

**REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA SERVICES COMMITTEE
AGENDA**

Tuesday, April 9, 2019

1:30 P.M.

Board Chambers

This meeting will be recorded

	Pages
1. CALL TO ORDER	
2. APPROVAL OF THE AGENDA	
3. ADOPTION OF MINUTES	
3.1 Electoral Area Services Committee Meeting - March 12, 2019	4
That the minutes of the Electoral Area Services Committee meeting held March 12, 2019, be adopted.	
4. DELEGATIONS	
4.1 Bruce Gibbons, Merville Water Guardians, re Prohibition of Water Bottling	8
5. CORRESPONDENCE	
6. COMMITTEE MINUTES	
That the following minutes be received for information:	
6.1 Electoral Area F Parks and Open Space Advisory Committee - March 6, 2019	14
7. PLANNING	
7.1 Development Permit with Variance	
7.1.1 Development Permit with Variance Application No. PL2018-204 - 6588, 6590 and 6592 Island Highway West, Electoral Area H	16
Delegations Wishing to Speak to Development Permit with Variance Application No. PL2018-204 - 6588, 6590 and 6592 Island Highway West, Electoral Area H	

1. That the Board approve Development Permit with Variance No. PL2018-204 to relax the requirements for washroom facilities in a Campground 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 Permit with Variance No. PL2018-204.

7.2 Request for Frontage Relaxation in Relation to a Subdivision

7.2.1 Request for Relaxation of Perimeter Frontage Requirement and Acceptance of Cash-in-lieu of Parkland Dedication in relation to Subdivision Application No. PL2018-130 - Tralee Road and Chatsworth Road, Electoral Area F 25

1. That the Board approve the request to relax the minimum frontage requirements for proposed Lots 3, 4, and 5 in relation to Subdivision Application No. PL2018-130.
2. That the Board accept five percent (5%) cash-in-lieu of parkland dedication in conjunction with Subdivision Application No. PL2018-130.

7.2.2 Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in Relation to Subdivision Application No. PL2016-142 - 2120 Nanaimo River Road, Electoral Area C 31

That the Board approve the request to relax the minimum 10% perimeter frontage requirements for proposed Lot 2 in relation to Subdivision Application No. PL2016-142.

8. COMMUNITY PARKS

8.1 Community Work Funds Allocation for Final Village Way Path Design – Electoral Area B 37

That, pending project approval by the Union of BC Municipalities, up to \$20,000 of unallocated 2019 Electoral Area B Community Works Funds be allocated to the Village Way path project in order to conclude a Ministry of Transportation and Infrastructure approved final project design and operating plan.

9. FIRE PROTECTION

9.1 Dashwood Fire Hall Replacement

39

1. That “Dashwood Fire Hall Service Area Establishment Bylaw No. 1785, 2019” be introduced, read three times, and forwarded to the Inspector of Municipalities for approval.
2. That “Dashwood Fire Hall Loan Authorization Bylaw No. 1789, 2019” be introduced, read three times, and forwarded to the Inspector of Municipalities for approval.
3. That the participating area approval is to be obtained for the entire proposed service area.
4. That the Board approve the Elector Response Form as provide in Attachment 3, establish 4:00 p.m. on Friday, July 26, 2019 as the deadline for receiving elector responses for the alternative approval process, and determine the total number or electors to which the approval process applies to be 1751.

10. BUSINESS ARISING FROM DELEGATIONS

11. NEW BUSINESS

11.1 Directors' Roundtable

12. ADJOURNMENT

**REGIONAL DISTRICT OF NANAIMO
MINUTES OF THE ELECTORAL AREA SERVICES COMMITTEE MEETING**

**Tuesday, March 12, 2019
1:30 P.M.
Board Chambers**

In Attendance:	Director B. Rogers	Chair
	Director K. Wilson	Electoral Area A
	Director V. Craig	Electoral Area B
	Director M. Young	Electoral Area C
	Alternate	
	Director J. Fell	Electoral Area F
	Director C. Gourlay	Electoral Area G
	Director S. McLean	Electoral Area H
 Regrets:	 Director L. Salter	 Electoral Area F
 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
	D. Wells	Gen. Mgr. Corporate Services
	D. Pearce	Director of Transportation & Emergency Services
	T. Armet	Mgr. Building & Bylaw Services
	P. Thompson	Mgr. Current Planning
	J. Pisani	Drinking Water & Watershed Protection Coordinator
	T. Mayea	Legislative Coordinator
	S. Commentucci	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 - February 19, 2019

It was moved and seconded that the minutes of the Electoral Area Services Committee meeting held February 19, 2019, be adopted.

CARRIED UNANIMOUSLY

DELEGATIONS

Rick Dunn, re Power Restrictions on Spider Lake

Rick Dunn and Don Shewcuk provided an overview of the safety benefits of allowing electric motors on Spider Lake.

COMMITTEE MINUTES

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

Electoral Area G Parks and Open Space Advisory Committee - February 27, 2019

Electoral Area H Parks and Open Space Advisory Committee - February 25, 2019

Electoral Area A Parks, Recreation and Culture Commission - February 20, 2019

Nanoose Bay Parks and Open Space Advisory Committee - February 6, 2019

Electoral Area B Parks and Open Space Advisory Committee - February 4, 2019

CARRIED UNANIMOUSLY

PLANNING

Development Variance Permit

Development Variance Permit Application No. PL2019-024 - 2254 Alberni Highway, Electoral Area F

It was moved and seconded that the Board approve Development Variance Permit No. PL2019-024 to reduce the minimum parking and other lot line setback requirements subject to the terms and conditions outlined in Attachments 2 and 3.

Opposed (1): Director Gourlay

CARRIED

It was moved and seconded that the Board direct staff to complete the required notification for Development Variance Permit No. PL2019-024.

Opposed (1): Director Gourlay

CARRIED

Development Variance Permit Application No. PL2018-215 - 2515 Island Highway East, Electoral Area E

It was moved and seconded that the Board approve Development Variance Permit No. PL2018-215 to reduce the interior lot line setback from 2.0 metres to 0.15 metres subject to the terms and conditions outlined in Attachments 2 and 3.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Variance Permit No. PL2018-215.

CARRIED UNANIMOUSLY

Other

Revisions to Policy B1.21 Groundwater Assessment Requirements for Rezoning Un-serviced Lands and for Development Permits

It was moved and seconded that the Board endorse the revised Policy B1.21 to improve clarity and streamline requirements for groundwater assessments for rezoning un-serviced lands and for development permits.

It was moved and seconded that the minimum year-round potable water supply requirement noted in Section A.i.a. of Policy B1.21 be amended by reducing 3.5m³ per day to the provincial standards of 2.5 m³ per day.

Opposed (5): Director Craig, Director Wilson, Director Rogers, Director Gourlay, and Director McLean

DEFEATED

The vote was taken on the main motion:

That the Board endorse the revised Policy B1.21 to improve clarity and streamline requirements for groundwater assessments for rezoning un-serviced lands and for development permits.

Opposed (1): Director Fell

CARRIED

Bylaw Enforcement Overview

It was moved and seconded that staff be directed to undertake a review of regulatory services and procedures, and report back to the Board with recommendations to address gaps that may exist in bylaw enforcement in the Electoral Areas as well as cost recovery mechanisms.

It was moved and seconded that the main motion be amended to add “that staff be directed to consult with each Electoral Area Director, in regard to bylaw enforcement in the Electoral Areas”.

Opposed (4): Director Craig, Director Wilson, Director Gourlay, and Director Rogers

DEFEATED

The vote was taken on the main motion:

That staff be directed to undertake a review of regulatory services and procedures, and report back to the Board with recommendations to address gaps that may exist in bylaw enforcement in the Electoral Areas as well as cost recovery mechanisms.

Opposed (2): Director Young, and Director Fell

CARRIED

MOTIONS FOR WHICH NOTICE HAS BEEN GIVEN

Development Cost Charges for Regional District of Nanaimo Electoral Area Community Parks

This item did not proceed.

Directors' Roundtable

The Directors' Roundtable included discussions related to Electoral Area matters.

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

TIME: 2:50 PM

CHAIR

Delegation: Bruce Gibbons, Merville Water Guardians, re Prohibition of Water Bottling

Summary: See Attached

Action Requested: Revise bylaws to prohibit the bottling of groundwater, and support the Strathcona Regional District resolution at the AVICC Convention asking the provincial government to cease approval of licences for bottling of groundwater.

Executive Summary for the Regional District of Nanaimo

March 6, 2019

Request to change the zoning bylaws of the Regional District of Nanaimo to expressly prohibit the bottling of groundwater for commercial sale or bulk export

The purpose of the presentation is to address the Board about the issue of protecting groundwater on Vancouver Island and all over British Columbia. In November of 2017, the Government approved a groundwater extraction licence for a resident of Merville to bottle and sell water from the Comox Valley aquifer. We successfully campaigned for the CVRD to deny the rezoning necessary to bottle the water on site. Therefore, the current licence does not allow the applicant to utilize his licence and bottle water on his property. However, his water extraction licence is still valid, so I have been campaigning to prevent him from trucking the water to a site that allows bottling of groundwater. I am approaching all AVICC communities asking them to revise their bylaws to prevent bottling of groundwater by any water licence holder.

BC groundwater is at risk from population growth, climate change that has brought Level 4 drought to Vancouver Island in recent years, and provincial government licencing of groundwater for bottling and commercial sale. If BC aquifers are overused and not well managed, residents and farmers who rely on groundwater as their only source of water will not be able to look after their personal needs for drinking water, sanitation, growing their backyard gardens or growing their crops and raising their livestock. That would put our food security at risk. Without water, farmers cannot produce our food, and as we have seen with the severe drought in California, we will not be able to continue to rely on importing our food from that source. Without water, there is no life. There is not enough information known about our aquifers to risk bottling and selling any of the water.

There is an existing, real threat to the groundwater of Vancouver Island. The FLNRO Ministry continues to approve water extraction licences for bottling and commercial sale of groundwater.

My request for the City of Duncan.

- 1) that you consider taking the necessary steps to implement a bylaw that expressly prohibits bottling of groundwater in any of your zoning, to help protect our groundwater today and for our children and grandchildren and great grandchildren in the future.

We cannot allow water bottling from our aquifers based on theory and calculations. The consequences of being wrong could be catastrophic. I would sincerely appreciate the support of the Regional District of Nanaimo in protecting the above ground uses of our groundwater by preventing anyone from bottling and selling water from any aquifer in BC. Water is our most precious resource. Water is life. We must do everything we can to protect and conserve it. Thank you for your time and your consideration.

Bruce Gibbons

Merville Water Guardians

2470 Sackville Road

Merville, BC V0R2M0

Presentation to Regional District of Nanaimo

Feb. 25, 2019

Directors and staff of the Regional District of Nanaimo

Request to change the zoning bylaws of the Regional District of Nanaimo to prohibit the bottling of groundwater for commercial sale or bulk export

My name is Bruce Gibbons, and I live in Merville. I am here to address the Board about the issue of protecting groundwater on Vancouver Island and all over British Columbia. In November of 2017, the Government approved a groundwater extraction licence for a resident of Merville to bottle and sell water from the Comox Valley aquifer. We successfully campaigned for the CVRD to deny the rezoning necessary to bottle the water on site. Therefore, the current licence does not allow the applicant to utilize his licence and bottle water on his property. However, his water extraction licence is still valid, so I have been campaigning to prevent him from trucking the water to a site that allows bottling of groundwater. I have approached all AVICC communities asking them to revise their bylaws to prevent bottling of groundwater by any water licence holder.

I filed an appeal against the water licence last March, but after a lengthy battle with the FLNRO Ministry, the Environmental Appeal Board dismissed the appeal, stating that I did not have standing to appeal. That exposed a serious flaw in the Water Sustainability Act that denies appeal of a water licence unless the licence physically detrimentally affects your land, not your water, or your access to water. The Water Sustainability Act does not protect my water or my access to water. I find that appalling. We have approximately 1,200 signatures to date on a petition that will be presented to the government in the BC Legislature on Mar 27th by our MLA, asking them to stop approving licences to bottle and sell groundwater. We also have an online petition with 1,340 signatures to date.

If BC's aquifers are depleted then the thousands of residents and farmers who rely on them will not be able to look after their personal needs for drinking water, sanitation, growing their backyard gardens or growing their crops and raising their livestock. That would put our food security at risk. Without water, farmers cannot produce our food, and as we have seen with the severe drought in California, we will not be able to continue to rely on importing our food from that source. Without water, there is no life. We are facing population growth that will put more demand on the aquifers and we are already seeing the negative effects of climate change impact the quality and quantity of water in the summer drought period. We experienced level 4 drought all over Vancouver Island this past summer. Residents and farmers were told to conserve water, yet corporations with provincial water licences are allowed to continue pumping and generating huge profits from the aquifers we all rely on despite the level 4 drought. There is not enough information known about our aquifers to risk bottling and selling any of the water. Climate change is causing extended periods of serious drought, putting rivers, streams, fish habitat and fish stocks at risk. And it is causing sources of recharge for the aquifers to disappear evidenced by receding glaciers and diminishing snowpacks.

There is an existing, real threat to the groundwater of Vancouver Island. We asked the CVRD to amend their bylaws to prohibit the bottling of water. That bylaw revision is in process. I asked the Village of Cumberland to prohibit water bottling, and the Village has since changed their zoning bylaws to prohibit bottling of groundwater. I asked the City of Courtenay to prohibit bottling of groundwater in their zoning bylaws. Courtenay Council passed a motion to prohibit the bottling of

groundwater. And I just recently asked the Town of Comox to revise their bylaws to prohibit water bottling. In September I contacted the Strathcona Regional District (SRD), since the Merville water licence holder had stated that he may approach them in an attempt to bottle his water in their region. The SRD took immediate steps to prevent the water bottling and on Jan 24th the SRD also passed a resolution to be presented to the AVICC and the UBCM asking the provincial government to cease approval of licences for bottling of groundwater for commercial sale or bulk export. As I mentioned earlier, I have contacted all AVICC member communities asking them to revise their bylaws to prohibit bottling of groundwater, and to support the SRD Resolution. There are 12 communities to date that do not permit the bottling of groundwater, I have presented to Comox and Esquimalt recently, and I am scheduled to present to 3 other communities. I have submitted written requests to several other communities in an attempt to get as many communities as possible to prohibit the bottling of groundwater for commercial sale or bulk export. I have included an excerpt from the Sunshine Coast Regional District Policy Manual, which illustrates their commitment to the protection of groundwater, and is a policy to ascribe to and emulate. I am pleased to note that Area F expressly prohibits water bottling, and I am also very impressed and pleased with the steps taken to protect drinking water with the Drinking Water Watershed Protection Program.

I have 2 requests for the Regional District of Nanaimo.

- 1) that you consider taking the necessary steps to implement a bylaw that prohibits bottling of groundwater in any of your zoning in all Electoral areas, to help protect our groundwater today and for our children and grandchildren and great grandchildren in the future.
- 2) I also ask that the Regional District of Nanaimo support the Strathcona Regional District resolution at the April AVICC convention, to ask the Provincial Government to cease the approval of licences for commercial extraction of groundwater resources for bottling or bulk water sales.

We cannot allow water bottling from our aquifers based on theory and calculations. The consequences of being wrong could be catastrophic. I would sincerely appreciate the support of the Regional District of Nanaimo in protecting the above ground uses of our groundwater by preventing anyone from bottling and selling water from any aquifer in BC. Water is our most precious resource. Water is life. We must do everything we can to protect and conserve it. Thank you for your time and your consideration.

Bruce Gibbons

Merville Water Guardians

2470 Sackville Road

Merville, BC V0R2M0

Strathcona Regional District

Water Protection Resolution

Passed Jan 24, 2019

WHEREAS water is an essential resource upon which all life, including all ecosystems and all local communities depend,

AND WHEREAS water is a public heritage and a public trust for present and future generations and access to water must not be compromised by commercial operations relating to commercial water bottling or commercial bulk water exports,

THEREFORE BE IT RESOLVED that the Premier of British Columbia and the Minister of Forests, Lands, Natural Resource Operations and Rural Development be requested to immediately cease the licensing and extraction of groundwater for commercial water bottling and/or bulk water exports from aquifers.

Sunshine Coast Regional District

BOARD POLICY MANUAL

Section:	Planning and Development	13
Subsection:	General	6410
Title:	Water Extraction for the Purpose of Commercial Bottled Water Sales	10

1.0 POLICY

The Sunshine Coast Regional District does not support the extraction of fresh water resources in gas, liquid or solid form from surface or groundwater for the purpose of commercial bottled water sales.

3.0 SCOPE

This Policy applies to all streams, lakes, groundwater, and wells within the Sunshine Coast Regional District.

4.0 REASON FOR POLICY

The Sunshine Coast Regional District supports water conservation, solid waste reduction goals, greenhouse gas emission reduction goals, healthy community water infrastructure and protecting the environment for a sustainable future. This policy serves to conserve water in its natural state, to address local and international environmental issues and to support safe, low cost, clean water for communities.

5.0 AUTHORITY TO ACT

Retained by the Board in part and delegated to staff in part.

6.0 PROCEDURE

Do not support any application to Provincial and Federal agencies for the extraction of fresh water resources in gas, liquid or solid form for the purpose of commercial bottled water sales.

Approval Date:	February 24, 2011	Resolution No.	088/11 rec. no. 9
Amendment Date:		Resolution No.	
Amendment Date:		Resolution No.	

**REGIONAL DISTRICT OF NANAIMO
MINUTES OF THE ELECTORAL AREA F PARKS AND OPEN SPACE ADVISORY
COMMITTEE MEETING**

**Wednesday, March 6, 2019
1:00 P.M.
Annex Building (Coombs Fairground)**

In Attendance:	J. Fell	Chair, Alternate Director
	R. Nosworthy	District 69 Recreation Commission
	A. Dunn	Member at Large
	B. Smith	Member at Large
	K. Smith	Member at Large
Regrets:	R. Shackleton	Member at Large
Also in Attendance:	R. Lussier	Parks Planner

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

INTRODUCTION AND ORIENTATION

Members introduced themselves to new member K. Smith.

R. Lussier provided a thorough orientation outlining the contents of the USB stick given to members, as well as procedures and policies that pertain to all POSAC's.

ELECTION OF SECRETARY

B. Smith accepted the Secretary role by acclamation.

ADOPTION OF MINUTES

Electoral Area F Parks and Open Space Advisory Committee Meeting - September 26, 2018

It was moved and seconded that the minutes of the EA F Parks and Open Space Advisory Committee meeting held September 26, 2018 be adopted as amended to clarify that R. Nosworthy is on this committee as a representative of the District 69 Recreation Commission.

CARRIED UNANIMOUSLY

REPORTS

Parks Update Report - July-September 2018

It was moved and seconded that the Parks Update Report - July - September 2018 be received as information.

CARRIED UNANIMOUSLY

Parks Update Report – October-December 2018

R. Lussier updated the Committee on the current status of projects in EA F. She noted that the December 2018 windstorm caused severe damage to parks and trails, requiring re-allocation of the 2019 trails development budget to deal with the cleanup and safety in EA F community parks and trails.

It was moved and seconded that the Parks Update Report – October-December 2018 be received as information.

CARRIED UNANIMOUSLY

NEW BUSINESS

Tralee Road Subdivision Application

R. Nosworthy suggested that after visiting the site, there was no potential for a park or trail in the designated land. Chair Fell suggested that the RDN accept cash in lieu.

It was moved and seconded that there be cash paid in lieu of parkland or trail for the Tralee Road Subdivision.

CARRIED UNANIMOUSLY

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 2:39 PM

CHAIR

TO: Electoral Area Services Committee **DATE:** April 9, 2019

FROM: Nick Redpath
Planner **FILE:** PL2018-204

SUBJECT: **Development Permit with Variance Application No. PL2018-204
6588, 6590 and 6592 Island Highway West – Electoral Area H
Lot C, District Lot 85, Newcastle District, Plan 22770**

RECOMMENDATIONS

1. That the Board approve Development Permit with Variance No. PL2018-204 to relax the requirements for washroom facilities in a Campground 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 Permit with Variance No. PL2018-204.

SUMMARY

An application for a development permit with variance has been submitted to recognize a five space campground that was developed without a permit. The recently constructed five space campground is within the Aquifer Development Permit Area (DPA) and Rural Commercial DPA. The applicant is also requesting a variance to the campground regulations and standards in "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" which requires that washroom facilities be provided for a five space campground. The proposed variance is to reduce the bylaw requirements for a washroom facility with two toilets, two showers, two washbasins and a urinal to one toilet, one shower, one washbasin and no urinal. Given that the Development Permit guidelines have been met and no negative impacts are anticipated as a result of the proposed variance, it is recommended 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 a development permit with variance application from Fern Road Consulting Ltd. on behalf of Lauren Ogloff and Janice Thevargue for a recently constructed five space campground. The campground was constructed within the Aquifer and Rural Commercial DPAs without a development permit. The development was brought to the attention of the RDN through a complaint and the applicant was instructed to apply for the required development permit. A further review of the property took place and it was

identified that the development was not compliant with Bylaw 500 as the required washroom facilities had not been constructed. The applicant subsequently submitted a development permit with variance application to relax the washroom facilities requirements.

The subject property is approximately 0.77 hectares in area and is zoned Commercial 5 (CM5), Subdivision District M, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located at the corner of Noonday Road and Island Highway West, and adjacent to residentially zoned properties (see Attachment 1 – Subject Property Map).

The property contains a residential dwelling, restaurant and tourist store on the north section of the property and a recently constructed five space campground on the center section. The campground section of the property is accessed by two recently constructed culverted driveways that are permitted by the Ministry of Transportation and Infrastructure (MOTI). The property is serviced by the Bowser Waterworks District and an onsite, Type 2 sewage disposal system.

The proposed development is subject to the following DPAs as per the “Regional District of Nanaimo Electoral Area H Official Community Plan Bylaw No. 1335, 2017”:

1. Aquifer Protection DPA; and
2. Rural Commercial DPA.

The applicant has applied to vary the campground regulations and standards which requires that two separate washroom facilities be constructed, each containing its own toilet, shower and washbasin with one of the facilities containing a urinal. The applicant indicates that camping spaces will be restricted to only recreational vehicles (RVs) that each contain their own washroom facilities and have individual water and sewer connections. The applicant contends that constructing a single washroom facility containing one toilet, one washbasin and one shower is sufficient to accommodate the users of the campsite.

Proposed Development and Variance

The development includes five recently constructed campground spaces within the Aquifer and Rural Commercial DPA. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987, Schedule ‘3C’ Campground Regulations and Standards”:

- **Section 2.2(c) - Section 2** - to vary the quantity of toilets, showers and washbasins from two to one and urinal from one to zero for washroom facilities associated with five existing campground spaces as shown on the Survey Plan prepared by Sims Associates Land Surveying Ltd, dated March 5, 2019 (See Attachment 3 – Survey Plan and Proposed Variance).

Land Use Implications

The existing campground was constructed within the Aquifer and Rural Commercial DPAs without a development permit. The applicant has submitted information to demonstrate how the existing development meets the DPA guidelines. To address the Aquifer DPA guidelines, an Aquifer Protection Assessment prepared by ThorConsult Ltd. dated January 21, 2019 has been submitted. The Assessment concludes that based on the natural conditions, the low risks

associated with the campground development/use, and provided that the Type 2 wastewater treatment system meets applicable regulatory standards and requirements, no unusual site measures are necessary for the adequate protection of the underlying aquifer.

With respect to the Rural Commercial DPA, the applicant has developed the property in accordance with the DPA guidelines. A site visit confirmed that the applicant has already landscaped the property in accordance with the DPA guidelines and “Regional District of Nanaimo Bylaw 500, 1987 Schedule ‘3C’ Landscaping Regulations and Standards”, creating a sufficient vegetative buffer between campground spaces and neighbouring uses while still maintaining existing mature trees on the subject property (See Attachment 4 – Landscaping Plan). Adequate onsite and off-street parking is available and the driveway will have a one inch low voltage pipe light rope from the entrance to exit to define the driveway area with no additional signage being proposed on the property. The current development permit application satisfies both the Aquifer and Rural Commercial DPA guidelines.

The applicant proposes to vary the campground standards of Bylaw 500 requiring two separate washroom facilities each with a toilet, shower, washbasin and one with a urinal to a single washroom facility containing one toilet, one shower, one washbasin and no urinal to service the existing campground. “Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation” provides guidance as to acceptable land use justification for evaluating development permit with variance applications. The applicant’s rationale to support the variance application is that the existing campground spaces will be restricted to RVs that have self-contained washroom facilities with individual water and sewer connections, therefore providing a washroom facility with a toilet, shower and washbasin should sufficiently accommodate all campground users. The bylaw requirement for a washroom facility to service any campground is to assure basic sanitary needs of occupants are met. Given that the applicant has provided sufficient rationale and the variance will not result in negative sanitary implications, the variance is not anticipated to have negative impacts.

Environmental Implications

The Aquifer Protection Assessment concludes that the minor local aquifer has a low to moderate vulnerability in relation to the campground development at the subject site and the existing development is not anticipated to have a negative environmental impact.

Intergovernmental Implications

The application was referred to the local fire department, Vancouver Island Health Authority (VIHA) and the Ministry of Transportation and Infrastructure. The referral response from VIHA stated that they have no formal interests in regards to the variance proposal. However, they are supportive of any measures that improve access to handwashing and other sanitary services and encourage the RDN to ensure campground users have access to these services. MOTI and the local fire department expressed no concerns with the development and proposed variance.

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 Application and Notification Procedures Bylaw No. 1776, 2018”, 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. PL2018-204 to permit an existing campground with reduced washroom facility requirements subject to the terms and conditions outlined in Attachments 2 to 4 and to direct staff to complete the required public notification.
2. To deny Development Permit with Variance No. PL2018-204.

FINANCIAL IMPLICATIONS

The existing development has no implications related to the Board 2018 – 2022 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The existing development has been reviewed and has no implications for the 2016 – 2020 Board Strategic Plan.



Nick Redpath
nredpath@rdn.bc.ca
March 20, 2019

Reviewed by:

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

Attachments

1. Subject Property Map
2. Terms and Conditions of Permit
3. Survey Plan and Proposed Variance
4. Landscaping Plan

Attachment 2

Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2018-204:

Bylaw No. 500, 1987 Variances

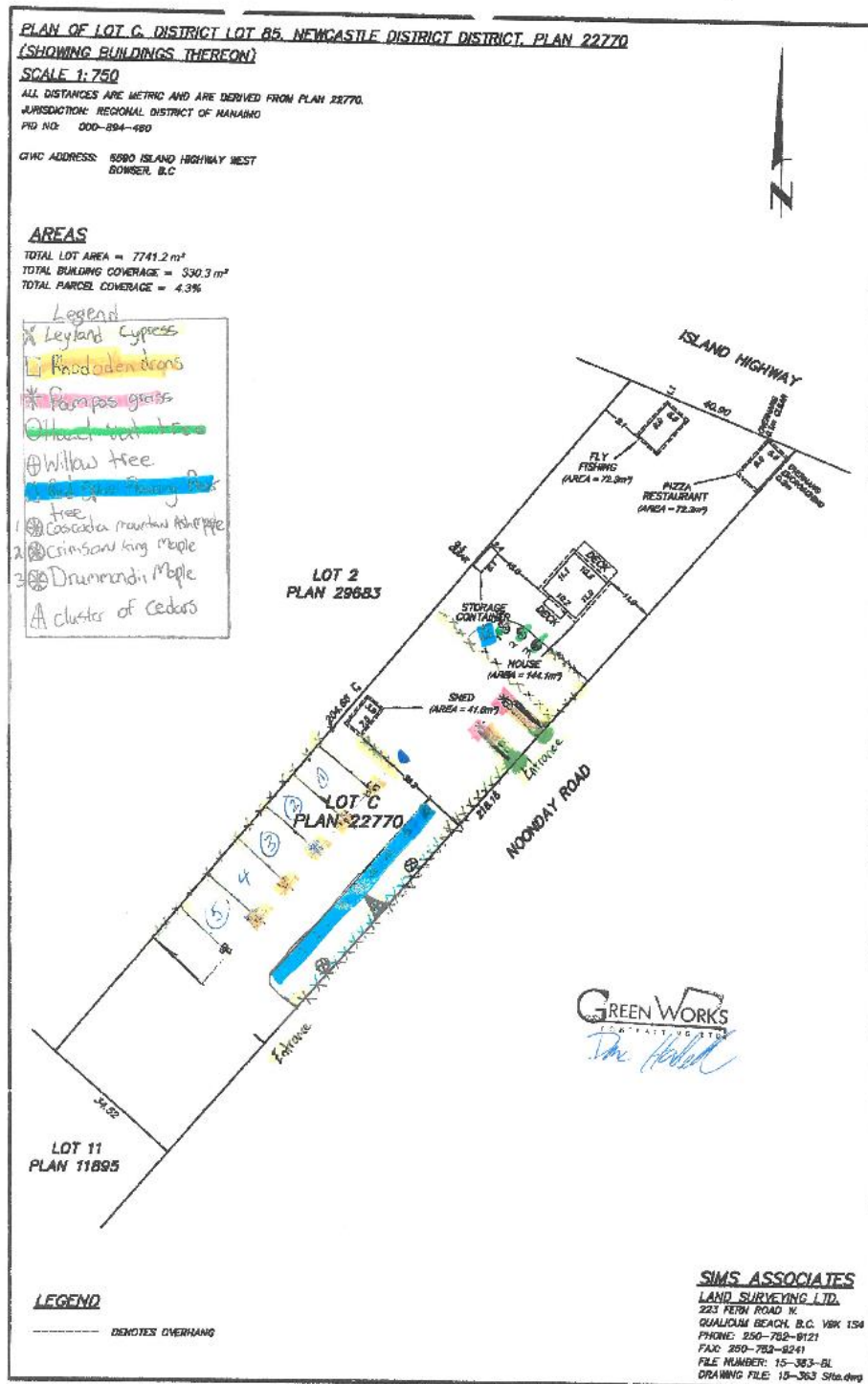
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987, Schedule ‘3C’ Campground Regulations and Standards”:

Section 2.2(c) - Section 2 - to vary the quantity of toilets, showers and washbasins from two to one and urinal from one to zero for washroom facilities associated with five existing campground spaces.

Conditions of Approval

1. The site remains in general compliance with the Survey Plan prepared by Sims Associates Land Surveying Ltd, dated March 5, 2019 and attached as Attachment 3.
2. The landscaping remains in general compliance with the Landscaping Plan prepared by Green Works Contracting Ltd. dated October 22, 2018 and attached as Attachment 4.
3. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 4 (Page 1 of 2) Landscaping Plan



Attachment 4 (Page 2 of 2)
Landscaping Plan

To whom it may concern

This letter is to inform that Dane Hasell owner operator professional landscaper of Green Works Contracting Ltd attended ~~235 Elm Road~~ ^{6590 Wisconsin Hwy} West the following observations were made.

There is adequate planting separating Noonday road and site using Leyland cypress and is provided with adequate irrigation and separation to maintain a 1-3 ft growth a year which in turn will provide excellent coverage from public view. In addition owner has planted Leyland cypress between each pad site and on the back side of property as well as surrounding the septic field with a total being 200 counted.

Upon entering the site there are five Rhododendrons on each side mix matching between Catawbiense, Jean Marie de Montague as well as Roseum Elegans. Owner has planted one of each at the end of each Pad site in a cluster. In total 30 were counted 10 of each kind. There are 2 Hazel nut trees and 2 pampas grasses as well in the entrance planting.

In the Common area of site there are 10 Red spire flowering pear trees 2 willow trees and a cluster of 3 cedar trees averaging in height between 40-60 feet in height.

On far side of site there is 1 Red spire flowering pear tree 1 Cascadia mountain ash, 1 Crimson king maple and 1 Drummondii Maple.

^{6590 Wisconsin Hwy}
After attending site at ~~235 Elm Rd~~ ^{6590 Wisconsin Hwy} west Bowser, I conclude there is sufficient planting on site with adequate irrigation to provide complete coverage in 1-2 years once plants has taken root. In total my observations are 200 Leyland cypress. 30 Rhododendrons. 10 Jean Marie Montague. 10 Catawbiense and 10 Roseum elegans. 2 pampas grass. 2 Hazel nut trees. 2 willow trees. 3 cedar trees. 1 Cascadia mountain ash maple. 1 Crimson king maple. 1 Drummondii maple. 12 red spire Flowering pear. In conclusion I accept the site being landscaped according to plan and adequately to sustain future growth.

Sincerely, Dane Hasell



Date: October 22 2018

TO: Electoral Area Services Committee **DATE:** April 9, 2019

FROM: Greg Keller
Senior Planner **FILE:** PL2018-130

SUBJECT: **Request for Relaxation of Perimeter Frontage Requirement and Acceptance of Cash-in-lieu of Parkland Dedication in relation to Subdivision Application No. PL2018-130**
Tralee Road and Chatsworth Road – Electoral Area F
Lot 1, District Lots 9 and 10, Cameron District, Plan 2729 and Lot 6, District Lots 9 and 10, Cameron District, Plan 2020, Except Part in Plan VIP634488

RECOMMENDATIONS

1. That the Board approve the request to relax the minimum frontage requirements for proposed Lots 3, 4, and 5 in relation to Subdivision Application No. PL2018-130.
2. That the Board accept five percent (5%) cash-in-lieu of parkland dedication in conjunction with Subdivision Application No. PL2018-130.

SUMMARY/CONCLUSIONS

The applicant proposes an eight-lot subdivision on lands located south of Tralee Road in Electoral Area F. The applicant has requested a relaxation of the minimum frontage requirements for proposed Lots 3, 4, and 5. All proposed parcels will exceed the minimum parcel size requirements and provide adequate site area for the permitted uses. Ministry of Transportation & Infrastructure (MOTI) staff have not expressed any concerns with the requested frontage relaxation. The recommendation is for the requested frontage relaxation to be approved.

Parkland dedication or cash-in-lieu is required in relation to the proposed subdivision to satisfy the statutory requirements of Section 510 of the *Local Government Act*. Given the site conditions, limited opportunities for connectivity to nearby parks and trails, and close proximity to Malcom Community Park, the provision of cash-in-lieu is recommended.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Timberlake-Jones Engineering on behalf of 609188 BC Ltd. for an eight-lot subdivision. The subject property is approximately 8.76 hectares in area and is zoned Mixed Use Chatsworth Road 1 (MU-1), pursuant to "Regional District of Nanaimo Electoral Area F Zoning and Subdivision Bylaw 1285, 2002". The property is a reclaimed gravel pit primarily devoid of native vegetation and is

proposed to be serviced by individual on-site wells and sewage disposal systems (see Attachment 1 – Subject Property Map).

Parkland dedication or cash-in-lieu is required, pursuant to Section 510 of the *Local Government Act*. In accordance with the policies contained in Section 6 of the Electoral Area F Official Community Plan Bylaw No. 1152, 1999, the RDN shall determine if the developer is to provide park in a location acceptable to the local government, cash-in-lieu representing five percent value of the parent parcel, or a combination of land and cash-in-lieu. In this case, the applicant proposes to provide cash-in-lieu of parkland dedication.

Proposed Development

The applicant proposes to subdivide the parent parcel into eight fee simple lots (see Attachment 2 - Proposed Plan of Subdivision). All parcels exceed the minimum parcel size (1.0 ha) and will be serviced with individual private water wells and sewage disposal systems.

Minimum Perimeter Frontage Requirement

In accordance with Section 512 of *The Local Government Act*, the minimum frontage must be 10% of the perimeter of the parcel or the minimum frontage that is specified by the bylaw, whichever is greater. The MU-1 zone requires a minimum lot frontage of 50 metres. Proposed Lots 3, 4, and 5 do not meet the minimum perimeter frontage requirements. The applicant has requested approval of the RDN Board to reduce the frontage requirements as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage (m)</i>	<i>Proposed Frontage (m)</i>	<i>% of Perimeter</i>
3	50.0	26.86	5.7
4	50.0	46.78	10.2
5	50.0	50.00	9.0

The requested frontage relaxations for proposed Lots 3, 4, and 5 are a result of access being proposed off of a cul-de-sac. Adequate road frontage is provided to support access and no negative development implications are anticipated as a result of the requested frontage relaxation. The lot configuration as proposed will meet minimum parcel size requirements and provide adequate site area to support the permitted uses of the MU-1 zone.

It should be noted that the MU-1 zone permits a range of heavy industrial uses including Concrete and Asphalt Batch Plant, Marshalling Yard, Primary Mineral Processing, and Wood Processing. In addition, a dwelling unit is also a permitted principal use.

Park and Open Space Advisory Committee Implications

The Electoral Area F Parks and Open Space Advisory Committee (POSAC) visited the property on January 9, 2019. During the site visit, the committee discussed dedication of parkland, but suggested that due to site conditions, minimal opportunities for connections to nearby parks and trails, and close proximity to Malcom Community Park, that a park in this location would not be desirable.

In addition, the POSAC considered the proposal at its March 6, 2019 meeting and is recommending that the Board accept cash-in-lieu of parkland dedication.

Five percent parkland dedication on the total area of the land amounts to 4,380 m², which would be large enough to provide a small useable park space. However, in consideration of the site conditions, the uses permitted in the MU-1 zone, lack of native vegetation, and previous use as a gravel pit, cash-in-lieu of parkland is recommended.

Intergovernmental Implications

MOTI is reviewing the subdivision application, but has not issued a Preliminary Layout Approval (PLA) for the proposed subdivision. MOTI staff have not expressed any concerns with respect to the proposed frontage relaxation.

ALTERNATIVES

1. To approve the request for relaxation of the minimum perimeter frontage requirements and the request to pay cash-in-lieu of parkland dedication in conjunction with Subdivision Application PL2018-130.
2. To deny the request for relaxation of the minimum perimeter frontage requirements for to pay cash-in-lieu of parkland dedication and provide further direction.

FINANCIAL IMPLICATIONS

The subject properties have a combined assessed value of \$724,000.00 according to the 2019 assessment roll. The valuation of the property for 5% cash-in-lieu of parkland charges would be based on a certified appraisal of the land at the time of Preliminary Layout Approval (PLA). As per the requirements of the *Local Government Act*, if cash-in-lieu of parkland is accepted it may only be used for parkland acquisition within Electoral Area F. If cash-in-lieu of parkland were to be required, it is anticipated that the appraised market value would result in approximately a \$36,200.00 contribution (based on a full 5%) to the Electoral Area 'F' Community Parks Fund.

STRATEGIC PLAN IMPLICATIONS

The proposed cash-in-lieu of parkland dedication in relation to the 2016-2020 Board Strategic Plan and the proposal is in compliance with the Strategic Priority for Focus on Service and Organization Excellence by directing sources of funding to priority recreational amenities.



Greg Keller
gkeller@rdn.bc.ca
March 19, 2019

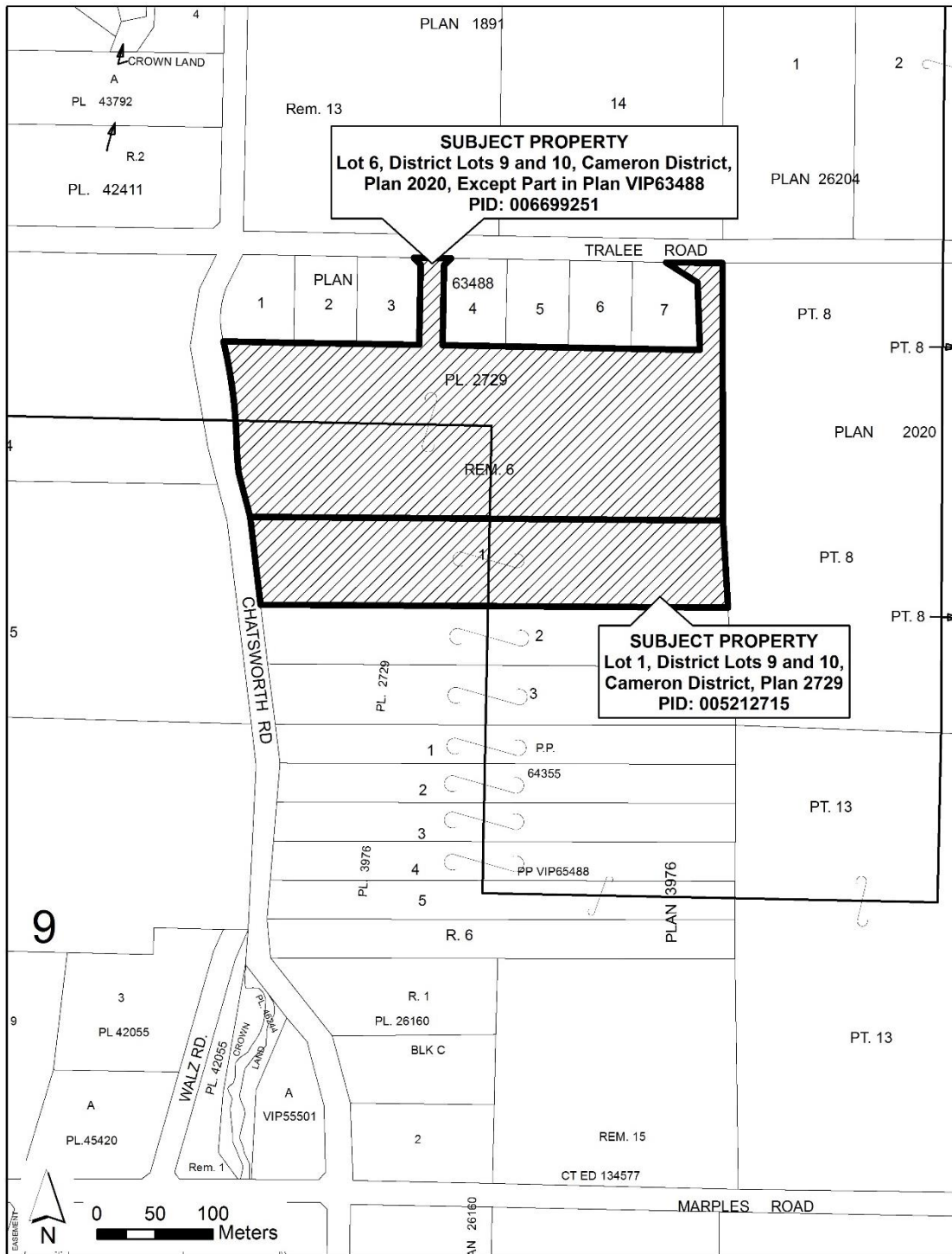
Reviewed by:

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

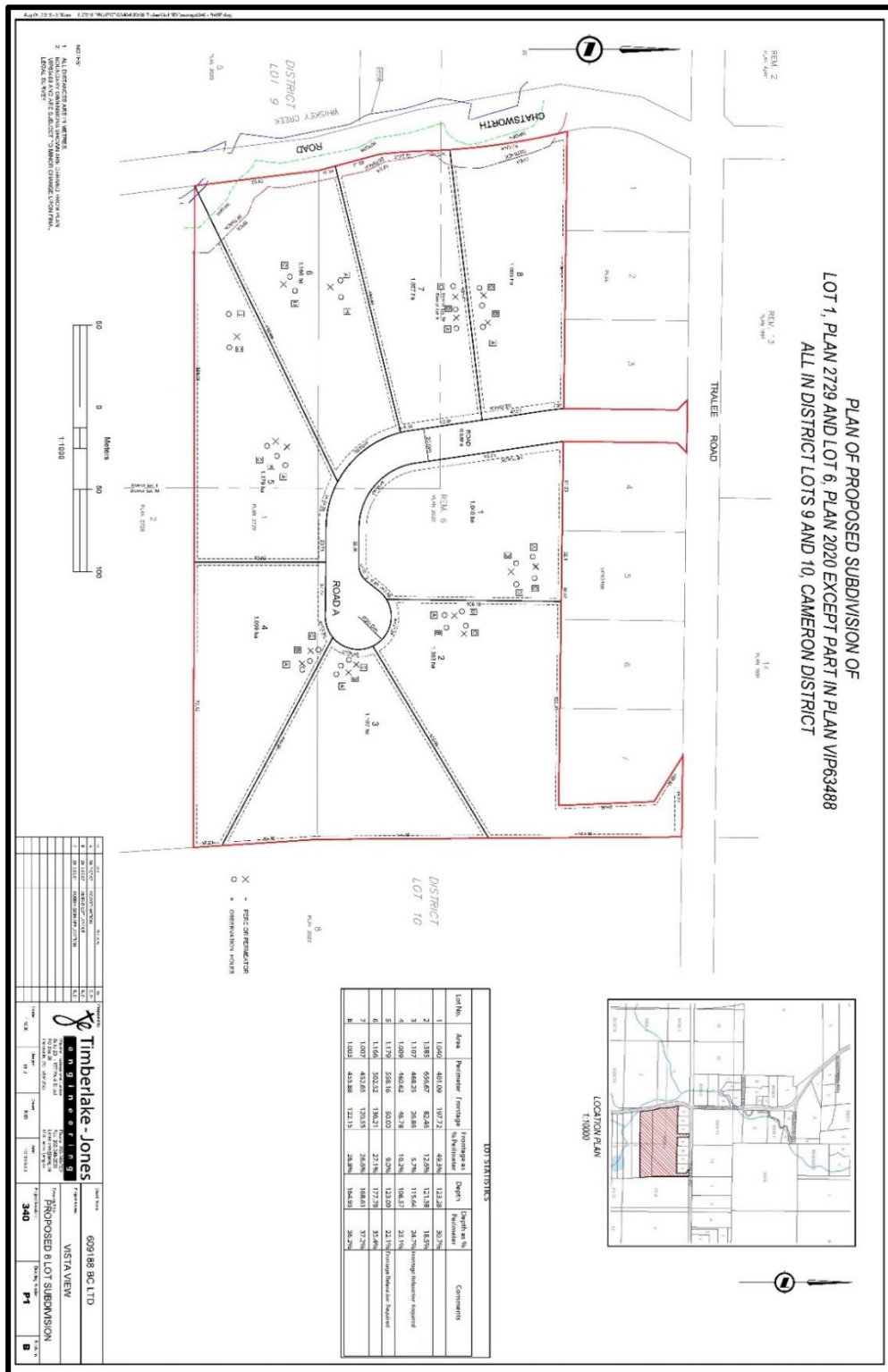
Attachments

1. Subject Property Map
2. Proposed Plan of Subdivision

Attachment 1 Subject Property Map



Attachment 2 Proposed Plan of Subdivision



TO: Electoral Area Services Committee **DATE:** April 9, 2019

FROM: Angela Buick
Planner **FILE:** PL2016-142

SUBJECT: **Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in Relation to Subdivision Application No. PL2016-142**
2120 Nanaimo River Road – Electoral Area C
Lot A, District Lot 7, Douglas District, Plan, VIP86286

RECOMMENDATION

That the Board approve the request to relax the minimum 10% perimeter frontage requirements for proposed Lot 2 in relation to Subdivision Application No. PL2016-142.

SUMMARY/CONCLUSIONS

The applicant has requested a relaxation of the 10% perimeter frontage requirement for proposed Lot 2 in relation to a two-lot subdivision of the subject property. All proposed parcels will meet the minimum parcel size requirements and provide adequate site area. Given that no negative impacts are anticipated as a result of the proposed frontage relaxation, it is recommends that the requested frontage relaxation be approved.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from the owners Joseph E. Gogo, Lawrence S. Gogo and Paul R. Gogo to relax the minimum 10% perimeter frontage requirement pursuant to Section 512 of the *Local Government Act* in relation to a proposed two lot subdivision. The subject property is approximately 18.79 hectares in area and is zoned Rural 9 (RU9) Zone, Subdivision District 'D', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (Bylaw 500). The subdivision would result in two new lots; Lot 1 and Lot 2 (2.01 and 16.78 hectares in size respectively). The property is located to the north of Nanaimo River Road, and south/east/west of other large heavily forested RU9 zoned lots (see Attachment 1 – Subject Property Map).

Proposed Development

The applicant proposes to subdivide the parent parcel into two lots (see Attachment 3 – Proposed Plan of Subdivision). All parcels exceed the minimum parcel size of 2.0 hectares (see Attachment 3 – Proposed Plan of Subdivision). The property is currently vacant land and will be serviced by well and onsite sewage disposal systems.

Minimum 10% Perimeter Frontage Requirement

Proposed Lot 2 does not meet the minimum 10% perimeter frontage requirement pursuant to Section 512 of the *Local Government Act*. The applicant has requested approval of the RDN Board to reduce the frontage requirement as follows:

Proposed Lot No.	Required Frontage (in metres)	Proposed Frontage (in metres)	Requested % of Perimeter reduced from 10%
2	220.52	42.26	1.92

Land Use Implications

The proposed two-lot subdivision consists of Lot 1 being 2.01 hectares in size, intended to be developed for rural residential use, and the remainder Lot 2 being 16.78 hectares in size, intended to be further subdivided in the future. The subject property is a deep and relatively narrow lot that is bisected by Boulder Creek, which runs the length of the lot; north to south. Lot 2 is proposed to have two panhandles, one either side (east and west) of proposed Lot 1 to provide access to either side of Boulder Creek (see Attachment 3 – Proposed Plan of Subdivision). The panhandles are proposed at 20.18 and 26.08 metres in width, exceeding the 10 metre minimum width requirement for lots with future subdivision potential pursuant to Bylaw 500.

To ensure that the Rural 9 zone bylaw provisions will be upheld, a covenant is to be registered on title restricting the number of dwellings on proposed lots one and two. Lot 1 will be restricted to one dwelling and upon future subdivision of Lot 2, all future lots are limited to a maximum of one dwelling unit only. This provision is a requirement of subdivision approval under requirement number 5 of the local Government Report dated April 28, 2018.

The proposal addresses the evaluation criteria in “Board Policy B1.4 Frontage Requirements for Rural Lots”. If approved, proposed Lot 2 will have a road frontage of 1.92 % of the perimeter of the lot. Due to the site-specific features of the parent parcel, being deep and relatively narrow, bisected by a deep and wide ravine containing Boulder Creek, and available road frontage along the southern lot line (Nanaimo River Road), a frontage request cannot be avoided by way of reconfiguration. Proposed Lot 1 and Lot 2 will be using existing accesses and will remain unchanged. This subdivision proposal would create two large rural lots compatible with rural character of the surrounding properties. The two panhandles for Lot 2 are wide enough to provide road access should Lot 2 be subdivided in the future. Based on these points the proposal addresses the evaluation criteria in “Board Policy B1.4 Frontage Requirements for Rural Lots”.

Environmental Implications

As part of the subdivision the proposed development is subject to the Freshwater and Fish Habitat Protection Development Permit Areas (DPA) as per the “Regional District of Nanaimo Arrowsmith Benson – Cranberry Bright Official Community Plan Bylaw No. 1148, 1999”. The applicant shall submit a development permit application to be considered pursuant to “Regional District of Nanaimo Delegation of Authority Bylaw No. 1759, 2017” to ensure that the development will meet the DPA guidelines and that the development will pose no anticipated negative impacts as a result of the subdivision.

Intergovernmental Implications

MOTI has reviewed the application and has issued a Preliminary Layout Approval for the proposed subdivision. MOTI staff have confirmed that they have no concerns with the proposed frontage. Proposed Lot 2 has future subdivision potential; therefore, a future fee simple subdivision would likely require additional road dedication. To achieve additional road frontage for any future lots Ministry of Transportation & Infrastructure (MOTI) is requesting that the applicant enter into a Section 219 covenant agreement in favor of MOTI and RDN to restrict subdivision of proposed Lot 2 until such time that the applicant can demonstrate access to future lots along the two proposed panhandles (each providing access to each side of Boulder Creek) being a minimum of 20 metres wide for future road dedication, one to each part of the parcel separated by the creek, and no less than 20 metres in width.

ALTERNATIVES

1. To approve the request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lot 2 as shown on Attachment 3.
2. To deny the request for relaxation of the minimum 10% perimeter frontage requirement.

FINANCIAL IMPLICATIONS

The proposed development has no implications related to the Board 2018 – 2022 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has no implications for the 2016 – 2020 Board Strategic Plan.



Angela Buick, Planner
abuick@rdn.bc.ca
March 21, 2019

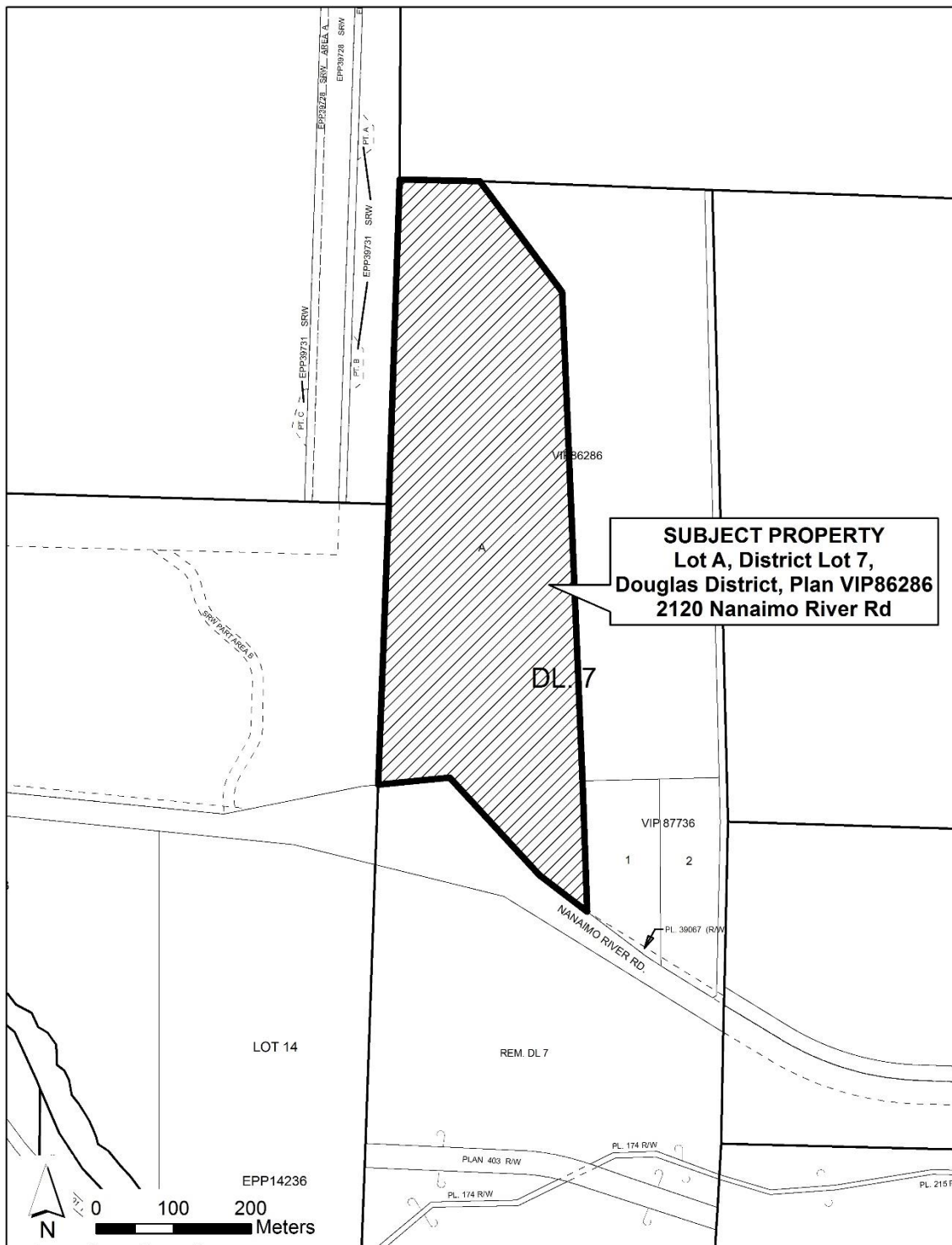
Reviewed by:

- P. Thompson, 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 Plan of Subdivision

Attachment 1
Subject Property Map



Attachment 2
Conditions of Permit

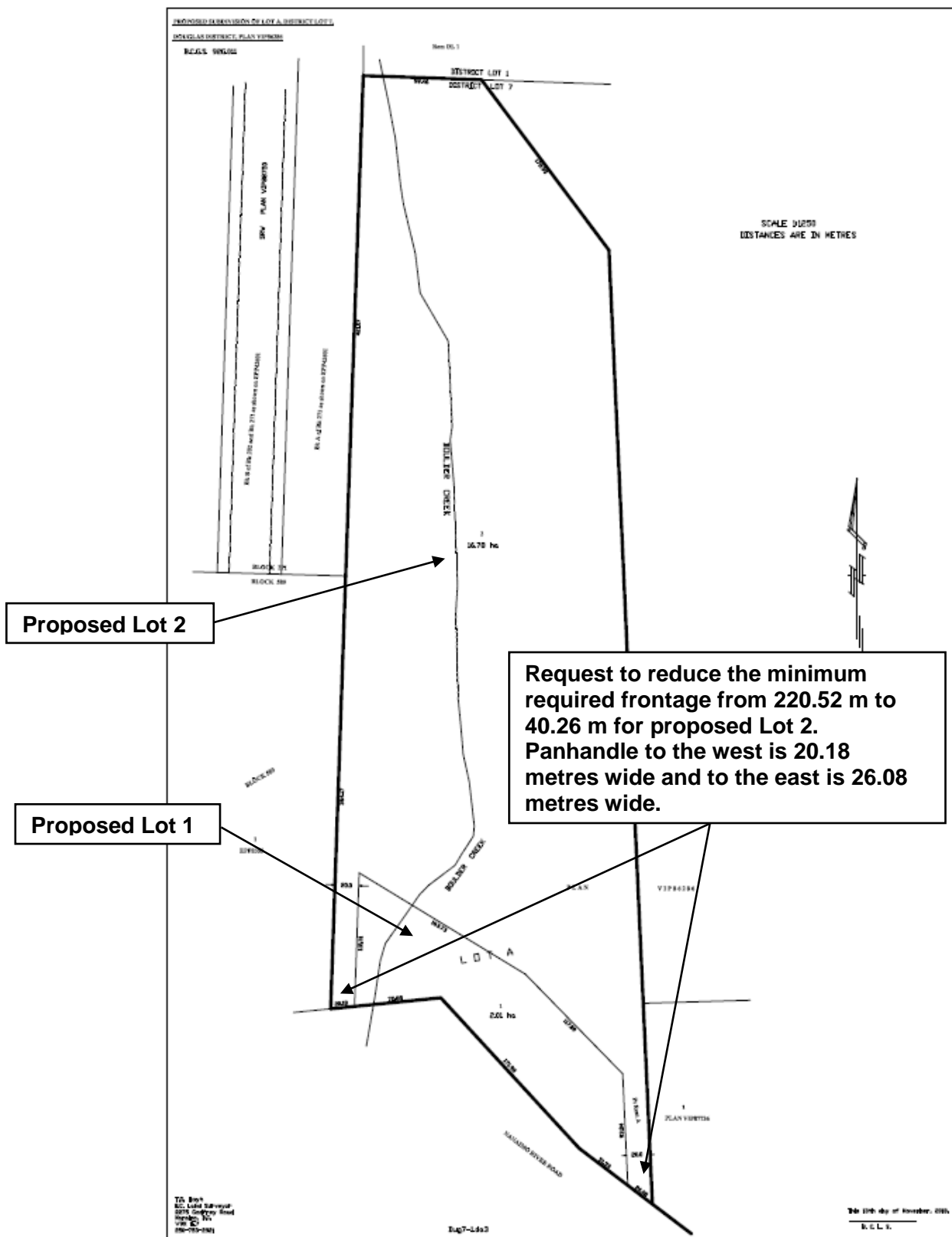
The following sets out the conditions of Development Permit No. PL2016-142:

Conditions of Approval

1. The site is developed in accordance with the Survey Plan prepared by Tom Hoyt, dated November 13, 2018 and attached as Attachment 3.
2. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3

Proposed Plan of Subdivision



TO: Electoral Area Services Committee **MEETING:** April 9, 2019

FROM: Joan Michel
Parks and Trails Coordinator **FILE:** 2015-001

SUBJECT: Community Work Funds Allocation for Final Village Way Path Design – Electoral Area B

RECOMMENDATION

That, pending project approval by the Union of BC Municipalities, up to \$20,000 of unallocated 2019 Electoral Area B Community Works Funds be allocated to the Village Way path project in order to conclude a Ministry of Transportation and Infrastructure approved final project design and operating plan.

SUMMARY

In early March 2019, the Ministry of Transportation and Infrastructure (MoTI) confirmed support for the Regional District's updated Village Way path design. The RDN can now proceed with final design, updating of development cost estimates and preparation of an operating plan.

BACKGROUND

The Village Way path project was initiated in 2014 with the assistance of Electoral Area B Community Works Funds. In late 2015, MoTI rejected the RDN's design for safe passage by pedestrians and cyclists because of the extent of proposed infrastructure within the vehicle-active roadway. In the spring of 2018, MoTI and the RDN came to terms on a modified infrastructure approach that should provide for safe passage without over-taxing the Ministry's ability to accommodate non-vehicular works within the roadway.

The draft Village Way design calls for approximately 1.5 km of 2 m wide path separated from the drivable surface of North Road by an asphalt curb and a 0.3 m gravel buffer. The road shoulder will be repaved and provide 0.9 m of clean asphalt from fog line to curb for use by road cyclists. Road drainage will be managed by a system of spillways and shallow catchbasins, manholes, infiltration trenches and culverts. The path surface, which sits at grade with the top of the asphalt curb and starts 0.3 m from top of curb, will be hard surface along business frontages and carpath gravel beyond. A series of retaining walls and slope will separate path from private property.

The RDN's Village Way engineer Newcastle Engineering Ltd. has submitted a fee proposal in the amount of \$15,000 to assist the Region in developing final design and operating plan. Because design requirements may yet change and there is no template for the operating plan, a project budget envelope of \$20,000 is recommended to ensure a thorough design can be achieved in a timely manner. It is forecast that this work can be completed by late summer 2019. Recommendations are expected to be presented to the Regional Board in the fall of 2019 on the proposed MoTI licence, funding of path construction and advancing to tender phase.

An operating plan for the path will address ongoing funding, regulation, maintenance and future repairs, and will provide the basis for the RDN budgeting for annual operating expenses and asset management. After approval of a final design and operating plan, MoTI's role will be to issue a permit or licence allowing the RDN to construct the Village Way.

ALTERNATIVES

1. That, pending project approval by the Union of BC Municipalities, up to \$20,000 of unallocated 2019 Electoral Area B Community Works Funds be allocated to the Village Way path project in order to conclude a Ministry of Transportation and Infrastructure approved final project design and operating plan.
2. That conclusion of design and operational plan work be deferred to 2020 and required funds to complete the work be allocated within the Electoral Area B Community Parks operating budget approved for that year.
3. That alternate direction be provided.

FINANCIAL IMPLICATIONS

Cost to complete the design and operating plan phase of Village Way planning is estimated at \$20,000. Currently, there is \$197,162 in unallocated 2019 Area B Community Works Funds (CWF).

To date, \$712,822 in Electoral Area B CWF have been allocated for path construction. Combining the \$197,162 in unallocated 2019 CWF and the approximately \$171,466 in 2020 future CWF, a total of \$1,081,450 in CWF are potentially available to complete the Village Way project. At this time, the estimated cost to complete project design, proceed through tender phase and build the Village Way path, engineering services included, is \$875,000 to \$1,000,000.

STRATEGIC PLAN IMPLICATIONS

Focus On Service And Organizational Excellence - We Recognize Community Mobility And Recreational Amenities As Core Services



Joan Michel
jmichel@rdn.bc.ca
March 26, 2019

Reviewed by:

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

TO: Electoral Area Services Committee **MEETING:** April 9, 2019
FROM: Daniel Pearce **FILE:** 0810 03 DFH
Director, Transportation and
Emergency Services
Subject: Dashwood Fire Hall Replacement

RECOMMENDATIONS

1. That “Dashwood Fire Hall Service Area Establishment Bylaw No. 1785, 2019” be introduced, read three times, and forwarded to the Inspector of Municipalities for approval.
2. That “Dashwood Fire Hall Loan Authorization Bylaw No. 1789, 2019” be introduced, read three times, and forwarded to the Inspector of Municipalities for approval.
3. That the participating area approval is to be obtained for the entire proposed service area.
4. That the Board approve the Elector Response Form as provide in Attachment 3, establish 4:00 p.m. on Friday, July 26, 2019 as the deadline for receiving elector responses for the alternative approval process, and determine the total number or electors to which the approval process applies to be 1751.

SUMMARY

To obtain the approval of the Board to initiate an alternative approval process (AAP) in order to obtain elector approval to establish a service and loan authorization bylaw to borrow for the replacement of the Dashwood Fire Department main fire hall. Detailed conceptual plans for the replacement of the Dashwood fire hall have been completed and cost to construct the fire hall is estimated at \$4,000,000.

As part of the AAP, the Board must provide three readings to both the Service Establishment bylaw and the Loan Authorization bylaw, set the deadline for receiving elector response forms, approve the elector response form, and determine the number of electors of the area to which the AAP applies (part of Electoral Areas, F, G and H).

For consideration of Board approval, “Dashwood Fire Hall Service Area Establishment Bylaw 1785, 2019” (Attachment 1) and “Dashwood Fire Hall Loan Authorization Bylaw No. 1789, 2019” (Attachment 2) is attached for the Board’s review. If the Board gives Bylaw No. 1785 and Bylaw No. 1789 three readings and adopts the recommendations, the bylaws will be forwarded to the Ministry of Municipal Affairs and Housing for the approval of the Inspector. Following approval, the notice of the AAP will be published. The deadline for receiving elector response forms must be established by the Board and be at least 30 days after the second publication of the notice. The recommended date is Friday, July 26, 2019. A drafted elector response form for the Board’s consideration is included in Attachment 3.

Pursuant to section 86(1) of the Community Charter, approval of the electors has been obtained if, at the end of the time period for receiving elector response forms, the number of response forms received is less than 10% of the number of electors of the area to which the approval process applies. This AAP process applies to a portion of Electoral Areas F, G and H, and the total number of electors of the participating areas is determined to be 1,751. Therefore, if less than 175 elector response forms are received prior to Friday, July 26, 2019, elector approval is deemed to have been obtained and the Board can proceed to adopt Bylaw No. 1785 and Bylaw No. 1789.

BACKGROUND

In 2012, a seismic assessment of the Dashwood Fire Hall was completed by Herald Engineering Limited outlining the potential seismic risks, upgrade solutions, and estimated retrofit costs. The report included construction options to either retrofit or replace the fire hall with a completely new building. Costs to retrofit and renovate the fire hall to meet building code requirements and add additional space were estimated above the costs of replacing the fire hall. The original two bay fire hall was constructed in 1985 and a third bay addition was built onto the side of the original structure in 1996. Each bay currently has space to hold one piece of apparatus. The most recent additions to the building are 23 years old and much of the building is more than 35 years old. In September 2015, the Dashwood Fire Department Board of Directors requested to open discussion with the Regional District of Nanaimo (RDN) regarding the design and construction of the replacement fire hall.

There are six volunteer fire departments under the authority of the RDN with six main and three satellite fire halls. Over the next 5 to 10 years, the RDN may build as many as six new fire halls. As part of the design process for the Dashwood fire hall, the RDN collaborated with the local fire chiefs during regional fire chief meetings to initiate the standardization of fire halls project. Main fire hall and satellite fire hall design requirements and framework were developed to provide for a standardized concept design. The standardized design is expected to reduce architectural and engineering costs for future fire hall projects. The standardization of fire halls project was endorsed by the RDN Board of Directors at the June 26, 2018 Regular Board meeting.

Zeigler Architecture and Praxis were the selected consultants and with input from the six fire departments and the RDN, conceptual design plans were developed. The project update was endorsed by the RDN Board of Directors at the September 18, 2018 Regular Board meeting with an anticipated timeline of April-May 2019 for informational open houses. The completed design was presented to the Dashwood Fire Department Board Committee in September 2018.

The Dashwood conceptual main hall design includes:

- Two drive through bays that can hold a total of four pieces of apparatus
- Designed to permit for future expansion of one additional bay that can hold two more pieces of apparatus
- An administration area and three offices
- Separate areas for radio communications, IT, mechanical, electrical, sprinkler, gear, storage, training, and laundry
- Two multi-use washrooms and washdown space
- A Workshop
- A self-contained breathing apparatus (SCBA) and compressor room

- Access to a second floor that will be pre-wired and plumbed for future completion (kitchen, fitness, washroom/shower, laundry and possible sleeping quarters)
- An engineered pad for a future training/hose drying tower

The proposed design will be pre-wired and plumbed for future energy saving opportunities (solar water and heat recovery systems). The functionality of the building has been improved by providing adequate space for the department and apparatus, improved traffic flow and the design allows for future expansion. The expansion options provide for long term growth of the department and a second floor that can continuously be enhanced with fundraising and volunteer efforts well into the future.

The project is on time and an open house will be scheduled to share the completed design and 3D modelling with the Dashwood public. The RDN with collaboration from the Dashwood Fire Department has created a “Get Involved” webpage for the Dashwood Fire Hall Replacement project that can be accessed by the public for information about the current fire hall, new fire hall and AAP process.

ALTERNATIVES

1. Proceed with first, second and third readings of Bylaw No. 1785 and Bylaw No. 1789 and adopt the recommendations relating to the alternative approval process.
2. Do not proceed with the Alternative Approval Process.
3. Move forward through an Assent Voting Process – often referred to as a Referendum. The Board is not obligated to conduct an AAP, and instead could proceed to an Assent Voting process. The costs and staff resources associated with Assent Voting are significant and similar to a general election.

FINANCIAL IMPLICATIONS

The cost of the AAP is estimated at \$10,000. This includes two publication of the AAP notice, and an open house.

Based on an estimated interest rate of 3.5%, the annual debt payment cost will be \$249,711 per year, including interest and principal. The MFA 25-year indicative market rate on March 15, 2019 estimates 3.36%, however, using a 3.5% estimate provides for some contingency, should interest rates change before borrowing would occur. If the project proceeds, borrowing would be amortized over 25 years at an approximate annual cost of \$44.70 per \$100,000 of property assessment.

The average residential property value in the Dashwood Fire Protection service area is estimated at \$594,449 with total residential assessment at \$549,271,200 and assessment for all property classes at \$558,570,217. The additional tax cost for the new fire hall would total approximately \$265.72 per year for the average residential property.

The Dashwood Fire Department has contingency funds available of \$150,000 that will be utilized for temporary housing, to furnish the interior, landscaping and elector process. Remaining funds will be directed to the construction of the hall to reduce borrowing.

STRATEGIC PLAN IMPLICATIONS

Focus On Service And Organizational Excellence - We Will Fund Infrastructure In Support Of Our Core Services Employing An Asset Management Focus



Daniel Pearce
dpearce@rdn.bc.ca
April 4, 2019

Reviewed by:

- P. Carlyle, Chief Administrative Officer

Attachment

1. Dashwood Fire Hall Protection Service Area Establishment Bylaw 1785, 2019
2. Dashwood Fire Hall Loan Authorization Bylaw No. 1789, 2019
3. Elector Response Form

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1785

**A BYLAW TO ESTABLISH A SERVICE IN A PART OF ELECTORAL AREAS F, G, AND H
FOR THE PURPOSE OF CONSTRUCTING, ACQUIRING AND OTHERWISE OBTAINING BUILDINGS TO
PROVIDE FIRE PROTECTION SERVICES**

WHEREAS under the *Local Government Act* a regional district may, by bylaw, establish and operate any service the Board considers necessary or desirable for all or part of the regional district;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to establish a service in a part of Electoral Area F, Electoral Area G, and Electoral Area H for the purpose of constructing, acquiring and otherwise obtaining buildings to provide fire protection services;

AND WHEREAS the approval of the electors in the participating areas has been obtained by an alternative approval process in accordance with the *Local Government Act*;

AND WHEREAS the approval of the Inspector of Municipalities has been obtained in accordance with the *Local Government Act*;

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

1. Citation

This bylaw may be cited for all purposes as the “Dashwood Fire Hall Service Area Establishment Bylaw No. 1785, 2019”.

2. Service

A service to construct, acquire and obtain buildings to provide fire protection services is hereby established.

3. Boundaries

The boundaries of the Service area are as shown outlined on Schedule ‘A’ attached to and forming part of this bylaw.

4. Participating Areas

The Participating Areas for the service are Electoral Areas F, G, and H.

5. Cost Recovery

In accordance with section 378 of the *Local Government Act*, the annual cost of providing the Service may be recovered by one or more of the following:

- (a) property value taxes imposed in accordance with Division 3 of Part 11 of the *Local Government Act*;
- (b) parcel taxes imposed in accordance with Division 3 of Part 11 of the *Local Government Act*;
- (c) fees and charges imposed under section 397 of the *Local Government Act*;
- (d) revenues raised by other means authorized under the *Local Government Act* or another Act;
- (e) revenues received by way of agreement, enterprise, gift, grant or otherwise.

6. Maximum Requisition

In accordance with the *Local Government Act*, the maximum amount that may be requisitioned annually for the cost of the Service is the greater of:

- (a) Two Hundred and Fourth Nine Thousand Seven Hundred and Thirty Six (\$249,736) Dollars; or
- (b) the amount equal to the amount that could be raised by a property value tax rate of \$0.4471 per \$1,000 applied to the net taxable value of land and improvements in the Service area.

Introduced and read three times this ____ day of _____, 2019.

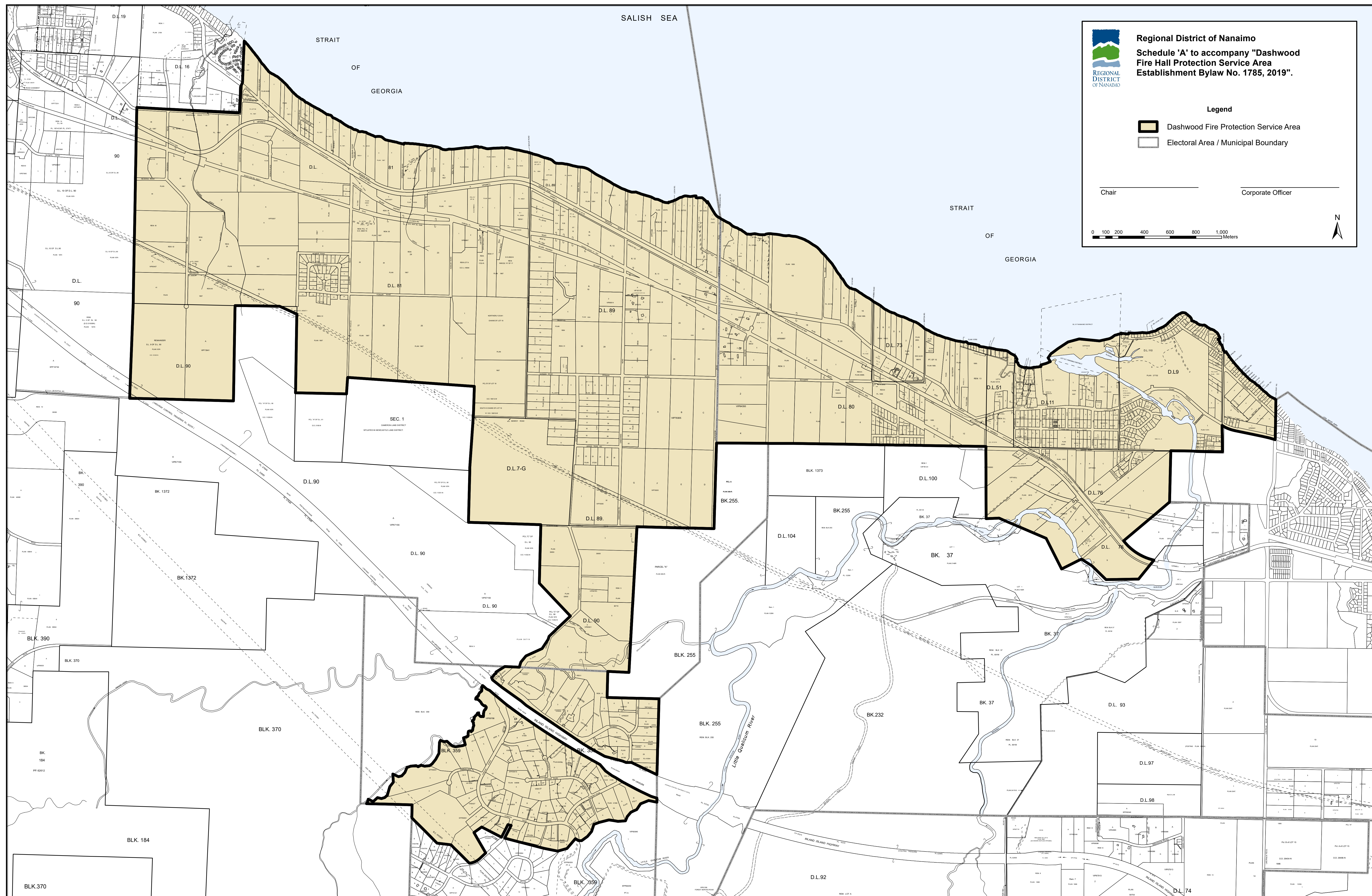
Received the approval of the Inspector of Municipalities this ____ day of _____, 2019.

Received the approval of the electors under section 345 of the *Local Government Act* this ____ day of _____, 2019.

Adopted this ____ day of _____, 2019.

CHAIR

CORPORATE OFFICER



REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1789

**A BYLAW TO AUTHORIZE THE BORROWING OF
FOUR MILLION (\$4,000,000) DOLLARS
FOR THE DASHWOOD FIRE HALL SERVICE AREA**

WHEREAS the Board of the Regional District of Nanaimo (the "Regional District") established the Dashwood Fire Hall Service (the "Service") pursuant to Bylaw No. 1785, cited as "Dashwood Fire Hall Protection Service Area Establishment Bylaw No. 1785, 2019" for the purpose of constructing, acquiring and otherwise obtaining buildings to provide fire protection services in part of Electoral Areas F, G and H;

AND WHEREAS the approval of the electors in the participating areas has been obtained by an alternative approval process in accordance with the *Local Government Act* to borrow in order to design and construct a new fire hall in connection with the Service (the "Works");

AND WHEREAS the amount of borrowing required to complete the Works, including expenses incidental thereto, is the sum of Four Million (\$4,000,000) Dollars;

AND WHEREAS the approval of the Inspector of Municipalities has been obtained in accordance with the *Local Government Act* and the *Community Charter*;

AND WHEREAS the financing is to be undertaken by the Municipal Finance Authority of British Columbia pursuant to proposed agreements between the Authority and the Regional District;

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as the "Dashwood Fire Hall Loan Authorization Bylaw No. 1789, 2019".
2. The Board is hereby empowered and authorized to undertake and carry out or cause to be carried out the design and construction of a new fire hall for the purpose of the Works in connection with the Service and to do all things necessary in connection therewith and without limiting the generality of the foregoing:
 - (a) to borrow upon the credit of the Regional District a sum not exceeding Four Million (\$4,000,000) dollars.
3. The maximum term for which debentures may be issued to secure the debt created by this bylaw is 25 years.
4. The borrowing authorized relates to the Dashwood Fire Hall Service established pursuant to Bylaw No. 1785, cited as "Dashwood Fire Hall Protection Service Area Establishment Bylaw No. 1785, 2019".

Introduced and read three times this ____ day of _____, 2019.

Approved by the Inspector of Municipalities this ____ day of _____, 2019.

Received the approval of the electors under section 345 of the Local Government Act this ____ day of _____, 2019.

Adopted this ____ day of _____, 2019.

CHAIR

CORPORATE OFFICER

Electoral Areas F, G, and H of the Regional District of Nanaimo

“Dashwood Fire Hall Service Area Establishment Bylaw No. 1785, 2019”**“Dashwood Fire Hall Loan Authorization Bylaw No. 1789, 2019”**

to establish a service to facilitate borrowing of up to \$4,000,000 (4 Million Dollars) to be repaid over a period not to exceed 25 (twenty-five) years in order to finance the costs of constructing a fire hall to serve the Dashwood Fire Hall Service Area within the Regional District of Nanaimo

Pursuant to Section 269(b) of the *Local Government Act*, the Regional District of Nanaimo is proposing to seek approval of the electors by alternative approval process in accordance with Section 86 of the *Community Charter*.

By completing this Elector Response Form I certify that:

- I am a person entitled to be registered as an elector (pursuant to the *Local Government Act*) within the participating service area of Electoral Area F, G or H of the Regional District of Nanaimo (outlined in the attached map);
- I have not previously signed an Elector Response Form with respect to these Bylaws; and
- I am **OPPOSED** to the adoption of “Dashwood Fire Hall Service Area Establishment Bylaw No. 1785, 2019” and “Dashwood Fire Hall Loan Authorization Bylaw No. 1789, 2019” which authorizes the Board of Directors to establish a service and facilitate borrowing of up to \$4,000,000 (4 Million Dollars) to be repaid over a period not to exceed 25 (twenty-five) years in order to finance the costs of constructing a fire hall to serve the Dashwood Fire Hall Service Area within the Regional District of Nanaimo, without first obtaining the assent of the electors in a voting proceeding (referendum).

The deadline for submitting this Elector Response Form is **4:00 p.m. on Friday, July 26, 2019**. The address for submission is:

Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, BC V9T 6N2

Postmarks WILL NOT be accepted as the date of submission, ORIGINAL SIGNATURES ARE REQUIRED, therefore the Elector Response Form may not be returned by email or by fax.

If at least 10% (175) of eligible electors sign and submit a completed Elector Response Form by the deadline, the Regional District Board may not proceed with adopting “Dashwood Fire Hall Service Area Establishment Bylaw No. 1785, 2019” and “Dashwood Fire Hall Loan Authorization Bylaw No. 1789, 2019” unless elector approval is obtained by assent voting (referendum).

FULL NAME OF ELECTOR:

(e.g. Donald Smith – not D. Smith)

(Please Print)

ELECTOR'S RESIDENTIAL ADDRESS:

(Full residential (Street) Address including Town/City)

SIGNATURE OF ELECTOR:

(Signature)

DATE:**To be completed (in addition to the above) if you are a Non-Resident Property Elector**

I am a non-resident property elector who lives in another community and owns property in the RDN located at:
(insert full residential (Street) address of property below)

Note: Additional information regarding elector qualifications can be found on the reverse side of this form.

INFORMATION REGARDING QUALIFICATIONS FOR ELECTORS

In order to sign an elector response form in relation to the alternative approval process (AAP), a person must either be a **resident elector** or a **non-resident property elector** (not both) within the proposed service area. For the purposes of this AAP, portions of Electoral Areas F, G and H of the Regional District of Nanaimo (outlined in the attached map) apply.

A **resident elector** is an individual who is qualified to vote in a jurisdiction by virtue of **living (residing)** in the jurisdiction. To sign an elector response form as a resident elector a person must:

- be 18 years of age or older; and
- be a Canadian citizen; and
- have lived in British Columbia for at least 6 months immediately before signing this elector response form; and
- be a resident within the participating service area of Electoral Area F, G or H of the Regional District of Nanaimo for at least 30 days before signing this elector response form; and
- not be disqualified by any enactment from voting in an election or otherwise disqualified by law.

A **non-resident property elector** is an individual who **does not live (does not reside)** in the participating service area but is entitled to vote by virtue of owning a real property in that jurisdiction. To sign an elector response form as a non-resident property elector a person must:

- not be entitled to register as a resident elector in the participating service area; and
- be 18 years of age or older; and
- be a Canadian citizen; and
- have lived in British Columbia for at least 6 months immediately before signing this elector response form; and
- not be disqualified by any enactment from voting in an election or otherwise disqualified by law; and
- be the only persons who are registered owners of the real property, either as joint tenants or tenants in common, are individuals who are not holding the property in trust for a corporation or another trust; and
- be a registered owner of real property within the participating service area of Electoral Area F, G or H of the Regional District of Nanaimo for at least 30 days before signing this elector response form.
 - If a property is owned by **more than one** individual, only **one** of them may sign an elector response form (with the written consent of the majority of the owners);
 - A person may register as a non-resident property elector in relation to **one** parcel of real property in the service area.

Note: There is no Corporate Vote - No corporation is entitled to be registered as an elector or have a representative registered as an elector and no corporation is entitled to vote.

INSTRUCTIONS

OPPOSED - if you are **OPPOSED** to the adoption of “Dashwood Fire Hall Service Area Establishment Bylaw No. 1785, 2019” and “Dashwood Fire Hall Loan Authorization Bylaw No. 1789, 2019” you can sign and submit an Elector Response Form if you qualify as an elector of the participating service area. All Elector Response Forms **must** be received in the office of the RDN no later than the deadline of **4:00 p.m. on Friday, July 26, 2019**. If you are submitting your form by mail, be advised that postmarks will not be accepted as the date of submission.

NOT OPPOSED – if you are **NOT OPPOSED** you need do nothing.

A copy of the Bylaws, a Staff Report summarizing this project, and Elector Response Forms are available on our website at www.rdn.bc.ca and at the RDN office (6300 Hammond Bay Road, Nanaimo, BC) Monday, Tuesday, Thursday and Friday from 8:30 a.m. to 4:30 p.m.; and Wednesday from 8:30 a.m. to 5:30 p.m., excluding statutory holidays.

For further information contact: Jacquie Hill, Corporate Officer, Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, BC V9T 6N2; 250-390-6750; inquiries@rdn.bc.ca

Note: An accurate copy of this Elector Response Form may be utilized (either single-sided or double-sided), provided that it is made of the form prior to any electors signing such form, so that only Elector Response Forms with original signatures are submitted.

SALISH SEA

Strait of Georgia

ELECTORAL AREA H

ELECTORAL AREA G

ELECTORAL AREA F

GROVEHILL RD

BOORMAN RD

BAYLIS RD

WIDGEON RD

HIGHWAY 19A

OAKDOWN RD

RODGERS RD

GANSKE RD

KINKADE RD

ALLGARD RD

CORCORAN RD

Kinkadee Creek

Little Qualicum River

HIGHWAY 19

Whiskey Creek

HIGHWAY 4

MEADOWOOD WAY



0 0.5 1 1.5 2 Kilometers