Commissions, and the Board of Variance, as follows:

That Linda Krofta be appointed as the Electoral Area 'E' member to the District 69 Recreation Commission for a term ending January 1, 2020.

That Reg Nosworthy be appointed as the Electoral 'F' member to the District 69 Recreation Commission for a term ending January 1, 2020.

That Lisa Bury, Megan Cawthorne, Jim Fiddick, and Lori Mann be appointed to the Electoral Area 'A' Parks, Recreation and Culture Commission for terms ending December 31, 2019.

That Andrew Thornton be appointed to the Electoral Area 'A' Parks, Recreation, and Culture Commission for a term ending December 31, 2018.

That Kyle Clifford, Tim Gambrill, and Carly McMahon be appointed to the Electoral Area 'B' Parks and Open Space Advisory Committee for terms ending December 31, 2019.

That Doug Cawthorne, Bruce Erickson, and Rick Heikkila be appointed to the East Wellington/Pleasant Valley Parks and Open Space Advisory Committee for terms ending December 31, 2019.

That Stan Cameron be appointed to the East Wellington/Pleasant Valley Parks and Open Space Advisory Committee for a term ending December 31, 2018.

That Marlene Caskey and Debbie Mitchell be appointed to the Nanoose Bay Parks and Open Space Advisory Committee for terms ending December 31, 2019.

That Aimee Dunn be appointed to the Electoral Area 'F' Parks and Open Space Advisory Committee for a term ending December 31, 2019.

That Roy Alexander and Michael Foster be appointed to the Electoral Area 'G' Parks and Open Space Advisory Committee for terms ending December 31, 2019.

That Garry Laird and Keith Wilson be appointed as District 68 members to the Agricultural Advisory Committee for terms ending December 31, 2019.

That Richard Thompson and Catherine Watson be appointed as District 69 members to the Agricultural Advisory Committee for terms ending December 31, 2019.

That Leonard Gatey be appointed as the Business Community member to the Liquid Waste Management Plan Monitoring Committee for a term ending December 31, 2018.

That Anne Fiddick be appointed as the Environment Community member to the Drinking Water and Watershed Technical Advisory Committee for a term ending December 31, 2019.

That Harriet Rueggeberg be appointed as the District 68 member to the Drinking Water and Watershed Technical Advisory Committee for a term ending December 31, 2019.

That Chris Cole be appointed as the District 69 member to the Drinking Water and Watershed Technical Advisory Committee for a term ending December 31, 2019.

That David Wiwchar be appointed to the Board of Variance for a term ending December 31, 2020

CARRIED UNANIMOUSLY

Board Appointment - Electoral Area 'H' Parks and Open Space Advisory Committee

17- 649

It was moved and seconded that Nancy Robertson be appointed to the Electoral Area 'H' Parks and Open Space Advisory Committee for a term ending December 31, 2019.

CARRIED UNANIMOUSLY

ADJOURNMENT

It was moved and seconded that this meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 9:01 PM

CHAIR

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE EXECUTIVE COMMITTEE MEETING

Tuesday, January 16, 2018

12:00 P.M.

RDN Committee Room

In Attendance:

Director B. Veenhof	Chair
Director J. Stanhope	Electoral Area G
Director A. McPherson	Electoral Area A
Director H. Houle	Electoral Area B
Director B. Bestwick	City of Nanaimo
Director B. McKay	City of Nanaimo
Director I. Thorpe	City of Nanaimo
Director M. Lefebvre	City of Parksville

Also in Attendance:

Director B. Rogers	Electoral Area E
P. Carlyle	Chief Administrative Officer
W. Idema	Acting General Manager, Corporate Services
G. Garbutt	General Manager, Strategic and Community Development
T. Osborne	General Manager, Recreation and Parks
D. Pearce	Director, Transportation and Emergency Services

CALL TO ORDER

The Chair called the meeting to order and respectfully acknowledged the Coast Salish First Nations on whose traditional territory the meeting took place.

APPROVAL OF THE AGENDA

It was moved and seconded that the agenda be approved as presented.

CARRIED UNANIMOUSLY

ADOPTION OF THE MINUTES

Executive Committee Meeting – July 25, 2017

It was moved and seconded that the minutes of the Executive Committee meeting held July 25, 2017 be adopted.

CARRIED UNANIMOUSLY

IN CAMERA

It was moved and seconded that pursuant to section 90(1)(c) of the *Community Charter* the Committee proceed to an In Camera Meeting for discussions related to labour relations or other employee relations.

CARRIED UNANIMOUSLY

TIME: 12:01 PM

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 2:25 PM

CHAIR

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday, January 9, 2018

1:30 P.M.

RDN Board Chambers

In Attendance:	Director J. Stanhope	Chair
	Director A. McPherson	Electoral Area A
	Director H. Houle	Electoral Area B
	Director M. Young	Electoral Area C
	Director B. Rogers	Electoral Area E
	Director J. Fell	Electoral Area F
	Director W. Veenhof	Electoral Area H
Also in Attendance:	P. Carlyle	Chief Administrative Officer
	R. Alexander	Gen. Mgr. Regional & Community Utilities
	G. Garbutt	Gen. Mgr. Strategic & Community Development
	T. Osborne	Gen. Mgr. Recreation & Parks
	W. Idema	A/Gen. Mgr. Corporate Services
	D. Pearce	Director of Transportation & Emergency Services
	J. Hill	Mgr. Administrative Services
	P. Thompson	Mgr. Long Range Planning
	B. Ritter	Recording Secretary

CALL TO ORDER

The Chair called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

APPROVAL OF THE AGENDA

It was moved and seconded that the agenda be approved as presented.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

Electoral Area Services Committee Meeting - November 28, 2017

It was moved and seconded that the minutes of the Electoral Area Services Committee meeting held November 28, 2017, be adopted.

CARRIED UNANIMOUSLY

COMMITTEE MINUTES

It was moved and seconded that the following minutes be received for information:

Electoral Area 'B' Parks and Open Space Advisory Committee - November 20, 2017

CARRIED UNANIMOUSLY

COMMITTEE RECOMMENDATIONS

Electoral Area 'B' Parks and Open Space Advisory Committee

5-Year Project Planning: 2018-2022

It was moved and seconded that the Electoral Area 'B' Community Parks 2108-2022 Project Plan be adopted.

CARRIED UNANIMOUSLY

It was moved and seconded that the 707 Community Park Signage Project and Dog Park Project be delayed until the 707 Community Park land addition and the Cox Community Park land addition have been brought into the Regional District of Nanaimo system.

CARRIED UNANIMOUSLY

PLANNING

Development Permit with Variance

Development Permit with Variance Application No. PL2017-146 - 2421 Andover Road, Electoral Area 'E'

It was moved and seconded that the Board approve Development Permit with Variance No. PL2017-146 to permit the demolition and construction of a deck within the 15.0 metre watercourse setback and to construct a garage addition subject to the terms and conditions outlined in Attachments 2 to 5.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Permit with Variance No. PL2017-146.

CARRIED UNANIMOUSLY

Development Permit with Variance Application No. PL2017-192 - 951 McFeely Drive, Electoral Area 'G'

It was moved and seconded that the Board approve Development Permit with Variance No. PL2017-192 to permit the construction of a detached garage and dwelling unit with an increase to the maximum permitted dwelling unit height from 8.0 m to 8.8 m subject to the conditions outlined in Attachments 2 to 4.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Permit with Variance No. PL2017-192.

CARRIED UNANIMOUSLY

Development Variance Permit

Development Variance Permit Application No. PL2017-129 - 1401 and 1415 Alberni Highway, Electoral Area 'F'

It was moved and seconded that the Board approve Development Variance Permit No. PL2017-129 to increase the number of signs permitted per business from one to two for a liquor store and from one to five for a gasoline service station subject to the terms and conditions outlined in Attachment 2.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-129.

CARRIED UNANIMOUSLY

Development Variance Permit Application No. PL2017-180 - 2949 Dolphin Drive, Electoral Area 'E'

It was moved and seconded that the Board approve Development Variance Permit No. PL2017-180 to increase the maximum height allowance from 8.0 m to 10.09 m, and to reduce the setback to the sea from 8.0 m to 0.0 m from top of bank to permit the construction of a dwelling unit and attached garage subject to the terms and conditions outlined in Attachments 2 to 4.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-180.

CARRIED UNANIMOUSLY

Zoning Amendment

Zoning Amendment Application No. PL2017-060 - 2347 & 2419 Cedar Road, Electoral Area 'A' - Amendment Bylaw No. 500.412 – First and Second Reading

It was moved and seconded that the Board receive the Summary of the Public Information Meeting held on August 30, 2017.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board introduce and give two readings to "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.412, 2018".

CARRIED UNANIMOUSLY

It was moved and seconded that the public hearing for “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.412, 2018” be waived and notice of the Board’s intent to consider third reading be given in accordance with Section 467 of the *Local Government Act*.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct that the conditions set out in Attachment 3 of the staff report be completed prior to Bylaw No. 500.412 being considered for adoption.

CARRIED UNANIMOUSLY

Zoning Amendment Application No. PL2017-093 - 3097 Landmark Crescent, Electoral Area ‘C’ - Amendment Bylaw 500.414, 2018 - First and Second Reading

It was moved and seconded that the Board receive the Summary of the Public Information Meeting held on November 29, 2017.

CARRIED UNANIMOUSLY

It was moved and seconded that the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 500.414, 2018 being considered for adoption.

CARRIED UNANIMOUSLY

It was moved and seconded that “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.414, 2018” be introduced and read two times.

CARRIED UNANIMOUSLY

It was moved and seconded that the public hearing for “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.414, 2018” be waived and notice of the Board’s intent to consider third reading be given in accordance with Section 467 of the *Local Government Act*.

CARRIED UNANIMOUSLY

Other

Cannabis Production – Zoning Amendments to Bylaw 500 and Bylaw 1285

It was moved and seconded that the Board receive the Cannabis Production – Zoning Amendments to Bylaw 500 and Bylaw 1285 report for information.

CARRIED UNANIMOUSLY

It was moved and seconded that the “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.415, 2018”, be introduced and read two times.

CARRIED UNANIMOUSLY

It was moved and seconded that the public hearing for "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.415, 2018" be waived and notice of the Board's intent to consider third reading be given in accordance with Section 467 of the *Local Government Act*.

CARRIED UNANIMOUSLY

It was moved and seconded that the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.31, 2018", be introduced and read two times.

It was moved and seconded that the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.31, 2018" be amended by adding the following Sections after Section 4 and by renumbering the subsequent Sections accordingly:

5. Under **Section 4, Zones, 4.7 I-1 – Industrial 1** by adding the following Subsection 4.7.1:

n) Cannabis Production

6. Under **Section 4, Zones, 4.9 I-3 – Industrial 3** by adding the following in Subsection 4.9.1:

c) Cannabis Production

CARRIED UNANIMOUSLY

The vote was taken on the main motion as amended:

That the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.31, 2018", be introduced and read two times, as amended.

CARRIED UNANIMOUSLY

It was moved and seconded that the public hearing for "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.31, 2018" be chaired by Director Fell or his alternate.

CARRIED UNANIMOUSLY

Regional Growth Strategy Amendment to Implement Electoral Area 'H' Official Community Plan

It was moved and seconded that the amendments required to "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011" to implement the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Amendment Bylaw No. 1335.06, 2017" proceed through the minor amendment process.

CARRIED UNANIMOUSLY

It was moved and seconded that the Consultation Plan for "Regional Growth Strategy Amendment to Implement the Electoral Area 'H' Official Community Plan" be endorsed.

CARRIED UNANIMOUSLY

Short Term Vacation Rentals

It was moved and seconded that “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” and “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” be amended to permit short-term vacation rentals, including in the place of a secondary suite, on resident occupied residential parcels.

Opposed (4): Director McPherson, Director Young, Director Fell, and Director Veenhof

DEFEATED

It was moved and seconded that “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” and “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” be amended to permit short-term vacation rentals on non-resident occupied residential parcels through a temporary use permit and that a Board Policy be created to include criteria to guide the evaluation of such permit applications.

Opposed (4): Director McPherson, Director Houle, Director Young, and Director Veenhof

DEFEATED

It was moved and seconded that staff prepare a report detailing the costs and benefits of a business licensing regime for the Regional District of Nanaimo Electoral Areas, and include a stakeholder engagement and implementation strategy.

Opposed (3): Director Young, Director Fell, and Director Veenhof

CARRIED

NEW BUSINESS

Directors' Forum

The Directors’ Forum included discussions related to Electoral Area matters.

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 2:45 PM

CHAIR

CORPORATE OFFICER

**REGIONAL DISTRICT OF NANAIMO
MINUTES OF THE REGULAR COMMITTEE OF THE WHOLE MEETING**

**Tuesday, January 9, 2018
3:00 P.M.
RDN Board Chambers**

In Attendance:	Director W. Veenhof	Chair
	Director I. Thorpe	Vice Chair
	Director A. McPherson	Electoral Area A
	Director H. Houle	Electoral Area B
	Director M. Young	Electoral Area C
	Director B. Rogers	Electoral Area E
	Director J. Fell	Electoral Area F
	Director J. Stanhope	Electoral Area G
	Director B. McKay	City of Nanaimo
	Alternate	
	Director S. Armstrong	City of Nanaimo
	Director B. Bestwick	City of Nanaimo
	Director G. Fuller	City of Nanaimo
	Director J. Hong	City of Nanaimo
	Director J. Kipp	City of Nanaimo
	Director B. Yoachim	City of Nanaimo
	Director M. Lefebvre	City of Parksville
	Director K. Oates	City of Parksville
	Director B. Colclough	District of Lantzville
	Director T. Westbroek	Town of Qualicum Beach
Regrets:	Director D. Brennan	City of Nanaimo
Also in Attendance:	P. Carlyle	Chief Administrative Officer
	R. Alexander	Gen. Mgr. Regional & Community Utilities
	G. Garbutt	Gen. Mgr. Strategic & Community Development
	T. Osborne	Gen. Mgr. Recreation & Parks
	W. Idema	A/Gen. Mgr. Corporate Services
	D. Pearce	Director of Transportation & Emergency Services
	J. Hill	Mgr. Administrative Services
	C. Golding	Recording Secretary

CALL TO ORDER

The Chair called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

The Chair welcomed Alternate Director Armstrong to the meeting.

APPROVAL OF THE AGENDA

It was moved and seconded that the agenda be approved, as amended, to move Delegations ahead of Invited Presentations.

CARRIED UNANIMOUSLY

DELEGATIONS

Fraser Wilson and Paul Chapman, Nanaimo & Area Land Trust, re Nanaimo & Area Land Trust Funding

Fraser Wilson presented a slide show and overview of the activities of the Nanaimo & Area Land Trust during 2017 highlighting the direct services provided to the region, and asked the Board to consider increasing the grant amount that Nanaimo & Area Land Trust receives from the Regional District from \$30,000 to \$35,000 for 2018.

Ilan Goldenblatt, re Nanaimo Recycling Exchange

Ilan Goldenblatt shared concerns regarding the potential increase of illegal dumping and decrease in recycling and diversion if the Nanaimo Recycling Exchange (NRE) closes, presented the Board with over 300 handwritten postcards from the public who are supportive of the NRE, and stated that supporting the NRE provides an opportunity for the Board to show vision, leadership and regional cooperation.

Jan Hastings, Nanaimo Recycling Exchange, re Nanaimo Recycling Exchange Request for Recycling Facility

The delegation withdrew.

INVITED PRESENTATIONS

Maurice Primeau and Bill Dawson, BC Assessment, re Annual Change in Assessments for Regional District of Nanaimo Municipalities and Electoral Areas and First Nations Partnerships

The invited presentation will be rescheduled.

ADOPTION OF MINUTES

It was moved and seconded that the following minutes be adopted:

Regular Committee of the Whole Meeting - November 28, 2017

CARRIED UNANIMOUSLY

CORPORATE SERVICES

AVICC Resolution – Notice by Mail

It was moved and seconded that the following resolution be forwarded to the Association of Vancouver Island and Coastal Communities for consideration at their annual meeting:

WHEREAS Section 220 of the *Local Government Act* requires that notice of a special board meeting must be mailed to each Director at least 5 days before the date of the meeting, and the *Interpretation Act* specifies that such mail must be delivered by Canada Post;

AND WHEREAS this requirement, which applies to regional districts and not municipalities, creates unnecessary time delays for holding special board meetings and is not in keeping with technological advances of recent years;

THEREFORE BE IT RESOLVED THAT the Province be urged to amend the legislation to permit such notices to be provided by other means, including by email.

It was moved and seconded that the motion be amended to replace "by email" with "electronic mediums".

CARRIED UNANIMOUSLY

The vote was taken on the main motion as amended:

That the following resolution be forwarded to the Association of Vancouver Island and Coastal Communities for consideration at their annual meeting:

WHEREAS Section 220 of the *Local Government Act* requires that notice of a special board meeting must be mailed to each Director at least 5 days before the date of the meeting, and the *Interpretation Act* specifies that such mail must be delivered by Canada Post;

AND WHEREAS this requirement, which applies to regional districts and not municipalities, creates unnecessary time delays for holding special board meetings and is not in keeping with technological advances of recent years;

THEREFORE BE IT RESOLVED THAT the Province be urged to amend the legislation to permit such notices to be provided by other means, including electronic mediums.

CARRIED UNANIMOUSLY

RECREATION AND PARKS

2018-2028 Marine Trail Cooperation Agreement

It was moved and seconded that the 2018-2028 Marine Trail Cooperation Agreement with the BC Marine Trail Network Association be approved.

CARRIED UNANIMOUSLY

REGIONAL AND COMMUNITY UTILITIES

District of Lantzville Sanitary Sewer Trunk – Transfer of Ownership to the Regional District of Nanaimo

It was moved and seconded that the acquisition of the sanitary sewer trunk that services the District of Lantzville be approved.

CARRIED UNANIMOUSLY

It was moved and seconded that the acquisition of the related Statutory Right of Way be approved.

CARRIED UNANIMOUSLY

It was moved and seconded that the Chair and Chief Administrative Officer be authorized to execute the documents to conclude the transaction.

CARRIED UNANIMOUSLY

Trucked Liquid Waste Rates and Regulation Bylaw No. 1732 Amendment

It was moved and seconded that the “Trucked Liquid Waste Rates and Regulations Amendment Bylaw No. 1732.01, 2018” be introduced and read three times.

CARRIED UNANIMOUSLY

It was moved and seconded that the “Trucked Liquid Waste Rates and Regulations Amendment Bylaw No. 1732.01, 2018” be adopted.

CARRIED UNANIMOUSLY

BUSINESS ARISING FROM DELEGATIONS

Nanaimo & Area Land Trust - Request for Funding

It was moved and seconded that a total of \$35,000 be included in the budget for funding for the Nanaimo & Area Land Trust in 2018.

CARRIED UNANIMOUSLY

NEW BUSINESS

Directors' Roundtable

Directors provided updates to the Board.

IN CAMERA

It was moved and seconded that pursuant to Sections 90 (1) (a), (e), (j) and (k) of the *Community Charter* the Committee proceed to an In Camera meeting for discussions related to Board appointments, land acquisition, third party business interests and a proposed service.

CARRIED UNANIMOUSLY

TIME: 4:11 PM

ADJOURNMENT

It was moved and seconded that this meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 5:32 PM

CHAIR

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE SOLID WASTE MANAGEMENT SELECT COMMITTEE MEETING

Tuesday, December 12, 2017

4:00 P.M.

Committee Room

In Attendance:	Director A. McPherson	Chair
	Director H. Houle	Electoral Area B
	Director M. Young	Electoral Area C
	Director J. Stanhope	Electoral Area G
	Director B. McKay	City of Nanaimo
	Director J. Hong	City of Nanaimo
	Director K. Oates	City Parksville
Regrets:	Director M. Lefebvre	City of Parksville
	Director T. Westbroek	Town of Qualicum Beach
	Director J. Kipp	City of Nanaimo
Also in Attendance:	Director B. Veenhof	Electoral Area H
	Director B. Rogers	Electoral Area E
	Director J. Fell	Electoral Area F
	Director B. Colclough	District of Lantzville
	Director D. Brennan	City of Nanaimo
	P. Carlyle	Chief Administrative Officer
	R. Alexander	Gen. Mgr. Regional & Community Utilities
	W. Idema	A/Gen. Mgr. Corporate Services
	L. Gardner	Mgr. Solid Waste Services
	R. Graves	Recording Secretary

CALL TO ORDER

The Chair called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

APPROVAL OF THE AGENDA

It was moved and seconded that the agenda be approved as presented.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

Solid Waste Management Select Committee Meeting - September 14, 2017

It was moved and seconded that the minutes of the Solid Waste Management Select Committee meeting held September 14, 2017, be adopted.

CARRIED UNANIMOUSLY

REPORTS

Bylaw No. 1591.08 – Solid Waste and Recycling Collection Service Rates and Regulation Amendment Bylaw

It was moved and seconded that “Regional District of Nanaimo Solid Waste and Recycling Collection Service Rates and Regulations Amendment Bylaw No. 1591.08, 2018”, be introduced and read three times.

CARRIED UNANIMOUSLY

It was moved and seconded that “Regional District of Nanaimo Solid Waste and Recycling Collection Service Rates and Regulations Amendment Bylaw No. 1591.08, 2018”, be adopted.

CARRIED UNANIMOUSLY

IN CAMERA

It was moved and seconded that pursuant to Sections 90 (1)(g), (i), (j) and (m) of the *Community Charter* the Committee proceed to an In Camera meeting for discussions related to litigation, receipt of advice that is subject to solicitor-client privilege, third party business interests, and intergovernmental relations.

CARRIED UNANIMOUSLY

TIME: 4:04 PM

ADJOURNMENT

It was moved and seconded that this meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 5:55 PM

CHAIR

RDN Electoral Area 'B' Community Parks 5-Year Project Planning: 2018-2022

PLANNING WORKSHEET - DRAFT

for review at the November 20, 2017 POSAC meeting

This worksheet is provided for planning purposes only and is subject to change to accommodate the needs of staff and funding constraints.

current year (2017) project		Budget	General Notes
✓	completed projects		
Ongoing Projects			
	Administrative support for Electoral Area 'B' POSAC		
High Priority Projects (2017-2018)			
✓	Whalebone Parks trail improvements - trail upgrades, signage	\$20,000	
✓	Whalebone Parks Water Access improvements - Queequeg, Bluewhale, Joyce Lockwood	\$25,000	Bluewhale stair replacement, Queequeg drainage, J. Lockwood Env assessment
✓	Islands Trust Bylaw Referral 289/290 Response (Potlatch)	staff time	
✓	Cox Community park - entrance sign & benches	\$5,000	
✓	707 CP: Old Centre Rd trail brushing	\$9,000	
✓	Huxley CP: skate park concept design	\$12,000	
	Huxley CP: tennis court resurfacing & sport court dasher board replacement	\$158,500	\$20,000 Ball Hockey donation; \$60,000 Canada 150 Infrastructure, \$12,500 CWF
	Huxley CP: Playground construction; Phase 1 & Phase 2	\$215,000	\$5,000 Lions Club donation; \$7,000 Nanaimo Foundation grant; \$203,000 CWF
	Rollo-McClay CP: dog park planning & open house	staff time	
	707 CP: signage review	staff time	
2018	Pilot Bay CP: trail construction & bench install	\$2,000	bench and fence; <i>work with GaLTT</i>
2018	707 CP: new trail signage as per signage review	\$5,000	
2018	707 CP: parkland addition basic development	\$15,000	
2018	Cox CP: parkland addition basic development	\$5,000	
2018	Huxley CP: Electrical Upgrades Assessment	\$10,000	
2018	Huxley CP: Skatepark DVP application	\$50,000	
2018	Huxley CP: Skatepark/Entrance/Parking Lot tender drawings; geotec		
2018	Huxley CP: tennis court benches	\$2,000	
2018	Whalebone Parks trail improvements - trail upgrades, signage	\$11,000	
2018	Whalebone Parks: Joyce Lockwood stair rebuild	\$25,000	
2018	Whalebone Parks: Hummingbird CP stair design & landing construction	\$17,000	\$10,000 eng design/geotech; \$2,000 Env Assess; \$5,000 landing const.
2018	Park Acquisition Review - In Camera	staff time	
2018	Wheelchair Accessible Water Access: Twin Beaches Prov. Park	staff time	<i>RDN to liase with BC Parks; June 2, 2015 POSAC meeting</i>

Medium Priority Projects (2019-2020)			
2019	Huxley CP: Skatepark grant applications	staff time	
2019	Whalebone Parks: Hummingbird CP stair construction		
	Dodd Narrows Community Park Management Plan	staff time	
	Huxley CP: Skatepark/entrance/parking lot construction/project admin	\$425,000	order of magnitude estimated cost; not based on official estimate
	Bells Landing Boat Launch Feasibility Study	\$12,000	order of magnitude estimated cost; not based on official estimate
	707 CP: Management Plan Update	\$30,000	
	Spring Beach Stairs: repair	\$15,000	trail and permanent solution to the stairs; archeological assessment

Low Priority Projects (2021-2022)			
	Huxley CP: Phase 3 upgrades	\$50,000	order of magnitude estimated cost; not based on official estimate
	Cox CP: Management Plan	\$25,000	
	Cox CP: property addition development	\$160,000	as per July 2017 Report to POSAC
	707 CP: property addition development	TBD	

Additional Project Suggestions			
	Gabriola Water Access Development		
	Shaw Rd Water Access: MoTI permit, stair construction, signage	\$45,000	order of magnitude estimated cost; not based on official estimate
	Eastholme Rd. Water Access: MoTI permit, survey, bench, signage	\$5,000	order of magnitude estimated cost; not based on official estimate
	Rowan Rd. Water Access: MoTI permit, survey, trail development, signage	\$5,000	order of magnitude estimated cost; not based on official estimate
	Ivory Way Water Access: benches, small pking area/turnaround, signage	staff time	
	Sir Williams/Saint Catherine's Water Access: trail/bench		
	Mudge Water Access Development		
	MI-14 & MI-18 - trail access to shore, off-road parking, signage		Priority #2 & #3
	Mudge Island Community Park improvements		Priority #4
	MI-21, MI-22, MI-26, MI-27 viewpoint development (inc bench, signage)		Priority #5
	survey & sign remaining water accesses.		Priority #6
	Trail Development		
	Village Trail: construction	TBD	Community Works Funds
	De Courcy Dr. CP - trail construction to lookout, bench		POSAC Motion March 4, 2014
	Support GaALT to develop mobility accessible loop trail		June 2, 2015 POSAC meeting
	Park Development		
	707 CP: parcel consolidation	staff time	
	707 CP: develop parking area - North Rd.	\$20,000	order of magnitude estimated cost; not based on official estimate
	707 CP: develop parking area - Coats Dr.	\$20,000	order of magnitude estimated cost; not based on official estimate
	707 CP: conservation covenant	staff time	

Completed Projects	YEAR
Dodd Narrows CP Land Purchase	2016
Joyce Lockwood CP: toilet & surround	2016
The Strand Boat Ramp (Bells landing): surfacing	2016
Huxley Park Playground & Sports Courts: grant writing	2016
Whalebone parks improvements - survey work, directional and regulatory signage	2015-2016
Mudge Island Water Access - boundary identification (MI-21, MI-22, MI-26)	2015-2016
Village Trail: construction	2015
Rollo McClay CP: parking lot improvements	2015
Rollo McClay CP: playground installation	2015
Joyce Lockwood CP: lease renewal	2015
Honeysuckle Trail - work with GaLTT & MoTI on trail permit & development	2015
Mudge Island Water Access Identification: MI-05, MI-18, MI-20, MI-23, MI-27, MI-15	2014-2015
Rollo McClay CP: Water Reservoir Upgrades	2014
Whalebone CP's: clean-up & reclaim entrances	2014
707 CP: gate installation (South Road)	2014
707 CP: bank stabilization at 880 Christine Close	2014
Huxley CP: community consultation & park concept design	2013-2014

TO: Electoral Area Services Committee **MEETING:** January 9, 2018
FROM: Sarah Preston
Planning Technician **FILE:** **PL2017-146**
SUBJECT: **Development Permit with Variance Application No. PL2017-146**
2421 Andover Road – Electoral Area ‘E’
Lot 58, District Lot 78, Nanoose District, Plan 47638

RECOMMENDATIONS

1. That the Board approve Development Permit with Variance No. PL2017-146 to permit the demolition and construction of a deck within the 15.0 metre watercourse setback and to construct a garage addition subject to the terms and conditions outlined in Attachments 2 to 5.
2. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2017-146.

SUMMARY

The Regional District of Nanaimo is in receipt of an application to demolish an existing deck and construct a larger deck as well as a garage addition. A variance from 15.0 metres to 10.5 metres is requested to permit the construction of the proposed deck within the watercourse setback. The applicant proposes to enhance the landscaped area abutting the pond to mitigate the impacts of development within a riparian area as well as the aesthetic impacts associated with the variance. In support of this application, the applicant has submitted an inventory of the site and recommended plantings prepared by a Qualified Environmental Professional. Given that the development permit area guidelines have been met and no negative impacts are anticipated as a result of the proposed variance, staff recommends that the Board approve the development permit with variance pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from John Larson on behalf of John and Teri Paley to permit the demolition of an existing deck and the construction of a larger deck and a garage addition. The subject property is approximately 0.15 hectares in area and is zoned Residential 1, Subdivision District ‘P’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located to the east of Northwest Bay Road off Fairwinds Drive in a similarly zoned area (see Attachment 1 – Subject Property Map).

The property contains an existing dwelling unit, attached garage, deck, and landscaping. It is serviced by Nanoose Bay Peninsula Water and Fairwinds sewer service area.

The proposed development is subject to the Watercourse Protection Development Permit Area as per the “Regional District of Nanaimo Electoral Area ‘E’ Official Community Plan Bylaw No. 1400, 2005”.

Proposed Development and Variance

The proposed development includes the demolition of an existing deck and construction of a garage addition within a watercourse protection development permit area, and the construction of a larger replacement deck within the 15.0 metre watercourse setback. The rear yard abuts a stormwater management pond located on the Fairwinds golf course. The replacement deck varies from 12.36 to 10.52 metres from the natural boundary. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **3.3.8 – Setbacks – Watercourses, excluding the Sea** to reduce the minimum watercourse setback from 15.0 metres to 10.5 metres for a portion of the proposed deck, as shown in Attachment 3.

Land Use Implications

The applicant has submitted an assessment and an addendum prepared by Toth and Associates Environmental Services (Toth and Associates). The assessment provides an inventory of features within the subject property abutting the pond and identifies opportunities to enhance values within the existing landscaped area. The applicant proposes to enhance the existing landscape beds abutting the pond by adding a minimum of 10 shrubs selected from the addendum, which provides recommended shrub species. A conceptual landscape plan has been provided, indicating the general location of the proposed shrub material.

Recommended shrub species are native and consist of salal, evergreen huckleberry, pacific crab apple, Saskatoon, red flowering currant, nootka rose, red elderberry, and snowberry. These will serve to provide shade, moderate air and water temperature, and provide a food source for local wildlife. The proposed landscape plan will provide an aesthetically pleasing frame to the proposed deck within the watercourse setback, as well as provide a source of shade for the pond.

Additionally, the applicant proposes to remove invasive blackberry growing over the water surface along the pond retaining wall. No recommendations were provided by Toth and Associates in this regard. The development permit area guidelines exempt the removal of invasive plants or noxious weeds on a small scale, provided such works are conducted in accordance with a vegetation management plan prepared by a qualified person, measures are taken to avoid sediment or debris being discharged into the watercourse, and the area is immediately replanted in accordance with DPA exemption criteria No. 8.

As the existing dwelling unit is located at 15.79 metres from the watercourse, the entirety of the rear yard is located within the watercourse setback. Board Policy B1.5 states that an application should demonstrate that the proposed variance is necessary and is supported by an acceptable land use justification. The justification provided is that the area of proposed intrusion has been previously developed and consists of a patio, gravel, and shrub dominated garden area. The policy supports variances to move development away from hazardous conditions, not closer. However, zoning regulations do not apply setbacks to yard area. As the applicant has demonstrated a reasonable effort to

minimize potential negative impacts associated with the variance, it is recommended that the application be approved by the Board.

Intergovernmental Implications

Staff have reviewed the proposed development and note that the proposal has no implications related to inter-governmental relations.

Public Consultation Implications

Pending the Electoral Area Services Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board’s consideration of the application.

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2017-146 subject to the terms and conditions outlined in Attachments 2 to 5.
2. To deny Development Permit with Variance No. PL2017-146.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2017 – 2021 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The Plans “Focus on the Environment” states that the Board will focus on protecting and enhancing the environment in all decisions. The DPA guideline requirement for a biological assessment helps ensure that site-specific environmentally sensitive features are identified and that the impacts of development on the environment are identified and mitigated.



Sarah Preston
spreston@rdn.bc.ca
December 18, 2017

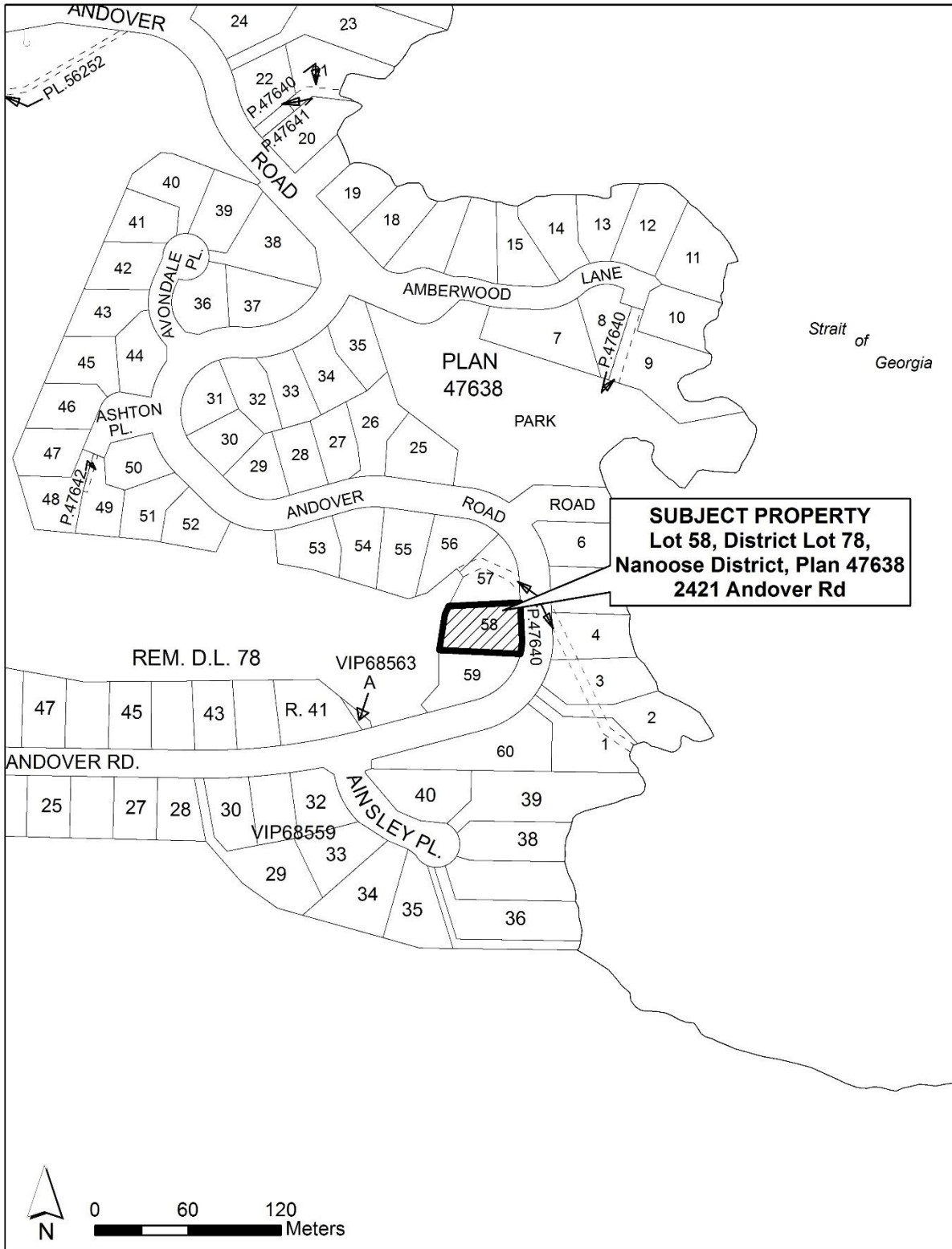
Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Terms and Conditions of Permit
3. Proposed Site Plan and Variances
4. Building Elevations
5. Landscape Plan

Attachment 1
Subject Property Map



Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2017-146:

Bylaw No. 500, 1987 Variances

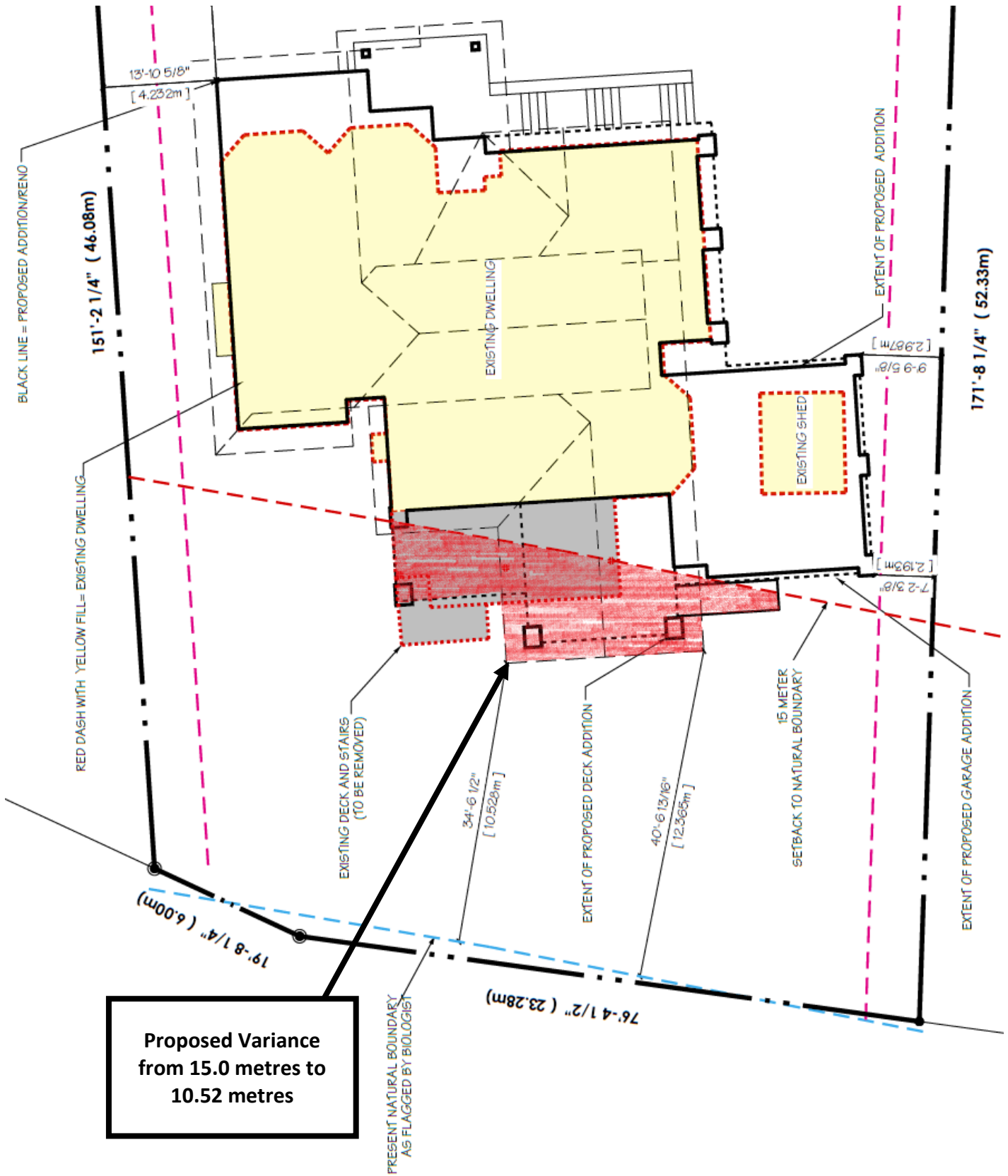
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

3.3.8 – Setbacks – Watercourses, excluding the Sea to reduce the minimum watercourse setback from 15.0 metres to 10.5 metres for a portion of the proposed deck, as shown in Attachment 3.

Conditions of Approval

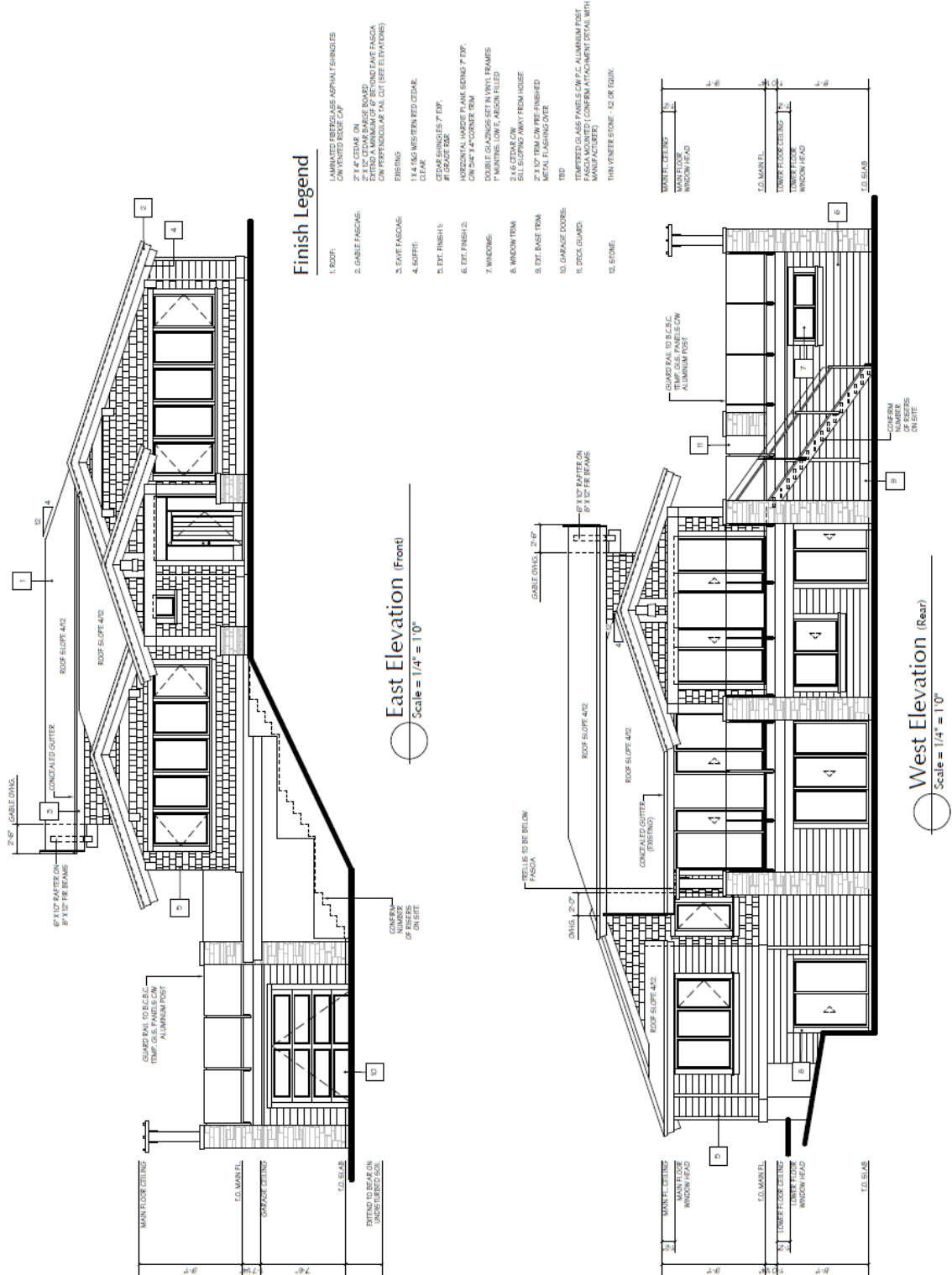
1. The site is developed in accordance with the Site Plan prepared by C.A. Design, dated October 30, 2017 and attached as Attachment 3.
2. The proposed development is in general compliance with the plans and elevations prepared by C.A. Design, dated December 14, 2017 and attached as Attachment 4.
3. A minimum of 10 shrubs selected from the addendum prepared by Toth and Associates Environmental Services, dated November 27, 2017 shall be planted within in the existing planting areas abutting the pond, in general accordance with the Landscaping Plan prepared by C.A. Design, dated December 6, 2017 and attached as Attachment 5.
4. The property owner shall provide confirmation in the form of a report prepared by a Qualified Professional, to the satisfaction of the Regional District of Nanaimo, that development of the subject property has occurred in accordance with the Landscaping plan.
5. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

**Attachment 3
 Proposed Site Plan and Variances**



**Proposed Variance
 from 15.0 metres to
 10.52 metres**

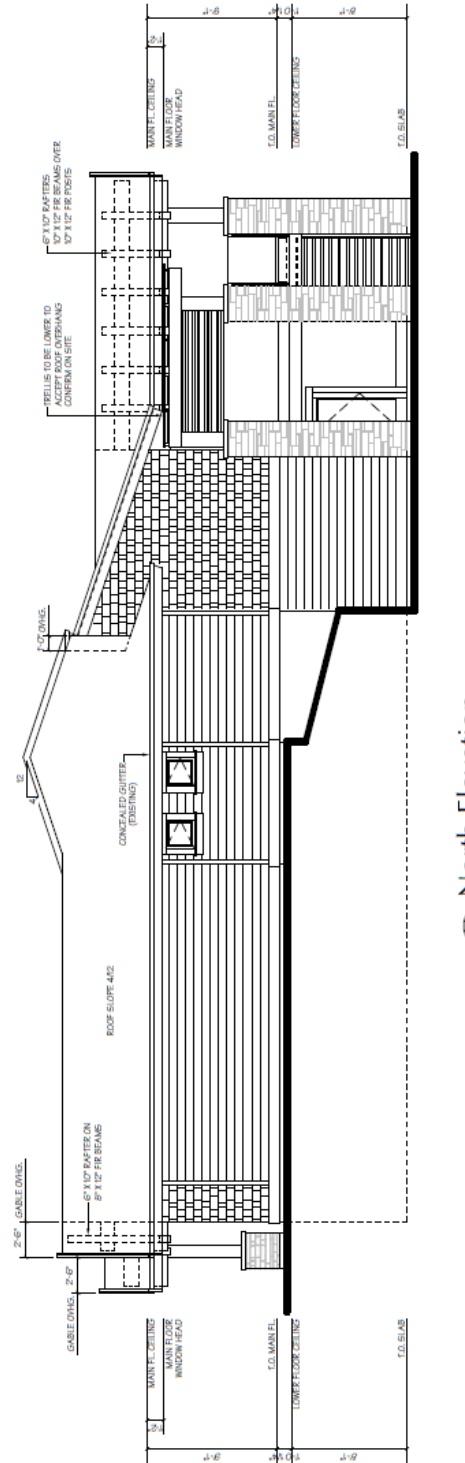
Attachment 4
Building Elevations
 (1 of 2)



Attachment 4
Proposed Building Elevations
(2 of 2)



South Elevation (Right)
 Scale = 1/4" = 1'0"



North Elevation (Left)
 Scale = 1/4" = 1'0"

Attachment 5
Proposed Landscape Plan



TO:	Electoral Area Services Committee	MEETING:	January 9, 2018
FROM:	Kelsey Chandler Planning Technician	FILE:	PL2017-192
SUBJECT: Development Permit with Variance Application No. PL2017-192 951 McFeely Drive – Electoral Area ‘G’ Lot 2, District Lot 9, Newcastle District, Plan VIP69413			

RECOMMENDATIONS

1. That the Board approve Development Permit with Variance No. PL2017-192 to permit the construction of a detached garage and dwelling unit with an increase to the maximum permitted dwelling unit height from 8.0 m to 8.8 m subject to the conditions outlined in Attachments 2 to 4.
2. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2017-192.

SUMMARY

The applicant has proposed to vary the maximum dwelling unit height allowance in order to construct a dwelling unit and detached garage within the Hazard Lands Development Permit Area. Given that the Hazard Lands Development Permit Area guidelines have been met and that no negative land use impacts are anticipated as a result of the proposed variance, staff recommends that the Board approve the development permit with variance pending the outcome of public notification and subject to the conditions outlined in Attachments 2 to 4.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of Kenneth and Deborah Armstrong to permit the construction of a dwelling unit and detached garage. The subject property is approximately 0.2 hectares in area and is zoned Residential 2 (RS2), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is bound by McFeely Drive to the south, the Strait of Georgia to the north, and other RS2 zoned properties to the east and west (see Attachment 1 – Subject Property Map). The property is currently cleared and undeveloped and is serviced by community water and sewer connections. The proposed development is subject to the Hazard Lands Development Permit Area (DPA) as per “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”.

Proposed Development and Variance

The proposed development includes the construction of a dwelling unit and detached garage within the Hazard Lands DPA. The applicant has proposed to vary the maximum building height allowance for the dwelling unit from 8 m to 8.8 m in order to meet the recommended Flood Construction Level (FCL), while maintaining the ability to construct a dwelling unit of standard height (8.0 m) when measured from the recommended FCL. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.4.62 – Maximum Number and Size of Buildings and Structures** to increase the maximum building height for a dwelling unit from 8 m to 8.8 m.

Land Use Implications

To satisfy the Hazard Lands DPA guidelines, the applicant has submitted a Geotechnical Hazard Assessment (the report) prepared by Lewkowich Engineering Associates Ltd. (Lewkowich), dated May 26, 2017, and an Addendum to the report, also prepared by Lewkowich and dated December 18, 2017. While the Addendum acknowledges that the Floodplain Bylaw minimum FCL of 3.8 m geodetic is the appropriate elevation for use in calculating building heights, the report notes that coastal communities are adopting the “cumulative method” for establishing minimum floor elevations to account for future sea level rise. Based on this approach, the report recommends a FCL of 4.6 m geodetic be used for any new residential construction, rather than the 3.8 m FCL required in the Floodplain Bylaw. The dwelling unit height variance from 8 m to 8.8 m is proposed to allow the dwelling unit to meet the recommended FCL, which is 0.8 m above the Floodplain Bylaw required FCL.

The report notes that in the event of a 200 year flood it is possible that floodwaters from the ocean would inundate the property, and that any areas constructed below the recommended FCL (such as the proposed detached garage) could be subject to flooding during less than design flood events. The report recommends that during construction all footing and floor elevations be confirmed by a qualified surveyor to ensure the finished floor grade is at a minimum geodetic elevation of 4.6 metres, that backflow preventers be installed in all sewer and drainage piping, and that temporary flood protection measures (such as sand bag protection) could be used to reduce the potential of flood damage to the property. The report concludes that the property is safe and suitable for the proposed development and that the proposal will not have a detrimental impact on the environment, subject property, or adjacent properties, provided the recommendations in the report are followed. The geotechnical engineering report was prepared in accordance with the Association of Professional Engineers and Geoscientists of BC’s Professional Practice Guidelines for Legislated Flood Assessments in a Changing Climate.

As per “Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation” (Board Policy B1.5), the evaluation of Development Permit with Variance applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board’s consideration. As justification for the requested height variance, the applicant has cited the potential for flooding, which requires that the underside of the floor joists be raised to meet the recommended flood construction elevation. The applicant has proposed a dwelling unit of a standard 8.0 m height when measured from the geotechnical engineer’s recommended FCL (4.6 m geodetic), which results in a building height variance of 0.8 m from the FCL required by the Floodplain Bylaw (3.8 m geodetic). Given the hazardous condition, Board Policy B1.5 allows a height variance to be recommended where the impact of the variance is considered acceptable.

The applicant has provided sufficient rationale and has made reasonable efforts to address Board Policy B1.5 guidelines, and the requested variance is not anticipated to result in any negative implications for adjacent properties. Given that the DPA guidelines have been met and no negative impacts are anticipated as a result of the proposed development, staff recommends that the proposed Development Permit with Variance be approved subject to the conditions outlined in Attachments 2 to 4.

In accordance with the Hazard Lands DPA guidelines and Board Policy B1.5, staff recommend that the applicant be required to register a Section 219 covenant that registers the Geotechnical Hazard Assessment dated May 26, 2017, and the Addendum dated December 18, 2017, both prepared by Lewkowich Engineering Associates Ltd., and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential flood hazard (see Attachment 2 – Conditions of Permit).

Intergovernmental Implications

The application was referred to the Qualicum First Nation and the Dashwood Fire Department, and neither expressed any concern with the proposed development.

Public Consultation Implications

Pending the Electoral Area Services Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the application.

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2017-192 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Permit with Variance No. PL2017-192.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2017 – 2021 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal will be in keeping with the 2016 - 2020 Board Strategic Plan. The Plan's "Focus on the Environment" states that the Board will prepare for and mitigate the impact of environmental events. The DPA guidelines requirement for a geotechnical hazard assessment and recommendations for the protection of life and property meets this goal by ensuring that the potential impact of environmental events are assessed on a site by site basis and measures are imposed to mitigate that impact.



Kelsey Chandler
kchandler@rdn.bc.ca
December 18, 2017

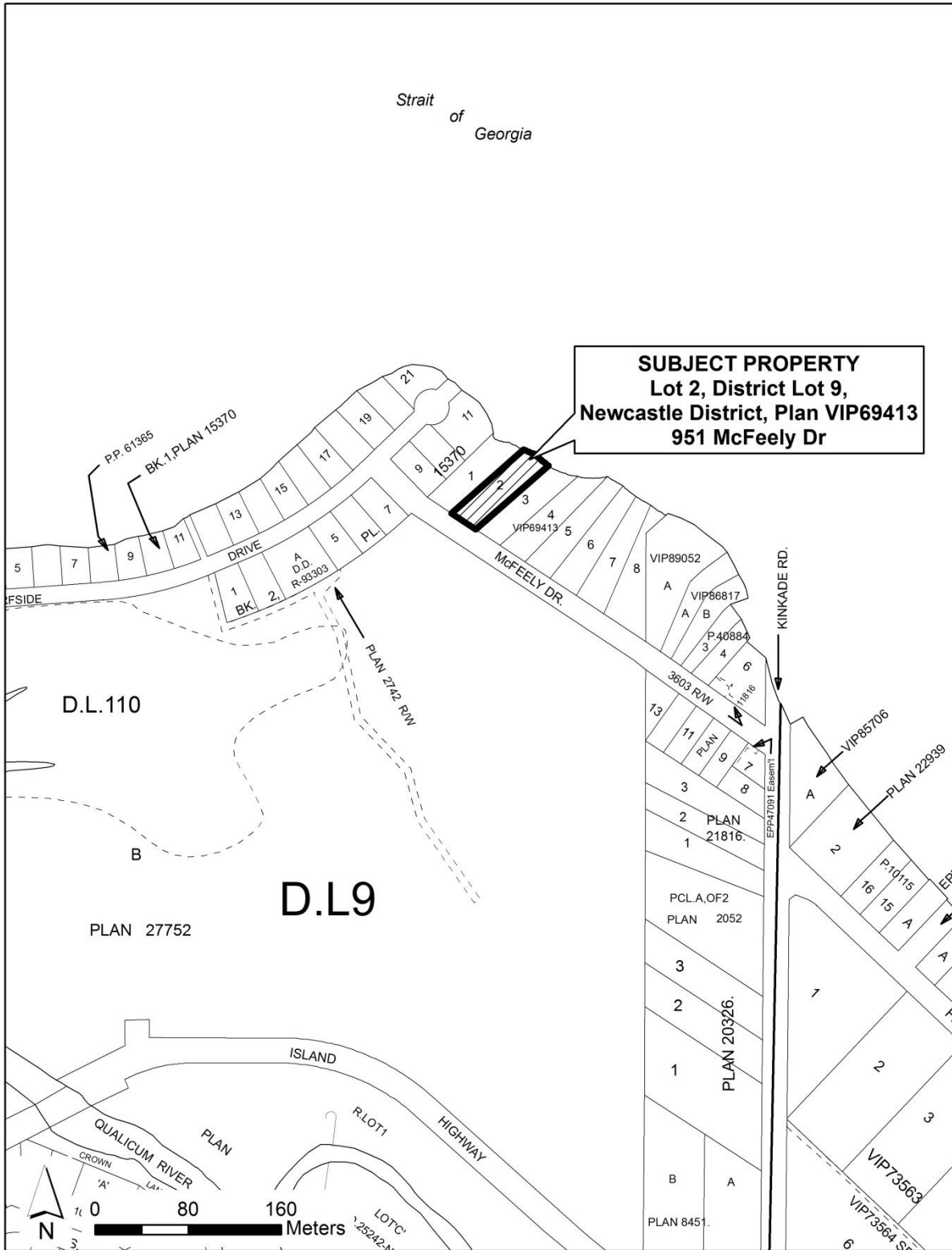
Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Conditions of Permit
3. Proposed Site Plan and Variances
4. Building Elevations

Attachment 1
Subject Property Map



Attachment 2 Conditions of Permit

The following sets out the conditions of Development Permit with Variance No. PL2017-192:

Bylaw No. 500, 1987 Variances

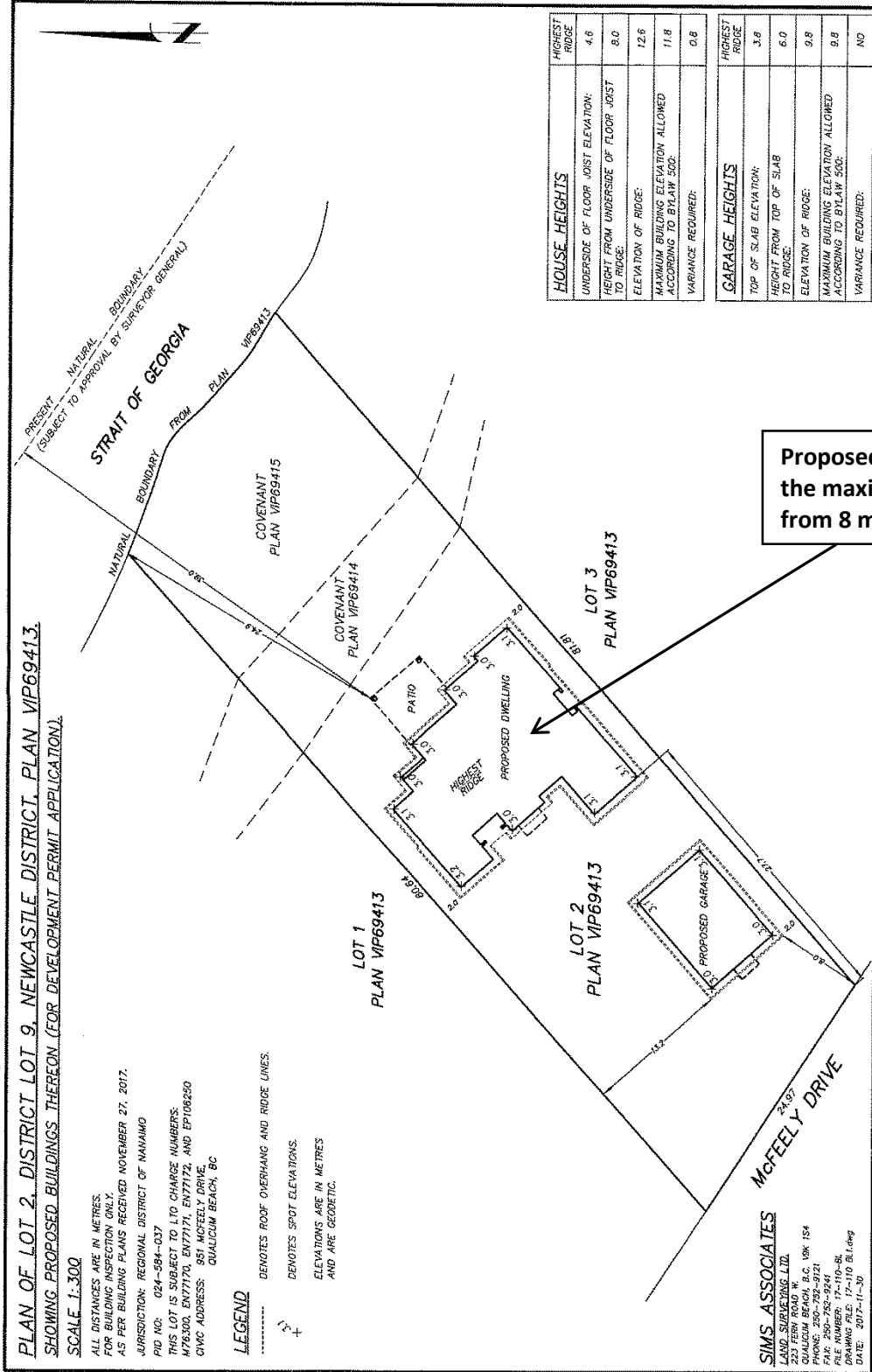
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

- **Section 3.4.62 – Maximum Number and Size of Buildings and Structures** to increase the maximum building height for a dwelling unit from 8 m to 8.8 m.

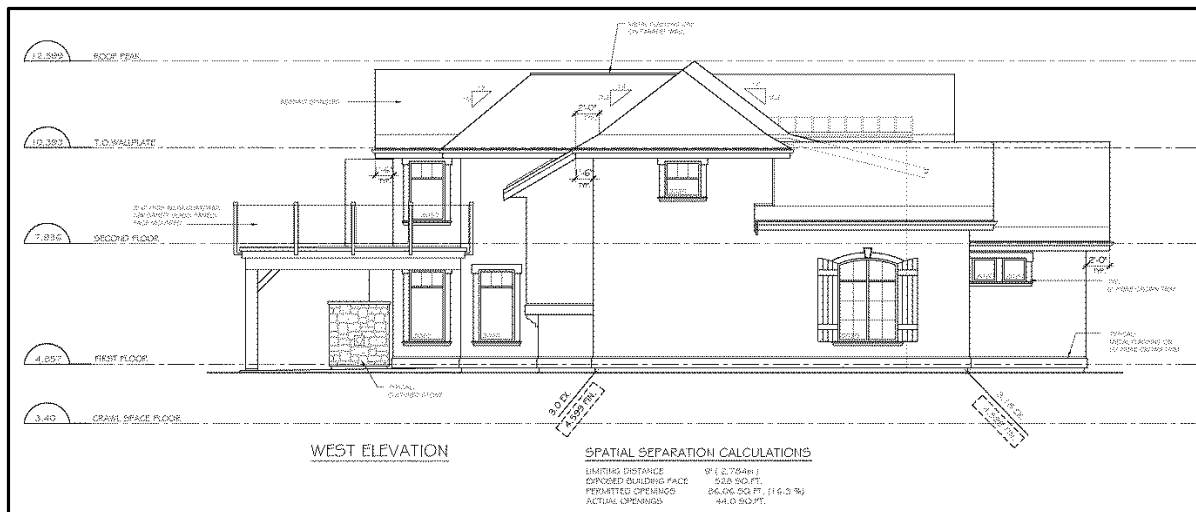
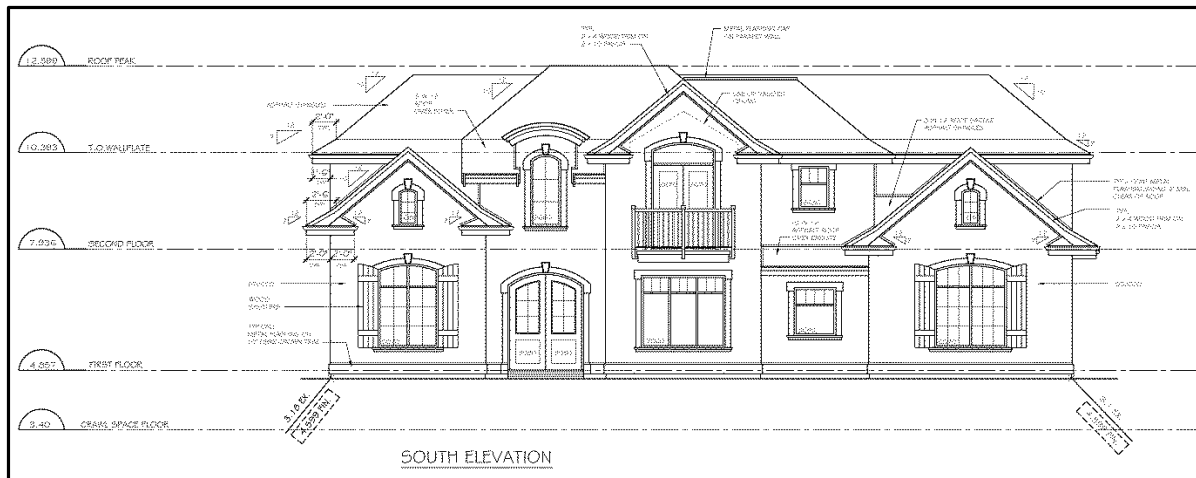
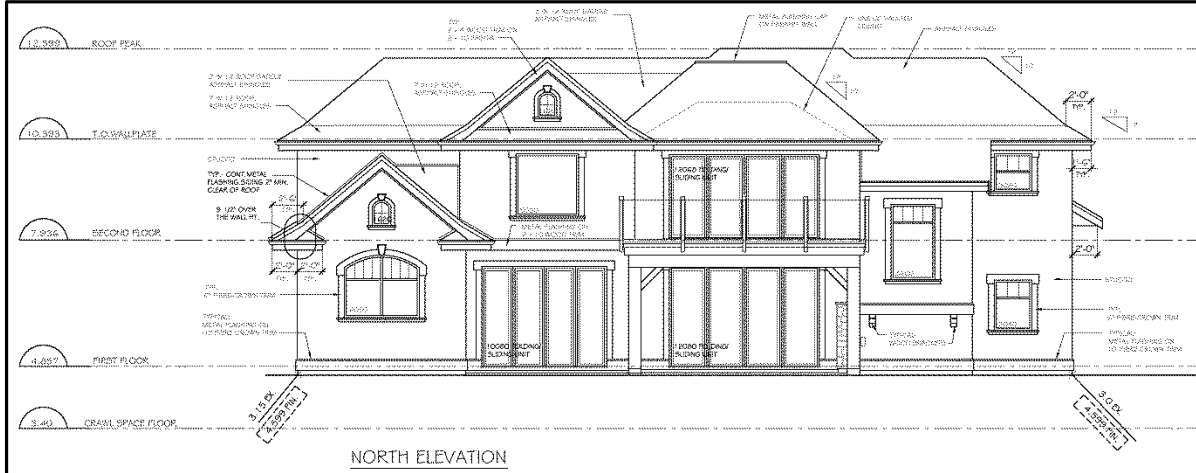
Conditions of Approval

1. The site is developed in accordance with the Site Plan prepared by Sims Associates Land Surveying Ltd., dated November 30, 2017 and attached as Attachment 3.
2. The proposed development is in general compliance with the elevations prepared by Oscar Woodman Design, dated November 25, 2017 and attached as Attachment 4.
3. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Hazard Assessment dated May 26, 2017, and the Addendum dated December 18, 2017, both prepared by Lewkowich Engineering Associates Ltd.
4. Staff shall withhold the issuance of this Permit until the applicant, at the applicant’s expense, registers a Section 219 Covenant on the property title containing the Geotechnical Hazard Assessment dated May 26, 2017, and the Addendum dated December 18, 2017, both prepared by Lewkowich Engineering Associates Ltd., and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.
5. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

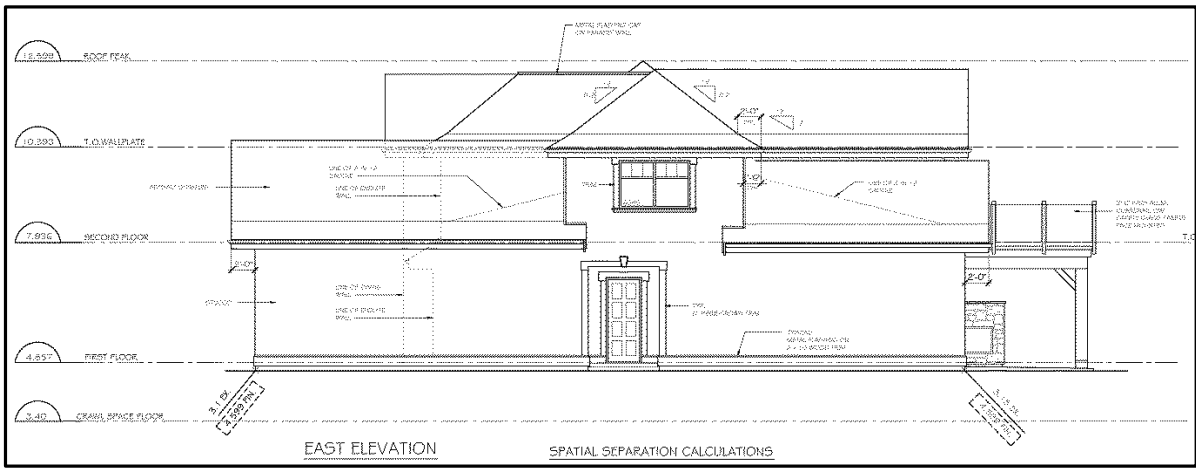
Attachment 3
Proposed Site Plan and Variances



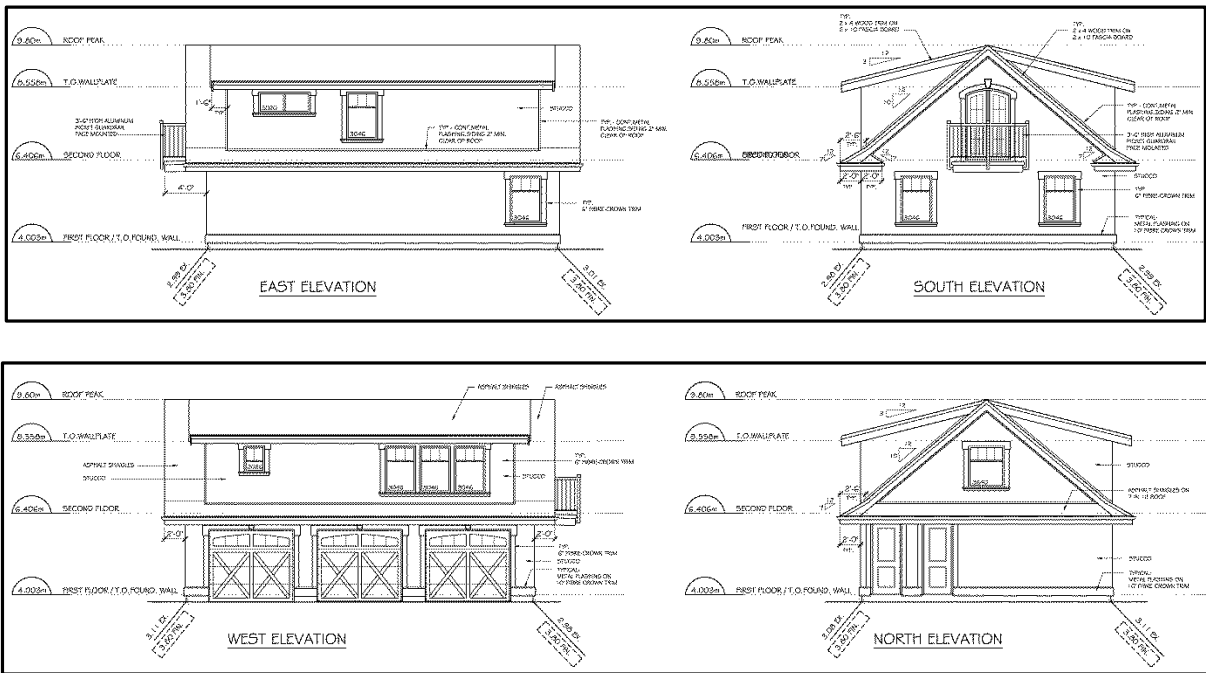
Attachment 4
Building Elevations
 Page 1 of 2



Attachment 4
Building Elevations
 Page 2 of 2



Detached Garage Elevations



TO: Electoral Area Services Committee **MEETING:** January 9, 2018

FROM: Sarah Preston
Planning Technician **FILE:** PL2017-129

**SUBJECT: Development Variance Permit Application No. PL2017-129
1401 and 1415 Alberni Highway – Electoral Area ‘F’
Lot 10, District Lot 156, Nanoose District, Plan 1964, Except Part in Plan 733RW and Plan
VIP60279**

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2017-129 to increase the number of signs permitted per business from one to two for a liquor store and from one to five for a gasoline service station subject to the terms and conditions outlined in Attachment 2.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-129.

SUMMARY

The Mid Island Consumer Services Co-Operative has made an application to vary the number of signs permitted per business within the Commercial 3 Zone. The proposal is to add a second fascia sign for the Mid Island Co-Op liquor store building as well as the legalization of two changeable copy signs and two fascia signs mounted on the gasoline service station canopy. The applicant proposes to increase the maximum number of fascia signs per business from one to five for the convenience store and service station business and to increase the maximum number of fascia signs per business from one to two for the liquor store business. In support of this proposal, the applicant has provided sign details prepared by Selkirk Signs and Federated Co-Operatives Limited.

The proposed signs feature a combination of halo and face lit channel lettering and light cabinets equipped with automatic dimmer hardware and on off switches. On site lighting will be on sensors and directed to the ground to eliminate side to side light pollution. Given that the applicant has demonstrated a reasonable effort to minimize any and all potential negative impacts associated with the proposed variance, staff recommends that the Board approve the development variance permit pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Permit Solutions Inc on behalf of the Mid Island Consumer Services Co-Operative to permit two fascia signs for a new retail store and five fascia signs for the existing service station. The subject property is approximately 1.4 hectares in area and is zoned Commercial 3 (C-3), pursuant to “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002”. The property is located at the corner of Alberni Highway and Church Road (see Attachment 1 – Subject Property Map).

The property contains parking areas, a new retail store (Mid Island Co-Op Liquor Store), an existing commercial cardlock, and an existing retail store associated with the Mid Island Co-Op gasoline service station. Various accessory structures associated with the service station are also located on the property, such as small utility buildings, propane storage structures, air compressors and vehicular vacuum stations. The subject property is serviced by on-site sewage and ground water.

Proposed Development and Variance

The proposed development includes the addition of a second fascia sign to be installed on the rear of Mid Island Co-Op liquor store building as well as the legalization of two changeable copy signs and two fascia signs mounted on the service station canopy. As the canopy shelters a use, it is considered to be a building and therefore the signage meets the definition of fascia sign. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002”:

- **Section 2.14 Signs – Table 2.1.c.ii.)** to increase the maximum number of fascia signs per business from 1 to 5 for the Mid Island Co-Op convenience store and gasoline service station as shown in Attachment 3.
- **Section 2.14 Signs – Table 2.1.c.ii.)** to increase the maximum number of fascia signs per business from 1 to 2 for the Mid Island Co-Op liquor store as shown in Attachment 3.

Land Use Implications

The applicant has recently completed construction of a second retail store (liquor store) on the subject property and is in the process of updating branding on the site as a whole. In support of their application, they have proposed to remove several existing signs associated with the gasoline service station. There are a number of signs internal to the site that do not meet the definition of “sign” under the zoning bylaw and were not considered as part of this application. These consist of imagery (liquor store), safety signage, gasoline pump branding and advertising, parking area signage, window displays, and changeable poster displays for promotions.

The applicant has provided a site plan and sign details for both businesses as well as a written rationale for the requested variance. It should be noted that all proposed signage conforms with the zoning bylaw regulations for signs within the zone in terms of face area and height. The existing freestanding sign and cardlock are not being addressed through this application and are proposed to be maintained as candidates for non-conforming status under the *Local Government Act*. A review of video footage (circa 2001) taken prior to the adoption of zoning in 2002 reveals that these structures, or very similar versions thereof, existed at that time.

“Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation” for evaluation of development variance permit applications requires that there is an adequate demonstration of effort to minimize any and all potential negative impacts prior to the Board’s consideration. In this case the applicant has considered the functional and aesthetic impacts of the subject property on the abutting highway and neighbouring properties. The appearance of clutter is minimized by reducing the number of signs present on the site. The functional impacts on the operation of the abutting Alberni Highway and Church Road has been mitigated by ensuring that signage is either indirectly lit, equipped with hardware to minimize light output or that it is powered off outside business hours. Onsite lighting has also been considered and is proposed to be activated only from dusk to dawn and side to side light pollution will be eliminated. The applicant has ensured that the requested variance is only for what is required to identify the businesses located on the subject property to the travelling public and maintain the functionality of the site.

The applicant has provided the following justification for the requested variance:

- The proposed additional fascia sign on the rear building face of the liquor store is required to identify the business to westbound traffic on Alberni Highway.
- The proposed additional fascia signs on the gasoline service station canopy are required to identify the business and advertise gasoline prices to the public travelling on Alberni Highway and Church Road.

Given that the applicant has provided sufficient rationale and the variance will not result in negative implications for adjacent properties and roadways, the applicants are deemed to have made reasonable efforts to address Policy B1.5 guidelines.

Intergovernmental Implications

The application was referred to the Ministry of Transportation and Infrastructure (MOTI). The Ministry did not have any concerns.

Public Consultation Implications

Pending the Electoral Area Services Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board’s consideration of the application.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2017-129 subject to the conditions outlined in Attachment 2.
2. To deny Development Variance Permit No. PL2017-129.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2017 – 2021 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications for the 2016 – 2020 Board Strategic Plan.



Sarah Preston
spreston@rdn.bc.ca
December 22, 2017

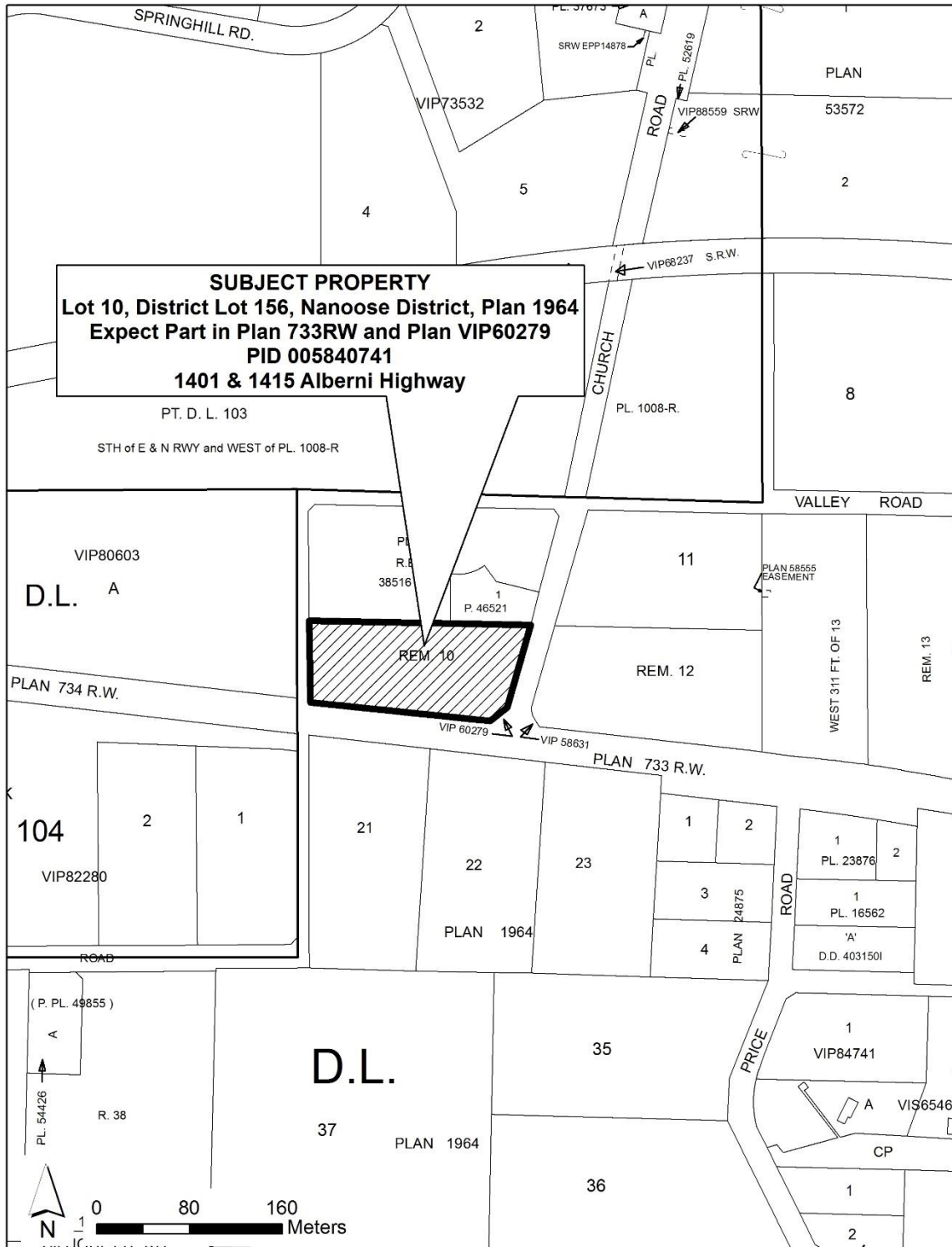
Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Terms and Conditions of Permit
3. Proposed Sign Details and Variances

Attachment 1
Subject Property Map



Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2017-129:

Bylaw No. 1285, 2002 Variances

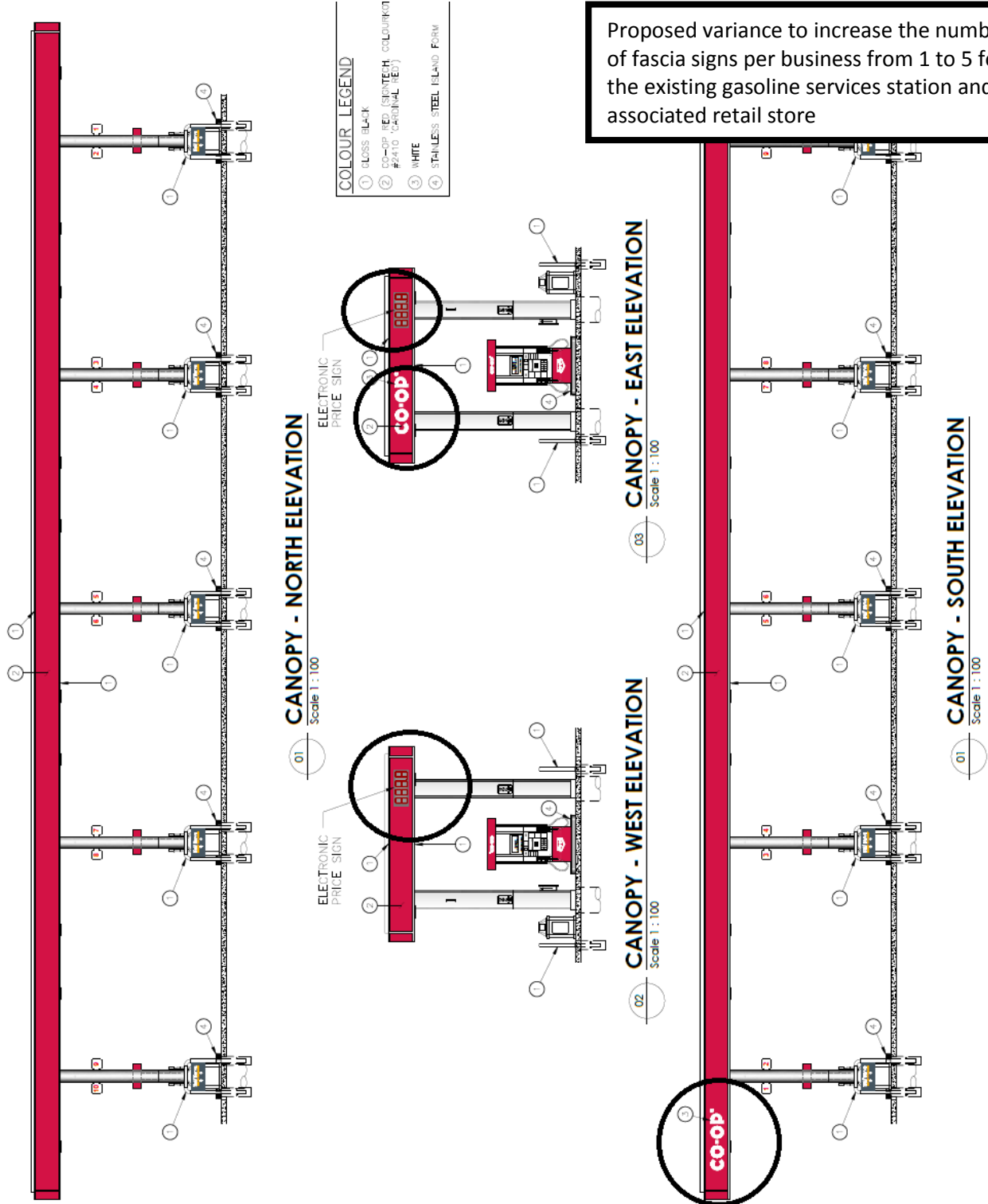
With respect to the lands, “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” is varied as follows:

1. Section 2.14 Signs – Table 2.1.c.ii.) to increase the maximum number of fascia signs per business from 1 to 5 for the Mid Island Co-Op convenience store and gasoline service station as shown in Attachment 3.
2. Section 2.14 Signs – Table 2.1.c.ii.) to increase the maximum number of fascia signs per business from 1 to 2 for the Mid Island Co-Op liquor store as shown in Attachment 3.

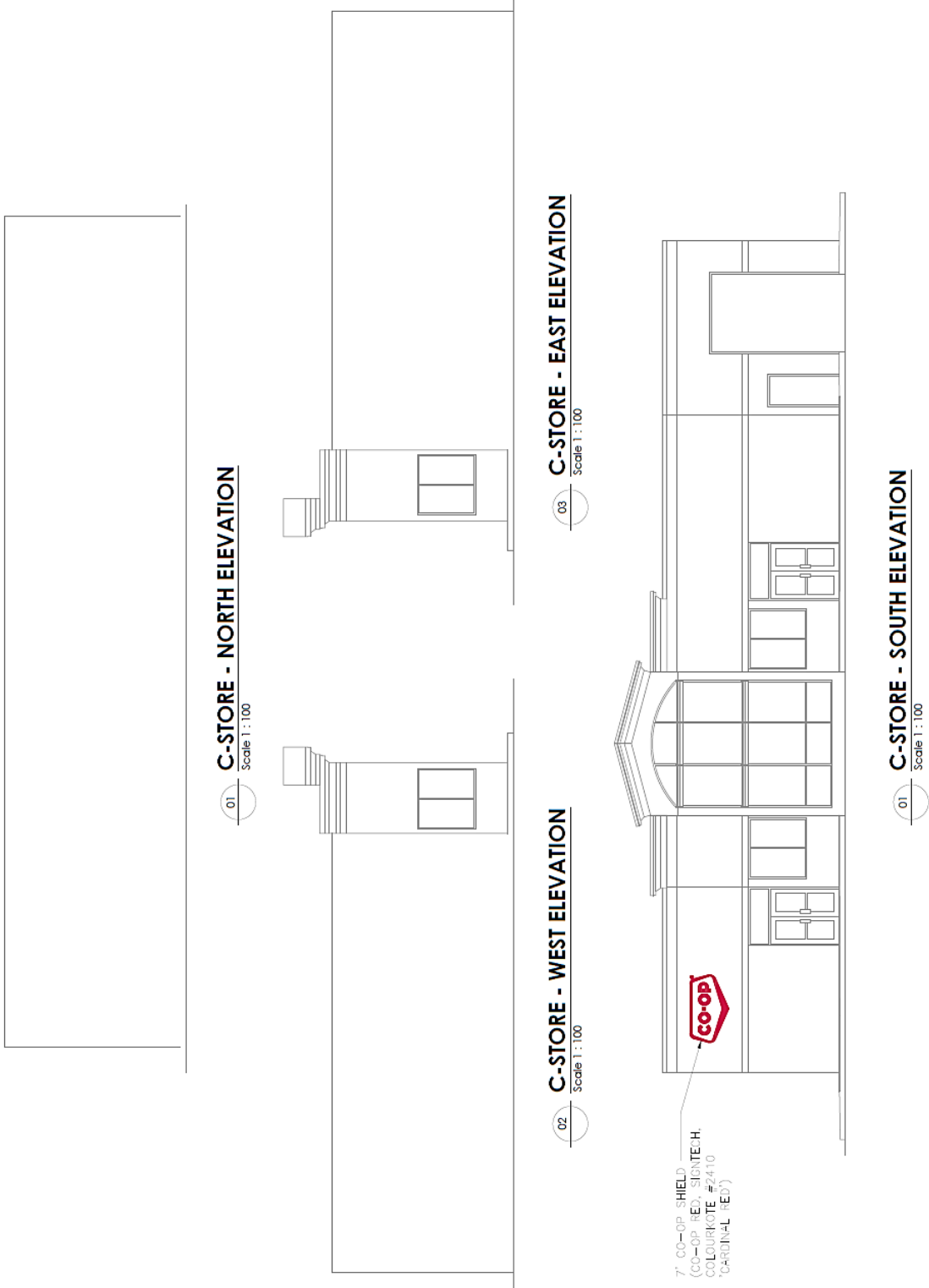
Conditions of Approval

1. The proposed development is in general compliance with the sign construction details prepared by Selkirk Signs dated June 8 and 9, 2017 and Federated Co-Operatives Limited dated September 29, 2017, as shown in Attachment 3.
2. Where the signage is not wholly indirectly lit, the signage shall include automatic dimming hardware, so that light intensity levels are adjusted based on current weather conditions and time of day.
3. The proposed signage shall be turned off outside of business hours.
4. The “Co-Op” branding on the propane storage tank abutting Church Road shall be removed. No signs other than those required for safety purposes shall be permitted on the propane storage tank or associated infrastructure.
5. On site lighting shall conform to the following:
 - a. be designed for security and safety in accordance with Crime Prevention Through Environmental Design
 - b. must not result in glare directed towards neighbouring properties, adjacent roads, or light directed towards the sky
 - c. building facades may be discreetly illuminated through the use of strategically placed lighting which shines down from the building surface
 - d. will be turned off between dawn and dusk
6. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

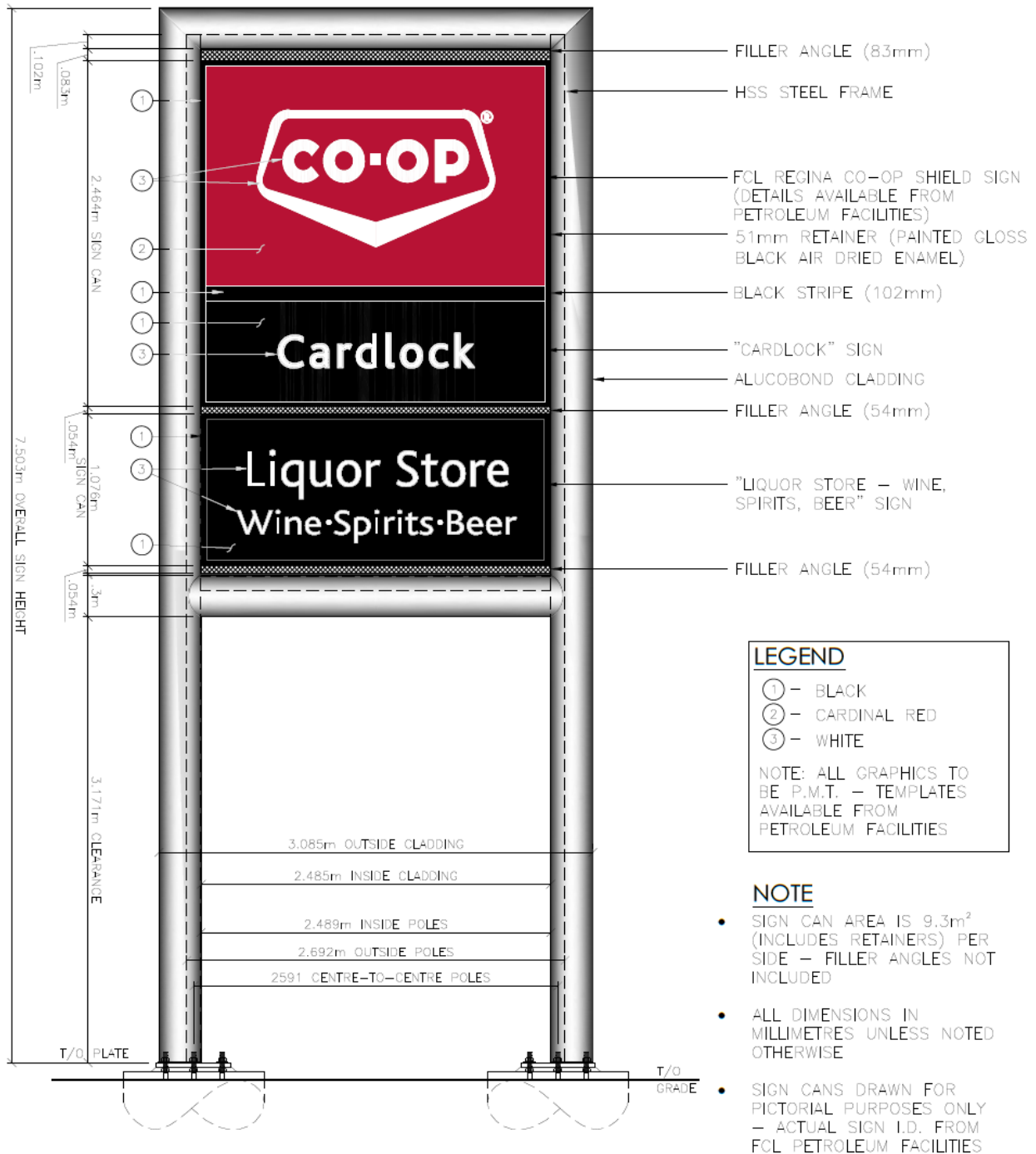
Attachment 3
Proposed Sign Details and Variances
 (1 of 7)



Attachment 3
Proposed Sign Details and Variances
(2 of 7)

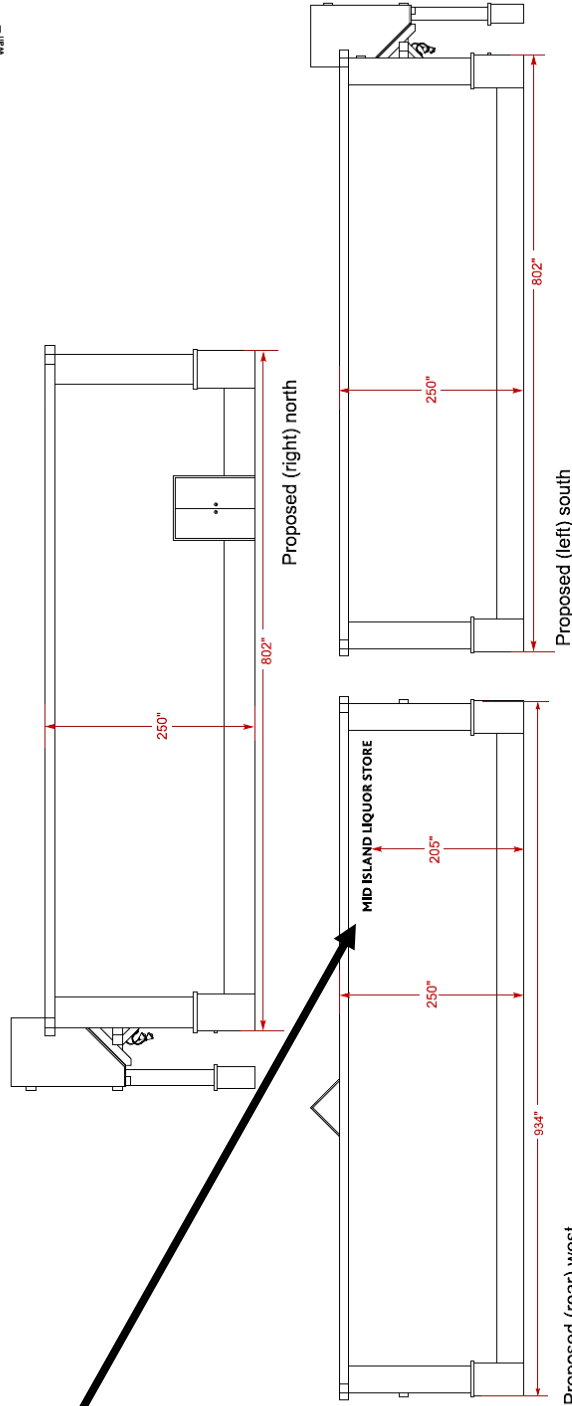
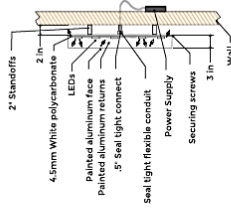


Attachment 3
Proposed Sign Details and Variances
(3 of 7)



Attachment 3
Proposed Sign Details and Variances
 (4 of 7)

Cross Section



Proposed variance to increase the number of fascia signs per business from 1 to 2 for the liquor store

Customer: CO-OP	Address: Parksville, BC	Project Manager: Tracy K	Designer: Sheldon C	Date: 6/9/17
Illumination White LED Halo illuminated	Returns/Trim/Perimeter .63" Aluminum 3" returns To be painted Black No trim Perimeter: 1062"	Faces .125" Aluminum faces To be painted Black	Mounting 2" Standoffs	Power 3 power supplies 2.1 amps 120 volts line in 12 volt DC

Attachment 3
Proposed Sign Details and Variances
 (5 of 7)

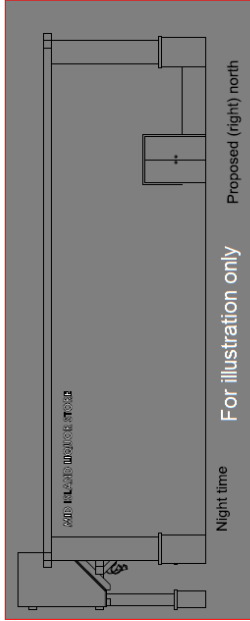
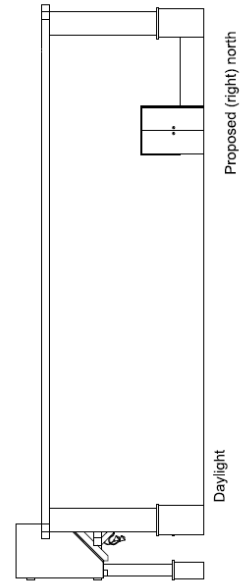
Cross Section

PARKSVILLE_CP_CL3

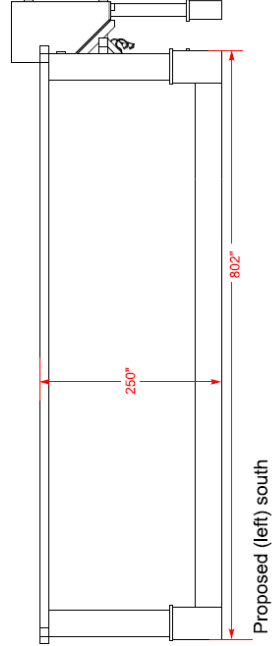
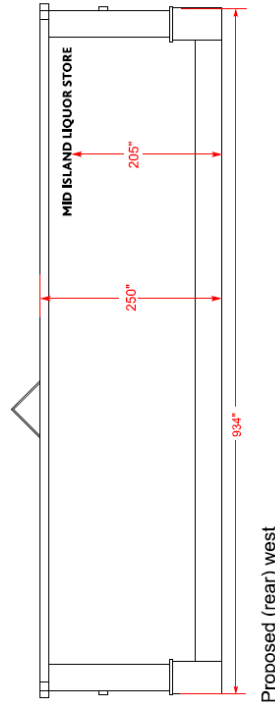
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Letters are to be black in daylight & white in the night



applies to rear



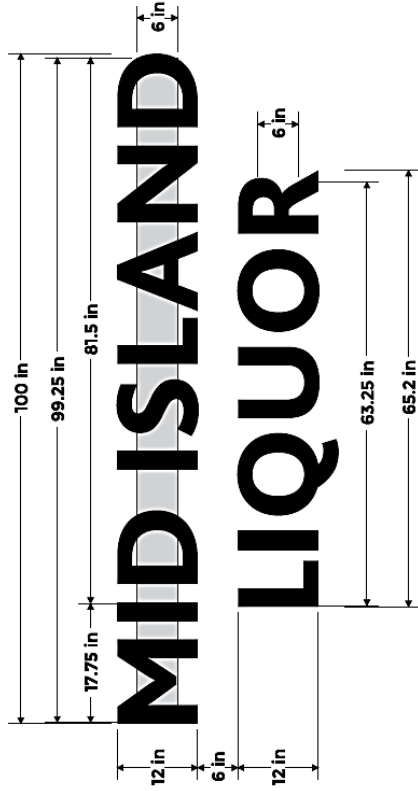
Customer: CO-OP	Address: Parksville, BC	Project Manager: Tracy K	Designer: Sheldon C	Date: 6/9/17
Illumination White LED Halo illuminated	Returns/Trim/Perimeter .63" Aluminum 3" returns To be painted Black No trim Perimeter: 1062"	Faces .125" Aluminum faces To be painted Black	Mounting 2" Standoffs	Power 3 power supplies 2.1 amps 120 volts line in 12 volt DC

Attachment 3
Proposed Sign Details and Variances
 (6 of 7)

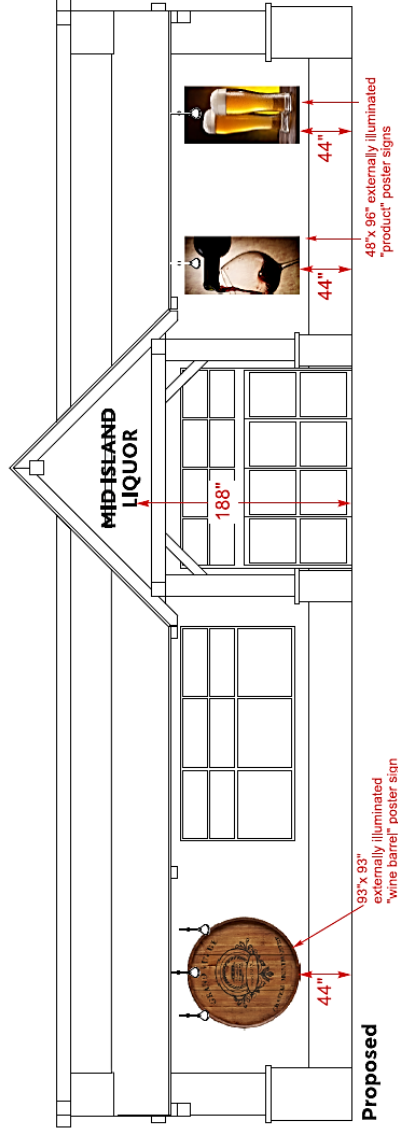
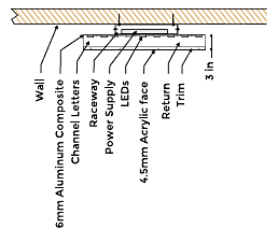
PARKSVILLE_CP_CL1

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Elevation (store front) east



Cross Section



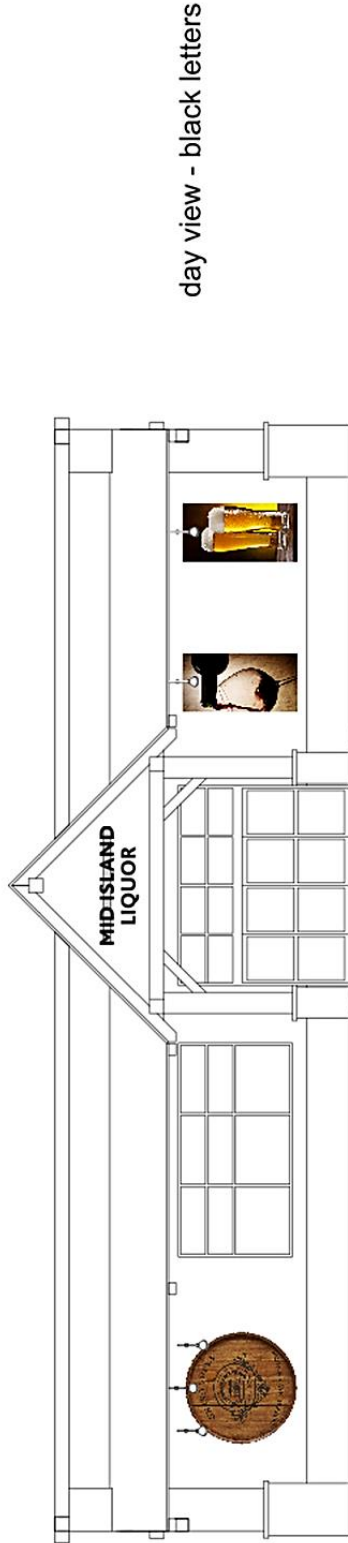
Customer: CO-OP	Address: Parksville, BC	Project Manager: Tracy K	Designer: Sheldon C	Date: 6/8/17
Illumination White LED	Returns/Trim/Perimeter 3" Black returns 1" Black trim Perimeter: 793"	Faces/Graphics 4.5mm White acrylic with Dual-Colour film Black vinyl 3635-222	Mounting Raceway mount Painted to match building	Power 2 power supplies 1.4 amps 120 volts line in 12 volt DC

Attachment 3
Proposed Sign Details and Variances
 (7 of 7)

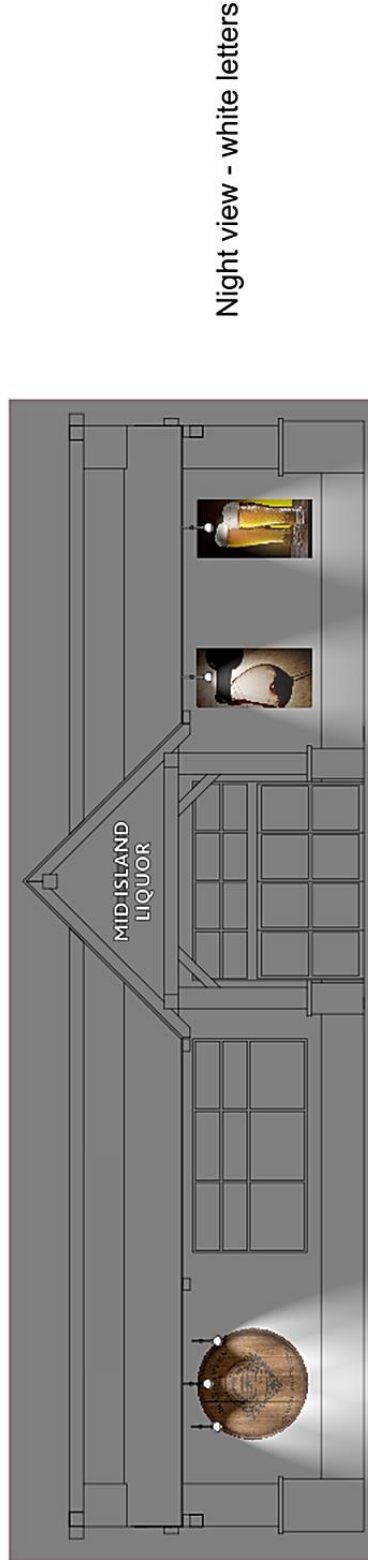
Elevation (store front) east

PARKSVILLE_CP_CL1

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Proposed



Proposed

Customer: CO-OP	Address: Parksville, BC	Project Manager: Tracy K	Designer: Sheldon C	Date: 6/8/17
Illumination White LED	Returns/Trim/Perimeter 3" Black returns 1" Black trim Perimeter: 793"	Faces/Graphics 4.5mm White acrylic with Dual-Colour film Black vinyl 3635-222	Mounting Raceway mount Painted to match building	Power 2 power supplies 1.4 amps 120 volts line in 12 volt DC

TO: Electoral Area Services Committee **MEETING:** January 9, 2018

FROM: Kelsey Chandler
Planning Technician **FILE:** PL2017-180

SUBJECT: Development Variance Permit Application No. PL2017-180
2949 Dolphin Drive – Electoral Area ‘E’
Lot 6, District Lot 78, Nanoose District, Plan 14212

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2017-180 to increase the maximum height allowance from 8.0 m to 10.09 m, and to reduce the setback to the sea from 8.0 m to 0.0 m from top of bank to permit the construction of a dwelling unit and attached garage subject to the terms and conditions outlined in Attachments 2 to 4.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-180.

SUMMARY

Given that the Board Policy B1.5 guidelines have been met and no negative land use impacts are anticipated as a result of the proposed variances, staff recommends that the Board approve the development variance permit pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Peter Jorgensen on behalf of Stacey Scott to permit the replacement of an existing dwelling unit with a new single family residence and attached garage. The subject property is approximately 0.13 ha in area and is zoned Residential 1 (RS1), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located to the northeast of Dolphin Drive, and is surrounded by other RS1 zoned properties (see Attachment 1 – Subject Property Map).

The property contains an existing dwelling unit and attached garage and a free-standing deck. The property is serviced by a community water system and an on-site septic system.

Proposed Development and Variances

The proposed development includes the demolition of the existing dwelling unit, attached garage, and free standing deck and the construction of a new dwelling unit and attached garage. The proposed footprint of the new dwelling unit is expanded from the footprint of the existing dwelling unit, however, it is proposed to be sited further back from the sea and closer towards the road than the existing dwelling unit (see Attachment 3 – Proposed Site Plan and Variances, Page 1 of 2). The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.4.61 – Maximum Number and Size of Buildings and Structures** to increase the maximum building height from 8.0 m to 10.09 m for a portion of the proposed dwelling unit.
- **Section 3.3.9.b.i – Setbacks – Sea** to decrease the minimum setback required from the top of a slope of 30% or greater from 8.0 metres horizontal distance inland to 0.0 metres.

While the applicant is requesting to vary the 8.0 m setback from the top of slope, the proposal will still exceed the 15 m setback from the natural boundary.

Land Use Implications

The slope of the subject property limits potential locations for siting the proposed dwelling unit and septic field. Given the slope constraints, the applicant is proposing to site the new dwelling unit in a similar location to the existing dwelling unit, with the proposed building footprint extending further back from the sea and closer towards the road (see Attachment 3 – Proposed Site Plan and Variances, Page 1 of 2). As a result of the property’s steep slope, a portion of the proposed dwelling unit will exceed the maximum height allowance of the RS1 zone (see Attachment 4 – Building Elevations).

In support of the application, the applicant has provided a Geotechnical Assessment prepared by Tetra Tech and dated December 20th, 2017. The Assessment indicates that the only geotechnical hazard identified on site is the steep slope, which ranges from 27 degrees to 52 degrees with an average of 42 degrees (see ‘Top of Slope as per Geotechnical Report, Tetra Tech’ on Attachment 3 – Proposed Site Plan and Variances, Page 2 of 2). The Assessment notes that the house design and construction should be based on the foundations extending to bedrock to avoid potential impacts should the site experience a significant seismic event, and notes that the proposed deck should be designed to withstand shallow slope movement without collapsing. The Assessment notes that if bedrock is not encountered within the top 2 m of excavation, Tetra Tech will assess the conditions at that time and determine how to proceed with the foundation construction.

The Assessment recommends that the east foundations of the proposed dwelling unit are to be located 5 m west of the crest of the steeper (42 degree) slope (see Attachment 3 – Proposed Site Plan and Variances, Page 2 of 2). However, the Assessment also notes that a 3 m length of the east foundation of the proposed house will be closer than the 5 m setback recommended, and that in this area the excavation should be extended to bedrock or 3 m depth, whichever comes first. The Assessment concludes that the subject property is safe and suitable for the proposed development provided the recommendations in the Assessment are followed, and specifically stipulates that Tetra Tech will be

required to visit the site during construction to confirm that their recommendations have been followed.

In accordance with “Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation” (Board Policy B1.5), staff recommend that the applicant be required to register a Section 219 covenant that registers the Geotechnical Assessment prepared by Tetra Tech and dated December 20, 2017, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential steep slope hazard. The applicant is required to obtain the necessary building permits (including any structural engineering assessments that may be required) prior to construction, and any proposed development must be in accordance with the recommendations contained in the Geotechnical Assessment (see Attachment 2 – Conditions of Permit).

As per Board Policy B1.5, the evaluation of development variance permit applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board’s consideration. As justification for the requested setback variance, the applicant has cited the need to replace the deteriorating existing dwelling unit and the limited siting locations for the proposed dwelling unit and septic field due to the steep slope of the property. The applicant has also cited the steep slope of the property as justification for the requested height variance.

Based on the location of the proposed dwelling unit in relation to the existing and neighbouring dwelling units, the requested variances are not anticipated to negatively impact the views from adjacent properties. The applicant has provided five letters of support from adjacent property owners.

Given that the applicant has provided sufficient rationale and the requested variances will not result in negative view implications for adjacent properties, the applicant has made a reasonable effort to address Policy B1.5 guidelines.

Intergovernmental Implications

The application was referred to the Nanoose First Nation and the Nanoose Fire Department, and neither expressed any concern with the proposed development.

Public Consultation Implications

Pending the Electoral Area Services Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board’s consideration of the application.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2017-180 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2017-180.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2017 – 2021 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications for the 2016 – 2020 Board Strategic Plan.



Kelsey Chandler
kchandler@rdn.bc.ca
December 20th, 2017

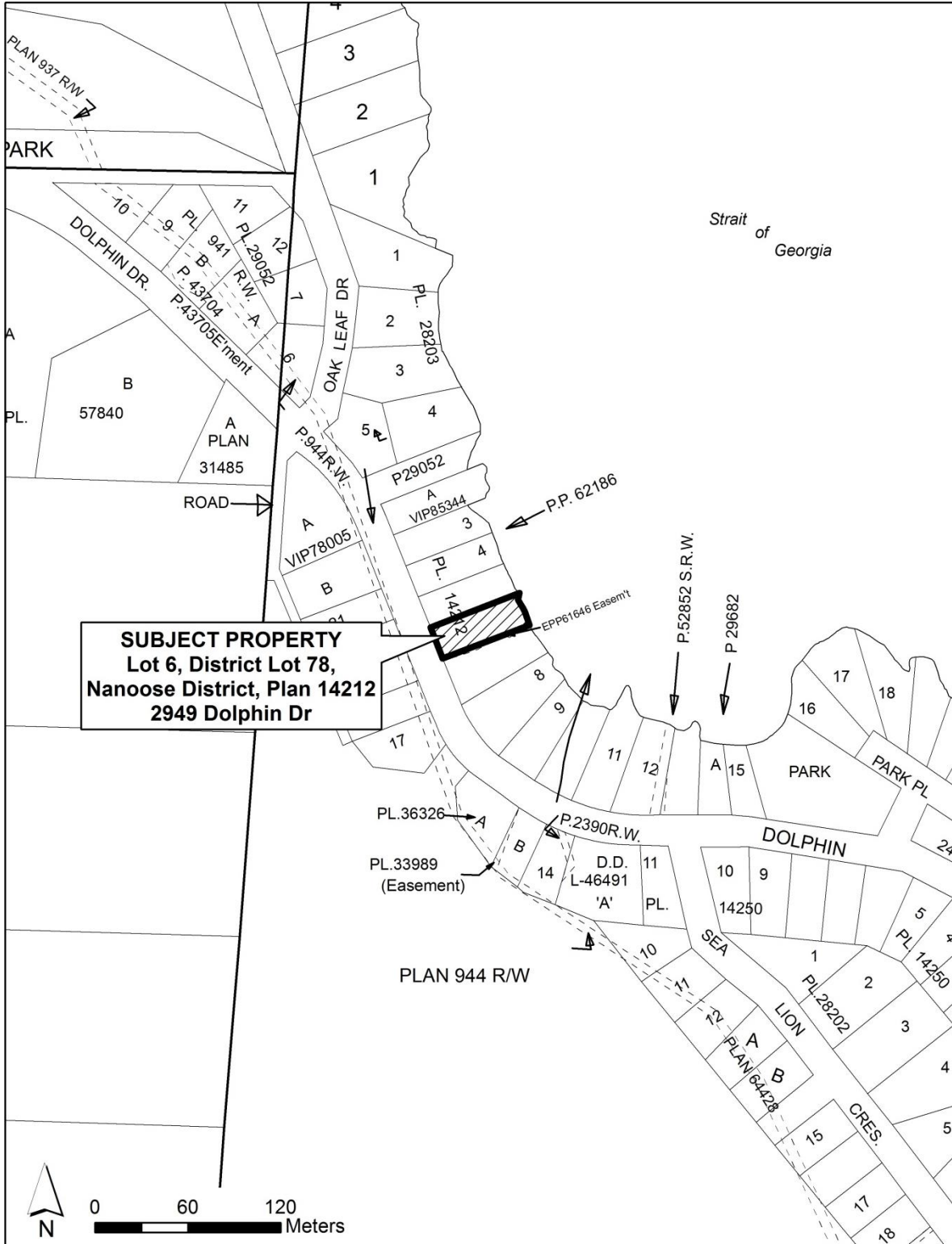
Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Conditions of Permit
3. Proposed Site Plan and Variances
4. Building Elevations

Attachment 1
Subject Property Map



Attachment 2 Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2017-180:

Bylaw No. 500, 1987 Variances

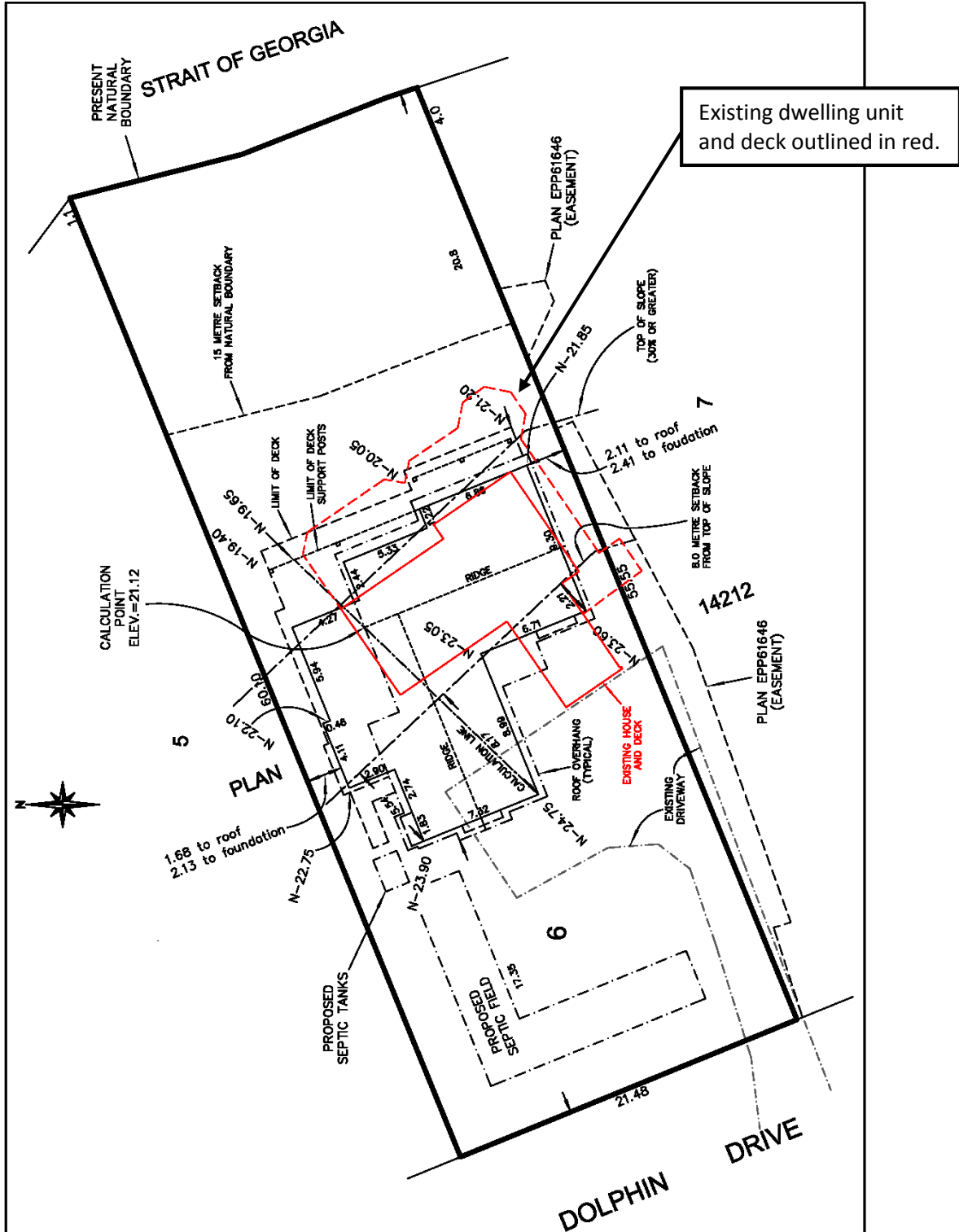
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

1. **Section 3.4.61 – Maximum Number and Size of Buildings and Structures** to increase the maximum building height from 8.0 m to 10.09 m for a portion of the proposed dwelling unit.
2. **Section 3.3.9.b.i – Setbacks – Sea** to decrease the minimum setback required from the top of a slope of 30% or greater from 8.0 metres horizontal distance inland to 0.0 metres.

Conditions of Approval

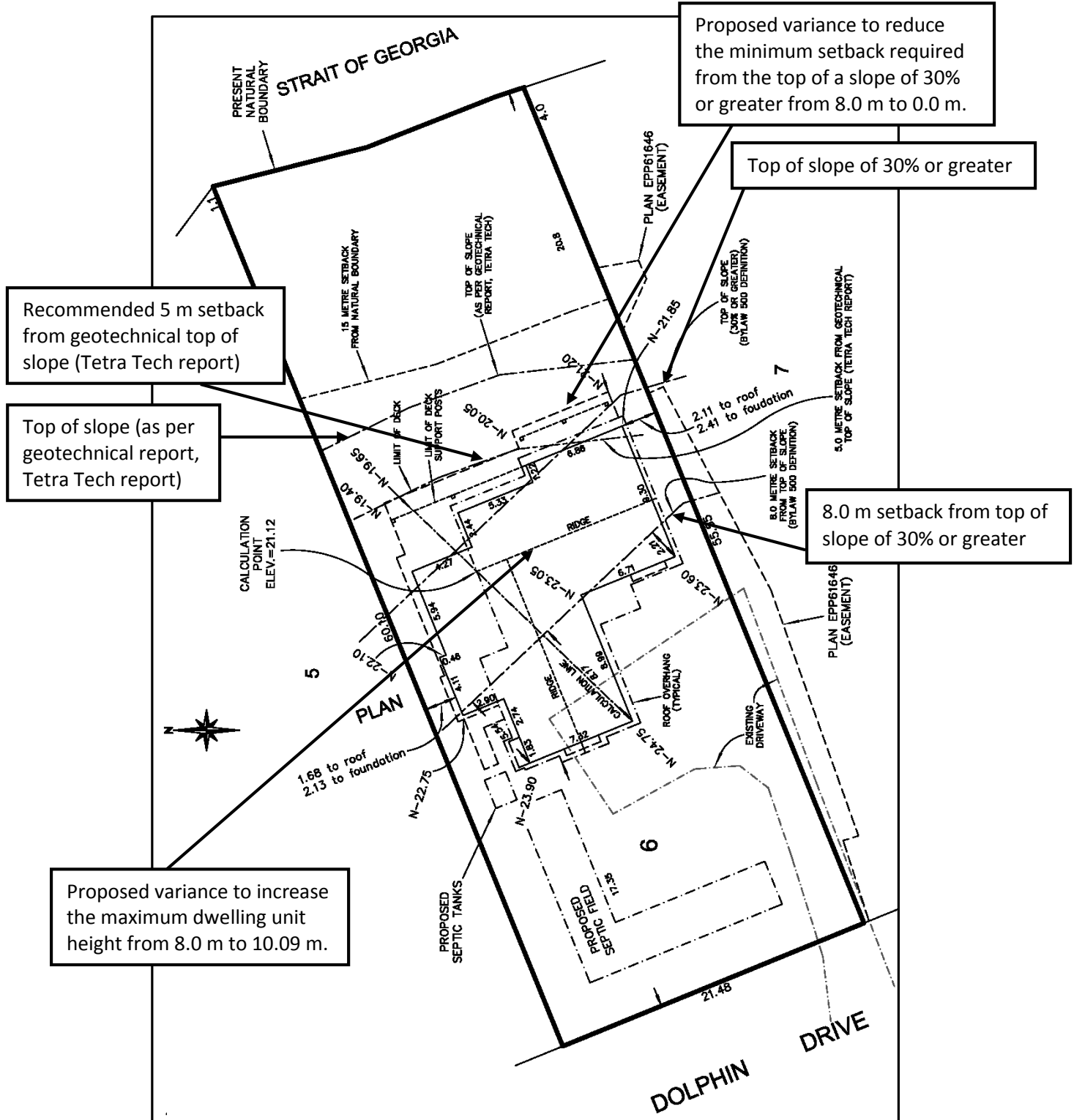
1. The site is developed in accordance with the Sketch Plan prepared by J.E. Anderson & Associates, dated December 20, 2017 and attached as Attachment 3.
2. The proposed development is in general compliance with the plans and elevations prepared by Jorgensen/Osmond Ltd., dated March 23, 2017 and attached as Attachment 4.
3. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Assessment prepared by Tetra Tech, dated December 20, 2017.
4. Staff shall withhold the issuance of this Permit until the applicant, at the applicant’s expense, registers a Section 219 Covenant on the property title containing the Geotechnical Assessment prepared by Tetra Tech dated December 20, 2017, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.
5. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3
Proposed Site Plan and Variances
Page 1 of 2

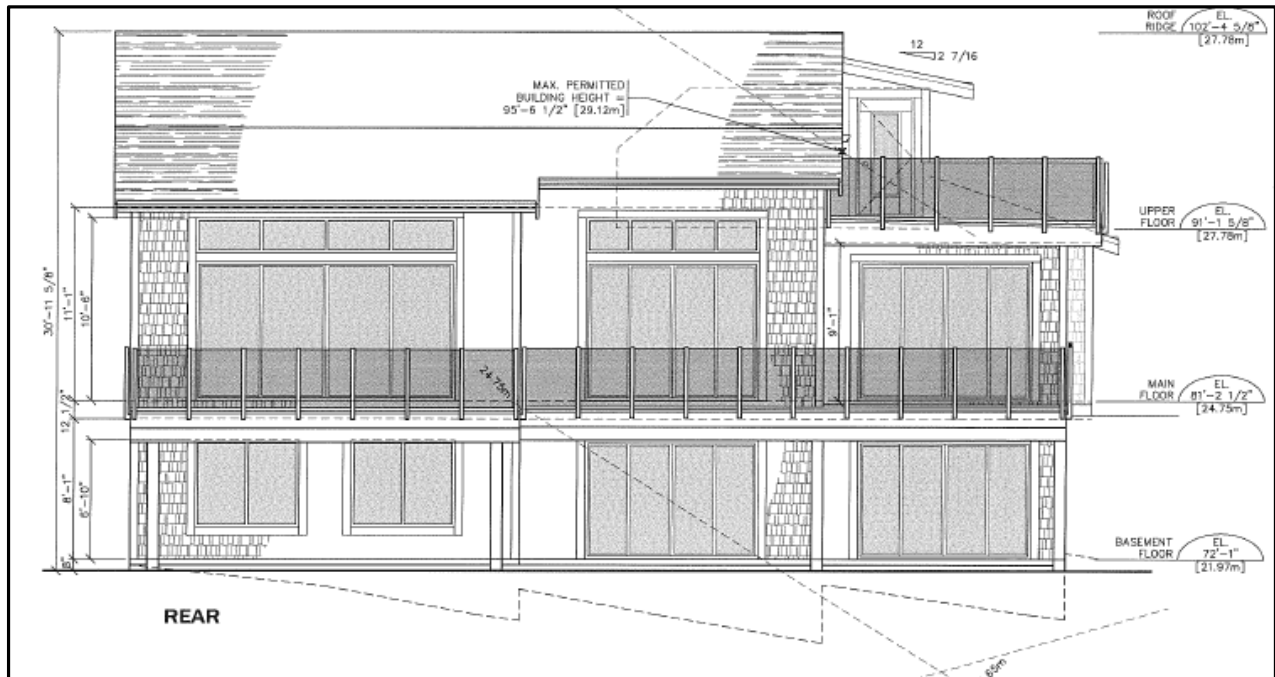
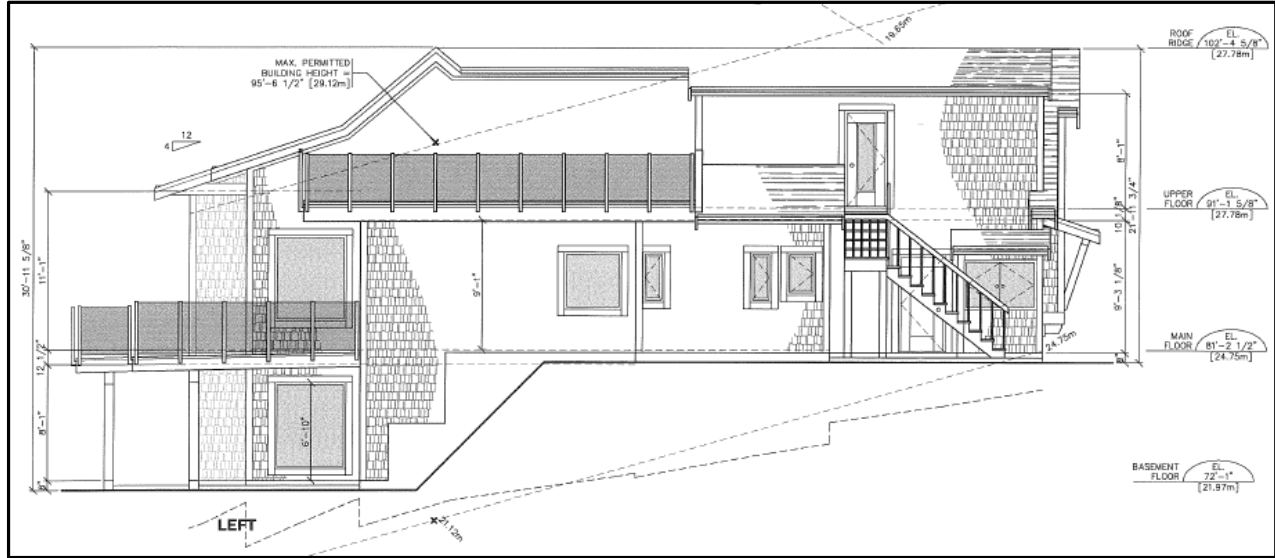


Existing dwelling unit and deck outlined in red.

Attachment 3
Proposed Site Plan and Variances
 Page 2 of 2



Attachment 4 Building Elevations



TO: Electoral Area Services Committee **MEETING:** January 9, 2018

FROM: Kristy Marks
Planner **FILE:** PL2017-060

SUBJECT: Zoning Amendment Application No. PL2017-060
2347 & 2419 Cedar Road – Electoral Area ‘A’
Amendment Bylaw No. 500.412 – First and Second Reading
Lot A, Sections 8, 9 and 10, Range 1, Cedar District, Plan 76153

RECOMMENDATIONS

1. That the Board receive the Summary of the Public Information Meeting held on August 30, 2017.
2. That the Board introduce and give two readings to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.412, 2018”.
3. That the public hearing for “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.412, 2018” be waived and notice of the Board’s intent to consider third reading be given in accordance with Section 467 of the *Local Government Act*.
4. That the Board direct that the conditions set out in Attachment 3 of the staff report be completed prior to Bylaw No. 500.412 being considered for adoption.

SUMMARY

To consider a Zoning Amendment Application to permit the conversion of an existing dwelling unit to an office and file/urn storage accessory to the existing cemetery on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application from Arbor Memorial Inc., Inc. No. A0087695 to rezone a portion of the subject property to permit the conversion of an existing dwelling unit to an office, staff lunch room, and file/urn storage accessory to the existing cemetery.

The subject property is approximately 30.0 hectares in area and is split zoned Public 1 Zone (PU1), Subdivision District ‘D’ and Agriculture 1 Zone (AG1), Subdivision District ‘D’ pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The PU1 zoned portion of the property currently contains the Cedar Valley Memorial Gardens including an administrative and service building, crematorium, burial garden, and cremation forest walk. The AG1 zoned portion of the property is within the Agricultural Land Reserve (ALR) and contains a dwelling unit and accessory residential and farm buildings on the portion of the property to be rezoned and a hay field on the lower portion of the

property adjacent to the Nanaimo River. The property is bisected by the Harmac waterline and is surrounded by Cedar Road to the east, the Nanaimo River to the west, developed ALR parcels and Addison Way to the south and developed rural residential parcels to the north (see Attachment 1 – Subject Property Map and Attachment 2 – Current Zoning Map). The site is serviced by an existing well and on-site septic system.

Proposed Development

The applicant proposes to rezone a portion of the subject property to allow the conversion of an existing dwelling unit to an office, file and urn storage and staff lunch room accessory to the existing cemetery. The cemetery and all existing uses related to the cemetery and memorial gardens are currently located on the portion of the property that is not within the ALR. The existing dwelling unit that is proposed to be converted is located on a portion of the property that is within the ALR. The applicant obtained a non-farm use approval from the Agricultural Land Commission (ALC) in November 2016 to permit this proposal. Attachment 4 – Site Plan shows the existing buildings and structures on the portion of the property proposed to be re-zoned.

Official Community Plan Implications

The subject property is split designated “Institutional” and “Agricultural” in the “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Bylaw No. 1620, 2011” (OCP). The portion of the property where the cemetery is located is designated “Institutional” while the remainder of the parcel that is in the ALR, including the area to be re-zoned, is designated “Agricultural” in the OCP. Given that the applicants have obtained approval from the ALC for the non-farm use to allow the proposal and that the proposed use is ancillary to the existing cemetery use on the same parcel and no expansion of the existing dwelling unit is proposed, an amendment to the OCP is not required.

Land Use Implications

The existing AG1 zoning that applies to the portion of the property to be rezoned permits Farm Use and Residential Use as principal uses and Home Based Business, Secondary Suite, Temporary Sawmill, Agricultural Education and Research, Agri-tourism Accommodation, and the Production of Biological Integrated Pest Management Products as accessory uses. The applicant proposes to retain the existing AG1 Zone and add a site specific clause to permit office and file/urn storage accessory to the cemetery on a portion of the property. This will allow the conversion of the existing dwelling unit to accommodate the proposed uses that are ancillary to the cemetery while retaining the current zoning that is consistent with ALC regulations. In accordance with the ALC non-farm use approval the proposed accessory uses are limited to the existing footprint of the existing dwelling unit. The applicant has provided a site plan and non-farm use approval in support of the application.

Given that the dwelling unit is serviced by an existing well and that the proposed use of the building is for accessory uses for staff only, the applicant was not required to provide a preliminary hydrogeological assessment in accordance with “Board Policy B1.21 Groundwater - Application requirements for rezoning or un-serviced lands” (Policy B1.21). However, in accordance with Policy B1.21 the applicant is required to obtain source approval and/or a water license as necessary from Island Health for the proposed uses prior to the adoption of the amendment bylaw (see Attachment 3 – Conditions of Approval).

Intergovernmental Implications

The Agricultural Land Commission approved a non-farm use application to allow the conversion of the existing dwelling unit to an office and file/urn storage building for the staff at Cedar Valley Memorial Gardens. The approval was granted subject to the following conditions:

- a. no additional dwellings may be constructed or placed on the property;
- b. access from Cedar Road to the west of the right-of-way is maintained; and,
- c. approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

The Ministry of Transportation and Infrastructure (MOTI) has reviewed the proposed amendment and have granted preliminary approval noting that a commercial driveway access will require a valid access permit and that all signage is to be contained within the development. The application has also been reviewed by the Vancouver Island Health Authority (VIHA) and by the North Cedar Fire Department and they have both advised that they have no issue with the application.

Public Consultation Implications

A Public Information Meeting (PIM) was held on August 30, 2017. One member of the public attended and no written submissions were received prior to the PIM (see Attachment 5 – Summary of Minutes of the Public Information Meeting).

In accordance with Section 464 of *The Local Government Act*, the Board may waive the holding of a Public Hearing if the proposed amendment bylaw is consistent with the OCP. In staff's assessment, the proposed development is consistent with the OCP and no concern has been expressed by the community with respect to the proposed amendment. Therefore, staff recommends that the Board waive the Public Hearing and direct staff to proceed with the notification requirements outlined in Section 467 of the *Local Government Act*.

ALTERNATIVES

1. To proceed with Zoning Amendment Application No. PL2017-060, consider first and second reading of the Amendment Bylaw and waive the public hearing.
2. To proceed with Zoning Amendment Application No. PL2016-060, consider first and second reading of the Amendment Bylaw and proceed to Public Hearing.
3. To not proceed with the Amendment Bylaw readings.

FINANCIAL IMPLICATIONS

Staff has reviewed the proposed development and note that the proposal has no implications related to the Board 2016 – 2020 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the application in consideration of the Board's 2016-2020 Strategic Plan and have not identified any implications.



Kristy Marks
kmarks@rdn.bc.ca
December 19, 2017

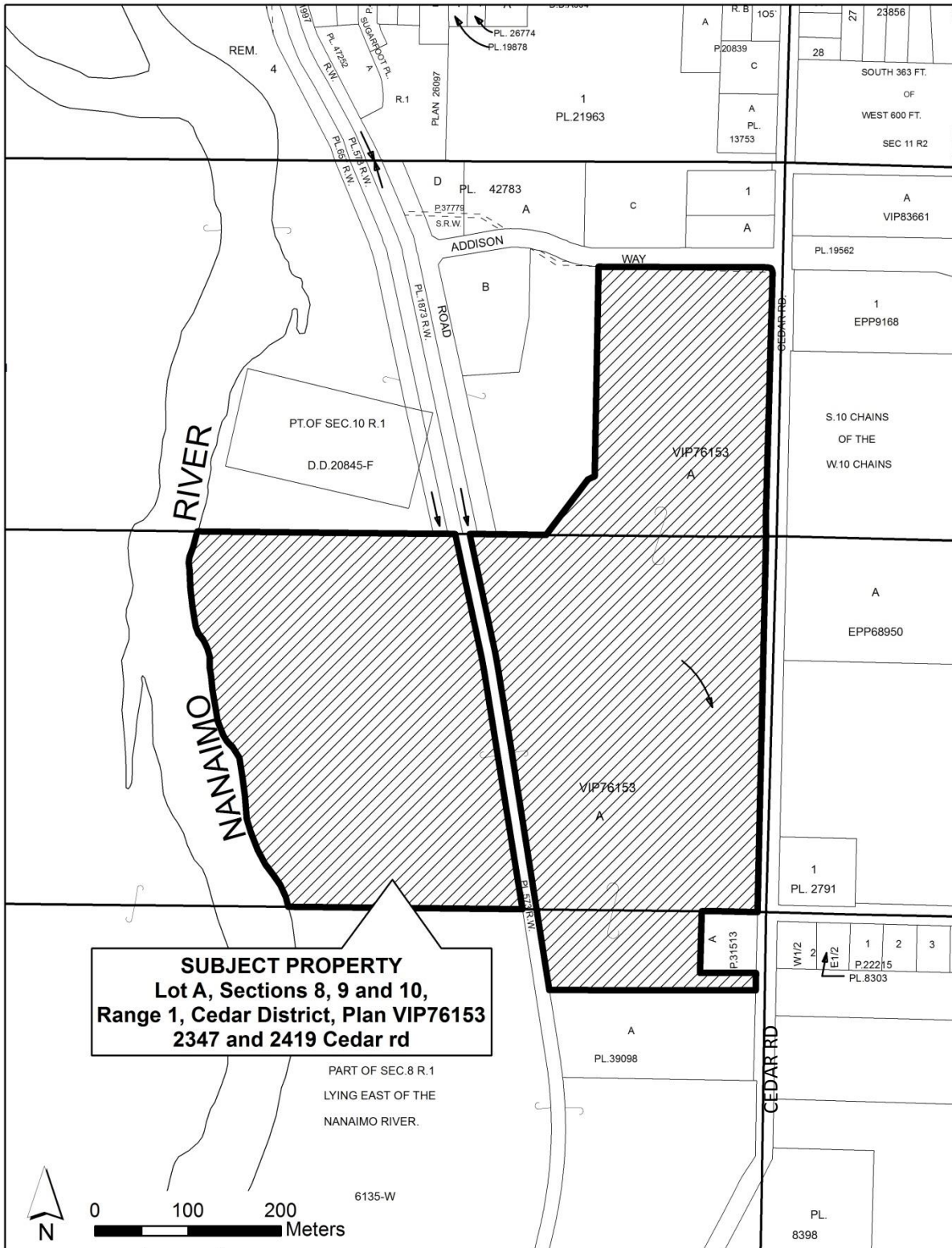
Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

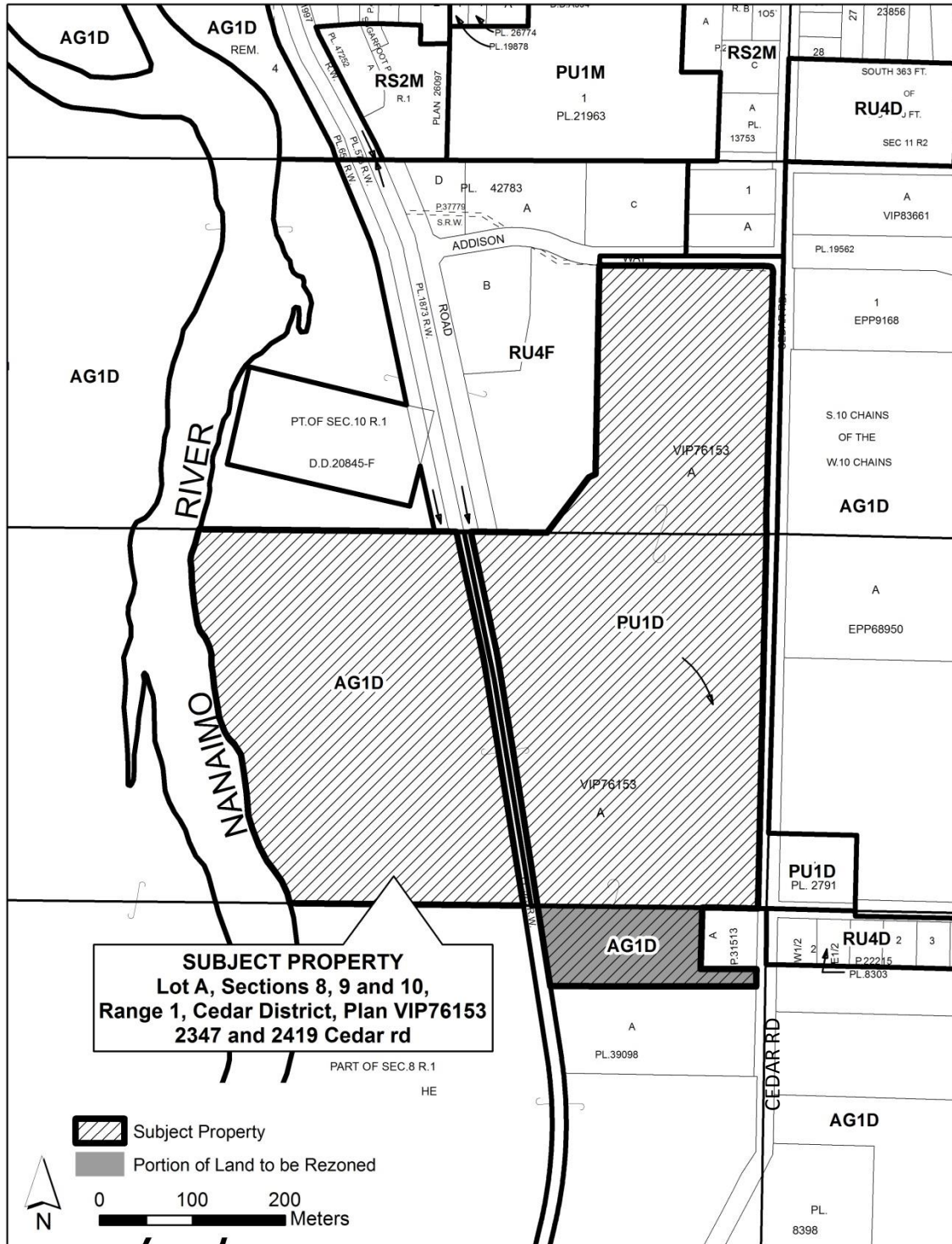
Attachments

1. Subject Property Map
2. Current Zoning Map
3. Conditions of Approval
4. Site Plan
5. Summary of Minutes of a Public Information Meeting
6. Proposed Amendment Bylaw No. 500.412, 2018

Attachment 1
Subject Property Map



**Attachment 2
Current Zoning Map**

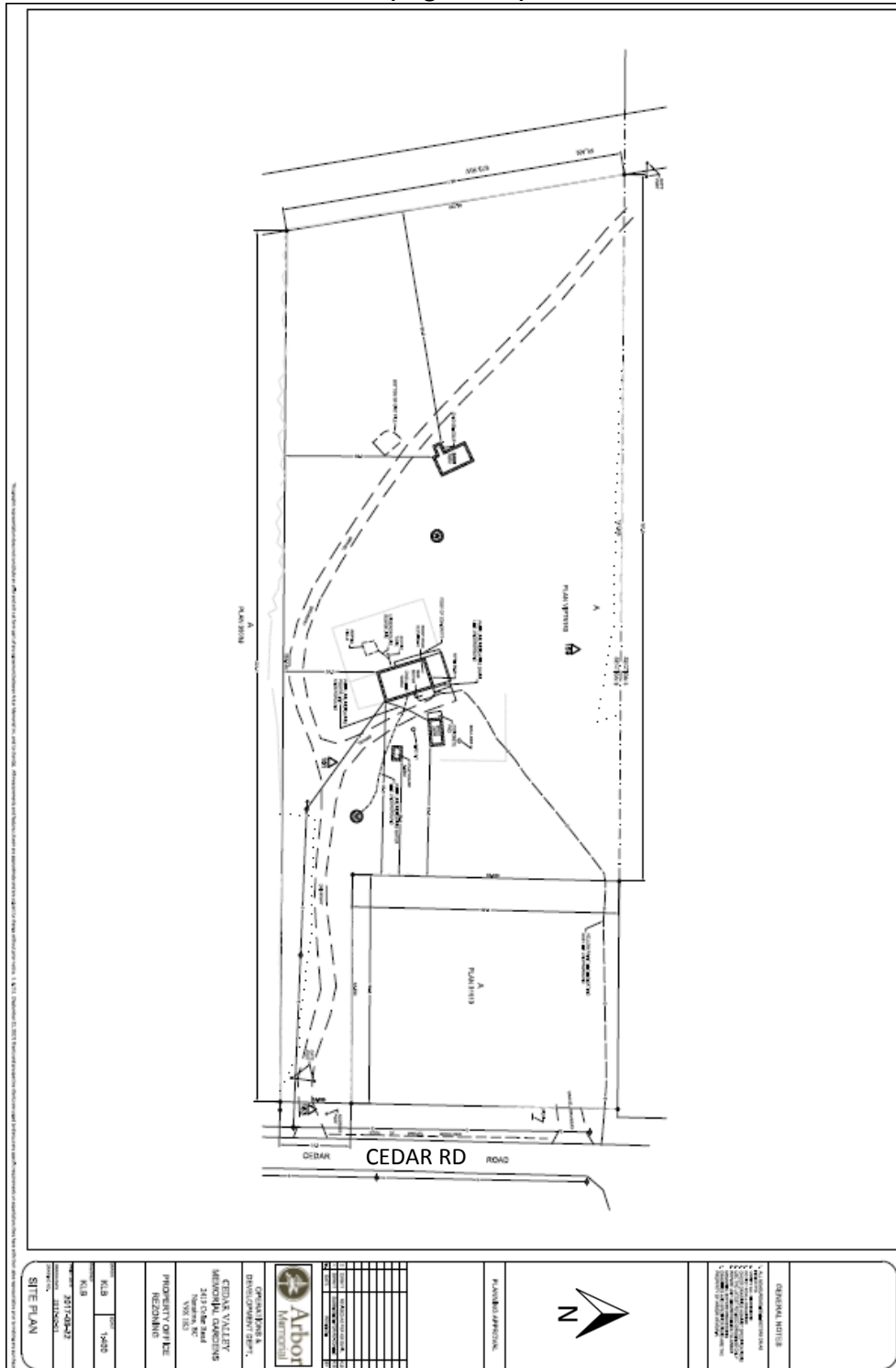


Attachment 3
Conditions of Approval

The following is required prior to the “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.412, 2018” being considered for adoption:

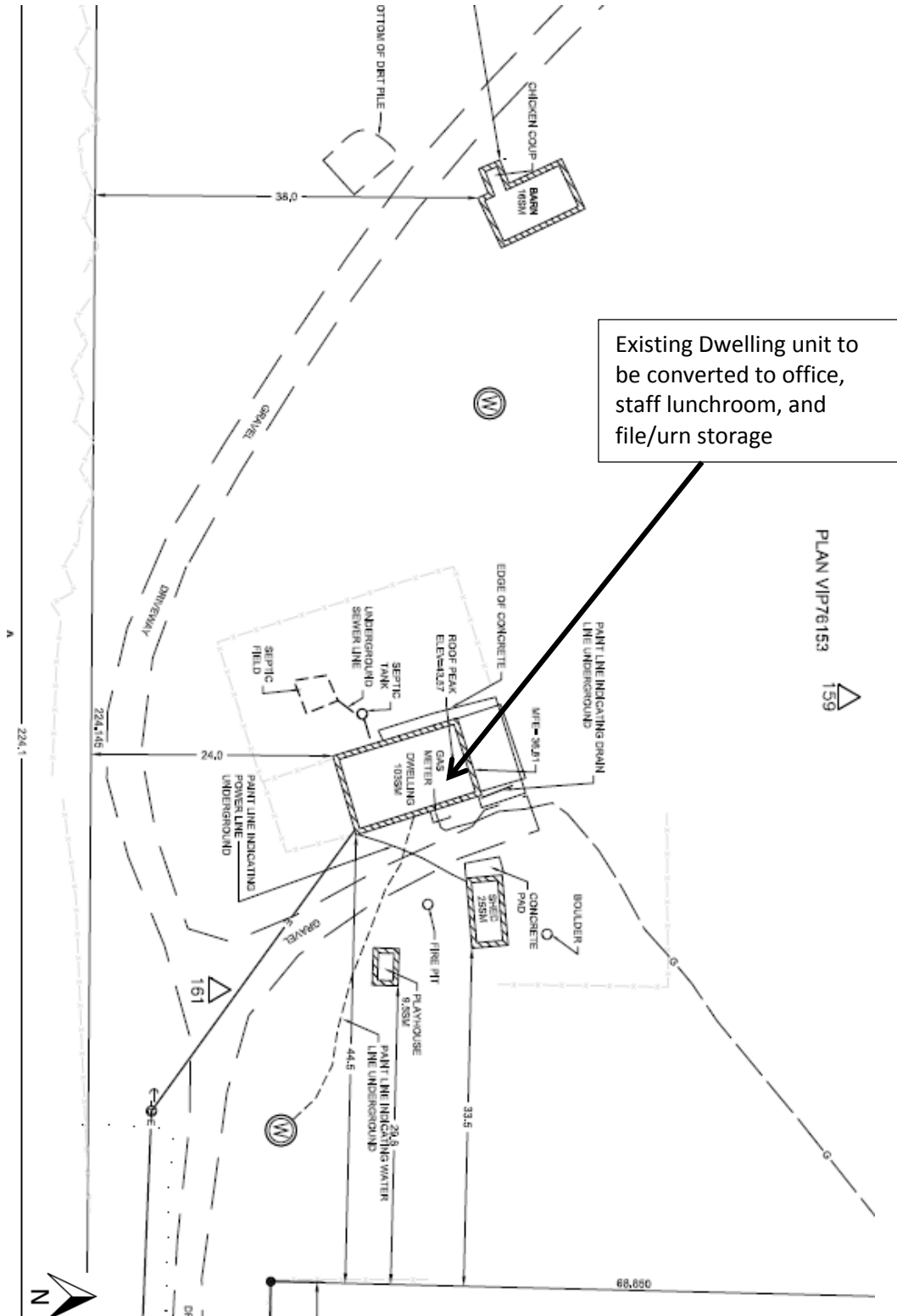
1. Prior to Board consideration of approval of Bylaw 500.412, the applicant is required to obtain source approval from the Vancouver Island Health Authority and, if required, a non-domestic water license from the Province.

Attachment 4
Site Plan
(Page 1 of 2)



<p>GENERAL NOTES</p> <p>1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.</p> <p>2. THE SITE PLAN IS A REPRESENTATION OF THE PROPOSED DEVELOPMENT AND DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED.</p> <p>3. THE DEVELOPER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.</p> <p>4. THE SITE PLAN IS SUBJECT TO CHANGE WITHOUT NOTICE.</p>	
<p>PLAN 1010 JENNIFER</p>	
<p>CEBRAL JONES & DEVELOPMENT INC.</p>	
<p>CEBRAL VALLEY MEMORIAL GARDENS 2410 CEDAR ROAD VANICUS</p>	
<p>PROPERTY OFFICE REZONING</p>	
<p>NO. 1436</p>	<p>1436</p>
<p>NO. 2170-2172</p>	<p>2170-2172</p>
<p>NO. 2170-2172</p>	<p>2170-2172</p>
<p>SITE PLAN</p>	

Attachment 4
Site Plan
(Page 2 of 2)



Attachment 5
Summary of the Public Information Meeting
Held at Cedar Memorial Gardens
2419 Cedar Road
Wednesday, August 30, 2017, 6:30 pm

Note: This summary of the meeting is not a verbatim recording of the proceedings, but is intended to summarize the comments and questions of those in attendance at the Public Information Meeting.

There was one member of the public in attendance at this meeting.

Present for the Regional District of Nanaimo:

Director McPherson, Electoral Area 'A' (the Chair)
Kristy Marks, Planner
Sarah Preston, Planning Technician

Present for the Applicant:

Gary Rogerson, Arbor Memorial	Ken Grieg, Cedar Memorial Gardens
Jim Risby, Arbor Memorial	Rob Egan, Cedar Memorial Gardens

The Chair opened the meeting at 6:45 pm, outlined the evening's agenda, and introduced the RDN staff and the applicants in attendance. The Chair then stated the purpose of the Public Information Meeting and asked RDN staff to provide background information concerning the development application.

Kristy Marks provided a brief summary of the proposed Zoning Amendment application, supporting documents provided by the applicant, and the application process.

The Chair invited the applicant to give a presentation of the development proposal.

Following the presentation, the Chair invited questions and comments from the audience.

Louise Shuker, 2181 Addison Way, advised that she attended to confirm the location of the proposed zoning amendment and that she had no issues with the proposed amendment.

The Chair asked if there were any further questions or comments.

Being none, the Chairperson thanked those in attendance and announced that the Public Information Meeting was closed.

The meeting was concluded at 6:49 pm.



Sarah Preston
Recording Secretary

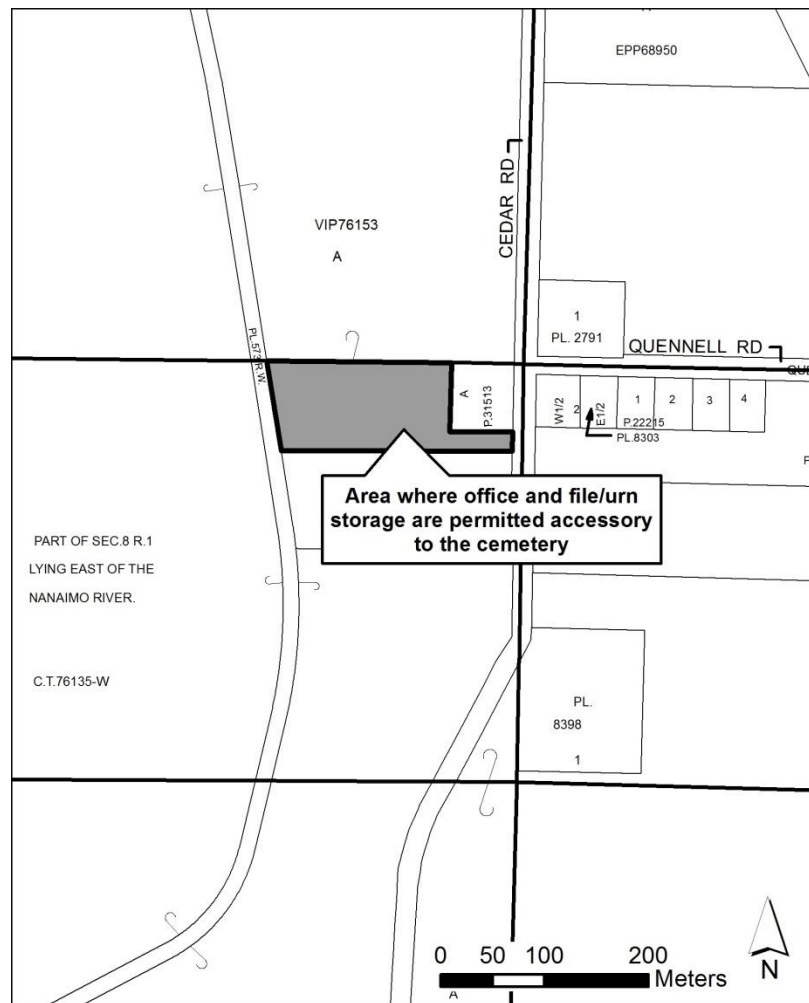
Attachment 6
Proposed Amendment Bylaw No. 500.412, 2018

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.412**

**A Bylaw to Amend Regional District of Nanaimo
Land Use and Subdivision Bylaw No. 500, 1987**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.412, 2018”.
- B. The “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:
 - 1. By adding the following section to the Agriculture 1 (AG1) Zone after Section 3.4.1.4 Part 6:
 - 7) Office and file/urn storage accessory to the cemetery shall be permitted in accordance with ALC non-farm use approval in the shaded area outlined in bold in the map below.



Introduced and read two times this ___ day of _____ 20XX.

Public Hearing held this ___ day of _____ 20XX.

Read a third time this ___ day of _____ 20XX.

Adopted this ___ day of _____ 20XX.

Chair

Corporate Officer

TO: Electoral Area Services Committee **MEETING:** January 9, 2018
FROM: Stephen Boogaards
Planner **FILE:** PL2017-093

**SUBJECT: Zoning Amendment Application No. PL2017-093
3097 Landmark Crescent – Electoral Area ‘C’
Amendment Bylaw 500.414, 2018 – First and Second Reading
Lot 7, Section 20, Range 3, Mountain District, Plan 31215**

RECOMMENDATIONS

1. That the Board receive the Summary of the Public Information Meeting held on November 29, 2017.
2. That the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 500.414, 2018 being considered for adoption.
3. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.414, 2018” be introduced and read two times.
4. That the public hearing for “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment No. 500.414, 2018” be waived and notice of the Board’s intent to consider third reading be given in accordance with Section 467 of the *Local Government Act*.

SUMMARY

The applicant proposes to amend the zoning for the subject property from Rural 1 (RU1) zone, Subdivision District ‘D’ to RU1 zone, Subdivision District ‘F’, to allow a two lot subdivision. A Public Information Meeting was held on November 29, 2017. The requirements set out in the Conditions of Approval are to be completed by the applicant prior to the Board’s consideration of the Bylaw for adoption (see Attachment 2). Staff recommends that Amendment Bylaw No. 500.414, 2018 be granted first and second reading (see Attachment 5).

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Boleslaw Pasieka to rezone the subject property from Rural 1 zone (RU1), Subdivision District ‘D’ to RU1 zone, Subdivision District ‘F’ in order to permit the subdivision of the property into two 1.0 hectare lots. The subject property is approximately 2.02 hectares in area and contains two existing dwelling units (see Attachment 3 – Proposed Subdivision Plan). The property is located south of the City of Nanaimo municipal boundary,

south and east of the Agricultural Land Reserve boundary and east of the Millstone River (see Attachment 1 – Subject Property Map).

Proposed Development

The applicant proposes to rezone the subject property from Rural 1 zone (RU1), Subdivision District 'D' to RU1 zone, Subdivision District 'F' in order to permit the subdivision of the property into two 1.0 hectare lots (see Attachment 3 – Proposed Subdivision Plan). Both proposed Lot A and Lot B contain existing dwelling units and are each serviced by their own well and septic system. Access for both lots will be from Landmark Crescent, however, Proposed Lot A will access from the City of Nanaimo portion of Landmark Crescent and will require a relaxation of road frontage requirements identified in the *Local Government Act*.

Official Community Plan Implications

The subject property is designated as Rural Residential pursuant to the "Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997". The Rural Residential designation supports the subdivision of a parcel that existed prior to the adoption of the Official Community Plan (OCP); however, the parcel cannot be smaller than 1.0 hectare. As Bylaw 500 allows parcel averaging, to ensure both parcels are greater than 1.0 hectares in size, the applicant will be required to register a Section 219 covenant requiring all parcels within the subdivision to be greater than 1.0 hectare (see Attachment 2 – Conditions of Approval). The OCP also requires a Section 219 covenant to prevent further subdivision under the *Land Title Act* or *Strata Property Act*. Since the proposed plan of subdivision shows each parcel of land with more than 1.0 hectare in area the proposed amendment is consistent with the OCP policies.

Land Use Implications

The existing zoning of the subject property allows agriculture, aquaculture, home-based business, produce stand, silviculture, secondary suite and residential use. Currently, two dwelling units are located on the property, each serviced by their own well and septic field. The subdivision of the parcel into two parcels will be consistent with OCP policy for one dwelling unit per hectare and will not increase residential density more than is currently allowed under zoning (see Attachment 5 – Proposed Amendment Bylaw 500.414, 2018).

The applicant has submitted a proposed plan of subdivision to show the potential parcel shape and dimensions (see Attachment 3 – Proposed Subdivision Plan). The configuration of proposed Lot A will require a relaxation of the 10% road frontage requirements of Section 512 of the *Local Government Act*, as only 4.6% of the parcel perimeter will be fronting on Landmark Crescent. This portion of Lot A will also be accessing Landmark Crescent within the City of Nanaimo, and will have to comply with City standards for the driveway access. The Provincial Approving Officer will be made aware of the requirements at the time of subdivision and the RDN will ensure compliance as part of the frontage relaxation requirements.

The proposed zoning amendment will be required to demonstrate compliance with "Board Policy B1.21 Groundwater – Application Requirements for Rezoning Un-Serviced Lands". Given that the property contains two existing dwelling units, each serviced by their own well, a preliminary hydrogeological assessment is not required under Board Policy B1.21. However, the applicant is required to proceed with well testing requirements to ensure both existing wells comply with current BC Groundwater

Protection Regulations and Canadian Drinking Water Standards. Prior to the Board's consideration of adoption of the amendment bylaw, staff recommend that the applicant be required to register a Section 219 covenant to ensure the wells are tested at subdivision stage consistent with Board Policy B1.21. If the applicant completes testing prior to consideration of adoption of the amendment bylaw, the covenant will not be required.

The Official Community Plan contains guidance to 'not adversely affect the character or environmental quality of the surrounding lands' which includes the protection of existing vegetation and buffering of road right-of-ways and adjacent lands used for agricultural and resource purposes. A consideration for this policy is the Agricultural Land Reserve which is located to the north of the property and across the Millstone River. The Ministry of Agriculture's Guide to Edge Planning recommends a 30.0 metre setback and a 15.0 metre vegetative buffer, to reduce the incompatibility of residential land use with potential farms in the future. Given the current development of the driveway and accessory pump house within 15.0 metres of the boundary, and the dwelling within 30.0 metres of the boundary, the Ministry standard appears fairly restrictive for the conditions on the property and the established permitted use. It is recommended that the applicant be required to register a Section 219 covenant on the property title restricting the placement of buildings or vegetation removal within 15.0 metres of the Agricultural Land Reserve boundary.

Environmental Implications

The property is also adjacent to the Millstone River, which is located along the western portion of the property boundary. As per "Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1998," a development permit is required for any subdivision within 30 metres of a stream as defined under the *Riparian Area Regulations*. The applicant was issued a development permit in 2016 to move a dwelling unit from within the 30 metre Riparian Assessment Area, and replace it with a new dwelling unit in the same footprint. According to the Riparian Assessment Report completed for the development at the time, a Streamside Protection and Enhancement Area of 27.7 metres was established from the high water mark. Given that no new parcel boundaries will be within 30 metres of the Millstone River natural boundary and the remainder of the property provides adequate space for additional permitted uses, a development permit for subdivision will not be required. However, given the significant fish and wildlife habitat associated with the Millstone River, a Section 219 Covenant is recommended as a condition of the zoning amendment to ensure no further vegetation removal will occur in the SPEA.

Intergovernmental Implications

The application was referred to the Ministry of Transportation and Infrastructure for comments related to the provincial roads and subdivision approval. The Ministry has provided preliminary approval for the zoning amendment, with the understanding that the conditional approval is not considered an approval of the subdivision. The City of Nanaimo has also provided comments for Proposed Lot A and the access through the municipal road, that the new lot have an access paved from the property line to the edge of pavement and to obtain an access permit. The Provincial Approving Officer will be made aware of the City's requirements at the time of subdivision and the RDN will ensure compliance as part of the frontage relaxation requirements. No comments were received from the Agricultural Land Reserve.

Public Consultation Implications

A Public Information Meeting (PIM) was held on November 29, 2017. Two members of the public attended and no written submissions were received prior to the PIM (see Attachment 4 – Summary of Minutes of the Public Information Meeting).

In accordance with Section 464 of the *Local Government Act*, the Board may waive the holding of a Public Hearing if the proposed amendment bylaw is consistent with the Official Community Plan. In staff's assessment, the proposed development is consistent with the Official Community Plan and no concerns have been expressed by the community with respect to the proposed amendment. Therefore, staff recommends that the Board waive the Public Hearing and direct staff to proceed with the notification requirements outlined in Section 467 of the *Local Government Act*.

ALTERNATIVES

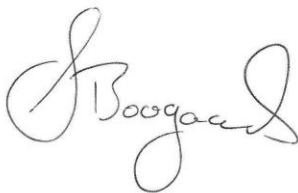
1. To proceed with Zoning Amendment Application No. PL2017-093, consider first and second reading of the Amendment Bylaw and waive the public hearing.
2. To proceed with Zoning Amendment Application No. PL2017-093, consider first and second reading of the Amendment Bylaw and proceed to Public Hearing.
3. To not proceed with the Amendment Bylaw readings and public hearing.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2017 – 2021 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications for the 2016-2020 Board Strategic Plan.



Stephen Boogaards
sboogaards@rdn.bc.ca
December 18, 2017

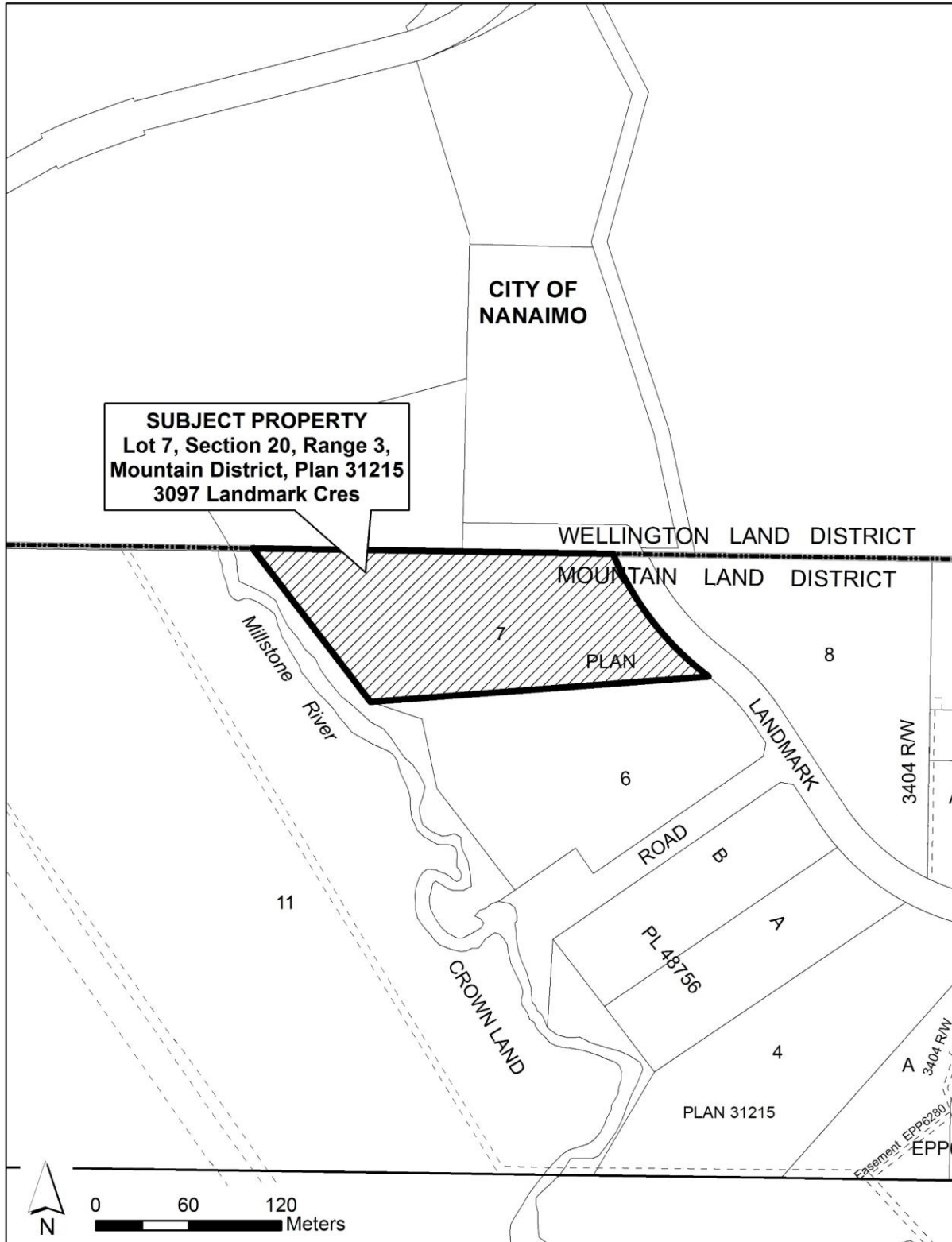
Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Conditions of Approval
3. Proposed Subdivision Plan
4. Summary of Minutes of the Public Information Meeting
5. Proposed Amendment Bylaw No. 500.414, 2018

Attachment 1
Subject Property Map



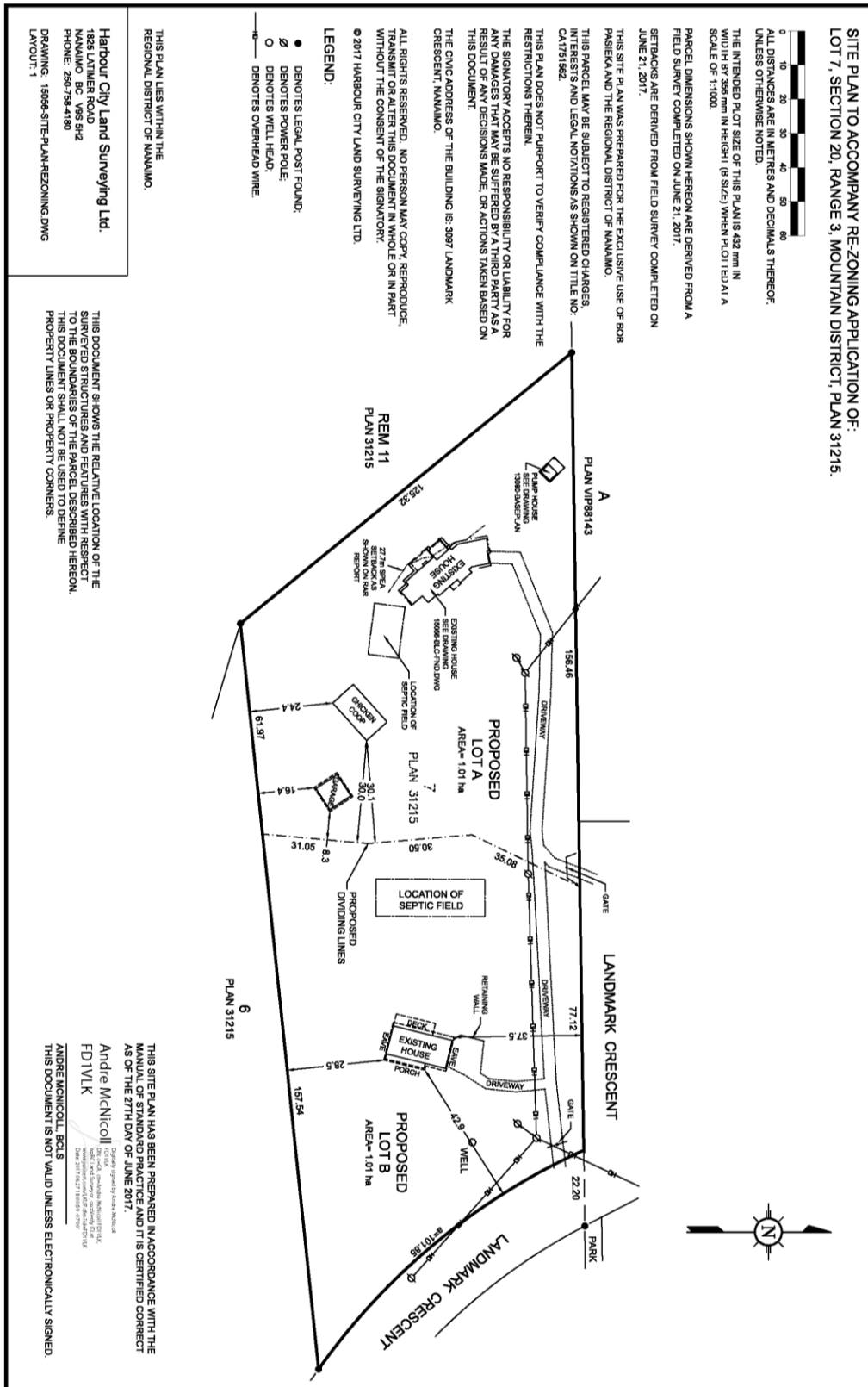
Attachment 2
Conditions of Approval

The following is required prior to the “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.414, 2018” being considered for adoption:

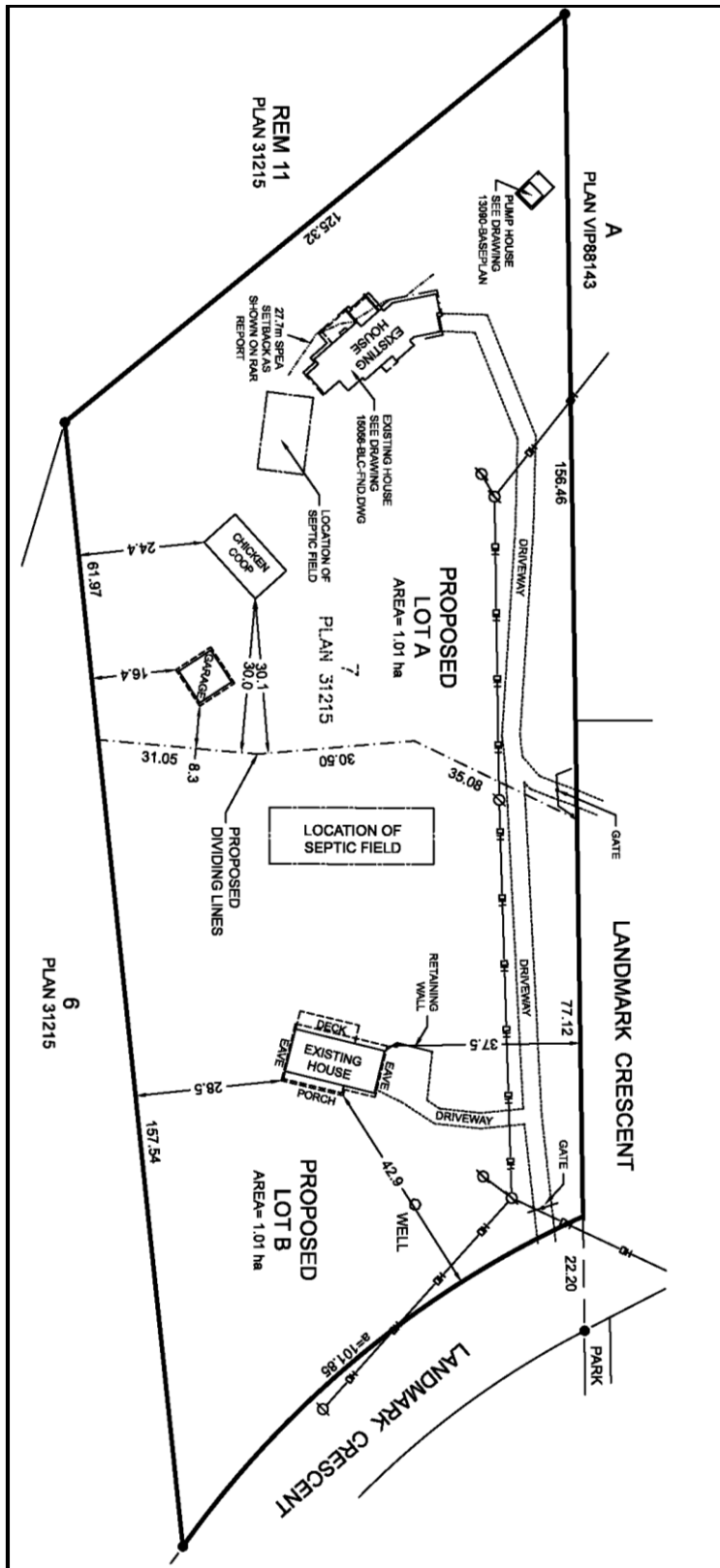
Conditions of Approval

1. The applicant shall register, at the applicant’s expense, a Section 219 restrictive covenant on the property title requiring any new parcel created through subdivision to be greater than 1.0 hectare in area.
2. The applicant to register, at the applicant’s expense, a Section 219 covenant on the property title to prohibit the subdivision of the new parcels.
3. The applicant to register, at the applicant’s expense, a Section 219 covenant and explanatory plan of the Streamside Protection and Enhancement Area prohibiting further development and use.
4. The applicant to register, at the applicant’s expense, a Section 219 covenant prohibiting buildings and vegetation removal within 15.0 metres of the Agricultural Land Reserve boundary, and maintenance of a solid wood fence. The covenant is to also include a disclosure statement, indicating the potential for nearby farming activity on ALR lands
5. The applicant is required to register, at the applicant’s expense, a Section 219 covenant on the property title stating that the existing well be tested, and a report from a Professional Engineer (registered in BC) be submitted to the Regional District of Nanaimo prior to final approval of subdivision in accordance with “Board Policy B1.21 – Groundwater – Application requirements for rezoning of un-serviced lands”. No subdivision shall occur until such time that a report from a Professional Engineer (registered in BC) has been completed to the satisfaction of the Regional District of Nanaimo confirming that the wells have been tested and certified including well head protection, and that the water meets Canadian Drinking Water Standards

Attachment 3
Proposed Subdivision Plan (Page 1 of 2)



Attachment 3
Proposed Subdivision Plan (Page 2 of 2)



Attachment 4
Summary of the Public Information Meeting
Held at Mountain View Elementary
2480 East Wellington Road
Wednesday, November 29, 2017 at 6:30 pm
RDN Application PL2017-093

Note: This summary of the meeting is not a verbatim recording of the proceedings, but is intended to summarize the comments and questions of those in attendance at the Public Information Meeting.

There were 2 members of the public in attendance at this meeting.

Present for the Regional District of Nanaimo:

Director Maureen Young, Electoral Area 'C' (the Chair)
Stephen Boogaards, Planner
Sarah Preston, Planning Technician

Present for the Applicant:

Bob Pasioka, Subject Property Owner

The Chair opened the meeting at 6:38 pm, outlined the evening's agenda, and introduced the RDN staff and the applicant in attendance. The Chair then stated the purpose of the Public Information Meeting and asked RDN staff to provide background information concerning the development application.

Stephen Boogaards provided a brief summary of the proposed Zoning Amendment, supporting documents provided by the applicant, and the application process.

The Chair invited the applicant to give a presentation of the development proposal.

Bob Pasioka presented an overview of the proposal.

Following the presentation, the Chair invited questions and comments from the audience.

Eric Grantner, 3076 Landmark Crescent, asked for clarification for what was allowable for subdivision and if the property was in the Agricultural Land Reserve. The planner explained that under Official Community Plan policy each parcel must be a minimum of 1 hectare. According to the property title, the property appears to have been in the Agricultural Land Reserve, though was excluded in 1985. The property is still adjacent to the Agricultural Land Reserve to the north and west.

Chuck Heathcote, 3867 Gilfillan Road, asked if the lots can be further subdivided and asked about building strata. The planner explained that 1 hectare is the minimum parcel size supported in the Official Community Plan for properties that pre-existed the adoption of the plan in 1998. The planner also explained that the density of a building strata would be the same as the proposed subdivision of land, which is 1 dwelling unit per hectare based on the number of permitted dwellings in the zoning.

The Chair asked if there were any further questions or comments.

Being none, the Chair thanked those in attendance and announced that the Public Information Meeting was closed.

The meeting was concluded at 6:55 pm.

A handwritten signature in cursive script, appearing to read "Sarah Preston".

Sarah Preston
Recording Secretary

Attachment 5
Proposed Amendment Bylaw No. 500.414, 2018

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.414**

**A Bylaw to Amend Regional District of Nanaimo
Land Use and Subdivision Bylaw No. 500, 1987**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.414, 2018”.
- B. The “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:
 - 1. By rezoning the lands shown on the attached Schedule ‘1’ and legally described as

Lot 7, Section 20, Range 3, Mountain District, Plan 31215

from Rural 1 Zone Subdivision District ‘D’ to Rural 1 Zone Subdivision District ‘F’

Introduced and read two times this ___ day of _____ 20XX.

Public Hearing held this ___ day of _____ 20XX.

Read a third time this ___ day of _____ 20XX.

Adopted this ___ day of _____ 20XX.

Chair

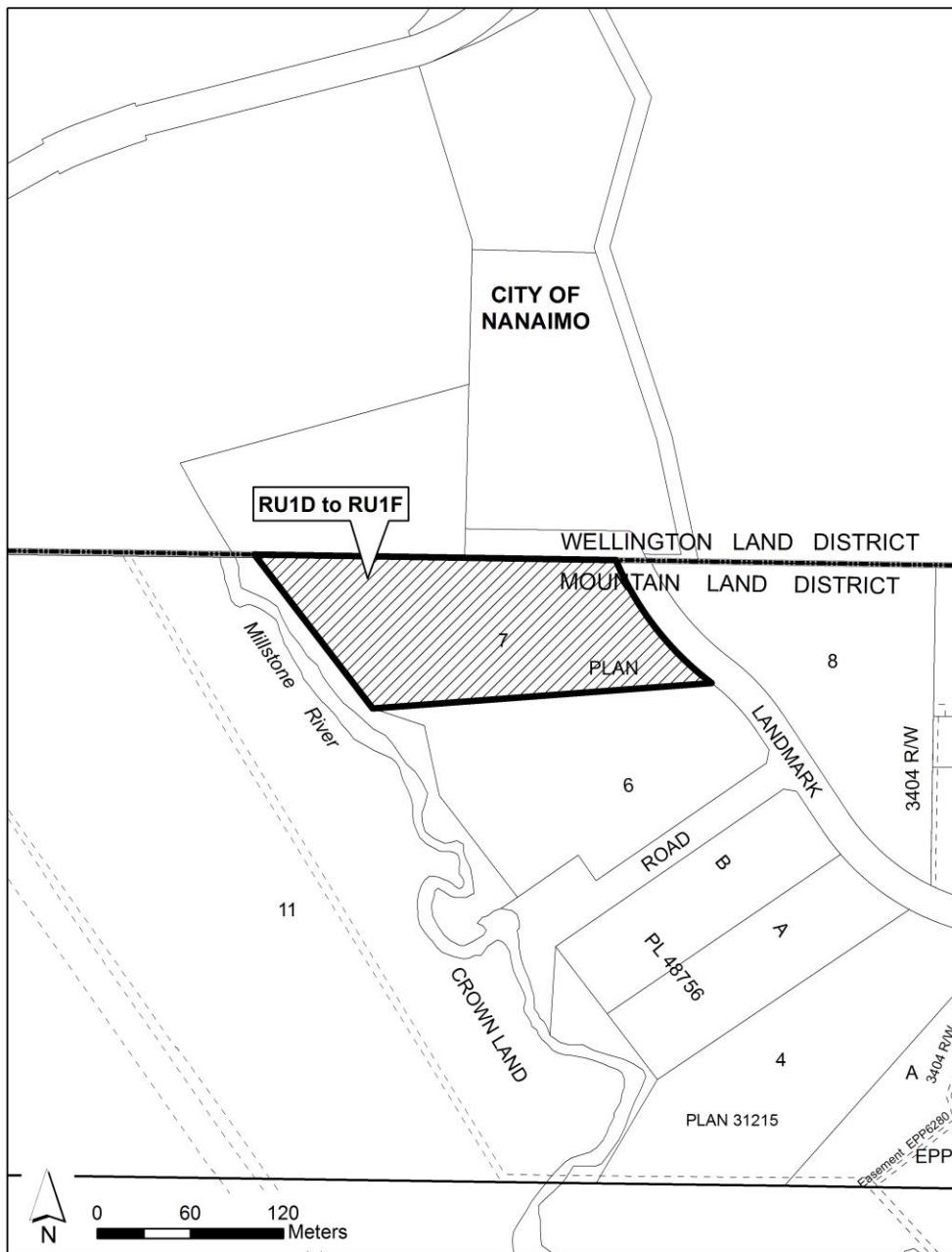
Corporate Officer

Schedule '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.414, 2018".

Chair

Corporate Officer

Schedule '1'



TO: Electoral Area Services Committee **MEETING:** January 9, 2018
FROM: Nick Redpath
Planner **FILE:** PL2017-200 and PL2017-201
SUBJECT: Cannabis Production – Zoning Amendments to Bylaw 500 and Bylaw 1285

RECOMMENDATIONS *Please note: The recommendation was varied by the Committee (Items 4 and 5 amended)*

1. That the Board receive the Cannabis Production – Zoning Amendments to Bylaw 500 and Bylaw 1285 report for information.
2. That the “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.415, 2018”, be introduced and read two times.
3. That the public hearing for "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.415, 2018" be waived and notice of the Board’s intent to consider third reading be given in accordance with Section 467 of the *Local Government Act*.
4. That the “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.31, 2018”, be introduced and read two times.
5. That the public hearing for “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.31, 2018" be waived and notice of the Board’s intent to consider third reading be given in accordance with Section 467 of the *Local Government Act*.

SUMMARY

The Government of Canada announced the legalization of non-medical cannabis will take place in July 2018. The federal government will continue to oversee the medical marihuana regime under the *Access to Cannabis for Medical Purposes Regulations (ACMPR)*, and will take on the responsibility of regulating the production of non-medical cannabis upon its legalization. Regional District of Nanaimo (RDN) zoning bylaws currently do not specifically include non-medical cannabis production and the recommended zoning amendments are necessary to address this use. Proposed amendments are necessary to reflect the change in terminology from “marihuana” production to “cannabis” production by the federal government and to regulate the production of cannabis for non-medical purposes to meet the demands for the legalization of recreational cannabis on July 1, 2018. The proposed amendments update definitions but are not changing where these production facilities can be located or the land use regulations, such as setbacks, that apply to cannabis production.

BACKGROUND

The federal government will be responsible for regulating cannabis production facilities. Currently, medical marihuana production facilities require a licence from the federal government and producers are required to notify local governments of their licence application and comply with provincial and local government land use regulations. It is anticipated that similar requirements will be placed on the production of non-medical cannabis.

Regional District of Nanaimo zoning bylaws currently permit medical marihuana production facilities on land located within the Agricultural Land Reserve and within the Industrial 2 Zone of “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” (Bylaw 1285). The proposed amendments would not change the land on which cannabis production is permitted within RDN electoral areas, nor the regulations, such as setbacks, that apply to cannabis production facilities.

The Board at its meeting of December 12, 2017 directed staff to amend “Regional District of Nanaimo Land use and Subdivision Bylaw No. 500, 1987” (Bylaw 500) and “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” to reflect federal legislation on production of cannabis.

Proposed zoning amendments to Bylaw 500 and Bylaw 1285 are necessary to clarify that regulations for the production of cannabis apply to both medical and non-medical cannabis.

At present, similar to alcohol, the selling of cannabis would fall under general retail use within Bylaw 500 and Bylaw 1285, and is permitted in any zone that allows that use. The proposed zoning amendments are specifically for the production of cannabis and do not address the retail sale of cannabis. If the Board so chooses to further regulate the retail sale of cannabis within the RDN, further amendments to the zoning bylaws will be required.

Land Use Implications

Commercial scale medical marihuana production was introduced a number of years ago through federal regulation. Subsequently, the Agricultural Land Commission (ALC) and the Provincial Ministry of Agriculture (MOA) viewed the production of medical marihuana as being consistent with the definition of “farm use” as outlined in the *Agricultural Land Commission Act*, allowing local governments the ability to regulate but not prohibit medical marihuana production use on lands within the Agricultural Land Reserve. At that time, RDN zoning bylaws were amended to reflect the changes in federal and provincial legislation and determine where these production facilities could exist.

A review of federal and provincial medical-marihuana legislation took place and a public planning process was undertaken to determine appropriate siting of medical marihuana production facilities and Bylaw 500 and Bylaw 1285 were amended accordingly. It is anticipated that similar federal and provincial requirements for medical marihuana production will be placed on non-medical cannabis production as these facilities are expected to be very similar. Proposed amendments to Bylaw 500 and Bylaw 1285 should be made to ensure consistency and clarity with regard to land use regulation of cannabis production for both medical and non-medical purposes. The proposed amendments require updating definitions but not changing where these production facilities can be located, or the land use regulations that apply to cannabis production.

Proposed Amendments to Bylaw 500 (see Attachment 1 – Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.415, 2018) and Bylaw 1285 (see Attachment 2 – Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.31, 2018)

Proposed Amendment Bylaw No. 500.415 and Bylaw No. 1285.31 introduce changes to address the production of non-medical cannabis licenced under *Bill C-45* (the *Cannabis Act*) while continuing to regulate the existing medical marihuana regime under the *ACMPR* regulations.

Definitions

New definitions are proposed to be included into the Definitions section of Bylaw 500 and Bylaw 1285 to clarify language used within these bylaws by combining medical and non-medical production into one definition. The need for scientific research on the effects of cannabis is expected to increase and this has been reflected in the Definition section of Bylaw 500 and Bylaw 1285 by including this use within the definition of cannabis production and allowing research in areas where cannabis production is permitted.

General Regulations

Regional District of Nanaimo zoning bylaws currently permit medical marihuana production facilities on land located within the ALR and within the Industrial 2 Zone of Bylaw 1285. Cannabis production for both medical and non-medical purposes is proposed to be permitted in these same zones. Cannabis production will continue to not be permitted as a home based business in both Bylaw 500 and Bylaw 1285.

Setbacks

The proposed setbacks for cannabis production are the same as the established setbacks for medical marihuana production in both Bylaw 500 and Bylaw 1285. Existing setbacks for the production of medical marihuana within Bylaw 500 and Bylaw 1285 were established through a public planning process by RDN staff along with recommendations from the Ministry of Agriculture ‘Guide for Bylaw Development in Farm Areas’.

Federal, Provincial and Local Government Implications

On December 5, 2017 the Province of B.C announced a number of key decisions related to the anticipated legalization of non-medical cannabis in July 2018. The following policy decisions were shaped by the feedback provided through the engagement process and reflect the responses received from the local government members of the Joint Provincial-Local Government Committee on Cannabis Regulation (JCCR) and are endorsed by the Union of B.C. Municipalities executive:

- **Minimum Age:** BC will set the minimum age to possess, purchase and consume cannabis at 19 years old. A minimum age of 19 is consistent with BC’s minimum age for alcohol and tobacco and with the age of majority in BC
- **Wholesale Distribution of Cannabis:** Similar to other provinces, BC will have a government-run wholesale distribution model. The BC Liquor Distribution Branch (LDB) will be the wholesale distributor of non-medical cannabis in BC.
- **Retail of Cannabis:** The Province anticipates establishing a retail model that includes both public and private retail opportunities and will share details regarding the model in early 2018.

As per Board direction, once the Province releases their finalized regulatory framework which is anticipated to be early in the new year, staff will commence a further review of Bylaw 500 and Bylaw 1285 to identify additional necessary amendments in preparation for the legalization of non-medical cannabis in July 2018.

On December 11, 2017 the federal government announced their decision to give the provinces and territories a 75% share of tax revenues from the sale of non-medical cannabis. The federal government has stated that a portion of the taxes collected by the provinces should be distributed to local governments to help recover additional costs incurred with the legalization of non-medical cannabis. Discussions surrounding the topic of shared tax revenue with local governments are occurring at the Provincial level through the Joint Provincial-Local Government Committee on Cannabis Regulation (JCCR), which is the local government advisor to the Province on issues related to cannabis legalization.

Public Consultation Implications

In accordance with Section 464 of the *Local Government Act*, should the Board grant first and second reading to an amendment bylaw, a Public Hearing is required to be held or waived prior to the Board's consideration of third reading. In accordance with Section 464 of the *Local Government Act*, the Board may waive the holding of a Public Hearing if the proposed amendment bylaw is consistent with the Official Community Plan.

In staff's assessment, the proposed general amendments to Bylaw 500 and Bylaw 1285 are consistent with the Official Community Plan's for Electoral Areas 'A', 'C', 'E' 'F' 'G' and 'H'. Further, the changes to the zoning bylaws are not introducing a new use but rather clarifying that facilities for the production of cannabis, be it for medical or recreational purposes, will be treated the same. Therefore, the recommendation is that the Board waive the Public Hearing for both amendment bylaws and direct staff to proceed with the notification requirements outlined in Section 467 of the *Local Government Act*.

Should the Board approve first and second reading of the amendment bylaws and waive the public hearing as recommended, public notification of the Board's intent to consider third reading of the bylaw is required.

ALTERNATIVES

1. That the Board proceed with Zoning Amendments to Bylaw 500 and Bylaw 1285, consider first and second reading of the Amendment Bylaws and proceed with the notification requirements for when a public hearing is waived.
2. That the Board proceed with Zoning Amendments to Bylaw 500 and Bylaw 1285, consider first and second reading of the Amendment Bylaws and proceed to Public Hearing.
3. That the Board provide alternate direction to staff.

FINANCIAL IMPLICATIONS

This report is prepared to address bylaw text amendments required to update land use regulations for cannabis production in response to proposed federal and provincial legislation regarding the legalization of cannabis in Canada. As such, no implications to the Board 2017 – 2021 Financial Plan have been identified at this time. The proposed zoning amendments, as recommended, can be accommodated within the existing Community Planning budget.

A revenue sharing scheme between the Province and local governments has not been released and financial implications to the RDN will vary upon the provision of provincial funding to cover any increased responsibilities and costs required of the RDN throughout the non-medical cannabis legalization process. The broad financial implications to the RDN of cannabis legalization will be given consideration when the Province releases its finalized regulatory framework and revenue sharing scheme.

STRATEGIC PLAN IMPLICATIONS

A focus on Economic Health is one of the strategic priorities in the RDN Strategic Plan 2016 – 2020. In particular, the strategic plan directs that the RDN will foster economic development and support diversification of our regional economy. Production of medical and non-medical cannabis as well as certain distribution and retail models being considered by the Province could provide local business opportunities in this emerging sector and promote economic health through the diversification of our regional economy.



Nick Redpath
nredpath@rdn.bc.ca
December 21, 2017

Reviewed by:

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

Attachments

1. Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.415, 2018
2. Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.31, 2018

Attachment 1

REGIONAL DISTRICT OF NANAIMO BYLAW NO. 500.415

A Bylaw to Amend Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.415, 2018”.
- B. The “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:
 1. Under **PART 2, INTERPRETATION, DEFINITIONS** by adding the following definitions in alphabetical order:

cannabis means any plant of the genus *Cannabis*; including:

- a) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
- b) any substance or mixture of substances that contains or has on it any part of such a plant; and
- c) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;

cannabis production means the medical and non-medical commercial production, cultivation, synthesis, harvesting, altering, propagating, processing, packaging, storage, distribution or scientific research of cannabis or cannabis products as permitted by the *Access to Cannabis for Medical Purposes Regulations (ACMPR)* and *Bill C-45 (the Cannabis Act)*, and any subsequent regulations or acts which may be enacted henceforth, but excludes the growing of cannabis by an individual for their personal use and consumption;

cannabis products means plant material from cannabis and any products that include cannabis or cannabis derivatives, intended for human use or consumption;

2. Under **PART 2, INTERPRETATION, DEFINITIONS** by deleting the following definition:

medical marihuana production means the cultivation and production of medical marihuana wholly within a facility as permitted under the *Marihuana for Medical Purposes Regulations (MMPR)*, and any subsequent regulations or acts which may be enacted henceforth;

3. Under **PART 2, INTERPRETATION, DEFINITIONS** by deleting the definition of **agriculture** and replacing it with the following:

agriculture means a use providing for the growing, rearing, producing and harvesting of trees and shrubs; housing livestock, poultry, fur-bearing animals, bees; animal feeding and holding areas; storage crops; and the processing and sale of the primary agricultural products harvested, reared or produced on that farm, including the rough sawing of logs, but excludes animal care, and the following uses on lands that are not in the Agricultural Land Reserve: fur farm, mushroom farm, intensive swine operation, feedlot and cannabis production and specifically excludes horse boarding stable on land located within the Resource Management 3 (RM3) and Rural 5 (RU5) zones;

4. Under **PART 3, LAND USE REGULATIONS, Section 3.3 General Regulations** by deleting Subsection 3.3.10) a) 1) XII. and replacing it with the following:

XII.	<p>Cannabis Production</p> <p>-All building and structures except:</p> <p>a. the setback shall be 60.0 m from all lot lines adjacent to non-ALR residential uses and;</p> <p>b. the setback shall be 150.0 m from any parcel that contains a park or school</p>	30.0 m
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5. Under **PART 3, LAND USE REGULATIONS, Section 3.3 General Regulations** by deleting Subsection 14) b) xxix) and replacing it with the following:

xxix) cannabis production.

6. Under **PART 3, LAND USE REGULATIONS, Section 3.3 General Regulations** by deleting Subsection 3.3.15) c) and replacing it with the following:

c) Cannabis Production

Cannabis production is permitted on land located within the Agricultural Land Reserve if:

- i) The production of cannabis is contained wholly within licensed facilities as permitted by the *Access to Cannabis for Medical Purposes Regulations (ACMPR)* and *Bill C-45 (the Cannabis Act)*.
- ii) The minimum setback for all structures associated with cannabis production is 30.0 metres from all property lines.

Introduced and read two times this ___ day of _____ 2018.

Public Hearing held this ___ day of _____ 2018.

Read a third time this ___ day of _____ 2018.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this ___ day of _____ 20XX.

Adopted this ___ day of _____ 2018.

Chair

Corporate Officer

Attachment 2 (Amended)

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1285.31**

**A Bylaw to Amend Regional District of Nanaimo
Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.31, 2018”.
- B. The “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002”, is hereby amended as follows:

- 1. Under **SECTION 2, GENERAL REGULATIONS, 2.4 Prohibited Uses** by deleting Subsection 2.4 t) and replacing it with the following:
 - t) cannabis production.
- 2. Under **SECTION 2, GENERAL REGULATIONS, 2.9 Setbacks – Buildings and Structure** by deleting Subsection f) 1) XIII. and replacing it with the following:

XIII.	Cannabis Production in the A-1 zone - All buildings and structures except: <ul style="list-style-type: none">a. The setback shall be 60.0 metres from all lot lines adjacent to non-ALR residential uses and;b. The setback shall be 150.0 metres from any parcel that contains a park or school	30.0 metres
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- 3. Under **SECTION 2, GENERAL REGULATIONS, 2.15 Home Based Business** by deleting Subsection 2.15 5. q) and replacing it with the following:
 - q) cannabis production
- 4. Under **SECTION 4, ZONES, 4.8 I-2 – Industrial 2** by deleting Subsection 4.8.1 p) and replacing it with the following:
 - p) Cannabis Production

5. Under **SECTION 4, ZONES, 4.7 I-1 – Industrial 1** by adding the following in Subsection 4.7.1:

n) Cannabis Production

6. Under **SECTION 4, ZONES, 4.9 I-3 – Industrial 3** by adding the following in Subsection 4.9.1:

c) Cannabis Production

7. Under **SECTION 5, DEFINITIONS** by adding the following definitions in alphabetical order:

Cannabis means any plant of the genus *Cannabis*; including:

- a) any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
- b) any substance or mixture of substances that contains or has on it any part of such a plant; and
- c) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;

Cannabis Production means the medical and non-medical commercial production, cultivation, synthesis, harvesting, altering, propagating, processing, packaging, storage, distribution or scientific research of cannabis or cannabis products as permitted by the *Access to Cannabis for Medical Purposes Regulations (ACMPR)* and *Bill C-45 (the Cannabis Act)*, and any subsequent regulations or acts which may be enacted henceforth, but excludes the growing of cannabis by an individual for their personal use and consumption;

Cannabis Products means plant material from cannabis and any products that include cannabis or cannabis derivatives, intended for human use or consumption

8. Under **SECTION 5, DEFINITIONS** by deleting the definition of ***Farm Use*** and replacing it with the following:

Farm Use means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, and includes but is not limited to activities such as farm retail sales; storing, packing, preparing and processing farm products; agri-tourism and a winery or cidery and includes farm operation and cannabis production.

9. Under **SECTION 5, DEFINITIONS** by deleting the following definition:

Medical Marihuana Production means the cultivation and production of medical marihuana wholly within a facility as permitted under the ***Marihuana for Medical Purposes Regulations (MMPR)***, and any subsequent regulations or acts which may be enacted henceforth.

Introduced and read two times this ___ day of _____ 2018.

Public Hearing held this ___ day of _____ 2018.

Read a third time this ___ day of _____ 2018.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this ___ day of _____ 2018.

Adopted this ___ day of _____ 2018.

Chair

Corporate Officer

TO: Electoral Area Services Committee **MEETING:** January 9, 2018

FROM: Courtney Simpson
Senior Planner **FILE:** 6780-30-'H'OCP

SUBJECT: Regional Growth Strategy Amendment to Implement Electoral Area 'H' Official Community Plan

RECOMMENDATIONS

1. That the amendments required to "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011" to implement the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Amendment Bylaw No. 1335.06, 2017" proceed through the minor amendment process.
2. That the Consultation Plan for "Regional Growth Strategy Amendment to Implement the Electoral Area 'H' Official Community Plan" be endorsed.

SUMMARY

The Electoral Area 'H' Official Community Plan (OCP) Amendment Bylaw No. 1335.06 was adopted on December 12, 2017 after a two-year review process with extensive community engagement. To implement several policies and map changes resulting from the OCP Review, an amendment to the Regional Growth Strategy (RGS) is required. The required amendment meets the criteria for minor amendments and can proceed through the process for approving minor amendments.

BACKGROUND

Pursuant to the *Local Government Act*, when a regional district board has adopted a regional growth strategy, all official community plan bylaws must be consistent with the regional growth strategy. The recently adopted Electoral Area 'H' OCP Amendment Bylaw No. 1335.06 includes several policies and map amendments that will not take effect unless amendments are made to the RGS. The policies and map amendments were listed and described in earlier staff reports related to the OCP bylaw adoption, where it was noted that an RGS amendment bylaw would be drafted for the Board's consideration.

The amendment of a regional growth strategy may proceed in one of two ways: through a regular amendment process or a minor amendment process. The regular amendment process is outlined in the *Local Government Act* and requires acceptance by all affected local governments. The process for approving minor amendments in the RDN is described in Section 1.5.2 of the RGS (see Attachment 1).

An RGS amendment resulting from an OCP Review must be initiated by the Electoral Area Services Committee through recommendation to the Committee of the Whole. For an amendment to be

considered minor, it is first assessed in terms of the "Criteria for Minor Amendments" in Section 1.5.1 of the RGS, and the Board may resolve, by an affirmative vote of 2/3 of the Board members attending the meeting, to proceed with the amendment bylaw as a minor amendment. Next, the Board determines the appropriate form of consultation, gives 45 days written notice to each affected local government, then considers the written comments provided by the affected local governments. With an affirmative vote of all board members attending the meeting at which second reading of the amending bylaw is given, the bylaw may proceed without a public hearing.

The RGS lists criteria under which a proposed amendment to the RGS may be considered minor (see Attachment 2). As the proposed amendments to implement the Electoral Area 'H' OCP Bylaw are the result of a "full Electoral Area or Municipal official community plan review process", the amendment meets the first set of criteria to be considered minor. The RGS amendments resulting from the Electoral Area 'H' OCP Review are as follows:

- to clarify ability for shared servicing for developments supported by RGS Policy 5.13 ("alternative forms of rural development") in Electoral Area 'H';
- to amend the boundary of the Bowser Village Centre by re-designating one parcel from the Future Use Area to the Village Centre and realigning the eastern boundary to follow property lines instead of Thames Creek in order to match the Bowser Village Sanitary Sewer Service Area; and
- to change the designation of one parcel containing addresses 870, 860 and 850 Spider Lake Road from Resource Lands and Open Space to Rural Residential to reflect its removal from the Agricultural Land Reserve prior to the OCP Review.

A draft bylaw to amend the RGS as per the above list is included as Attachment 3.

The RGS Policy 1.5.2 requires the determination of an appropriate form of consultation. A Consultation Plan for the RGS amendment to implement the Electoral Area 'H' OCP is drafted for the Board's endorsement (see Attachment 4). Given the extensive public engagement over the two-year OCP review project, consultation on the subsequent RGS amendment is recommended to focus on making information available to interested parties.

ALTERNATIVES

1. That the RGS amendments to implement the Electoral Area 'H' OCP proceed through the minor amendment process and the Consultation Plan be endorsed.
2. That the RGS amendments to implement the Electoral Area 'H' OCP not proceed through the minor amendment process and the Consultation Plan be amended to reflect the additional steps required for the regular amendment process.
3. Not proceed with the RGS amendment and provide alternate direction to staff.

FINANCIAL IMPLICATIONS

There are no expected financial implications to the RDN resulting from the amendments to the RGS to implement the Electoral Area 'H' OCP amendment bylaw.

STRATEGIC PLAN IMPLICATIONS

The Board's Strategic Plan recognizes "the environment" and "economic health" in its core focus areas. The identified amendments to the RGS will enable implementation of OCP policies related to these areas.



Courtney Simpson
csimpson@rdn.bc.ca
December 18, 2017

Reviewed by:

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

Attachments

1. RGS Section 1.5.2 Process for Approving Minor Amendments
2. RGS Section 1.5.1 Criteria for Minor Amendments
3. Draft RGS Bylaw Amendment
4. Consultation Plan

Attachment 1

Excerpt from RDN Regional Growth Strategy Bylaw No. 1615. 2011

1.5.2 Process for Approving Minor Amendments

1. On receipt of a request from a member municipality or an Electoral Area Planning Committee to amend the RGS, RDN staff will prepare a preliminary report for review by the Sustainability Select Committee¹. Committee comments and recommendations will be forwarded to the Regional Board.
2. A land use or development proposal or text amendment will be assessed in terms of the minor amendment criteria. The Board may resolve, by an affirmative vote of 2/3 of the Board members attending the meeting, to proceed with an amendment application as a minor amendment. Where the Board resolves to proceed with an amendment application as a minor amendment, the Board will:
 - Determine the appropriate form of consultation required in conjunction with the proposed minor amendment;
 - Give 45 days written notice to each affected local government, including notice that the proposed amendment has been determined to be a minor amendment. The notice shall include a summary of the proposed amendment and any staff reports, other relevant supporting documentation and the date, time and place of the board meeting at which the amending bylaw is to be considered for first reading; and
 - Consider the written comments provided by the affected local governments prior to giving first reading to the proposed amendment bylaw.
3. The bylaw may be adopted without a public hearing after second reading in the event that the amending bylaw receives an affirmative vote of all Board members attending the meeting.
4. Consider third reading and determine whether or not to adopt the amending bylaw.
5. Minor amendment bylaws shall be adopted in accordance with the procedures that apply to the adoption of a RGS under Section 791 of the *Local Government Act*.

¹ Board Motion 17-346 on June 27, 2017 directed that: “the Sustainability Select Committee be dissolved and such matters be considered by the Committee of the Whole”.

Attachment 2

Excerpt from RDN Regional Growth Strategy Bylaw No. 1615. 2011

1.5.1 Criteria for Minor Amendments

The following outlines the criteria for considering minor amendments to the RGS.

1. Criteria under which a proposed amendment to the RGS may be considered a minor amendment include the following:
 - Amendments resulting from a full Electoral Area or Municipal Official Community Plan review process;
 - Text and map amendments required to correct errors or as a result of more accurate information being received;
 - Amendments to incorporate changes to tables, figures, grammar, or numbering that do not alter the intent of the Regional Growth Strategy; and
 - Addition or deletion, or amendment to Section 5.4 Key Indicators.

2. Although not considered as an exhaustive list, the following types of amendments are not considered minor:
 - Those that lead to adverse changes to the health and ongoing viability of sensitive ecosystems and water sources;
 - Those that will negatively impact agricultural lands or land in the Agricultural Land Reserve;
 - Those related to a development that would require significant works to address a natural hazard;
 - Those that require the provision of new community water and sewer systems outside the Growth Containment Boundary; and,
 - Those that are not consistent with measures and or policies to reduce greenhouse gas emissions and improve air quality.

Attachment 3

REGIONAL DISTRICT OF NANAIMO BYLAW NO. 1615.02, 2018

A Bylaw to Amend Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1) TITLE

This Bylaw may be cited as “Regional District of Nanaimo Regional Growth Strategy Amendment Bylaw No. 1615.02, 2018”.

2) AMENDMENT

The “Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011”, is hereby amended as follows:

a) by deleting Policy 10.2 and replacing with the following:

“Not support the provision of new community water and/or sewer services to land designated as Rural Residential or Resource Lands and Open Space. Exceptions may be made:

- in situations where there is a threat to public health or the environment due to the domestic water supply or wastewater management method being used; or
- for providing services to developments in Electoral Area ‘H’ supported by Policy 5.13.

The RDN and member municipalities will continue to work in partnership with appropriate provincial agencies and the community to develop solutions that address situations where there is a threat to public health or the environment.

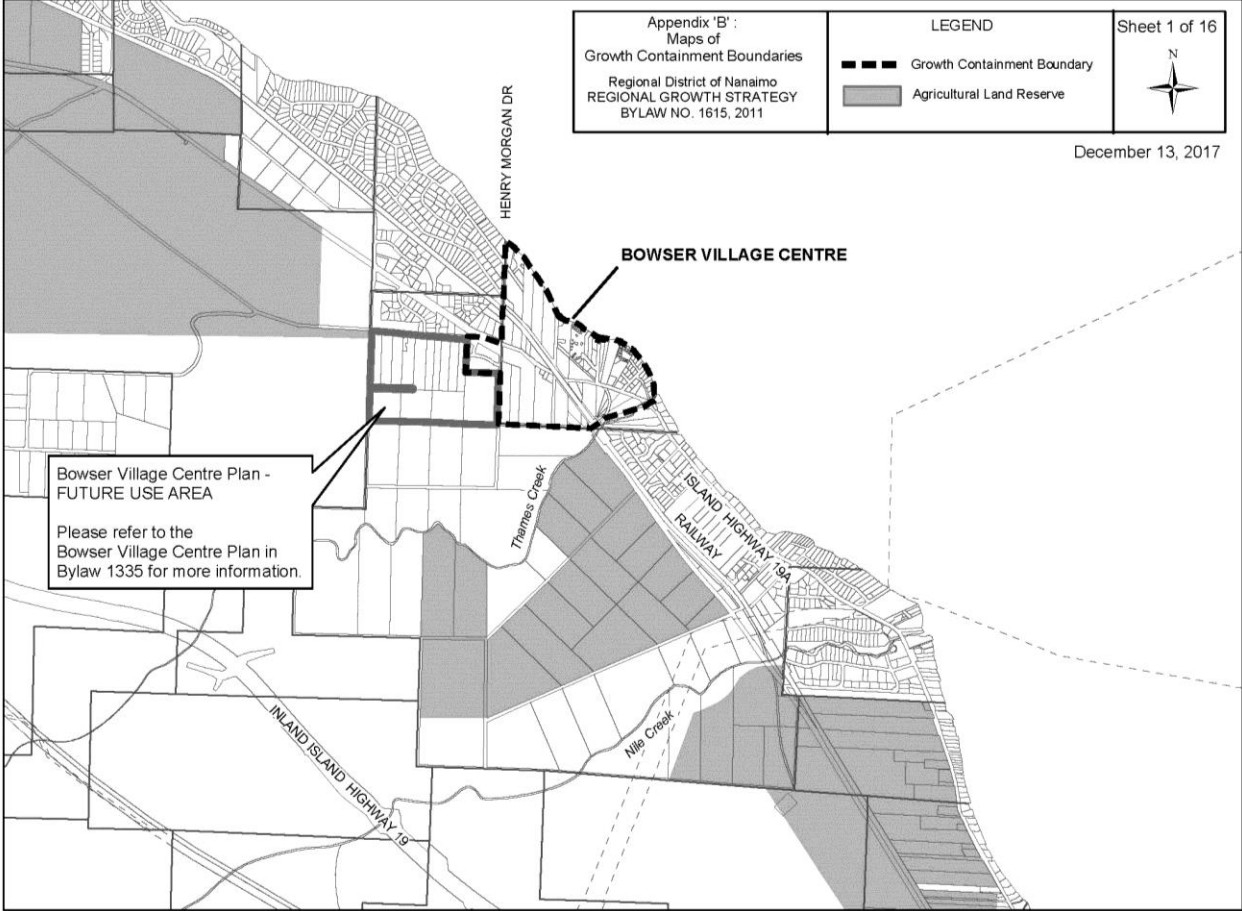
The provision of community water and/or wastewater systems may be permitted provided that the:

- full cost of service provision is paid by property owners; and
- level of development permitted does not increase beyond the level supported by Policies 5.2 of this Regional Growth Strategy; or
- level of development does not increase beyond the level supported by Policy 5.13 and it is in Electoral Area ‘H’.”

b) to Policy 10.3, at the end of the policy, by adding the following new sentence: “New community water and wastewater systems that are privately owned may be permitted provided that they:

- are for the purpose of servicing developments supported by Policy 5.13 and within Electoral Area 'H'."
- c) to Policy 10.7, at the end of the policy, by adding the following new sentence: "Rezoning to implement official community plan policies for higher density development without community water and sewer may be permitted in Electoral Area 'H' for:
- lands within village centres or;
 - development supported by Policy 5.13."
- d) to Appendix A, Map 4, by making the following designation changes:
- i) for the land legally described as "PID 000271365, LOT 10, BLOCK 347, NEWCASTLE AND ALBERNI DISTRICT, PLAN 34021", changing the designation from Resource Lands and Open Space to Rural Residential.
 - ii) for the land legally described as "PID 030106966, LOT A, DISTRICT LOT 85, NEWCASTLE DISTRICT, PLAN EPP67156" and changing the designation from Rural Residential to Rural Village Centre
 - iii) for the land legally described as "PID 005 112 079, LOT 9, DISTRICT LOT 36, NEWCASTLE DISTRICT, PLAN 1820 EXCEPT PARCEL A (DD 18042N), AND EXCEPT THOSE PARTS IN PLANS 9864 AND 50165", changing the designation from a split designation of Rural Residential and Rural Village Centre so that all of the parcel is designated Rural Residential.
 - iv) for the lands legally described as "PID 006 064 680, LOT 7, DISTRICT LOT 36, NEWCASTLE DISTRICT, PLAN 4200" and "PID 002 345 510, THAT PART OF LOT 8, DISTRICT LOT 36, NEWCASTLE DISTRICT, PLAN 1820, LYING TO THE NORTH EAST OF THE EASTERLY BOUNDARY OF PLAN 90 RW AND TO THE SOUTH WEST OF THE SOUTH WESTERLY BOUNDARY OF THE ROAD TO PARKSVILLE, AS SAID ROAD IS SHOWN ON SAID PLAN 1820", changing the designation from a split designation of Rural Residential and Rural Village Centre so that the parcels are designated Rural Village Centre.

e) by deleting Appendix B, Sheet 1 and replacing it with the following:



Introduced and read two times this ____ day of _____, 20 XX.

Read a third time this ____ day of _____, 20 XX.

Adopted this ____ day of _____, 20 XX.

Chair

Corporate Officer

CONSULTATION PLAN

Regional Growth Strategy Amendment to Implement the Electoral Area ‘H’ Official Community Plan

December 12, 2017

Introduction

An amendment to the Regional Growth Strategy (RGS) is being undertaken to implement the Electoral Area ‘H’ Official Community Plan (OCP) resulting from its review ending in 2017. Given the extensive public engagement over the two-year OCP review project, consultation on the subsequent RGS amendment is focused on making information available to interested parties. This Consultation Plan is based on the RGS amendment proceeding through the minor amendment process.

Objectives

- To provide information to affected local governments and First Nations.
- To make information readily available to interested citizens and stakeholders.
- To respond to input from citizens, affected local governments and First Nations.

Methods and Tasks

Pursuant to RGS Policy 1.5.2, affected local governments will be provided 45 days written notice that the proposed amendment has been determined to be a minor amendment, and the date, time and place of the board meeting at which the amending bylaw will be considered for first reading. First Nations will also be provided written notice. Table 1 below lists affected local governments as defined in the *Local Government Act*, and First Nations to whom a written notice will be sent.

Table 1 Affected Local Governments and First Nations to whom notice will be sent

Affected Local Governments	First Nations
City of Nanaimo	Snuneymuxw First Nation
District of Lantzville	Snaw-Naw-As First Nation
City of Parksville	Qualicum First Nation
Town of Qualicum Beach	K’omoks First Nation
Comox Valley Regional District	
Alberni Clayoquot Regional District	
Cowichan Valley Regional District	

Staff reports and the bylaw to amend the RGS will be available to the public at the RDN main administration office and on the website. One advertisement in local newspapers will be posted to advertise the date, time and place of the board meeting at which the amending bylaw will be considered for first reading.

A public hearing is not recommended unless required; if, at second reading, the amending bylaw does not receive an affirmative vote by all board members attending the meeting, a public hearing is required.

Those wishing to provide feedback on this amendment may provide written comments to the RDN by e-mail, mail, or in-person at any time. Community members and other stakeholders may also appear as delegations or submit comments on the amendment to the RDN Board or committees of the Board. This communication will be documented as part of the public record on this amendment and will be made available for review.

Budget

The staff resources and cost of newspaper advertisements needed to implement this Consultation Plan are included in the 2018 Long Range Planning budget.

TO: Electoral Area Services Committee

MEETING: January 9, 2018

FROM: Tyler Brown
Intergovernmental Liaison

SUBJECT: Short Term Vacation Rentals

RECOMMENDATIONS *Please note: The recommendation was varied by the Committee (Items 1 and 2 not carried)*

1. That “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” and “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” be amended to permit short-term vacation rentals, including in the place of a secondary suite, on resident occupied residential parcels.
2. That “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” and “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” be amended to permit short-term vacation rentals on non-resident occupied residential parcels through a temporary use permit and that a Board Policy be created to include criteria to guide the evaluation of such permit applications.
3. That staff prepare a report detailing the costs and benefits of a business licensing regime for the Regional District of Nanaimo Electoral Areas, and include a stakeholder engagement and implementation strategy.

SUMMARY

With the exception of bed and breakfast units permitted under the home based business regulation, short-term vacation rental (STVR) units are not permitted in Regional District of Nanaimo (RDN) Electoral Areas. Market demand, however, is driving significant growth in STVR units. Travelers enjoy the flexibility, availability, and cost savings when compared to traditional tourist accommodations; homeowners enjoy greater monthly revenues and fewer tenant obligations when compared to managing long-term rental accommodations, and the rapid emergence of peer-to-peer websites such as Airbnb and VRBO has made it extremely easy for these two groups to connect.

To acknowledge the reality of this emerging industry, while also considering available regulatory tools; impacts on neighbourhoods; and local housing supply and affordability, a flexible and adaptable approach to regulating STVRs is proposed for the immediate term. On parcels where a permanent resident lives (a resident-occupied parcel) the proposed approach is to amend Zoning Bylaws 500 and 1285 to permit STVRs in a portion of a dwelling unit, including in the place of a secondary suite. This approach would generally be consistent with current provisions for bed and breakfasts under the home based business regulations, which require the operator to reside on-site. On parcels where no permanent resident lives (non-resident occupied parcels), the proposed approach is to amend Zoning Bylaws 500 and 1285 to permit STVRs through a Temporary Use Permit guided by a corresponding Board

Policy. A longer term approach is to examine the potential of regulating STVR units through a business licencing program in the RDN.

BACKGROUND

At the Regular Board Meeting held December 6, 2016, staff were directed to prepare a report for board consideration on the subject of short-term vacation rental units. This direction was in response to a presentation from the Parksville-Qualicum Beach Tourism Association (PQBTA) outlining various issues arising from the growth in STVR units in the RDN.

The issues raised in that presentation, and addressed here relate to:

- The operation of STVRs contrary to current land use and home based business regulations; and
- The impact on housing affordability and rental availability due to rapid growth in STVR units.

The scope of this report is limited to RDN Electoral Areas excluding Electoral Area B, where land uses are regulated by the Islands Trust.

Regional Rental Trends

Long-term statistical information on the number of STVRs within the RDN is not available. Third party websites such as AirDNA track available units in municipalities and model listing trends, however the peer-to-peer sites where bookings are actually made, such as Airbnb, do not release usage data for available rentals. While peer-to-peer booking sites do not provide for analysis of the number and type of STVRs operating within municipal boundaries, the available data for municipalities from AirDNA does provide some information on trends in the region. Table 1 highlights statistics for the RDN’s member municipalities.

Table 1: AirDNA Statistics and Trends as of September 2017

2017 Statistics	Nanaimo	Lantzville	Parksville	Qualicum Beach
Average Daily Rate	\$ 127.00	\$ 114.00	\$ 234.00	\$ 136.00
Occupancy Rate	73%	56%	50%	65%
Avg Monthly Revenue	\$ 1,619.00	\$ 2,191.00	\$ 1,953.00	\$ 1,920.00
Active Short-term Rentals	307	11	70	53
Entire Home	52%	72%	84%	66%
Private Room	48%	28%	16%	34%
Shared Room	0%	0%	0%	0%

The data in Table 1 reflects a snapshot in time of active listings for municipalities within the RDN as of September 2017. While the number of active listings will fluctuate over time, the general trend is growth in the number of active listings.

Within the RDN, the average monthly shelter costs for rented dwellings is \$982¹. This is significantly less than the 2017 Average Monthly Revenue for STVRs as shown in Table 1, even with STVR occupancy rates considerably lower than 100%. As Table 1 shows, the majority of listings on Airbnb are for entire homes.

¹ Statistics Canada. 2017. *Nanaimo, RD [Census division], British Columbia and Canada [Country] (table). Census Profile. 2016 Census. Statistics Canada Catalogue no. 98-316-X2016001. Ottawa. Released October 25, 2017.*

According to a study of the Vancouver, Toronto and Montreal markets, entire home listings account for three fifths of active listings and are growing 25% faster than other types of listings².

Aggregating the annual growth rate of Airbnb rentals in the RDN municipalities shows an annual growth rate of over 100% from 2011 to 2017. Based on past growth rates and the fact that the average monthly income from a STVR greatly exceeds the average rent for the region, staff anticipate the supply of STVRs in the region will continue to increase. Although the actual impact of STVRs is difficult to quantify, an increase of STVRs will invariably reduce the availability of rental units for residential tenancy.

These trends also suggest potential negative effects on the affordability of homeownership. Treating homes as commercial business investments introduces a new competitive force in the residential market, which may constrain the supply of homes available to buyers looking for a place to live and distort housing prices.

Current Regulations

Home based business regulations in Zoning Bylaws No. 500 and 1285 permit ***'bed and breakfast'*** as a use on residential zoned parcels. This use is only permitted within principal dwellings and is limited to four bedrooms that do not contain cooking facilities. With the exception of select commercial zones, neither Bylaw No. 500 nor Bylaw No. 1285 permit entire dwellings or secondary suites to be rented on a short-term basis.

Given the regional trends for STVR use, it is an opportune time to modernize RDN home based business regulations to align with new market conditions while also setting boundaries on STVRs to take into consideration their impact on local neighbourhoods. Achieving this balance requires:

- Amending Bylaws 500 and 1285 to permit STVRs on resident-occupied, residential parcels, including in the place of secondary suites; and
- Establishing the conditions under which STVRs would be permitted in non-resident occupied properties, and the process for non-resident owners to have legally conforming STVRs.

Resident occupied properties are those that have a permanent tenant or owner occupant in place and a room or a separate unit on the property rented as a STVR. In such cases, the STVRs are considered a home based business activity. Non-resident occupied STVRs are a commercial activity as the property is used solely to generate commercial income and is not accessory to a principle residential use.

Modernizing the bed and breakfast regulations to allow STVR units on resident-occupied parcels would respond to the growing market demand for such units. As a permanent resident operator is still residing on the parcel, neighbourhood concerns around noise, traffic and parking could be mitigated. This recommended amendment is simply an expansion of the bed and breakfast use to allow STVRs in a portion of the dwelling unit, or within a separate accessory unit in the place of a secondary suite.

Permitting STVR units on non-resident occupied parcels, eg homes owned by an absentee landlord/operator requires a more considerate approach. A common tool used by other regional districts in this circumstance is to require a Temporary Use Permit (TUP). The TUP approach provides property owners the option of the use, but also allows for community input on each proposal, and allows the Board to evaluate each proposal and set general as well as specific conditions for the TUP. To

² Wachsmuth et al. 2017. *Short-term cities: Airbnb's impact on Canadian Housing Markets*. August 10, 2017 (version 1.1). McGill School of Urban Planning.

proceed with the TUP approach for STVRs on non-resident occupied parcels, it is necessary to establish a Board Policy, with clear guidelines and criteria for STVRs for entire homes. This policy should be developed in conjunction with amendments to Bylaws 500 and 1285. Criteria for issuing a TUP could include neighbourhood impacts, sewer and water capacity and regional rental vacancy rates. The latter would limit the conversion of rental stock to STVR units when the rental vacancy rate crosses a specified threshold.

This approach is recommended as it provides immediate certainty to existing but non-conforming STVRs on resident-occupied parcels in the RDN's Electoral Areas, while also offering an avenue for non-resident occupied parcels to be rented as STVRs using existing regulatory tools. The approach is intended to be flexible and adaptable, can be implemented with existing resources, and can be easily revisited and revised in the future.

A separate option that relies on business licencing is possible as a longer term approach. The primary advantage of regulating STVRs through a business licencing regime is the additional enforcement powers for ensuring land use compliance. At present, Regional Districts in BC are not granted business-licencing powers, but can request this power from the Province. At the December 12, 2017 RDN Board meeting, direction was given to request business licencing powers for the purpose of regulating non-medical cannabis retail establishments in Electoral Areas. Implementing a business licencing regime, even if limited in scope, would represent a significant additional service provided by the RDN, and may be of considerable interest to the public and small business owners in the RDN. Further, there may be additional businesses, such as STVRs, that the Board may want to regulate through business licencing. Therefore, it is recommended that a separate report on the broader costs and benefits of business licencing be brought forward in 2018.

Hotel Tax and Tourism Considerations

Under the Provincial Sales Tax Exemption and Refund Regulation, tax regulation 78(1)b exempts operators of less than four rooms from collecting the 8% Provincial Hotel Room Sales Tax and the 2-3% Municipal Regional District Tax (MRDT) used for tourism marketing through the Parksville-Qualicum Beach Tourism Association (PQBTA). The MRDT contribution from Electoral Areas 'E', 'F', 'G' and 'H' was set at 2% in 2005 under Bylaw No. 1429 and Bylaw No. 1430. Electoral Areas 'A', 'B' and 'C' do not currently collect MRDT. The MRDT must be renewed every five years by the PQBTA and requires support from 51% of the applicable accommodation properties and 51% of the applicable rooms.

The bed and breakfast regulations in the RDN Electoral Areas only permit up to a maximum of four bedrooms in a dwelling unit to be rented and therefore bed and breakfast operators currently do not pay the Provincial Hotel Room Sales Tax or the MRDT. Similarly to traditional bed and breakfasts, STVRs operating as a home based business on resident-occupied parcels, as the proposed bylaw amendments would permit, would not pay the Provincial Hotel Room Sales Tax or the MRDT under the current provincial framework. Non-resident operated STVRs, which would include multiple properties listed by the same owner/operator, would not be permitted under the proposed regulatory approach without approval for a TUP first being granted by the RDN Board. While the province's current approach would not require payment of the Provincial Hotel Room Sales Tax or the MRDT for operators of STVRs on four or more separate properties, the potential for contribution of multiple unit operators to regional tourism marketing could be evaluated through TUP applications.

ALTERNATIVES

1. Proceed with the recommendations as written.
2. Proceed with one or more of the recommendations and provide alternative direction to staff.
3. Provide alternative direction to staff.

FINANCIAL IMPLICATIONS

There are no immediate financial implications with amending Zoning Bylaw No. 500 and Zoning Bylaw No. 1285 to modernize the bed and breakfast regulations. The financial implications for processing temporary use permit applications will be covered in a future staff report as Bylaw amendments are brought forward.

There are also no immediate financial implications for evaluating a business licensing regime for the RDN Electoral Areas. Future staff reports will provide information on any potential financial implications.

STRATEGIC PLAN IMPLICATIONS

Permitting STVRs on resident occupied parcels within the Regional District Electoral Areas is aligned with the Strategic Priority of supporting tourism in the Board's 2016-2020 Strategic Plan. In addition, utilizing temporary use permits to permit non-resident owner occupied STVR will support economic activity without adversely impacting residential rental vacancy.

Reviewing the costs and benefits of a business licensing regime for the RDN supports the Strategic Priority of *'as we invest in regional services we look at both costs and benefits – the RDN will be effective and efficient'*.



Tyler Brown
tbrown@rdn.bc.ca
December 15, 2017

Reviewed by:

- J. Holm, Manager, Current Planning
- P. Thompson, Long Range Planning and Energy & Sustainability
- T. Armet, Manager, Building and Bylaw Services
- C. Midgley, Manager, Strategic Initiatives
- G. Garbutt, General Manager, Strategic and Community Development
- P. Carlyle, Chief Administrative Officer

TO: Committee of the Whole **MEETING:** January 9, 2018
FROM: Jacquie Hill
 Manager, Administrative Services **FILE:** 0230-20-AVICC
SUBJECT: AVICC Resolution – Notice by Mail

RECOMMENDATION *Please note: The recommendation was varied by the Committee*

That the following resolution be forwarded to the Association of Vancouver Island and Coastal Communities for consideration at their annual meeting:

WHEREAS Section 220 of the *Local Government Act* requires that notice of a special board meeting must be mailed to each Director at least 5 days before the date of the meeting, and the *Interpretation Act* specifies that such mail must be delivered by Canada Post;

AND WHEREAS this requirement, which applies to regional districts and not municipalities, creates unnecessary time delays for holding special board meetings and is not in keeping with technological advances of recent years;

THEREFORE BE IT RESOLVED THAT the Province be urged to amend the legislation to permit such notices to be provided by other means, including by email.

SUMMARY

As per Board direction, a resolution has been drafted for consideration by the Board for submission to the Association of Vancouver Island and Coastal Communities (AVICC) recommending legislative changes to notice requirements for Directors.

BACKGROUND

The legislative requirements for timing and process to provide notice of special meetings can be onerous and is not in keeping with current technology. The *Local Government Act* requires that notice of a special board meeting must be mailed via Canada Post to each Director at least 5 days before the date of the meeting which creates unnecessary time delays for holding special board meetings, and is not in keeping with technological advances of recent years.

As a result, the following motion was adopted at the October 3, 2017, Regular Board meeting:

“That staff be directed to draft a resolution for consideration by the Board and submission to the Association of Vancouver Island and Coastal Communities, recommending legislative changes to notice requirements for Directors.”

ALTERNATIVES

1. That the Board adopt the resolution as presented for submission the Association of Vancouver Island and Coastal Communities.
2. That the Board provide alternative direction.

FINANCIAL IMPLICATIONS

There are no financial implications to advancing this resolution.

STRATEGIC PLAN IMPLICATIONS

Submitting the resolution to the AVICC supports the Strategic Priority to ensure our processes are as easy to work with as possible.



Jacquie Hill

jhill@rdn.bc.ca

December 21, 2017

Reviewed by:

- W. Idema, Acting General Manager, Corporate Services
- P. Carlyle, Chief Administrative Officer

TO: Committee of the Whole **MEETING:** January 9, 2018
FROM: Joan Michel
Parks and Trails Coordinator **FILE:** 2016-020
SUBJECT: 2018-2028 Marine Trail Cooperation Agreement

RECOMMENDATION

That the 2018-2028 Marine Trail Cooperation Agreement with the BC Marine Trail Network Association be approved.

SUMMARY

The BC Marine Trail Network (BCMTN) Association would like its Salish Sea Marine Trail sites marked at site with BCMTN signs, and is asking permission from site landowners and managers to see this achieved. The Salish Sea Marine Trail involves five RDN parks and improved water accesses. By cooperating on marine trail signage at those five locations, the Region can influence how the Association promotes RDN park sites and communicates to resident as well as visiting paddlers about local site conditions, e.g., already congested parking.

The attached 10-year cooperation agreement sets out RDN requirements of the BCMTN Association when promoting RDN parks and water accesses. In return for meeting these requirements, the RDN commits to post a marine trail sign provided by the BCMTN at each of five RDN parks and water accesses along the Salish Sea Marine Trail, and to include reference to the Salish Sea Marine Trail in RDN promotional material for Descanso Bay Regional Park.

BACKGROUND

The BCMTN Association began in 2008 and is a registered charity. It advocates for kayakers, canoeist and other paddlers and maintains a web site with maps that shows paddlers where to park and launch, camp overnight, or land boats along coastal British Columbia. The Association does not own or operate marine trail sites, but describes and promotes the sites with some grouped into routes for ease of touring, e.g., the Salish Sea Marine Trail, now also promoted by the Trans Canada Trail (TCT) as part of the national trail.

Other partners in the BCMTN’s Salish Sea Marine Trail as listed by the Association on their web site include BC Parks, the Snuneymuxw First Nation, City of Nanaimo, Capital and Cowichan Valley Regional Districts, City of Victoria and Parks Canada. The Association is affiliated with Leave No Trace Canada and promotes their seven-part code of ethics for outdoor recreation. As well, the Association is in the process of developing a detailed code of conduct that will permit addressing behaviour at individual sites.

In July 2016, the Association made presentation to the Regional Board about the BCMTN and requested cooperation in the installation of marine trail marker signs along the Salish Sea Marine Trail. This represents the Association's first site signage initiative, and a new BCMTN marker sign is being created for the purpose. The sign will be similar in look and size to the TCT signs posted by the RDN along its stretch of the national trail.

In October 2016, in response to a staff report recommending cooperation with the BCMTN Association, the Board directed staff to draft an agreement that would recognize Descanso Bay Regional Park as a marine trail camping site and Electoral Area A's Nelson Road Community Boat Launch as an access site (resolutions 16-654 and 16-678). Parking congestion and limited services were to be addressed. In January 2017, the Board further recommended that Electoral Area E's Blueback Drive Community Park be recognized as a BCMTN access site, with the prohibition of overnight camping and parking noted (resolution 17-019). The Salish Sea Marine Trail includes two more RDN parks and improved water accesses: the El Verano Boat Launch (Area B) and Moorecroft Regional Park.

In considering the Association's request of the RDN to have BCMTN signs posted at the five RDN parks and improved water accesses along the Salish Sea Marine Trail, an opportunity was identified to improve how any RDN park or access is described on the Association web site. Improved site descriptions will help ensure adequate and accurate communication about RDN parks and reinforce a message of respect for the rural communities that finance development at most coastal water accesses. Currently, the descriptions provided on the BCMTN web site for RDN parks and improved water accesses vary in quality, and many require correction as concerns regulatory authority.

The attached 10-year Cooperation Agreement requires marine trail site descriptions to include the following information: i) the authority responsible for site regulation and authority contact information, ii) the type of site (camping, access and day-use) as defined in the Agreement, and iii) parking conditions and facilities. The Agreement specifies the information to be used by the Association when describing the five RDN Parks and improved water accesses on the Salish Sea Marine Trail, including web links to RDN park pages. The Agreement addresses the provision of marker signs by the Association and their posting at site by the RDN. Other provisions related to marine trail promotion are included in the Agreement, e.g., the RDN will only actively promote the marine trail site at Descanso Bay Regional Park.

In the event that the BCMTN Association does not comply with the RDN's requirements as set out in the attached agreement, the RDN can terminate the agreement, remove marine trail signage and eliminate reference to the BCMTN when promoting Descanso Bay Regional Park.

ALTERNATIVES


1. That the 2018-2028 Marine Trail Cooperation Agreement with the BC Marine Trail Network Association be approved
2. That the 2018-2028 Marine Trail Cooperation Agreement not be approved and alternative direction be provided.

FINANCIAL IMPLICATIONS

The Association will supply the RDN with five (5) five-inch by five-inch BCMTN marker signs. The RDN will affix the signs to existing sign posts and structures when operations staff are at site on regular park business, an effort that should involve minimal staff time. The Descanso Bay Regional Park web page will be amended with a reference sentence and BCMTN web link. Costs related to signage installation and RDN web site update, in total estimated at less than \$100, can be covered by regular Regional and Community Park operating budgets.

STRATEGIC PLAN IMPLICATIONS

Undertaking a cooperation agreement with the BC Marine Trail Association will help manage resident and visiting paddlers' use of the Electoral Area oceanfront. This initiative is consistent with the Strategic Priority "Focus on Relationships – we look for opportunities to partner with other branches of government/community groups to advance our region," and "Focus on Economic Health – we see ecotourism as a key economic opportunity in our region."



Joan Michel
jmichel@rdn.bc.ca
January 3, 2018

Reviewed by:

- W. Marshall, Manager of Parks Services
- T. Osborne, General Manager, Recreation and Parks Services
- P. Carlyle, Chief Administrative Officer

Attachments

1. 2018-2028 Marine Trail Cooperation Agreement

MARINE TRAIL COOPERATION AGREEMENT

THIS AGREEMENT made the _____ day of _____, 2018

BETWEEN:

Regional District of Nanaimo

6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

(the “**Regional District**”)

OF THE FIRST PART

AND:

BC Marine Trails Network Association

3285 Roper Road
Ladysmith, BC V9G 1C4

(the “**Association**”)

OF THE SECOND PART

WHEREAS:

- A. The Association maps and promotes access points along the British Columbia coastline in support of kayakers, canoeists and other paddlers. Many access points are situated beside ocean-front park and water accesses, and some are grouped into marine trails like the Salish Sea Marine Trail;
- B. The Association seeks the permission of owners and managers of lands and accesses beside Salish Sea Marine Trail access points to the posting of Marine Trail signs on the upland properties; and
- C. The Regional District agrees to erect marine trail signage in return for the Association abiding by Regional District requirements as to the description and promotion of marine trail sites.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the premises, and the mutual covenants and agreements herein contained, the parties hereto agree with each other as follows:

1.0 INTERPRETATION

In this Agreement:

- a) "BC Marine Trail Network (BCMTN)" means a system of coastal access sites some of which are linked to form marine trails, that has been mapped and is promoted by the Association, and includes the Salish Sea Marine Trail also part of the Trans Canada Trail.
- b) "Foreshore" means the public oceanfront regulated by the Crown and situated below the high tide or natural boundary mark of Upland property.
- c) "Marine Trail Site" means a coastal access point promoted by the Association which may be associated with Upland vehicular parking, launching opportunity or overnight camping, or may just provide a suitable spot to beach a small craft when approached by water.
- d) "Improved Water Access" means a Water Access developed by the Regional District for community use with amenities including but not limited to boat ramps, parking lots, toilets, or garbage cans.
- e) "Regional District Park" means a regional or community park owned or managed by the Regional District.
- f) "Upland" means land that adjoins the Foreshore.
- g) "Water Access" means a portion of developed or undeveloped road situated in Electoral Areas A, B, E, G or H of the Regional District that is owned by the Province of British Columbia and regulated by the Ministry of Transportation and Infrastructure, and which provides non-exclusive public access to the Foreshore.

2.0 TERM

- 2.1 The Agreement will be for a term of ten (10) years, commencing on the ___ day of _____, 2018 and ending on the ___ day of _____, 2028 (the "Term").

3.0 DESCRIBING MARINE TRAIL SITES

- 3.1 When describing a Marine Trail Site on its web site or in other promotional material, the Association agrees to:

- a) identify the authority regulating the Upland property at each Marine Trail site, and provide contact information;

- b) assign each Marine Trail Site to one of three categories as defined below:
 - i. Camping Site: offers overnight camping, overnight off-street parking and a small boat launch opportunity
 - ii. Access Site: provides no over-night camping or parking; offers a small boat launch opportunity with adjacent off-street parking
 - iii. Day-use Site: provides no over-night camping or parking; provides no small boat launch opportunity with adjacent off-street parking; best used as a temporary landing site for paddlers approaching by water; and
- c) provide comment on the limitations of any available off-street parking and note if congestion is an issue.

4.0 DESCRIPTION OF REGIONAL DISTRICT SALISH SEA MARINE TRAIL SITES

4.1 The Association includes five (5) Regional District Parks and Improved Water Accesses in the Salish Sea Marine Trail: Nelson Road Boat Launch, Descanso Bay Regional Park, El Verano Boat Launch, Blueback Community Park and Moorecroft Regional Park. Further to section 3.1, the Association agrees to include the following in its descriptions of the five sites:

- a) Nelson Road Community Boat Launch
Regulator of water access: BC Ministry of Transportation and Infrastructure
Category: Access Site
Parking: Busy and often congested; only public launch on Cedar coastline
Facilities: boat ramp, toilets
- b) Descanso Bay Regional Park
Regulator: Regional District of Nanaimo www.rdn.bc.ca/descanso-bay-regional-park
Category: Camping Site
Parking: Usually available
Facilities: year-round campground, toilets, potable water
- c) El Verano Boat Launch
Regulator: BC Ministry of Transportation and Infrastructure
Category: Access Site
Parking: In regular use by Mudge Island residents, often congested
Facilities: none; residential neighbourhood
- d) Blueback Drive Community Park www.rdn.bc.ca/blueback-drive-community-park
Regulator: Regional District of Nanaimo
Category: Access Site

Parking: Limited, popular with divers, residential neighbourhood

- e) Moorecroft Regional Park www.rdn.bc.ca/moorecroft-regional-park
Regulator: Regional District of Nanaimo
Category: Day-Use Site
Parking: Distant from shore
Facilities: toilets

5.0 MARINE TRAIL SIGNS

- 5.1 The Association shall provide free of charge to the Regional District and to its satisfaction five (5) five inch by five inch metal-backed composite signs that, similar to Trans Canada Trail signs, show the BCMTN logo and name.
- 5.2 Regional District will post one BCMTN sign at each Regional District Park and Improved Water Access along the Salish Sea Marine Trail. The Regional District shall determine the location and manner of posting, and erect the signs at its own cost.

6.0 PROMOTION

- 6.1 The Regional District will recognize the Salish Sea Marine Trail Site designation in its promotional material for Descanso Bay Regional Park.
- 6.2 The Regional District agrees to being shown as a partner in the Salish Sea Marine Trail project on the Association web site, and having the Regional District logo posted there along with the logos of other like partners.
- 6.3 In working with the Trans Canada Trail Foundation on the promotion of marine trails, the Association agrees to convey to the Foundation the Regional District Parks and Improved Water Accesses descriptions contained in section 4.1 and advocate for consistent descriptions of the sites.

7.0 CODE OF CONDUCT

- 7.1 In addition to upholding Leave No Trace Canada's code of ethics concerning outdoor recreation, the Association commits to developing a code of conduct that can have application to individual Marine Trail Sites.
- 7.2 The Association shall include in its code of conduct respect for the residential neighbours of Marine Trail Sites and for rural communities that finance the coastal amenities enjoyed by many.

8.0 INSURANCE

8.1 The Association shall carry \$2M in general comprehensive liability insurance with the Regional District included as an additional insured.

9.0 INDEMNIFICATION

9.1 The Association releases, discharges and will indemnify and save harmless the Regional District, its elected officials, appointed officers, employees and agents from and against all lawsuits, damages, costs, expenses, liability or fees (including fees of lawyers on a solicitor and own client basis) which the Association or anyone else may incur, suffer or allege by reason of the activities of the Association, its members, agents, contractors, or invitees.

10.0 ASSIGNMENT

10.1 The Association may not assign this Agreement without the advance written consent of the Regional District, such consent to be at the sole discretion of the Regional District.

11.0 TERMINATION

11.1 Either the Regional District or the Association may terminate this Agreement by providing 60 days' notice in writing to the other party.

11.2 In the event of termination, the Regional District will remove BCMTN signs from Regional District Parks and Improved Water Accesses and delete reference to the BCMTN on the Regional District web site and in promotional material and BCMTM will delete reference to the Regional District Parks and Improved Water Accesses on its website and in promotional materials.

12.0 NOTICES

12.1 Each notice sent pursuant to this Agreement ("**Notice**") will be in writing and sent to the relevant party at the address or e-mail address set out below:

If, to the Regional District:

Regional District of Nanaimo
Attention: Manager of Parks Services
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2
E-mail: parks@rdn.bc.ca

If, to the Association:

BC Marine Trail Network Association
Attention: Operational Assistant
3285 Roper Road
Ladysmith, BC V9G 1C4
E-mail: john@bcmarinetrails.org

13.0 MISCELLANEOUS

- 13.1 The execution and delivery of this Agreement, and the completion of the transactions contemplated by this Agreement, if any, have been duly and validly authorized by all necessary corporate action of the Association, and this Agreement constitutes a legal, valid and binding obligation of the Association, enforceable against the Association in accordance with its terms.
- 13.2 The Association agrees to inform all responsible persons associated with the Association of the terms and conditions of this Agreement.
- 13.3 Waiver of any default by a party is not a waiver of any subsequent default.

12.0 INTERPRETATION

- 12.1 In this Agreement:
- a) When the singular or neuter are used in this Agreement they include the plural or the feminine or the masculine or the body politic or corporate where the context or the parties require.
 - b) The headings to the clauses in this Agreement have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.
 - c) This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, successors, administrators and permitted assignees.
 - d) Time is of the essence in this Agreement.
 - e) This Agreement will be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
 - f) All provisions of this Agreement are to be construed as covenants and agreements as though the word importing covenants and agreements were used in each separate paragraph.

- g) A provision in this Agreement granting the Regional District a right of approval must be interpreted as granting a free and unrestricted right to be exercised by the Regional District in its discretion.
- h) This is the entire agreement between the parties.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year first above written.

REGIONAL DISTRICT OF NANAIMO)	
by its authorized signatories)	
)	
_____)	
Name:)	
)	
_____)	
Name:)	
)	

BC Marine Trail Network Association)	
by its authorized signatories)	
)	
_____)	
Name:)	
)	
_____)	
Name:)	

TO: Committee of the Whole **MEETING:** January 9, 2018

FROM: Lorena Mueller **FILE:** RW358
Wastewater Coordinator
Wastewater Services

SUBJECT: District of Lantzville Sanitary Sewer Trunk – Transfer of Ownership to the RDN

RECOMMENDATIONS

1. That the acquisition of the sanitary sewer trunk that services the District of Lantzville be approved.
2. That the acquisition of the related Statutory Right of Way be approved.
3. That the Chair and CAO be authorized to execute the documents to conclude the transaction.

SUMMARY

In 2006, the District of Lantzville constructed a sewer trunk that connects to the Regional District of Nanaimo's (RDN) Interceptor at Schook Road and conveys sewage from the District of Lantzville to the RDN's Greater Nanaimo Pollution Control Centre (GNPCC). The District of Lantzville still owns this sewer trunk and also holds the interest in the associated right of way that was granted by the Province (Attachments 1 and 2).

Subsequent to approval of Bylaw 1527 in 2007 (repealed and included within Bylaw 888), the RDN became responsible for operating and maintaining this sewer trunk in conjunction with the rest of the RDN's Southern Community wastewater system which services the City of Nanaimo and the District of Lantzville. The transfer of ownership of this sewer trunk and the transfer of the interest in the right of way completes the documentation to ensure that the RDN has sufficient authority to operate and maintain this particular section of the wastewater system in the long term.

There are no immediate additional costs to the RDN of acquiring the ownership of the sewer trunk or the interest in the right of way. Administrative and operational activities are already managed within the existing staff complement and the costs of operating and maintaining the sewer trunk are apportioned and recovered in accordance in Bylaw No. 888 - A Bylaw to Convert the Authority for Wastewater Management to a Local Service. In terms of asset management, the provision for the long term costs of replacement of the infrastructure will be additional to the annual costs.

BACKGROUND

In 2006, the District of Lantzville constructed a sewer trunk in the provincial foreshore between Oar Road in Lantzville and Schook Road in Nanaimo. This foreshore sewer trunk is connected to the RDN's interceptor at Schook Road and is considered part of the RDN's Interceptor system for transporting sewage to the RDN's GNPCC.

Since the approval of Bylaw 1527 in 2007 (repealed and included within Bylaw 888), the RDN has been responsible for the conveyance, treatment and disposal of sewage in the District of Lantzville. The RDN includes this sewer trunk in its operating and maintenance activities (and recovers costs in accordance with Bylaw No. 888). The District of Lantzville has now initiated a request for transfer of ownership of the sewer trunk to the RDN. A proposed agreement between the RDN and the District of Lantzville will transfer ownership of this sewer trunk to the RDN (Attachment 3). The transfer will conclude the documentation requirements.

There is also a Statutory Right of Way (SRW) that was granted by the Province of BC to permit the use of, and access to, the provincial foreshore that accommodates the sewer trunk. At the request of the District of Lantzville (who currently hold the interest in this right of way), the Province has provided an Assignment/Assumption Agreement which, once fully executed, will transfer the interest in the right of way to the RDN.

ALTERNATIVES

1. Execute the agreements and legal documents required to transfer ownership of the sanitary sewer trunk that services the District of Lantzville, as well as the related SRW (Attachments 3 and 4).
2. Provide alternate direction to RDN staff regarding the project.

FINANCIAL IMPLICATIONS

There are no additional immediate costs to the RDN as a result of acquiring the ownership of this sewer trunk or the interest in the right of way.

The engineering, construction and surveying costs associated with the installation of the sewer trunk was paid by the District of Lantzville when the project was undertaken at a cost of approximately \$800,000¹. Consequently, there are no capital costs to the RDN for assuming ownership of the sewer trunk or for acquiring the interest in the statutory right of way.

The RDN is responsible for ongoing maintenance and monitoring of the entire Southern Community interceptor system, including the District of Lantzville sewer trunk. Administrative and operational activities for this sewer trunk are already managed within the existing staff complement for Wastewater Services and this sewer trunk is included in the RDN's annual planning, long term asset management and financial planning processes for the Southern Community Sewer system. The expected remaining life of

¹ District of Lantzville Report to Committee, Special Committee of the Whole Meeting November 8, 2006; Author: Twyla Graff; Subject: Sanitary Sewer Collection System Phase 1, Stage 2 Residential Connections & Ware/Aulds Rd. Trunk Line

this pipe is approximately 70 years², and the current replacement cost is approximately \$1.1 million³. The future replacement of the Lantzville trunk sewer is incorporated in the Southern Community Wastewater Service's overall asset management plan, which includes the related reserve transfers to fund the asset replacements of the entire service. At this time, \$1 to \$2 million is transferred annually to reserves for the Southern Community Wastewater Service to fund future upgrades and replacements. Costs are apportioned and recovered in accordance with Bylaw No. 888 – A Bylaw to Convert the Authority for Wastewater Management to a Local Service with payment by Lantzville based on the percent of flow contributed by Lantzville for treatment at the Greater Nanaimo Pollution Control Centre.

STRATEGIC PLAN IMPLICATIONS

The RDN's Strategic Plan 2016-2020 identifies Focus on Service and Organizational Excellence as a strategic priority. The provision of wastewater management services to the District of Lantzville is an efficient and cost-effective way of providing sanitary sewer treatment services to the community. RDN ownership of this sewer trunk is consistent with standard asset management principles.



Lorena Mueller, Wastewater Coordinator
LMueller@rdn.bc.ca
December 6, 2017

Reviewed by:

- S. De Pol, Director, Water & Wastewater Services
- R. Alexander, General Manager, RCU & Solid Waste
- P. Carlyle, Chief Administrative Officer

Attachments

1. Provincial Statutory Right of Way 906291 File No. 1412816
2. Sewer Right of Way Plan EPP24491
3. 17.08.01 Contract of Sale of Goods (Lantzville Interceptor)
4. Lantzville Interceptor Statutory Right of Way Assignment

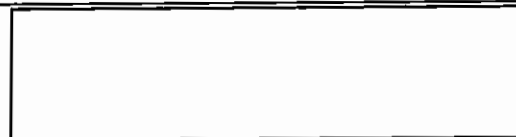
² AECOM RDN State of Good Repair Report December 4, 2012, pg. 9

³ Urban Systems' cost estimate methodology for linear infrastructure (used for WWS asset replacement calculation)

**LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia**

PAGE 1 OF 21 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.



1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

District of Lantzville
7192 Lantzville Road
PO Box 100,
Lantzville BC V0R 2H0

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

SEE SCHEDULE

STC? YES

3. NATURE OF INTEREST CHARGE NO. ADDITIONAL INFORMATION

Statutory Right of Way - Crown Land

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms D.F. No.

(b) Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

SEE SCHEDULE

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

DISTRICT OF LANTZVILLE

PO BOX 100
LANTZVILLE

V0R 2H0

BRITISH COLUMBIA
CANADA

7. ADDITIONAL OR MODIFIED TERMS:

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

GARY MORLEY

Commissioner for Taking Affidavits in BC

142 - 2080 LABIEUX RD
NANAIMO, BC V9T 6J9

Execution Date

Y	M	D
13	06	13

Transferor(s) Signature(s)

MINISTRY OF FORESTS, LANDS
AND NATURAL RESOURCE
OPERATIONS by a Duly authorized
Signatory


SIMONE ENGELS


OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)



Witness

T.L.B. (TAMIE) NOHR
COMMISSIONER OF OATHS AND AFFIDAVITS IN
THE PROVINCE OF BRITISH COLUMBIA



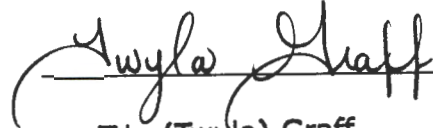
T.L.B. (TAMIE) NOHR
COMMISSIONER OF OATHS AND AFFIDAVITS IN
THE PROVINCE OF BRITISH COLUMBIA

Execution Date


Y	M	D
13	05	13
13	05	13

Transferor / Borrower / Party Signature(s)

DISTRICT OF LANTZVILLE by a duly
Authorized Signatory



T.L. (Twyla) Graff
Chief Administrative Officer
Director of Corporate Administration
District of Lantzville



Mayor Jack de Jong
District of Lantzville

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**LAND TITLE ACT
FORM E**

SCHEDULE

PAGE 3 OF 21 PAGES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID] [LEGAL DESCRIPTION]

NO PID NMBR RIGHT OF WAY OVER A PORTION OF DISTRICT LOT 28G, WELLINGTON DISTRICT, OF THE BED OF THE STRAIT OF GEORGIA, SHOWN ON PLAN EPP24491, ON FILE IN THE LAND TITLE OFFICE, NEW WESTMINSTER

STC? YES

[Related Plan Number]

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID] [LEGAL DESCRIPTION]

NO PID NMBR RIGHT OF WAY OVER A PORTION OF DISTRICT LOT 31G, WELLINGTON DISTRICT, OF THE BED OF THE STRAIT OF GEORGIA, SHOWN ON PLAN EPP24491, ON FILE IN THE LAND TITLE OFFICE, NEW WESTMINSTER

STC? YES

[Related Plan Number]

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID] [LEGAL DESCRIPTION]

NO PID NMBR RIGHT OF WAY OVER A PORTION OF DISTRICT LOT 110, NANAIMO DISTRICT, OF THE BED OF THE STRAIT OF GEORGIA, SHOWN ON PLAN EPP24491, ON FILE IN THE LAND TITLE OFFICE, NEW WESTMINSTER

STC? YES

[Related Plan Number]

**LAND TITLE ACT
FORM E**

SCHEDULE

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS, 142 - 2080 LABIEUX RD, NANAIMO, BC V9T 6J9

Right of Way No.:

File No.: 1412816

Disposition No.: 906291

TERMS OF INSTRUMENT - Part 2

WHEREAS this statutory right of way, issued under section 40(1)(a) of the *Land Act*, is necessary for the operation and maintenance of the Transferee's undertaking.

For valuable consideration, the parties agree as follows:

ARTICLE 1 - INTERPRETATION

1.1 In this Agreement

“**Agreement**” means this General Instrument;

“**Commencement Date**” means June 1, 2013;

“**disposition**” has the meaning given to it in the *Land Act* and includes a licence of occupation;

“**Fees**” means the fees set out in Article 3;

“**Hazardous Substances**” means any substance which is hazardous to persons, property or the environment, including without limitation

- (a) waste, as that term is defined in the *Environmental Management Act*; and
- (b) any other hazardous, toxic or other dangerous substance, the use, transportation or release into the environment of which, is now or from time to time prohibited, controlled or regulated under any laws or by any governmental authority, applicable to, or having jurisdiction in relation to, the Land;

“**Improvements**” includes anything made, constructed, erected, built, altered, repaired or added to, in, on or under the Land, and attached to it or intended to become a part of it, and also includes any clearing, excavating, digging, drilling, tunnelling, filling, grading or ditching of, in, on or under the Land;

“**Land**” means the land described in item 2 of Part 1 of this General Instrument;

“**Realty Taxes**” means all taxes, rates, levies, duties, charges and assessments levied or charged, at any time, by any government authority having jurisdiction which relate to the Land, the Improvements or both of them and which you are liable to pay under applicable laws;

“**Security**” means the security referred to in section 6.1 or 6.2, as replaced or supplemented in accordance with section 6.5;

UTILITY - STATUTORY RIGHT OF WAY

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“Term” means the period of time set out in section 2.2;

“we”, “us” or “our” refers to the Transferor alone and never refers to the combination of the Transferor and the Transferee: that combination is referred to as “the parties”; and

“you” or “your” refers to the Transferee.

- 1.2 In this Agreement, “person” includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law and wherever the singular or masculine form is used in this Agreement it will be construed as the plural or feminine or neuter form, as the case may be, and vice versa where the context or parties require.
- 1.3 The captions and headings contained in this Agreement are for convenience only and do not define or in any way limit the scope or intent of this Agreement.
- 1.4 This Agreement will be interpreted according to the laws of the Province of British Columbia.
- 1.5 Where there is a reference to an enactment of the Province of British Columbia or of Canada in this Agreement, that reference will include a reference to every amendment to it, every regulation made under it and any subsequent enactment of like effect and, unless otherwise indicated, all enactments referred to in this Agreement are enactments of the Province of British Columbia.
- 1.6 If any section of this Agreement, or any part of a section, is found to be illegal or unenforceable, that section or part of a section, as the case may be, will be considered separate and severable and the remainder of this Agreement will not be affected and this Agreement will be enforceable to the fullest extent permitted by law.
- 1.7 Each schedule to this Agreement is an integral part of this Agreement as if set out at length in the body of this Agreement.
- 1.8 This Agreement constitutes the entire agreement between the parties and no understanding or agreement, oral or otherwise, exists between the parties with respect to the subject matter of this Agreement except as expressly set out in this Agreement and this Agreement may not be modified except by subsequent agreement in writing between the parties.
- 1.9 Each party will, upon the request of the other, do or cause to be done all lawful acts necessary for the performance of the provisions of this Agreement.
- 1.10 Any liabilities or obligations of either party arising, or to be performed, before or as a result of the termination of this Agreement, and which have not been satisfied or remain unperformed at the termination of this Agreement, any indemnity and any release in our favour and any other provision which specifically states that it will survive the termination of this Agreement, shall

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survive and not be affected by the expiration of the Term or the termination of this Agreement.

- 1.11 Time is of the essence of this Agreement.
- 1.12 Wherever this Agreement provides that an action may be taken, a consent or approval must be obtained or a determination must be made, then you or we, as the case may be, will act reasonably in taking such action, deciding whether to provide such consent or approval or making such determination; but where this Agreement states that you or we have sole discretion to take an action, provide a consent or approval or make a determination, there will be no requirement to show reasonableness or to act reasonably in taking that action, providing that consent or approval or making that determination.
- 1.13 Any requirement under this Agreement for us to act reasonably shall not require us to act in a manner that is contrary to or inconsistent with any legislation, regulations, Treasury Board directives or other enactments or any policy, directive, executive direction or other such guideline of general application.

ARTICLE 2 - GRANT AND TERM

- 2.1 On the terms and conditions of this Agreement, we grant you, your employees, agents and contractors a statutory right of way over the Land only for the purposes of excavating for, constructing, operating, removing, replacing, reconstructing, repairing and safeguarding the Improvements necessary for sewer line and for telecommunications equipment necessary for the operation of such Improvements.
- 2.2 The term of this Agreement is for so long as the Land is required by you, commencing on the Commencement Date. We reserve the right to terminate this Agreement in certain circumstances as expressly provided in this Agreement.

ARTICLE 3 - FEES

- 3.1 The Fee for the Term is \$1.00, the receipt of which we acknowledge.

ARTICLE 4 - COVENANTS

- 4.1 You must
 - (a) pay, when due,
 - (i) the Fees to us at the address set out in Article 10,

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- (ii) the Realty Taxes, and
- (iii) all charges for electricity, gas, water and other utilities supplied to the Land for use by you, on your behalf or with your permission;
- (b) deliver to us, immediately upon demand, receipts or other evidence of the payment of Realty Taxes and all other money required to be paid by you under this Agreement;
- (c) observe, abide by and comply with
 - (i) all applicable laws, bylaws, orders, directions, ordinances and regulations of any government authority having jurisdiction in any way affecting your use or occupation of the Land or the Improvements including without limitation all laws, bylaws, orders, directions, ordinances and regulations relating in any way to Hazardous Substances, the environment and human health and safety, and
 - (ii) the provisions of this Agreement;
- (d) in respect of the use of the Land by you or by any person who enters upon or uses the Land as a result of your use of the Land under this Agreement, keep the Land and the Improvements in a safe, clean and sanitary condition satisfactory to us, and at our written request, rectify any failure to comply with such a covenant by making the Land and the Improvements safe, clean and sanitary;
- (e) not commit any wilful or voluntary waste, spoil or destruction on the Land or do anything on the Land that may be or become a nuisance to an owner or occupier of land in the vicinity of the Land;
- (f) use and occupy the Land only in accordance with and for the purposes set out in section 2.1;
- (g) not construct, place, anchor, secure or affix any Improvement in, on, or to the Land or otherwise use the Land in a manner that will interfere with any person's riparian right of access over the Land and you acknowledge and agree that the granting of this Agreement and our approval of the Improvements under this Agreement, whether through our approval of a Management Plan (where applicable) or otherwise, do not:
 - (i) constitute a representation or determination that such Improvements will not give rise to any infringement of any riparian right of access that may exist over the Land; or
 - (ii) abrogate or authorize any infringement of any riparian right of access that may

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exist over the Land;

and you remain responsible for ensuring that you will not cause any infringement of any such riparian right of access;

- (h) pay all accounts and expenses as they become due for work performed on or materials supplied to the Land at your request, on your behalf or with your permission, except for money that you are required to hold back under the *Builders Lien Act*;
- (i) if any claim of lien over the Land is made under the *Builders Lien Act* for work performed on or materials supplied to the Land at your request, on your behalf or with your permission, immediately take all steps necessary to have the lien discharged, unless the claim of lien is being contested in good faith by you and you have taken the steps necessary to ensure that the claim of lien will not subject the Land or any interest of yours under this Agreement to sale or forfeiture;
- (j) obtain our prior written consent, which consent may be unreasonably withheld, before permitting any other person to use the Land or the Improvements (including without limitation, any copper, coaxial, fibre optic or similar material or device) for any telecommunications purpose;
- (k) obtain our prior written consent, which consent may be unreasonably withheld, before using the Land or the Improvements for any telecommunications purpose other than a telecommunications purpose which is necessary for your operation of the Improvements;
- (l) if any soil is disturbed by you as a result of your construction or maintenance of the Improvements, at your expense, restore the surface of the Land to a condition satisfactory to us;
- (m) take all reasonable precautions to avoid disturbing or damaging any archaeological material found on or under the Land and, upon discovering any archaeological material on or under the Land, you must immediately notify the ministry responsible for administering the *Heritage Conservation Act*;
- (n) permit us, or our authorized representatives, to enter on the Land at any time to inspect the Land and the Improvements, including without limitation to test and remove soil, groundwater and other materials and substances, where the inspection may be necessary or advisable for us to determine whether or not you have complied with your obligations under this Agreement with respect to Hazardous Substances, provided that we take reasonable steps to minimize any disruption of your operations;
- (o) indemnify and save us and our servants, employees and agents harmless against all

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claims, actions, causes of action, losses, damages, costs and liabilities, including fees of solicitors and other professional advisors, arising out of

- (i) your breach, violation or non-performance of a provision of this Agreement,
- (ii) any conflict between your use of the Land under this Agreement and the lawful use of the Land by any other person, and
- (iii) any personal injury, bodily injury (including death) or property damage occurring or happening on or off the Land by virtue of your entry upon, use or occupation of the Land,

and the amount of all such losses, damages, costs and liabilities will be payable to us immediately upon demand; and

- (p) on the termination of this Agreement,
 - (i) peaceably quit and deliver to us possession of the Land and, subject to paragraphs (ii), (iii) and (iv), the Improvements in a safe, clean and sanitary condition,
 - (ii) within 90 days, remove from the Land any Improvement you want to remove, if the Improvement was placed on or made to the Land by you, is in the nature of a tenant's fixture normally removable by tenants and is not part of a building (other than as a tenant's fixture) or part of the Land and you are not in default of this Agreement,
 - (iii) not remove any Improvement from the Land if you are in default of this Agreement, unless we direct or permit you to do so under paragraph (iv),
 - (iv) remove from the Land any Improvement that we, in writing, direct or permit you to remove, other than any Improvement permitted to be placed on or made to the Land under another disposition, and
 - (v) restore the surface of the Land as nearly as may reasonably be possible, to the condition that the Land was in at the time it originally began to be used for the purposes described in this Agreement, but if you are not directed or permitted to remove an Improvement under paragraph (iv), this paragraph will not apply to that part of the surface of the Land on which that Improvement is located,

and all of your right, interest and estate in the Land will be absolutely forfeited to us, and to the extent necessary, this covenant will survive the termination of this Agreement.

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4.2 You will not permit any person who enters upon or uses the Land as a result of your use of the Land under this Agreement to do anything you are restricted from doing under this Article.

4.3 You must not use all or any part of the Land

- (a) for the storage or disposal of any Hazardous Substances; or
- (b) in any other manner whatsoever which causes or contributes to any Hazardous Substances being added or released on, to or under the Land or into the environment from the Land;

unless

- (c) such storage, disposal, release or other use does not result in your breach of any other provision of this Agreement, including without limitation, your obligation to comply with all laws relating in any way to Hazardous Substances, the environment and human health and safety; and
- (d) we have given our prior written approval to such storage, disposal, release or other use and for certainty any such consent operates only as a consent for the purposes of this section and does not bind, limit, or otherwise affect any other governmental authority from whom any consent, permit or approval may be required.

4.4 We will not do anything on the Land that will interfere materially with the Improvements or your use of the Improvements, or that creates a public hazard.

4.5 Despite any other provision of this Agreement you must:

- (a) on the expiry or earlier termination of this Agreement; and
- (b) at any time if we request and if you are in breach of your obligations under this Agreement relating to Hazardous Substances;

promptly remove from the Land all Hazardous Substances stored, or disposed of, on the Land, or which have otherwise been added or released on, to or under the Land:

- (c) by you; or
 - (d) as a result of the use of the Land under this Agreement; or
 - (e) as a result of the use of the Land under the following prior agreements: Licence of Occupation No. 112332
-

UTILITY - STATUTORY RIGHT OF WAY

save and except only to the extent that we have given a prior written approval expressly allowing specified Hazardous Substances to remain on the Land following the expiry of the Term.

4.6 We may from time to time

- (a) in the event of the expiry or earlier termination of this Agreement;
- (b) as a condition of our consideration of any request for consent to an assignment of this Agreement; or
- (c) if we have a reasonable basis for believing that you are in breach of your obligations under this Agreement relating to Hazardous Substances;

provide you with a written request to investigate the environmental condition of the Land and upon any such request you must promptly obtain, at your cost, and provide us with, a report from a qualified and independent professional who has been approved by us, as to the environmental condition of the Land, the scope of which must be satisfactory to us and which may include all such tests and investigations that such professional may consider to be necessary or advisable to determine whether or not you have complied with your obligations under this Agreement with respect to Hazardous Substances.

- 4.7 You must at our request from time to time, but not more frequently than annually, provide us with your certificate (and if you are a corporation such certificate must be given by a senior officer) certifying that you are in compliance with all of your obligations under this Agreement pertaining to Hazardous Substances, and that no adverse environmental occurrences have taken place on the Land, other than as disclosed in writing to us.

ARTICLE 5 - LIMITATIONS

5.1 You agree with us that

- (a) in addition to the other reservations and exceptions expressly provided in this Agreement this Agreement is subject to the exceptions and reservations of interests, rights, privileges and titles referred to in section 50 of the *Land Act*;
- (b) other persons may hold or acquire rights to use the Land in accordance with enactments other than the *Land Act* or the *Ministry of Lands, Parks and Housing Act*, including rights held or acquired under the *Coal Act*, *Forest Act*, *Geothermal Resources Act*, *Mineral Tenure Act*, *Petroleum and Natural Gas Act*, *Range Act*, *Water Act* or *Wildlife Act* (or any prior or subsequent enactment of the Province of British Columbia of like

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- effect); such rights may exist as of the Commencement Date and may be granted or acquired subsequent to the Commencement Date and may affect your use of the Land;
- (c) you have no right to compensation from us and you release us from all claims, actions, causes of action, suits, debts and demands that you now have or may at any time in the future have against us arising out of any conflict between your use of the Land under this Agreement and any use of, or impact on the Land arising from the exercise, or operation of the interests, rights, privileges and titles described in subsections (a), (b), (d) and (e);
 - (d) we may make other dispositions of or over the Land, or any part of it, to any person, including a Crown agency or ministry, provided any such disposition is made subject to your interest which is created by this Agreement
 - (e) with your consent (which you will not withhold unreasonably) we may make other dispositions of or over the Land, or any part of it, to any person, and upon such consent being given you will, if required by us, execute and deliver to us such instrument as may be necessary to subordinate your rights under this Agreement to such disposition;
 - (f) for the purpose of subsection (e), you will be deemed to have reasonably withheld your consent if a disposition made under that subsection would have a material adverse impact on your use of the Land under this Agreement;
 - (g) if a proposed disposition under subsection (e) will not have a material impact on your use of the Land under this Agreement you must not require any payment, whether as compensation or any other charge, as a condition of your consent to that disposition;
 - (h) you will not commence or maintain proceedings under section 65 of the *Land Act* in respect of any interference with your use of the Land under this Agreement that arises as a result of any use of, or impact on the Land arising from the lawful exercise, or operation of the interests, rights, privileges and titles described in subsections (a), (b) (d) and (e);
 - (i) this Agreement does not limit any right to notice, compensation or any other benefit that you may be entitled to from time to time under the enactments described in subsection (b) or any other applicable enactment;
 - (j) you will not without our prior written consent, which consent may be unreasonably withheld, permit any other person to use the Land or the Improvements (including, without limitation, any copper, coaxial, fibre optic or similar material or device) for any telecommunications purpose;
 - (k) you will not without our prior written consent, which consent may be unreasonably

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withheld, use the Land or the Improvements for any telecommunications purpose other than a telecommunications purpose which is necessary for your operation of the Improvements;

- (l) you will not remove or permit the removal of any Improvement from the Land except as expressly permitted or required under this Agreement;
- (m) any interest you may have in the Improvements ceases to exist and becomes our property upon termination of this Agreement, except where an Improvement may be removed under paragraph 4.1(p)(ii), (iii) or (iv) in which case any interest you may have in that Improvement ceases to exist and becomes our property if the Improvement is not removed from the Land within the time period set out in paragraph 4.1(p)(ii) or the time period provided for in the direction or permission given under paragraph 4.1(p)(iii); and
- (n) if, after the termination of this Agreement, we permit you to remain in possession of the Land and we accept money from you in respect of such possession, a tenancy from year to year will not be created by implication of law and you will be deemed to be a monthly occupier only subject to all of the provisions of this Agreement, except as to duration, in the absence of a written agreement to the contrary.

ARTICLE 6 - SECURITY AND INSURANCE

- 6.1 On the Commencement Date, you will deliver to us Security in the amount of \$0.00 which will
 - (a) guarantee the performance of your obligations under this Agreement;
 - (b) be in the form required by us; and
 - (c) remain in effect until we certify, in writing, that you have fully performed your obligations under this Agreement.
- 6.2 Despite section 6.1, your obligations under that section are suspended for so long as you maintain in good standing other security acceptable to us to guarantee the performance of your obligations under this Agreement and all other dispositions held by you.
- 6.3 We may use the Security for the payment of any costs and expenses associated with any of your obligations under this Agreement that are not performed by you or to pay any overdue Fees and, if such event occurs, you will, within 30 days of that event, deliver further Security to us in an amount equal to the amount drawn down by us.
- 6.4 After we certify, in writing, that you have fully performed your obligations under this Agreement, we will return to you the Security maintained under section 6.1, less all amounts

UTILITY - STATUTORY RIGHT OF WAY

Right of Way No.:

File No.: 1412816

Disposition No.: 906291

drawn down by us under section 6.3.

6.5 You acknowledge that we may, from time to time, notify you to

- (a) change the form or amount of the Security; and
- (b) provide and maintain another form of Security in replacement of or in addition to the Security posted by you under this Agreement;

and you will, within 60 days of receiving such notice, deliver to us written confirmation that the change has been made or the replacement or additional form of Security has been provided by you.

6.6 You must

- (a) without limiting your obligations or liabilities under this Agreement, at your expense, purchase and maintain during the Term the following insurance with insurers licensed to do business in Canada:
 - (i) Commercial General Liability insurance in an amount of not less than \$2,000,000.00 inclusive per occurrence insuring against liability for personal injury, bodily injury (including death) and property damage, including coverage for all accidents or occurrences on the Land or the Improvements. Such policy will include cross liability, liability assumed under contract, provision to provide 30 days advance notice to us of material change or cancellation, and include us as additional insured;
 - (ii) Environmental Impairment Liability (Pollution Legal Liability) insurance insuring against bodily injury, property damage, and cleanup expenses (including removal and/or transit and disposal of contaminants) arising from gradual or sudden pollution events arising from the performance of this Agreement by you in an amount not less than two million dollars (\$2,000,000) per occurrence, including provision to provide 30 days advance notice to us of material change or cancellation, and include us as additional insured. If this insurance is written on a claims-made basis it must include the option to purchase an extended reporting period of 24 months beyond the date of cancellation or expiry of this Agreement;
 - (b) ensure that all insurance required to be maintained by you under this Agreement is primary and does not require the sharing of any loss by any of our insurers;
 - (c) within 10 working days of Commencement Date of this Agreement, provide to us evidence of all required insurance in the form of a completed "Province of British
-

UTILITY - STATUTORY RIGHT OF WAY

Right of Way No.:

File No.: 1412816

Disposition No.: 906291

Columbia Certificate of Insurance”;

- (d) if the required insurance policy or policies expire or are cancelled before the end of the Term of this Agreement, provide within 10 working days of the cancellation or expiration, evidence of new or renewal policy or policies of all required insurance in the form of a completed “Province of British Columbia Certificate of Insurance”;
- (e) notwithstanding subsection (c) or (d) above, if requested by us, provide to us certified copies of the required insurance policies.

6.7 We may, acting reasonably, from time to time, require you to

- (a) change the amount of insurance set out in subsection 6.6(a); and
- (b) provide and maintain another type or types of insurance in replacement of or in addition to the insurance previously required to be maintained by you under this Agreement;

and you will, within 60 days of receiving such notice, cause the amounts and types to be changed and deliver to us a completed “Province of British Columbia Certificate of Insurance” for all insurance then required to be maintained by you under this Agreement.

6.8 You shall provide, maintain, and pay for any additional insurance which you are required by law to carry, or which you consider necessary to insure risks not otherwise covered by the insurance specified in this Agreement in your sole discretion.

6.9 You waive all rights of recourse against us with regard to damage to your own property.

ARTICLE 7 - ASSIGNMENT

7.1 You must not assign, mortgage or transfer this Agreement, or permit any person to use or occupy the Land, without our prior written consent, which consent we may withhold.

7.2 Prior to considering a request for our consent under section 7.1, we may require you to meet certain conditions, including without limitation, that you provide us with a report as to the environmental condition of the Land as provided in section 4.6.

ARTICLE 8 - TERMINATION

8.1 You agree with us that

- (a) if you

UTILITY - STATUTORY RIGHT OF WAY

Right of Way No.:

File No.: 1412816

Disposition No.: 906291

- (i) default in the payment of any money payable by you under this Agreement, or
- (ii) fail to observe, abide by and comply with the provisions of this Agreement (other than the payment of any money payable by you under this Agreement),
and your default or failure continues for 60 days after we give written notice of the default or failure to you,
- (b) if, in our opinion, you fail to make diligent use of the Land for the purposes set out in this Agreement, and your failure continues for 60 days after we give written notice of the failure to you;
- (c) if you
 - (i) become insolvent or make an assignment for the general benefit of your creditors,
 - (ii) commit an act which entitles a person to take action under the *Bankruptcy and Insolvency Act* (Canada) or a bankruptcy petition is filed or presented against you or you consent to the filing of the petition or a decree is entered by a court of competent jurisdiction adjudging you bankrupt under any law relating to bankruptcy or insolvency, or
 - (iii) voluntarily enter into an arrangement with your creditors;
- (d) if you are a corporation,
 - (i) a receiver or receiver-manager is appointed to administer or carry on your business, or
 - (ii) an order is made, a resolution passed or a petition filed for your liquidation or winding up;
- (e) if you are a society, you convert into a company in accordance with the *Society Act* without our prior written consent; or
- (f) if this Agreement is taken in execution or attachment by any person;

this Agreement will, at our option and with or without entry, terminate, and your right to use and occupy the Land will cease.

8.2 If the condition complained of (other than the payment of any money payable by you under this

UTILITY - STATUTORY RIGHT OF WAY

Right of Way No.:

File No.: 1412816

Disposition No.: 906291

Agreement) reasonably requires more time to cure than 60 days, you will be deemed to have complied with the remedying of it if you commence remedying or curing the condition within 60 days and diligently complete the same.

8.3 You agree with us that

- (a) you will make no claim against us for compensation, in damages or otherwise, upon the lawful termination of this Agreement under section 8.1; and
- (b) our remedies under this Article are in addition to those available to us under the *Land Act*.

ARTICLE 9 - DISPUTE RESOLUTION

- 9.1 If any dispute arises under this Agreement, the parties will make all reasonable efforts to resolve the dispute within 60 days of the dispute arising (or within such other time period agreed to by the parties) and, subject to applicable laws, provide candid and timely disclosure to each other of all relevant facts, information and documents to facilitate those efforts.
- 9.2 Subject to section 9.5, if a dispute under this Agreement cannot be resolved under section 9.1, we or you may refer the dispute to arbitration conducted by a sole arbitrator appointed pursuant to the *Commercial Arbitration Act*.
- 9.3 The cost of the arbitration referred to in section 9.2 will be shared equally by the parties and the arbitration will be governed by the laws of the Province of British Columbia.
- 9.4 The arbitration will be conducted at our offices (or the offices of our authorized representative) in Nanaimo, British Columbia, and if we or our authorized representative have no office in Nanaimo, British Columbia, then our offices (or the offices of our authorized representative) that are closest to Nanaimo, British Columbia.
- 9.5 A dispute under this Agreement in respect of a matter within our sole discretion cannot, unless we agree, be referred to arbitration as set out in section 9.2.

ARTICLE 10 - NOTICE

- 10.1 Any notice required to be given by either party to the other will be deemed to be given if mailed by prepaid registered mail in Canada or delivered to the address of the other as follows:

to us

UTILITY - STATUTORY RIGHT OF WAY

Right of Way No.:

File No.: 1412816

Disposition No.: 906291

MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS
Suite 142 - 2080 Labieux Road
Nanaimo, BC V9T 6J9;

to you

DISTRICT OF LANTZVILLE
Po Box 100
Lantzville, BC V0R 2H0;

or at such other address as a party may, from time to time, direct in writing, and any such notice will be deemed to have been received if delivered, on the day of delivery, and if mailed, 7 days after the time of mailing, except in the case of mail interruption in which case actual receipt is required.

- 10.2 In order to expedite the delivery of any notice required to be given by either party to the other, a concurrent facsimile copy of any notice will, where possible, be provided to the other party but nothing in this section, and specifically the lack of delivery of a facsimile copy of any notice, will affect the deemed delivery provided in section 10.1.
- 10.3 The delivery of all money payable to us under this Agreement will be effected by hand, courier or prepaid regular mail to the address specified above, or by any other payment procedure agreed to by the parties, such deliveries to be effective on actual receipt.

ARTICLE 11 - MISCELLANEOUS

- 11.1 No provision of this Agreement will be considered to have been waived unless the waiver is in writing, and a waiver of a breach of a provision of this Agreement will not be construed as or constitute a waiver of any further or other breach of the same or any other provision of this Agreement, and a consent or approval to any act requiring consent or approval will not waive or render unnecessary the requirement to obtain consent or approval to any subsequent same or similar act.
- 11.2 No remedy conferred upon or reserved to us under this Agreement is exclusive of any other remedy in this Agreement or provided by law, but that remedy will be in addition to all other remedies in this Agreement or then existing at law, in equity or by statute.
- 11.3 The grant of a licence, assignment or transfer of this Agreement does not release you from your obligation to observe and perform all the provisions of this Agreement on your part to be observed and performed unless we specifically release you from such obligation in our consent

UTILITY - STATUTORY RIGHT OF WAY

Right of Way No.:

File No.: 1412816

Disposition No.: 906291

to the licence, assignment or transfer of this Agreement.

- 11.4 This Agreement extends to, is binding upon and enures to the benefit of the parties, their heirs, executors, administrators, successors and permitted assigns.
- 11.5 If, due to a strike, lockout, labour dispute, act of God, inability to obtain labour or materials, law, ordinance, rule, regulation or order of a competent governmental authority, enemy or hostile action, civil commotion, fire or other casualty or any condition or cause beyond your reasonable control, other than normal weather conditions, you are delayed in performing any of your obligations under this Agreement, the time for the performance of that obligation will be extended by a period of time equal to the period of time of the delay so long as
- (a) you give notice to us within 30 days of the commencement of the delay setting forth the nature of the delay and an estimated time frame for the performance of your obligation; and
 - (b) you diligently attempt to remove the delay.
- 11.6 You acknowledge and agree with us that
- (a) this Agreement has been granted to you on the basis that you accept the Land on an “as is” basis;
 - (b) without limitation we have not made, and you have not relied upon, any representation or warranty from us as to
 - (i) the suitability of the Land for any particular use, including the use permitted by this Agreement;
 - (ii) the condition of the Land (including surface and groundwater), environmental or otherwise, including the presence of or absence of any toxic, hazardous, dangerous or potentially dangerous substances on or under the Land and the current and past uses of the Land and any surrounding land and whether or not the Land is susceptible to erosion or flooding;
 - (iii) the general condition and state of all utilities or other systems on or under the Land or which serve the Land;
 - (iv) the zoning of the Land and the bylaws of any government authority which relate to the development, use and occupation of the Land; and
 - (v) the application of any federal or Provincial enactment or law to the Land;

Right of Way No.:

File No.: 1412816

Disposition No.: 906291

- (c) you have been afforded a reasonable opportunity to inspect the Land or to carry out such other audits, investigations, tests and surveys as you consider necessary to investigate those matters set out in subsection (b) to your satisfaction before entering into this Agreement;
 - (d) you waive, to the extent permitted by law, the requirement if any, for us to provide you with a "site profile" under the *Environmental Management Act* or any regulations made under that act;
 - (e) we are under no obligation, express or implied, to provide financial assistance or to contribute toward the cost of servicing, creating or developing the Land or the Improvements and you are solely responsible for all costs and expenses associated with your use of the Land and the Improvements for the purposes set out in this Agreement; and
 - (f) we are under no obligation to provide access or services to the Land or to maintain or improve existing access roads.
- 11.7 You agree with us that nothing in this Agreement constitutes you as our agent, joint venturer or partner or gives you any authority or power to bind us in any way.
- 11.8 This Agreement does not override or affect any powers, privileges or immunities to which you are entitled under any enactment of the Province of British Columbia.

END OF DOCUMENT

NEW WESTMINSTER LAND TITLE OFFICE

Oct-18-2012 13:21:08.002

EPP24491

SURVEY PLAN CERTIFICATION
PROVINCE OF BRITISH COLUMBIA

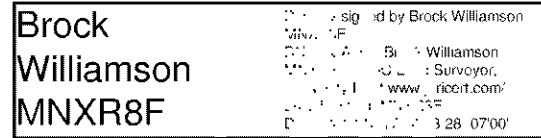
0622

PAGE 1 OF 7 PAGES

By incorporating your electronic signature into this form you are also incorporating your electronic signature into the attached plan and you

(a) represent that you are a subscriber and that you have incorporated your electronic signature to the attached electronic plan in accordance with section 168.73 (3) of the Land Title Act, RSBC 1996 c.250; and

(b) certify the matters set out in section 168.73 (4) of the Land Title Act, Each term used in this representation and certification is to be given the meaning ascribed to it in part 10.1 of the Land Title Act.



1. BC LAND SURVEYOR: (Name, address, phone number)

Brock E.J. Williamson
3088 Barons Road

Phone: 250-756-7723 Fax: 250-756-7724
email: waps@telus.net
File: 06115 SRW Plan Rev 1

Nanaimo

BC V9T 4B5

Surveyor General Certification

2. PLAN IDENTIFICATION:

Control Number: 135-050-9608

Plan Number: EPP24491

LTO Document Reference: CA2826316

3. CERTIFICATION:

Form 9 Explanatory Plan Form 9A

I am a British Columbia land surveyor and certify that I was present at and personally superintended this survey and that the survey and plan are correct.

The field survey was completed on: 2012 June 27 (YYYY/Month/DD) The checklist was filed under ECR#:

The plan was completed and checked on: 2012 October 01 (YYYY/Month/DD) 141209

None Strata Form S

None Strata Form U1 Strata Form U1/U2

Arterial Highway

4. ALTERATION:

STATUTORY RIGHT OF WAY PLAN OVER PARTS OF:

- 1) DL 28G, WELLINGTON DISTRICT;
 - 2) DL 31G, WELLINGTON DISTRICT AND;
 - 3) DL 110, NANAIMO DISTRICT,
- ALL OF THE BED OF THE STRAIT OF GEORGIA,**

PURSUANT to SECTION 113 of THE LAND TITLE ACT.

BCGS 92F.030



THE INTENDED PLOT SIZE OF THIS PLAN IS 864mm IN WIDTH BY 560mm IN HEIGHT (D SIZE) WHEN PLOTTED AT A SCALE OF 1:4000

LEGEND

- STANDARD CAPPED POST FOUND.
- STANDARD IRON POST FOUND.
- ⊙ CONTROL MONUMENT FOUND.
- ⊙ STANDARD CAPPED POST PLACED.
- STANDARD IRON POST PLACED.
- △ TRAVERSE HUB PLACED.
- NSF NOT SEARCHED FOR.
- PNB PRESENT NATURAL BOUNDARY.
- TNB TITLED NATURAL BOUNDARY.

THIS PLAN SHOWS ONE OR MORE WITNESS POSTS WHICH ARE SET ALONG THE PRODUCTION OF THE PROPERTY BOUNDARY UNLESS OTHERWISE NOTED.

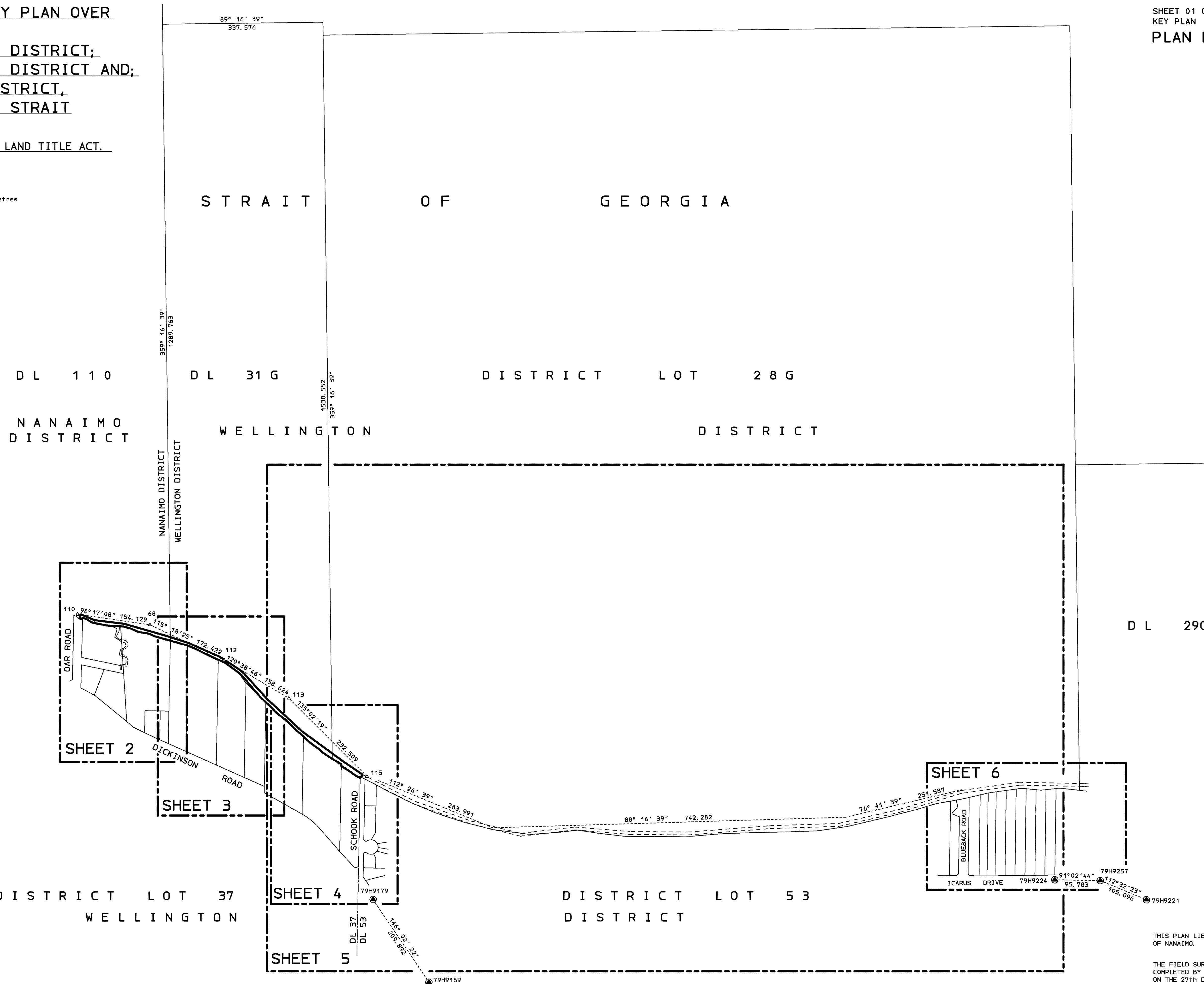
INTEGRATED SURVEY AREA No. 20, CITY OF NANAIMO, NAD83 (CSRS)

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN GEODETIC CONTROL MONUMENTS 79H9179 AND 79H9169.

THIS PLAN SHOWS HORIZONTAL GROUND LEVEL DISTANCES EXCEPT WHERE OTHERWISE NOTED. TO COMPUTE GRID DISTANCES MULTIPLY GROUND LEVEL DISTANCES BY COMBINED FACTOR 0.9996641.

THIS PLAN IS PREPARED AS THE OFFICIAL PLAN OF THE LANDS SHOWN HEREON FOR THE SURVEYOR GENERAL.

SHEET 01 OF 06 SHEETS
KEY PLAN
PLAN EPP24491



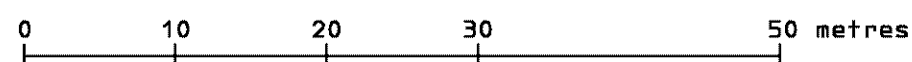
BOOK OF REFERENCE	
PARCEL	AREA
DL 110, NANAIMO DISTRICT	0.132 ha
DL 31G, WELLINGTON DISTRICT	0.295 ha
DL 28G, WELLINGTON DISTRICT	685.0 m ²

Williamson & Associates
Professional Surveyors
3088 Barons Road
Nanaimo B.C. V9T 4B5
File: 06115-5

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NANAIMO.

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED BY BROCK E. J. WILLIAMSON, B. C. L. S. ON THE 27th DAY OF JUNE, 2012.

SHEET 02 OF 06 SHEETS
PLAN EPP24491



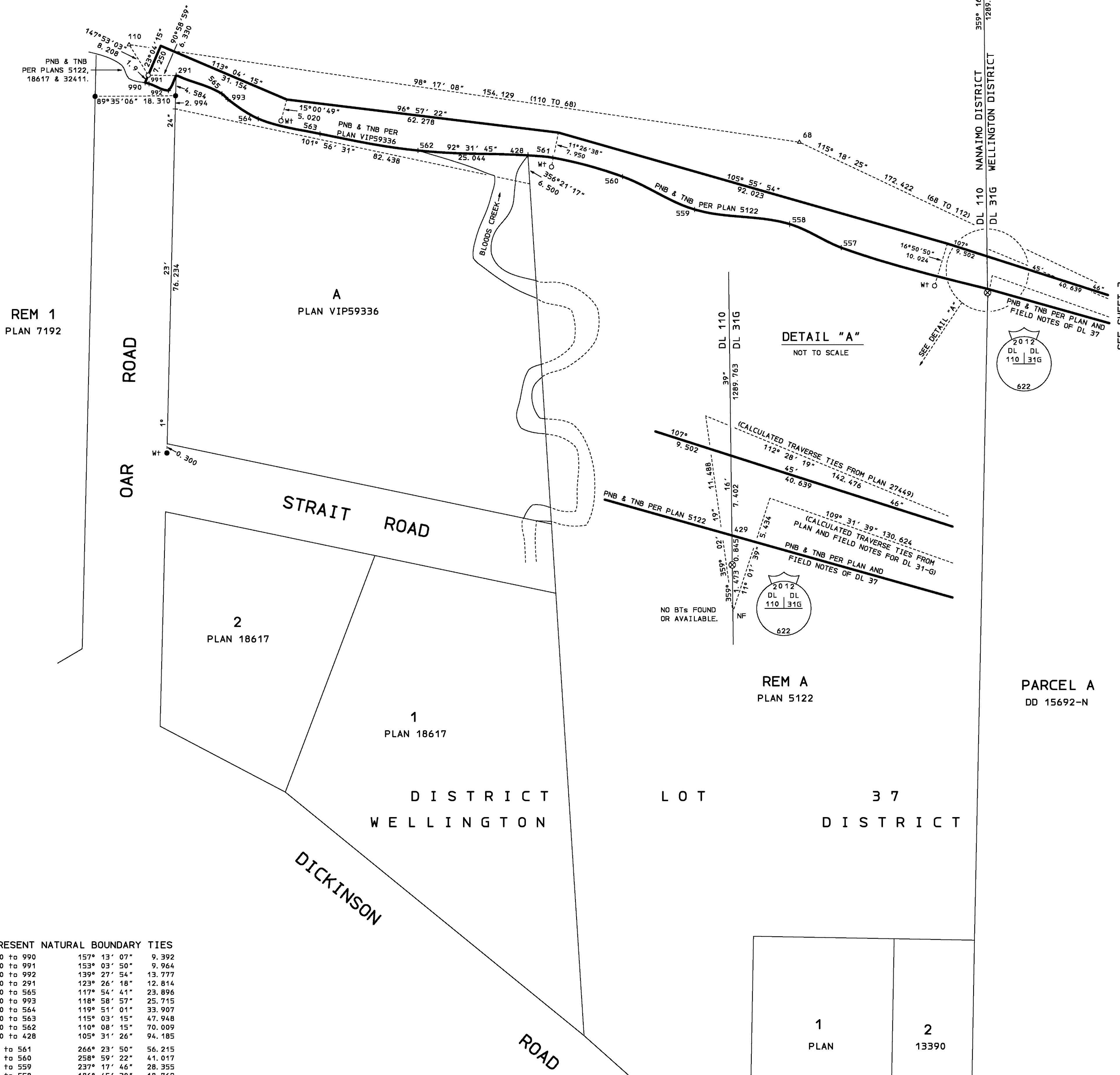
THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY 864mm IN HEIGHT (D SIZE) WHEN PLOTTED AT A SCALE OF 1:500



STRAIT OF GEORGIA

SEE SHEET 1

DISTRICT LOT 110
NANAIMO DISTRICT



PRESENT NATURAL BOUNDARY TIES

110 to 990	157° 13' 07"	9.392
110 to 991	153° 03' 50"	9.964
110 to 992	139° 27' 54"	13.777
110 to 291	123° 26' 18"	12.814
110 to 565	117° 54' 41"	23.896
110 to 993	118° 58' 57"	25.715
110 to 564	119° 51' 01"	33.907
110 to 563	115° 03' 15"	47.948
110 to 562	110° 08' 15"	70.009
110 to 428	105° 31' 26"	94.185
68 to 561	266° 23' 50"	56.215
68 to 560	258° 59' 22"	41.017
68 to 559	237° 17' 46"	28.355
68 to 558	186° 45' 30"	18.769
68 to 557	158° 23' 35"	25.823
68 to 429	127° 57' 15"	54.277

Williamson & Associates
Professional Surveyors
3088 Barons Road
Nanaimo B.C. V9T 4B5
File: 06115-6

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED BY BROCK E. J. WILLIAMSON, B.C.L.S. ON THE 27th DAY OF JUNE, 2012.

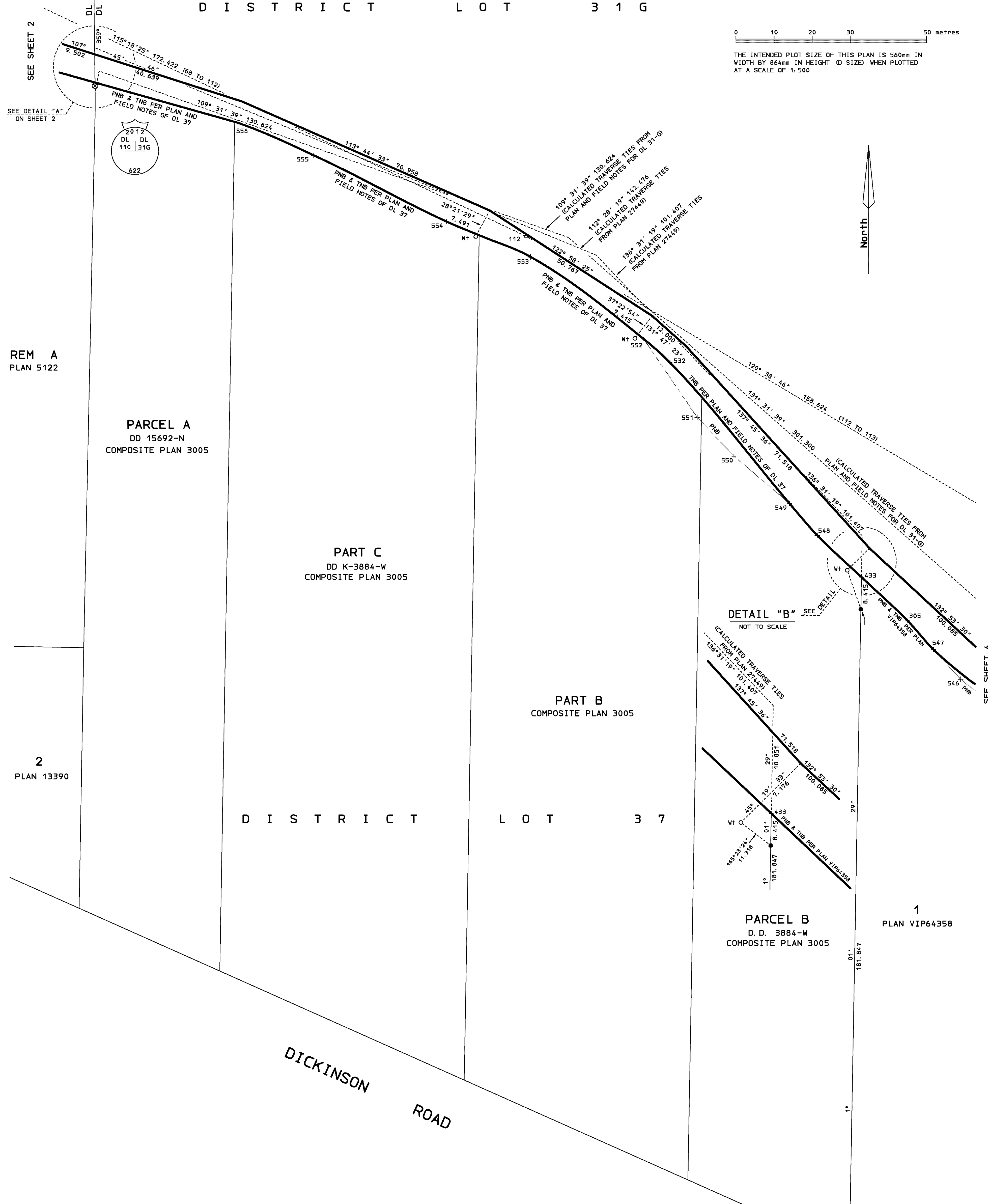
SHEET 03 OF 06 SHEETS
 PLAN EPP24491

STRAIT OF GEORGIA

D I S T R I C T L O T 3 1 G



THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY 864mm IN HEIGHT (D SIZE) WHEN PLOTTED AT A SCALE OF 1:500



REM A
 PLAN 5122

PARCEL A
 DD 15692-N
 COMPOSITE PLAN 3005

PART C
 DD K-3884-W
 COMPOSITE PLAN 3005

PART B
 COMPOSITE PLAN 3005

PARCEL B
 D. D. 3884-W
 COMPOSITE PLAN 3005

D I S T R I C T L O T 3 7

DICKINSON ROAD

PRESENT NATURAL BOUNDARY TIES		
112 to 556	291° 30' 00"	81.165
112 to 555	290° 51' 27"	59.579
112 to 554	280° 30' 31"	21.248
112 to 553	167° 20' 31"	5.560
112 to 552	131° 08' 00"	40.983
112 to 551	136° 37' 28"	65.363
112 to 550	136° 35' 46"	79.363

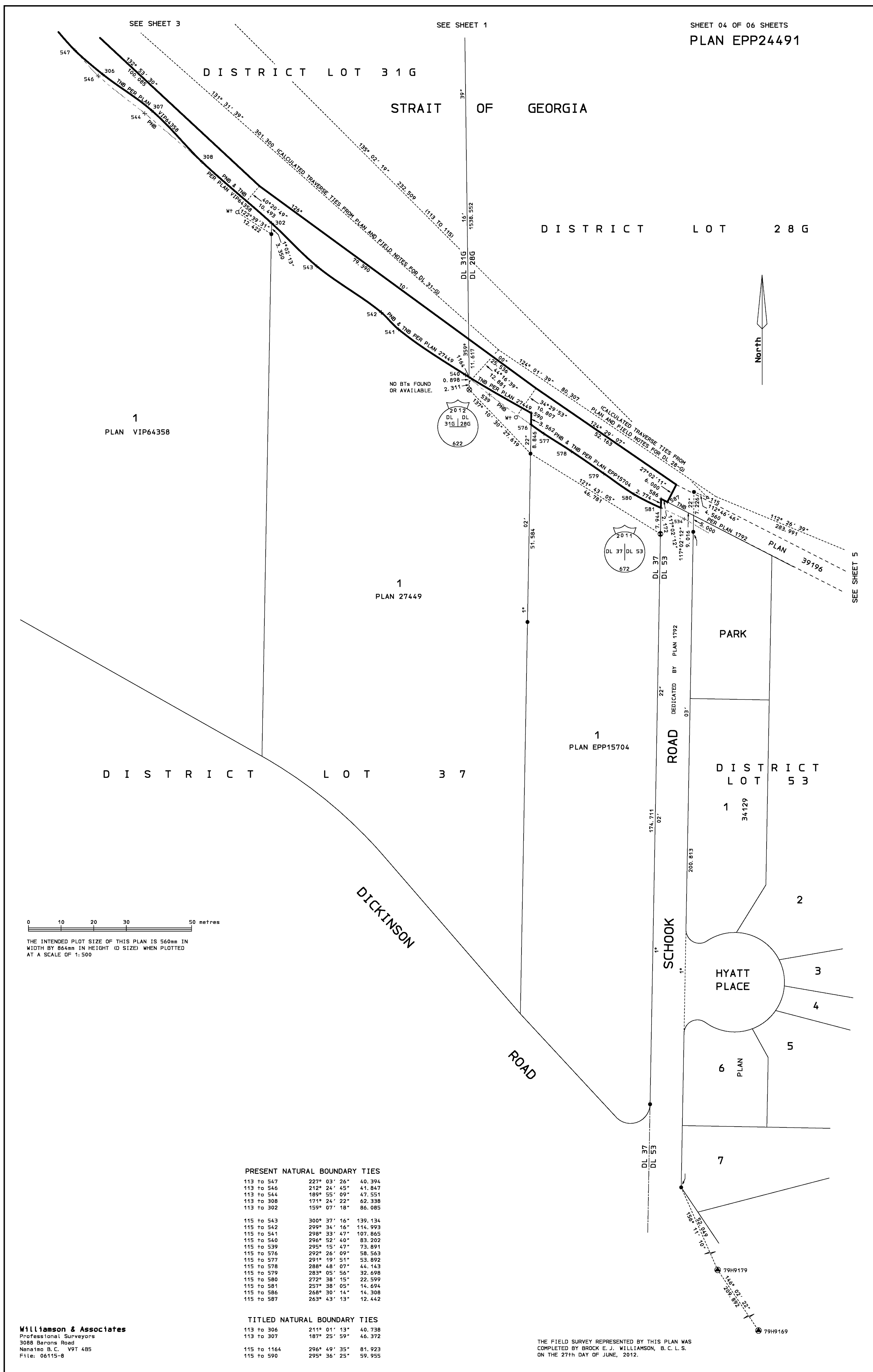
113 to 549	279° 03' 23"	68.178
113 to 548	272° 17' 16"	60.099
113 to 433	260° 00' 05"	49.220
113 to 305	241° 09' 00"	41.485
113 to 547	227° 03' 26"	40.394
113 to 546	212° 24' 45"	41.847

TITLED NATURAL BOUNDARY TIES		
112 to 532	131° 14' 48"	50.258

Williamson & Associates
 Professional Surveyors
 3088 Barons Road
 Nanaimo B.C. V9T 4B5
 File: 06115-7

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED BY BROCK E. J. WILLIAMSON, B.C.L.S. ON THE 27th DAY OF JUNE, 2012.

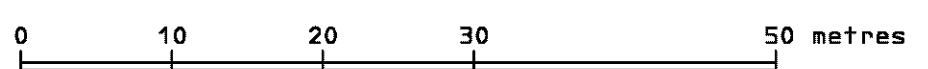
SHEET 04 OF 06 SHEETS
PLAN EPP24491



1
PLAN VIP64358

1
PLAN 27449

1
PLAN EPP15704



THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY 864mm IN HEIGHT (D SIZE) WHEN PLOTTED AT A SCALE OF 1:500

PRESENT NATURAL BOUNDARY TIES

113 to 547	227° 03' 26"	40.394
113 to 546	212° 24' 45"	41.847
113 to 544	189° 55' 09"	47.551
113 to 308	171° 24' 22"	62.338
113 to 302	159° 07' 18"	86.085
115 to 543	300° 37' 16"	139.134
115 to 542	299° 34' 46"	114.993
115 to 541	298° 33' 47"	107.865
115 to 540	296° 52' 40"	83.202
115 to 539	295° 15' 47"	73.891
115 to 576	292° 26' 09"	58.563
115 to 577	291° 19' 51"	53.892
115 to 578	288° 48' 07"	44.143
115 to 579	285° 05' 56"	32.698
115 to 580	272° 38' 15"	22.599
115 to 581	257° 38' 05"	14.694
115 to 586	268° 30' 14"	14.308
115 to 587	263° 43' 13"	12.442

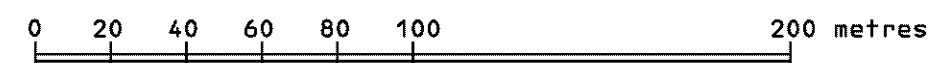
TITLED NATURAL BOUNDARY TIES

113 to 306	211° 01' 13"	40.738
113 to 307	187° 25' 59"	46.372
115 to 1164	296° 49' 35"	81.923
115 to 590	295° 36' 25"	59.955

Williamson & Associates
Professional Surveyors
3088 Barons Road
Nanaimo B.C. V9T 4B5
File: 06115-8

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED BY BROCK E. J. WILLIAMSON, B.C.L.S. ON THE 27th DAY OF JUNE, 2012.

SHEET 05 OF 06 SHEETS
PLAN EPP24491

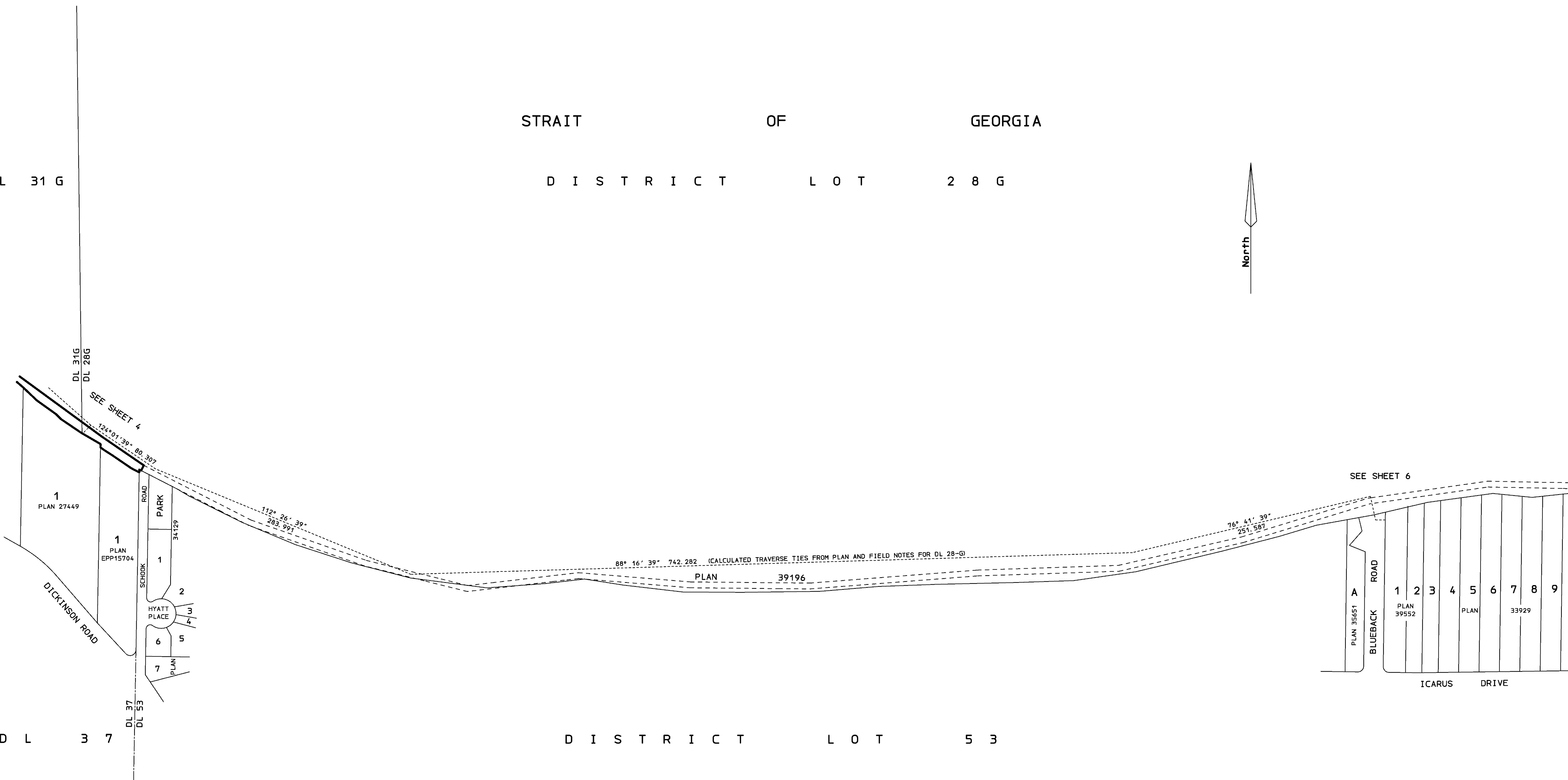
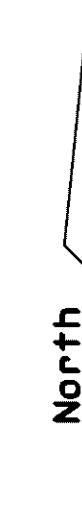


THE INTENDED PLOT SIZE OF THIS PLAN IS 864mm IN WIDTH BY 560mm IN HEIGHT (D SIZE) WHEN PLOTTED AT A SCALE OF 1:2000.

STRAIT OF GEORGIA

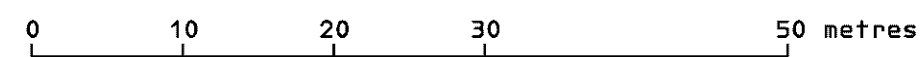
D I S T R I C T L O T 2 8 G

D L 31 G



Williamson & Associates
Professional Surveyors
3088 Barons Road
Nanaimo B.C. V9T 4B5
File: 06115-9

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED BY BROCK E. J. WILLIAMSON, B.C.L.S. ON THE 27TH DAY OF JUNE, 2012.



THE INTENDED PLOT SIZE OF THIS PLAN IS 864mm IN WIDTH BY 560mm IN HEIGHT (D SIZE) WHEN PLOTTED AT A SCALE OF 1:500

SHEET 06 OF 06 SHEETS
PLAN EPP24491

STRAIT OF GEORGIA

D I S T R I C T L O T 2 8 G

DL 28G
DL 29G
DL 29G

ICALCULATED TRAVERSE TIES FROM
PLAN AND FIELD NOTES FOR DL 28-G
76° 41' 39"
251.587

SEE SHEET 5

95L 12
86° 37' 45"

NSF 90° 41' 49"
10.045 NSF

NW CORNER OF THE EAST
80 ACRES OF DL 53
AS SHOWN ON PLAN AND
FIELD NOTES OF D. L. 28G.
LOCATION DERIVED FROM
PLANS VIP76205 AND 39552;
CONFIRMED BY PLANS 35651
AND 18209.

BLUEBACK ROAD
SEE PLAN 39552

A
PLAN 35651

49'

156.664

0°

31'

1
PLAN

2

3
39552

4

5
PLAN

6

7

8
33929

9

1
PLAN

2
43542

3

D I S T R I C T

L O T

5 3

NSF

90° 49' 29" 35.667

NSF

89° 14' 31" 62.937

NSF

89° 14' 31" 83.878

NSF

0° 47' 55" 9.958

SEE PLAN VIP76204

79H9224

91° 02' 44"

79H9257

95.783

112° 32' 23"

105.096

79H9221

ICARUS DRIVE
SEE PLAN 39552 AND PLAN VIP76205



Williamson & Associates
Professional Surveyors
3088 Barons Road
Nanaimo B.C. V9T 4B5
File: 06115-10

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS
COMPLETED BY BROCK E. J. WILLIAMSON, B. C. L. S.
ON THE 27th DAY OF JUNE, 2012.

CONTRACT OF SALE OF GOODS (ABSOLUTE)

THIS CONTRACT dated the ___ day of _____, 2017.

IN PURSUANCE OF THE "SALE OF GOODS ACT"

BETWEEN:

DISTRICT OF LANTZVILLE

PO Box 100
Lantzville, BC V0R 2H0

(the "**Seller**")

OF THE FIRST PART

AND:

REGIONAL DISTRICT OF NANAIMO

6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

(the "**Buyer**")

OF THE SECOND PART

WHEREAS the Seller

- (a) has assigned all of the Seller's right, title, interest and estate in that unregistered statutory right of way assigned No. V906291 by Her Majesty the Queen in Right of the Province of British Columbia (the "SRW");
- (b) is possessed of the sanitary sewer interceptor pipe and appurtenances located within the SRW (the "goods"); and
- (c) has agreed with the Buyer for the absolute sale to it of the goods upon the terms and conditions and for the consideration hereinafter set forth.

NOW THIS INDENTURE WITNESSES:

In consideration of and for the sum of Ten Dollars (\$10.00) of lawful money of Canada, and other good and valuable consideration, paid by the Buyer to the Seller at or before the sealing and delivery of this Contract, the receipt whereof the Seller hereby acknowledges, the Seller hereby sells, assigns, transfers and sets over all and singular the said goods, and all the right, title, interest, property, claim and demand of the Seller thereto and therein, unto the Buyer, to and for its sole and only use forever.

1. The Seller hereby covenants, promises and agrees to and with the Buyer:
 - (a) that all of the said goods are now in the possession of the Seller as defined in the *Sale of Goods Act*;
 - (b) that the Seller is now rightfully and absolutely possessed of and entitled to the said goods hereby sold and assigned, and to all and every part of them;
 - (c) that the Seller now has good right to sell and assign the said goods unto the Buyer in the manner aforesaid and according to the true intent and meaning of this Contract;
 - (d) that the goods are free and clear of all charges and encumbrances of every nature and kind whatsoever;
 - (e) that the Buyer shall and may from time to time, and at all times hereafter, peaceably and quietly have, hold, possess and enjoy the said goods hereby sold and assigned, and all and every part of them, to and for its own use and benefit without any manner of hindrance, interruption, molestation, claim or demand whatsoever of, from or by the Seller, or any person whomsoever; and
 - (f) that the Seller shall and will from time to time, and at all times hereafter, upon every reasonable request of the Buyer, but at the expense of the Buyer, make, do and execute, or cause or procure to be made, done and executed, all such further acts, deeds and assurances for the more effectual assignment and assurance of the said hereby sold and assigned goods unto the Buyer, in the manner aforesaid, and according to the true intent and meaning of this Contract, as shall be reasonably required by the Buyer.
2. The parties to this agreement hereby covenant and agree as follows:
 - (a) that the said goods hereby sold are sold on an as is, where is basis and that the Seller makes no representations or warranties to the Buyer of any nature whatsoever regarding the condition of the said goods; and
 - (b) that the Buyer shall pay any and all taxes, duties, rates and charges that may be imposed by any federal, provincial, state or local government as a result of this sale, and that the Buyer will indemnify and save the Seller harmless from any liability for any such tax, duty, rate or charge.

3. This contract shall be governed by the laws of British Columbia.

IN WITNESS WHEREOF the parties hereto have set their hand and seal as of the day and year first above written.

DISTRICT OF LANTZVILLE)
by its authorized signatory(ies):)
)
)
)
_____)
Name:)
)
)
_____)
Name:)

REGIONAL DISTRICT OF NANAIMO by its)
authorized signatory(ies):)
)
_____)
Name:)
)
_____)
Name:)



ASSIGNMENT/ASSUMPTION

Right-Of-Way. No.: v906291

File No.: 1412816

Disposition No.: 906291

THIS AGREEMENT is dated for reference _____ Day of _____, 2017.

BETWEEN:

DISTRICT OF LANTZVILLE
Po Box 100
Lantzville, BC V0R 2H0

OF THE FIRST PART

(herein the "Assignor")

AND:

REGIONAL DISTRICT OF NANAIMO
6300 Hammond Bay Rd
Nanaimo, BC V9T 6N2

OF THE SECOND PART

(herein the "Assignee")

AND:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, represented by the minister responsible for the *Land Act*, Parliament Buildings, Victoria, British Columbia

OF THE THIRD PART

(herein the "Province")

WITNESS THAT WHEREAS:

The Assignor and the Province entered into a Statutory Right-of-Way No. V906291 (herein called the "Document") over those lands more particularly known and described as:

Right of Way through District Lot 110, Nanaimo District, District Lots 28G and 31G,

Wellington District, all of the Bed of The Strait of Georgia, shown outlined on Plan EPP24491, filed in the Land Title Office, New Westminster

NOW THEREFORE THIS AGREEMENT WITNESSETH that for good and valuable consideration paid by the Assignee to the Assignor and by the Assignee and the Assignor to the Province, the receipt and sufficiency of which is hereby acknowledged by both the Assignor and the Province, the parties agree as follows:

ARTICLE I - ASSIGNMENT

- 1.1 The Assignor assigns all of his right, title, interest and estate in and to the Document to the Assignee.

ARTICLE II - ASSUMPTION

- 2.1 The Assignee covenants with the Province to assume and be bound by all the terms, conditions, covenants, obligations and agreements contained in the Document.

ARTICLE III - CONSENT

- 3.1 The Province consents to the execution and delivery of this agreement and the Assignment.
- 3.2 The Province releases and discharges the Assignor from all the terms, conditions, covenants, obligations and agreements contained in the Document.

ARTICLE IV - WARRANTIES AND REPRESENTATIONS

- 4.1 The Assignee warrants and represents to the Province, with the intent that the Province will rely thereon, that the Assignee:
- (a) is a district or municipality incorporated under the *Local Government Act* and has the legal capacity to acquire land.
- 4.2 The Assignee acknowledges to the Province and to the Assignor that:
- (a) the Assignee has inspected the land, and the improvements (if any) situate thereon, which are the subject of the Document and is fully aware of the condition of that land, and the improvements (if any) situate thereon, and accepts same in its current state;

- (b) the Assignee has reviewed and inspected all municipal and regional by-laws, regulations and policies concerning the use and development of the land which is the subject of the Document; and
- (c) there are no representations, warranties, collateral agreements or conditions affecting this agreement or the land, and the improvements (if any) situate thereon, which are the subject of the Document except as expressed herein and that this agreement constitutes the entire agreement.

ARTICLE V - NOTICE

- 5.1 The address of the Assignee for the service of notices or documents under the Document shall be the address specified for the Assignee on the first page of this agreement.

ARTICLE VI - MISCELLANEOUS

- 6.1 This agreement shall enure to the benefit of the parties hereto and their respective successors and permitted assigns.
- 6.2 The parties to this agreement confirm that the terms of the Document remain and continue in full force and effect.
- 6.3 This agreement may not be assigned by the Assignee except in accordance with the provisions of the Document.
- 6.4 This agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia.
- 6.5 In this agreement, unless the context otherwise requires, the singular includes the plural and the masculine includes the feminine gender and corporation as the case may be.
- 6.6 The captions and headings contained in this agreement are for convenience only and are not to be construed as defining or in anyway limiting the scope or intent of the provisions hereof.
- 6.7 Where there is a reference to an enactment of the Province of British Columbia in this agreement, that reference shall include a reference to any subsequent enactment of the Province of British Columbia of like effect, and, unless the context otherwise requires, all statutes referred to herein are enactments of the Province of British Columbia.
- 6.8 If any section of this agreement or any part of a section is found to be illegal or unenforceable, that part or section as the case may be, shall be considered separate and severable and the

remaining parts shall be enforceable to the fullest extent permitted by law.

6.9 All schedules attached to this agreement form an integral part of this agreement.

IN WITNESS WHEREOF the Assignor and Assignee have executed this agreement, and the Province has consented thereto, the day and year first above written.

SIGNED on behalf of **HER MAJESTY
THE QUEEN IN RIGHT OF THE
PROVINCE OF BRITISH COLUMBIA**
by the minister responsible for the *Land Act*
or the minister's authorized representative

Minister responsible for the *Land Act*
or the minister's authorized representative

SIGNED BY
DISTRICT OF LANTZVILLE



Assignor

SIGNED on behalf of **REGIONAL DISTRICT OF NANAIMO**
By its authorized signatories

Assignee Authorized Signatory

Assignee Authorized Signatory

Four amendments to Bylaw No. 1732 are proposed:

- 1) **Delete subsection 20(1)(b)** to make the holding tank user-rate available to existing lots that are 700 m² or less, provided they meet all other eligibility criteria. This change would produce a more efficient service since, currently, properties that are 700 m² or less must pay the higher septage disposal user-rate unless the Board grants permission for the property to receive the lower holding tank user-rate.
- 2) **Delete and replace Schedule F** to:
 - a. allow for an annual increase in user-rates to reflect the increasing cost to treat trucked liquid waste. Currently, the user-rate for the disposal and treatment of septage is set at \$0.23 per Imperial gallon. To reflect true costs, the septage disposal user-rate should increase by \$0.01 per Imperial gallon annually. The proposed amendment to Schedule F is included in Bylaw 1732.01 in Attachment 1.
 - b. add a user-rate category for RDN pollution control centre sludge handling. Currently, the Duke Point Pollution Control Centre and the Nanoose Bay Pollution Control Centre pay the septage disposal user-rate of \$0.23 per Imperial gallon to treat sludge and produce biosolids at the Greater Nanaimo Pollution Control Centre and French Creek Pollution Control Centre. The septage disposal user-rate includes a \$0.02 per Imperial gallon fee that is transferred to the SepticSmart education program to promote the proper maintenance of septic systems in the Region (authorized by the RDN Board in June 2007). Since the Nanoose Bay Pollution Control Centre and Duke Point Pollution Control Centre benefit sewer service areas, it is appropriate for the sewer service areas to be exempt from the SepticSmart fee. Similar to the septage disposal user-rate, the sludge handling user-rate should increase by \$0.01 per Imperial gallon annually.
 - c. correct the weight to volume conversion formula (1 Imperial gallon is equivalent to 4.55 kilograms, not 4.59 kilograms as previously listed).
- 3) **Amend Part VI: User-rates** to include a definition for the Regional District Sludge Handling User-Rate by deleting Part VI and replacing it as shown in Bylaw 1732.01 in Attachment 1.
- 4) **Renumber sections of the bylaw** to accommodate the amendment.

There is no proposed change to the municipal STEP-system user rate as the properties eligible for this rate pay for sewer services through taxation.

The user-rates remain in Imperial units to reflect the industry standard. Additionally, the receiving station flow meters and associated software measure Imperial units. An update at this time to metric units would add complexity and not improve services.

ALTERNATIVES

1. Introduce, give three readings to, and adopt Bylaw No. 1732.01.
2. Do not introduce, give three readings to, and adopt Bylaw No. 1732.01

FINANCIAL IMPLICATIONS

The proposed bylaw amendments will ensure that the user-rates remain a user-pay service and reflect the true cost of treating and disposing of trucked liquid waste.

STRATEGIC PLAN IMPLICATIONS

The proposed amendment Bylaw 1732.01 aligns with the 2016 – 2020 Strategic Plan as it will allow the RDN to continue protecting and enhancing our environment by regulating the conveyance, treatment, and disposal of trucked liquid waste at facilities operated by the RDN. It also makes services more efficient as it reduces the administrative process for small properties with holding tanks.



Shelley Norum
snorum@rdn.bc.ca
December 19, 2017

Reviewed by:

- S. De Pol, Director, Water and Wastewater Services
- R. Alexander, General Manager, Regional and Community Utilities
- P. Carlyle, Chief Administrative Officer

Attachment

1. Bylaw No. 1732.01

ATTACHMENT 1

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1732.01

**A BYLAW TO AMEND THE REGULATIONS AND CHARGES FOR
THE CONVEYANCE, TREATMENT, AND DISPOSAL OF
TRUCKED LIQUID WASTE AT FACILITIES OPERATED BY
THE REGIONAL DISTRICT OF NANAIMO**

WHEREAS “Trucked Liquid Waste Rates and Regulations Bylaw No. 1732, 2016” regulates and imposes charges for the conveyance, treatment, and disposal of trucked liquid waste at facilities operated by the Regional District of Nanaimo;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to amend the regulations and charges;

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting assembled enacts as follows:

1. Citation

This bylaw may be cited as “Trucked Liquid Waste Rates and Regulations Amendment Bylaw No. 1732.01, 2018”.

2. Amendment

“Trucked Liquid Waste Rates and Regulations Bylaw No. 1732, 2016” is amended as follows:

- (a) Subsection 20(1)(b) is deleted.
- (b) Part VI: User Rates is deleted and replaced with the following:

PART VI: USER RATES

17. SEPTAGE DISPOSAL USER-RATE

Any person discharging waste at a trucked liquid waste receiving facility shall pay the Septage Disposal User-Rate for that waste, unless the property from which the waste originates is registered under the Holding Tank Registration, it is listed in Schedule ‘F’ to receive the Municipal STEP-System User-Rate, or it is a Regional District wastewater treatment facility.

18. HOLDING TANK WASTE DISPOSAL USER-RATE

Any person discharging waste at a trucked liquid waste receiving facility from a property that is registered under the Holding Tank Registration shall pay the Holding Tank Waste Disposal User-Rate for that waste.

19. MUNICIPAL STEP-SYSTEM USER-RATE

Any person discharging waste from a property listed in Schedule 'F' at a trucked liquid waste receiving facility shall pay the Municipal Step-System User-Rate for that waste.

20. SLUDGE HANDLING WASTE DISPOSAL USER-RATE

Any Regional District wastewater treatment facility discharging waste at a trucked liquid waste receiving facility shall pay the Regional District Sludge Handling User-Rate for that waste.

- (c) Schedule 'F' is deleted and replaced with Schedule 'F' attached to and forming part of this bylaw.
- (d) Sections of the bylaw are renumbered to accommodate the amendment.

Introduced and read three times, this ____ day of _____, 2018.

Adopted, this ____ day of _____, 2018.

CHAIR

CORPORATE OFFICER

SCHEDULE 'F': USER RATES

The user-rates are set as follows:

USER-RATE CLASSIFICATION	USER-RATE	
	PER IMPERIAL GALLON	PER 100 LITRES*
SEPTAGE DISPOSAL USER-RATE: until February 28, 2018 March 1, 2018 to December 31, 2018 January 1, 2019 to December 31, 2019 every year after, starting on January 1	\$0.23 \$0.24 \$0.25 Increases by \$0.01	\$5.06 \$5.28 \$5.50 n/a
REGIONAL DISTRICT SLUDGE HANDLING USER-RATE until December 31, 2018 January 1, 2019 to December 31, 2019 every year after, starting on January 1	\$0.22 \$0.23 Increases by \$0.01	\$4.84 \$5.06 n/a
HOLDING TANK WASTE DISPOSAL USER-RATE	\$0.01	\$0.22
MUNICIPAL STEP-SYSTEM USER-RATE, for: <ul style="list-style-type: none"> All properties on Protection Island; and The following properties within the City of Nanaimo: 1323 Fielding Road 1390 Fielding Road 1325 Fielding Road 1400 Fielding Road 1335 Fielding Road 1403 Fielding Road 1341 Fielding Road 1416 Fielding Road 1343 Fielding Road 1420 Fielding Road 1350 Fielding Road 1417 Fielding Road 1357 Fielding Road 1421 Fielding Road 1373 Fielding Road 	\$0.00	\$0.00

**User-rate per one-hundred (100) Litres is provided for reference only. The total user-rate shall be based on the rate per Imperial gallons.*

The volume of a load discharged may be determined by the following weight to volume formula:

$$\left[\frac{\text{TRUCK WEIGHT BEFORE DISCHARGE}}{\textit{kilograms}} - \frac{\text{TRUCK WEIGHT AFTER DISCHARGE}}{\textit{kilograms}} \right] \times \frac{1 \textit{ imperial gallon}}{4.55 \textit{ kilograms}} = \text{LOAD VOLUME} \textit{ imperial gallons}$$

TO: Solid Waste Management Select Committee **MEETING:** December 12, 2017

FROM: Sonam Bajwa
Zero Waste Coordinator **FILE:** 0360-20-SWMSC

SUBJECT: Bylaw No. 1591.08–Solid Waste and Recycling Collection Service Rates and Regulation Amendment Bylaw

RECOMMENDATIONS

1. That “Regional District of Nanaimo Solid Waste and Recycling Collection Service Rates and Regulations Amendment Bylaw No. 1591.08, 2018”, be introduced and read three times.
2. That “Regional District of Nanaimo Solid Waste and Recycling Collection Service Rates and Regulations Amendment Bylaw No. 1591.08, 2018”, be adopted.

SUMMARY

The Regional District of Nanaimo’s (RDN) residential garbage and recycling collection program is a compulsory service set up under Local Service Establishment Bylaw No. 793 and applies to the entire region with the exception of the City of Nanaimo. The program is entirely funded by user fees.

The 2018 user fees identified in the 2018 financial plan represent a 2% increase over 2017, reflecting costs associated with service delivery, education and promotion of the program, and planning for future costs.

Staff recommends that Solid Waste and Recycling collection Service Rates and Regulations Bylaw No. 1591.07, 2017, be amended to reflect the user fees in the 2018 Financial Plan.

BACKGROUND

The Regional District of Nanaimo’s (RDN) residential garbage and recycling collection program is a compulsory service set up under Local Service Establishment Bylaw No. 793. In accordance with the Bylaw, the RDN provides collection of recycling and food waste to the Town of Qualicum Beach and garbage, recycling and food waste to all other RDN single family residences with the exception of the City of Nanaimo. The program is entirely funded by user fees.

Attached to this report is the bylaw amendment to reflect the user fees incorporated into the 2018 financial plan.

The Collection Service

The RDN’s curbside collections service provides weekly collection to over 28,500 households throughout the region, excluding the City of Nanaimo. The collection service is contracted to Waste Connections of Canada (formerly Progressive Waste Solutions) who operates from a facility in Parksville. Since 2010, single family households receiving curbside service sort their material into three waste streams: food waste which is collected weekly; garbage which is collected every other week; and recycling which is collected on the alternate week to garbage.

The Waste Collections contract allows for fee escalation based Statistics Canada Consumer Price Index (CPI) data. Staff project an increase in the collection fees of up to 2% based on CPI, and historical program cost increases.

Program Administration

In 2013, the RDN partnered with Recycle BC (formerly Multi Material British Columbia) to become a collector of Packaging and Printed Paper (PPP). In doing so, the RDN benefits from a collection, education and administration rebate totaling \$37.25 per household. The collection rebate is then applied to user fees district wide lowering them by about \$30 per year, while the education and administration component is retained to provide summer outreach and public educational material to district residents and to administer the program.

RDN staff continue to develop regional solid waste newsletters every year, to help educate the public on current diversion goals and methods. Program staff also provide public information sessions, attend local events, distribute social media campaigns and respond to area residents concerns and questions.

Diversion Rates

The table below shows the average weight in kilograms, collected from each household in the RDN and member municipalities except the City of Nanaimo for the last seven years. For 2017, there has been an increase in the amount of garbage, a corresponding decrease in the amount of recycling, as well as an increase in the amount of food waste diversion. This change is believed to be a result of the RDN efforts, in cooperation with the contracted hauler, to educate residents on appropriate materials separation. It is likely the lower recycling values are due to wastes now being placed in the garbage that are considered contamination in the recycling stream.

Table 1: Curbside Material Collected – Annual Comparison - Kg per household per year

<i>Kg per household/year</i>	2009	2010	2011	2012	2013	2014	2015	2016	2017
Garbage	283	272	177	165	165	167	167	166	174
Recycling	123	121	109	112	109	103	100	104	95
Food Waste	5	23	106	108	107	106	107	107	112
Diversion Rate	31%	35%	55%	57%	57%	56%	55%	56%	54%

In 2017, the RDN Curbside Collection program is projected to see an average diversion of 56% per household, removing over 2000 tonnes of recyclables and over 2400 tonnes of food waste from the Regional Landfill. Since the program began in 2010 over 17,000 tonnes of food waste have been diverted, saving valuable landfill space and reducing landfill gas emissions.

In 2016, the curbside food waste diversion program in the RDN and member municipalities reduced greenhouse gas emissions by 3,501.8 tonnes which has largely helped the RDN achieve carbon neutrality.

ALTERNATIVES

1. Adopt “Regional District of Nanaimo Solid Waste and Recycling Collection Service Rates and Regulations Amendment Bylaw No. 1591.08”
2. Do not amend the bylaw and amend the ten year financial plan accordingly.

FINANCIAL IMPLICATIONS

The amendment reflects the increased labor and maintenance costs of the contractor as well as a gradual increase in reserves. As the collector’s contract ends in 2020 allowing an increase in reserves will help offset the increase in costs associated with changes we may see with a new collector’s contract. With many municipalities moving to automation or changing collection methods and material streams, this reserve contribution will minimize the impacts to the resident’s user fees should there be changes to the RDN program.

The annual user fee for weekly food waste collection and bi-weekly garbage and recycling will increase from \$127.65 in 2017 to \$130.22 in 2018 (discounted prompt payment rates shown). Typically, over 90% of customers take advantage of the prompt payment rate which applies a 10% discount if paid by the due date. The user fee for the service provided to the Town of Qualicum Beach (weekly food waste collection and bi-weekly recycling – no garbage) will increase from \$84.15 in 2017 to \$85.83 in 2018.

The RDN curbside collection program is entirely funded by user fees. These fees are set each year and cover the expenses associated with collection (63%), disposal (18%), promotion and public education (2%), administration (15%), and transfer to reserve (2%).

STRATEGIC PLAN IMPLICATIONS

The residential curbside collection program incorporates the *focus on the environment* as set out in the Strategic Plan by encouraging residents to reduce the amount of waste they send to the landfill thereby saving expensive landfill capacity as well as reducing GHG emissions.

The service is funded through user fees which cover the costs associated with the contracted collection, disposal, program administration, education and communications. The proposed 2% increase in the cost for the service is consistent with the *focus on service and organizational excellence* as maintains the economic viability of the service.



Sonam Bajwa
sbajwa@rdn.bc.ca
December 6, 2017

Reviewed by:

- L. Gardner, Manager, Solid Waste Services
- R. Alexander, General Manager, RCU & Solid Waste
- P. Carlyle, Chief Administrative Officer

Attachment

1. Bylaw Amendment to reflect the user fees applied in the 2018 Financial Plan

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1591.08

**A BYLAW TO AMEND THE SOLID WASTE AND RECYCLING
COLLECTION SERVICE RATES AND REGULATIONS BYLAW**

WHEREAS the Regional District of Nanaimo established the Solid Waste and Recycling Collection Service pursuant to Bylaw No. 793, cited as "Recycling and Compulsory Collection Local Service Establishment Bylaw No. 793, 1989";

AND WHEREAS the Regional District of Nanaimo adopted a rates and regulations bylaw in relation to the Solid Waste and Recycling Collection Service, cited as "Regional District of Nanaimo Solid Waste and Recycling Collection Service Rates And Regulations Bylaw No. 1591, 2010";

AND WHEREAS the Board of the Regional District of Nanaimo wishes to update user rates;

NOW THEREFORE the Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

1. Amendments

"Regional District of Nanaimo Solid Waste and Recycling Collection Service Rates and Regulations Bylaw No. 1591, 2010" is amended as follows:

- (a) By deleting Schedule 'A' and replacing it with the Schedule 'A' attached to and forming part of this bylaw.

2. Citation

This bylaw may be cited as "Regional District of Nanaimo Solid Waste and Recycling Collection Service Rates and Regulations Amendment Bylaw No. 1591.08, 2018".

Introduced and read three times this ___ day of _____, 201__.

Adopted this ___ day of _____, 201__.

CHAIR

CORPORATE OFFICER

Schedule `A' to accompany "Regional District of Nanaimo Solid Waste and Recycling Collection Service Rates and Regulations Amendment Bylaw No. 1591.08, 2018".

Chair

Corporate Officer

SCHEDULE 'A'

BYLAW NO. 1591

User Fees associated with Collection of Garbage, Food Waste and Recyclable Materials

The rates in this schedule apply to the jurisdictions as outlined in the body of this bylaw.

Service Area	Prompt Payment Rate (Rates rounded for convenience)	Payment after Due Date (Rates rounded for convenience)	Other Charges
Electoral Areas ⁽¹⁾	\$130.22	\$144.69	
City of Parksville ⁽¹⁾	\$130.22	\$144.69	
District of Lantzville ⁽¹⁾	\$130.22	\$144.69	
Town of Qualicum Beach ⁽²⁾	\$85.83	\$95.37	
Recycling Only ⁽³⁾	\$24.10	\$26.78	
Tags for set out of additional Garbage Containers (excluding Town of Qualicum Beach)	-	-	\$3.00 per garbage container
Green Bin food waste containers			\$27.50 ⁽⁴⁾ each

Explanation of Service Level Container Limits included in Basic Rate

(1) Service Level Basic Rates Container Limits =

The basic rate will include up to one container of Residential Garbage per collection period (one container per two weeks), one container of Residential Food Waste per collection period (one container per week), and unlimited Recyclable Materials per collection period.

(2) Service Level Basic Rates Recycling and Food Waste Collection for Town of Qualicum Beach =

The basic rate will include up to one container of Residential Food Waste per collection period (one container per week), and unlimited Recyclable Materials per collection period.

(3) Service Level Basic Rates Recycling Only Collection =

The basic rate includes unlimited Recyclable Materials only per collection period.

(4) \$27.50 charge for Green Bin food waste container includes taxes.

TO: Regional District of Nanaimo Board **MEETING:** January 23, 2018

FROM: Tom Armet
Manager, Building & Bylaw Services **FILE:** 2320 20 2018

SUBJECT: Appointment of Bylaw Enforcement Officers

RECOMMENDATIONS

1. That David James Elley of Coastal Animal Control Services of BC Limited be appointed as a Bylaw Enforcement Officer in accordance with *Bylaw Enforcement Officers Bylaw 857, 1992*, for the specific purpose of enforcing Regional District of Nanaimo Animal Control Bylaws.
2. That David William Horne of Coastal Animal Control Services of BC Limited be appointed as a Bylaw Enforcement Officer in accordance with *Bylaw Enforcement Officers Bylaw 857, 1992*, for the specific purpose of enforcing Regional District of Nanaimo Animal Control Bylaws.

SUMMARY

When the Regional District of Nanaimo enters into contracted services for animal control it is required that the Board appoint Animal Control Officers employed by the Regional District of Nanaimo (RDN) animal control contractor as Bylaw Enforcement Officers. The appointment is required to ensure they have the ability to enforce animal control regulations, defend any legal challenge to their authority and maintain the integrity of the RDN animal control and licensing function.

BACKGROUND

Coastal Animal Control Services (CACS) carries out the enforcement of Animal Control and Licensing bylaws under contract for the Regional District of Nanaimo in all Electoral Areas. Animal Control Officers employed by CACS that are appointed as Bylaw Enforcement Officers pursuant to *Regional District of Nanaimo Bylaw Enforcement Officers Bylaw 857, 1992* are able to investigate and enforce animal control regulations; defend legal challenges to their authority and maintain the integrity of the RDN animal control function. An appointment by the Board is necessary to give Animal Control Officers the authority to issue bylaw violation tickets pursuant to Section 264 of the *Community Charter*. The CACS full-time employees, David Elley and David Horne, have not yet been appointed as Bylaw Enforcement Officers for the purpose of enforcing RDN Animal Control bylaws.

ALTERNATIVES

1. Appoint the specified Bylaw Enforcement Officers for the purpose of enforcing RDN Animal Control bylaws.
2. Provide alternate direction to staff.

FINANCIAL IMPLICATIONS

There are no financial implications with the appointment of Animal Control Officers employed by CACS, as Bylaw Enforcement Officers.

STRATEGIC PLAN IMPLICATIONS

The appointment of Bylaw Enforcement Officers is a necessary component in the delivery of professional, efficient animal control services, and supports the Board's Strategic Plan focus on service and organizational excellence.



Tom Armet
tarmet@rdn.bc.ca
2017-01-12

Reviewed by:

- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

TO: Regular Board Meeting **MEETING:** January 23, 2018

FROM: Jon Wilson **FILE:** 1855-03-UBCM
Manger, Emergency Services

SUBJECT: Emergency Operations Centre Grant – UBCM Community Emergency Preparedness Fund

RECOMMENDATION

That the Board endorse the grant application for \$24,000 to the Union of British Columbia Municipalities Community Emergency Preparedness Fund to purchase and install equipment to support the Regional District of Nanaimo Emergency Operations Centre.

SUMMARY

The Regional District of Nanaimo (RDN) Emergency Operations Centre (EOC) capabilities would be enhanced by providing critical equipment for communications and mapping. The Province, through the Union of British Columbia Municipalities (UBCM), has established a grant opportunity for supporting the purchase of equipment and supplies to improve Emergency Operations Centres. The grant can be used towards 100% of project costs up to \$25,000.

BACKGROUND

In October 2017, UBCM introduced the Community Emergency Preparedness Fund, intended to enhance resiliency of local governments in responding to emergencies. Funding streams are available for four categories, including Emergency Operations Centres, Emergency Social Services, Evacuation Route Planning, and Flood Planning and Mitigation. Each funding category has different application deadlines. The Regional District of Nanaimo applied for Flood Mapping under this program in October 2017, ESS funding in November 2017, and now EOC funding to purchase and install equipment to support the RDN’s Emergency Operations Centre.

The Regional District of Nanaimo has designated its primary Emergency Operations Centre in the RDN Board Chambers. The \$24,000 grant would enable:

- 1) **nine dedicated handsets** for each of the assigned sections within the Emergency Operations Centre which will afford dedicated phone lines and eliminate potential impacts to business continuity if phones were removed from staff offices;
- 2) **two portable MSAT (satellite) phones** which are consistent with satellite phone equipment used by other levels of government in BC and Canada within EOCs; and
- 3) **a GIS capable laptop with external data storage** which can enable quick and efficient setup of mapping software and data records with the benefit of portability in the event that the EOC needs to be moved and operability if the RDN servers or network were not functioning.

Overall, this equipment will greatly increase the communication and mapping capabilities of the RDN’s Emergency Operation Centre. The GIS computer and Satellite phones being portable also provide a

level of resiliency that will not only improve the RDN's internal EOC capabilities, but also enable us to better support a regional response with other partner municipalities and First Nations as part of our Regional Emergency Resource Agreement.

ALTERNATIVES


1. That the Board endorse the grant application for \$24,000 to the Union of British Columbia Municipalities Community Emergency Preparedness Fund to purchase and install equipment to support the Regional District of Nanaimo Emergency Operations Centre.
2. That the Board not endorse the application.

FINANCIAL IMPLICATIONS

The financial implications for this project are the annual operational costs for software licensing on the phones for the EOC and establishing the accounts for the MSat (Satellite) phones. The EOC phones would cost \$3,024 per year. The MSat (satellite) phones can be set-up with a pre-paid card in the amount of \$500 and can be topped up when and if an emergency were to occur. There are plan options, but the approximate cost of operating an MSat phone is \$3.30/min for outgoing calls and \$1.30/text for outgoing text messages, with free incoming calls and text messages. The extra phone costs beyond the \$500 prepaid card are recoverable from the Province if incurred as part of an emergency incident with the EOC activated.

STRATEGIC PLAN IMPLICATIONS

The EOC equipment that this grant would provide will greatly enhance the Regional District of Nanaimo's Emergency Operations Centres communication and mapping capabilities in the event of an emergency, while affording greater ability to maintain business continuity as a local government during an emergency. As a partner to the Regional Emergency Management Agreement, this project also enhances our ability to support a regional response with portable equipment. As such, this project aligns with the 2016-2020 Board Strategic Plan priorities of: Focus on Service and Organizational Excellence in terms of delivering efficient, effective, and economically viable services that meet the needs of the Region.



Jon Wilson
jwilson@rdn.bc.ca
January 15, 2018

Reviewed by:

- D. Pearce, Director, Transportation & Emergency Services
- P. Carlyle, Chief Administrative Officer

Attachment

1. Emergency Operations Centre Grant – UBCM Community Emergency Preparedness Fund grant application

Community Emergency Preparedness Fund
Emergency Operations Centres & Training

Phone: 250 387-4470 E-mail: cepf@ubcm.ca

Mail: 525 Government Street, Victoria, BC, V8V 0A8

2018 APPLICATION FORM

Please complete and return this form by **February 2, 2018**. All questions are required to be answered by typing directly in this form. For detailed instructions regarding application requirements, please refer to the *2018 Emergency Operations Centres & Training Program & Application Guide*.

SECTION 1: APPLICANT INFORMATION

Applicant: Jon Wilson

Date of Application: January 24, 2018

Contact Person*: Jon Wilson

Title: Manager of Emergency Services

Phone: 250-390-6557

E-mail: jwilson@rdn.bc.ca

* Contact person must be an authorized representative of the applying local authority or Treaty First Nation.

SECTION 2: PROJECT INFORMATION

1. NAME OF PROJECT.

Regional District of Nanaimo EOC Communication and Mapping Equipment

2. EMERGENCY PLAN. Please describe the extent to which the proposed project will support recommendations or requirements identified in the local Emergency Plan.

The Regional District of Nanaimo Emergency Plan requires an Emergency Operations Centre (EOC) to be opened in a disaster that exceeds the normal capacity of first responders.

Under the logistics section of the RDN Emergency plan, the Communications Group Coordinator is responsible for ensuring there is a communication link with Incident Commander(s), other agency/organization operations centres, other EOC's, ESS Headquarters or Reception Centres and PREOC if established. This proposed project includes improving communication with outside agencies through purchasing and installing dedicated handsets for the EOC as well as purchasing two MSAT (Satellite) phones to be used within the EOC or in the field as required. This would directly support this function in the Emergency Plan and within the EOC, as dedicated handsets will improve the flow of communication by establishing dedicated phone lines and minimizing business continuity disruptions that could occur with taking phones from staff offices.

3. MASS CARE. Please describe the extent to which the proposed project will consider mass care scenarios.

The proposed project is aimed at enhancing the functional capability of the RDN's EOC. The main objectives are to improve communication through Satellite phones and dedicated handsets at each of the functions as well as to purchase a GIS capable laptop.

Through improving communication both to and from the EOC, we are able to respond to mass care scenarios within a reasonable time frame. The dedicated handsets allows clear channels of communication to and from the specific functions the messages are intended for. Because the flow of information into/out of the EOC is usually high, having dedicated handsets allows for important messages to be sent and received in a well-organized and controlled way.

Having a GIS capable laptop available for use means there can be live GIS analysis happening within the EOC. If there is mass care needed, GIS can anticipate the needs of the community through population analysis, and assist in route mapping both for evacuees as well as suppliers to the mass care facilities.

4. TRANSFERABILITY. Please describe the extent to which the proposed project will demonstrate transferability to other local governments and/or Treaty First Nations.

The Regional District of Nanaimo has a regional Emergency Management Agreement with the City of Nanaimo, the District of Lantzville, the City of Parksville, the Town of Qualicum Beach, and the Qualicum, Snaw Naw As, and Snuneymuxw First Nations. The primary purpose for the Agreement is to standardize operational procedures between the participating jurisdictions, and to become more cost effective and efficient by sharing resources.

By building capacity within the RDN's Emergency Operations Centre, we are building up regional strength and resilience. The regional Emergency Management Agreement allows for any of the partnering jurisdictions to use the RDN's EOC if it is deemed the most appropriate location for the emergency.

As the work plan states, we would like to purchase and install dedicated handsets for the EOC, this allows for direct lines to each of the functions, and no confusion since those lines are only used for one purpose. This will help both if the RDN's EOC is activated and we need intra-communication with the partnering jurisdictions. It also allows for a smooth transition if a partnering jurisdiction were to require the RDN's EOC for their own purpose.

Part of the work plan includes a GIS enabled laptop for the EOC. By purchasing a laptop with external storage, we have the potential to move this resource if the EOC were compromised or needed to move. Additionally, by having a dedicated laptop with external data storage, in the event of an emergency, the RDN mapping can still be facilitated in the event the RDN servers or network were compromised.

5. PARTNERSHIPS. Please identify any other authorities you will collaborate with on the proposed project and outline how you intend to work together.

The Regional District of Nanaimo works within a regional agreement with the City of Nanaimo, District of Lantzville, City of Parksville, Town of Qualicum Beach, Qualicum First Nations, Snuneymuxw First Nations and Snaw Naw As First Nations. This agreement allows partnering jurisdictions to share EOC resources as required in the event of an emergency. By enhancing the RDN's EOC capability, we are ensuring that in the event of an emergency the resources that will be required are available to any of our partnering jurisdictions in the region.

How will a collaborative approach leverage efficiencies and be a cost effective approach to maintaining or improving EOC operations.

By sharing EOC resources within the Region, we do not need to each purchase the same sets of equipment at each jurisdiction. The MSAT phones and GIS enabled computer requested as part of this project have the capability to travel anywhere, so in the event of an emergency in a

neighbouring jurisdiction we can share these more expensive resources. It is unlikely that each jurisdiction has the financial capability to purchase equipment themselves, so by sharing resources we are able to maintain cost efficiencies while enhancing our regional emergency management agreement.

- 6. PROPOSED ACTIVITIES.** What specific activities will be undertaken as part of the proposed project. Please refer to Section 4 of the Program & Application Guide. *A detailed list of equipment purchases is required in your budget.*

This project is aimed at enhancing the capacity of the RDN EOC through improving communication as well as GIS mapping functions within the EOC.

To improve the communication within the EOC, the RDN proposes purchasing 9 dedicated line handsets for the functions of EOC Director, Operations, Planning, Logistics, Finance, Liaison, Risk Management/Safety, and for a dedicated call centre. The proposed grant project is to cover the cost of the hardware and licence. Ongoing operational costs associated with keeping dedicated phone lines will be covered by the RDN.

The second part of improving communication to and from the EOC is to purchase two MSAT phones. MSAT phones will be one of the only reliable forms of communication if cell service were to drop, which is likely in a disaster situation. An MSAT phone is perfect for use in vehicles, and could be used by a Field Liaison officer to communicate back to the EOC in the event of an emergency. This back-up communication source is essential since even minor disasters have the potential to disrupt cell phone service.

This project also aims to purchase a GIS capable laptop as well as an external hard drive to store the data associated with GIS analysis. By having a dedicated laptop with external data storage, in the event of an emergency, the RDN mapping can be moved if needed and still be facilitated in the event the RDN servers or network were compromised. The RDN provides has developed emergency mapping that all regional partners have access to.

Dedicated phone lines, MSat, GIS laptop and data storage

- 7. CAPACITY BUILDING.** Describe how the proposed project will increase emergency response capacity in your community.

This proposed project is designed to enhance the Regional District of Nanaimo's Emergency Operations Centre (EOC) capability. The EOC is a central support facility for the community in the event of an emergency. This project aims to increase communication capability to and from the EOC facility, this applies to communication with first responders, field liaisons, support staff, elected officials, and the public by purchasing and installing dedicated handsets to the EOC as well as purchasing MSAT (satellite) phones in case cell service is disrupted.

This project also aims to purchase a GIS capable laptop as well as an external hard drive to store the data associated with GIS analysis. By having a dedicated laptop with external data storage, in the event of an emergency, the RDN mapping can be moved if needed and still be facilitated in the event the RDN servers or network were compromised. The RDN provides has developed emergency mapping that all regional partners have access to.

- 8. EVALUATION.** How will the project be evaluated?

This project will be evaluated by holding Tabletop and full-scale trainign exercises both within the Regional District of Nanaimo's EOC as well as by transferring the equipment to practice with regional partners on a multi-jurisdictional training exercise. By holding trainign exercises we can test the functionality of the proposed equipment and make changes as necessary so in the event of a real emergency, the equipment will function as purposed.

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SECTION 3: REQUIRED APPLICATION MATERIALS

Only complete applications will be considered for funding. The following separate attachments are required to be submitted as part of the application:

- Local government Council or Board resolution, or First Nation Band Council resolution, indicating support for the current proposed activities and willingness to provide overall grant management.
- Detailed budget for the proposed project. Include a breakdown of desired equipment to be purchased, work activities, training activities, and other considerations or comments. The budget must also clearly identify the Community Emergency Preparedness Fund funding request, applicant contribution, and/or other grant funding.

SECTION 4: SIGNATURE (To be signed by Local Government or First Nation Applicant)

I certify that: (1) to the best of my knowledge, all information is accurate and (2) the area covered by the proposed project is within our local authority's jurisdiction (or appropriate approvals are in place).

Name: Jon Wilson	Title: Manager, Emergency Services
Signature:	Date: January 24, 2018

All applications should be submitted to:

Local Government Program Services, Union of BC Municipalities

E-mail: cepf@ubcm.ca

Mail: 525 Government Street, Victoria, BC, V8V 0A8